

MINUTES

CITY OF WESTMINSTER Mayor and Common Council Meeting Monday, March 11, 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, Police Chief Ledwell, City Attorney Levan, Director of Community Planning and Development Mackey, Director of Finance and Administrative Services Palmer, Director of Housing Services Valenzisi, and City Clerk Visocsky.

Guest: Jamie Petry, President of the Westminster Volunteer Fire Department.

APPROVAL OF MINUTES

President Wack requested a motion to approve the Mayor and Common Council meeting minutes of February 25, 2019.

Councilmember Becker moved, seconded by Councilmember Pecoraro, to approve the Mayor and Common Council meeting minutes of February 25, 2019.

VOTE

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

NAYS: None.

CONSENT CALENDAR

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

- Approval of Change Order Numbers 10, 11, and 12 to the City's contract with Southern Maryland Cable, Inc. for Phases 3 and 4 of the Westminster Fiber Network Project.

Councilmember Chiavacci moved, seconded by Councilmember Pecoraro, to approve the Consent Calendar.

VOTE

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

NAYS: None.

REPORT FROM THE MAYOR

Mayor Dominick welcomed Chief Ledwell to his first Mayor and Common Council meeting as the City's Chief of Police. He complimented Chief Ledwell for successfully addressing community concerns shared during the February 25, 2019 meeting of the Mayor and Common Council.

REPORTS FROM STANDING COMMITTEES

There were no reports from the following Standing Committees: Economic and Community Development and Public Works.

Councilmember Becker, on behalf of the Arts Council, announced that the PEEPSHOW would take place April 12 through April 23, 2019. She commented that the event attracts a significant number of visitors to Westminster's downtown.

President Wack, on behalf of the Finance Committee, reported that City staff is continuing to work on the FY 2020 budget together with the Committee. He thanked staff for their efforts.

President Wack, on behalf of the Personnel Committee, welcomed Chief Ledwell to the Mayor and Common Council meeting. He stated that the City had received great feedback since his promotion.

Councilmember Chiavacci, on behalf of the Public Safety Committee, stated that a concerned citizen, who was a former law enforcement officer, contacted the Westminster Police Department regarding a recent incident. The citizen praised Chief Ledwell's response to the concern.

Councilmember Chiavacci then addressed a sexual assault that occurred at the Carroll County Library, stating that an arrest had been made and the investigation is ongoing. Chief Ledwell added that the Carroll County Advocacy and Investigation Center, which specializes in this type of case, was in charge of the investigation.

Councilmember Chiavacci also reported on a March 11, 2019 incident that occurred just outside the City limits. On this date, a Maryland State Police officer responded to a report of malicious destruction of property involving several vehicles around the east end of town. The suspect attacked and stabbed the officer, who then shot the suspect. Although this occurred outside of the City limits, Westminster Police Department personnel also responded to the scene. Chief Ledwell noted that there were 33 reports of slashed tires over the weekend of March 9, 2019, which may be related to the March 11, 2019 incident; the investigation is ongoing.

Councilmember Becker thanked Councilmember Chiavacci and Chief Ledwell for their respective updates.

COUNCIL COMMENTS AND DISCUSSION

Councilmember Yingling voiced concern regarding the sexual assault that occurred at the Westminster Library and assured community members that the City recognized and appreciated their unease about the incident. He expressed confidence that Chief Ledwell's expertise would lead to a reduction in sexual violence within the Westminster community.

Councilmember Chiavacci stated that the Celtic Canter 5K and Irish Celebration event was a success, bringing thousands of visitors to downtown Westminster. He added that community members were appreciative of such events. Councilmember Chiavacci thanked City staff members from multiple departments for their hard work before, during, and after the event.

President Wack echoed Councilmember Chiavacci's comments, stating that there was a large number of runners and that Main Street was crowded with attendees for the event. He expressed support for the continuation of such events due to their positive impact on downtown and the City as a whole.

President Wack then shared that he was currently reading *Fiber*, written by Susan Crawford. The book's focus was communities that had invested in fiber networks. He encouraged his colleagues to read the book.

ORDINANCES & RESOLUTIONS

Ordinance No. 908

President Wack stated that, on February 25, 2019, the Common Council introduced Ordinance No. 908, amending Chapter 148, "Trees", of the Code of the City of Westminster, to amend Section 148-2, "Creation and Composition of Tree Commission," with respect to the number of persons to be appointed

to the Tree Commission and to add the Planning Director or his or her designee as a non-voting staff member, to amend Section 148-3, "Term of Office; Vacancies; Removal", to remove Permissible Roadside Tree Species list from the City Code and include a reference to the City Tree Plan regarding Impermissible Street Trees; and to make other clarifications and minor changes of a grammatical, typographic, or clerical nature.

President Wack asked Mr. Mackey if there were any updates since the ordinance's introduction. Mr. Mackey replied that the ordinance was unchanged.

Councilmember Chiavacci moved, seconded by Councilmember Becker, to approve the adoption of Ordinance No. 908, as presented.

VOTE

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

NAYS: None.

Ordinance No. 909

Mr. Mackey stated that the Westminster Historic District Commission, as part of its annual review and planning session in 2018, discussed Section 143-6 of the City Code and the difficulties related to its implementation. Section 143-6 of the City Code sets forth a process for providing historic tax credits related to increases in the assessed values of property that have undergone restoration or rehabilitation.

In response to the problems associated with implementing this section, the Historic District Commission recommended that City staff bring the matter to the attention of the Mayor and Common Council. The Commission requested that the Mayor and Common Council consider eliminating Section 143-6 of the City Code, since this section proposes a historic tax credit to the public that the Commission cannot approve.

Mr. Mackey noted that Section 143-5 "Historic tax credit: historically valuable, architecturally valuable or architecturally compatible structures" would be unaffected by the proposed ordinance. This section sets forth the process by which historic tax credits are currently granted.

On February 25, 2019, the Common Council introduced proposed Ordinance No. 909. In accordance with the direction of the Mayor and Common Council, Mr. Mackey stated that the phrase "discussed and approved" was added to the first line of the ordinance's fourth recital.

Mr. Mackey recommended adoption of Ordinance No. 909, amending Chapter 143, "Taxation", of the Code of the City of Westminster, to repeal Section 143-6, "Historic tax credit for increase in assessed value due to restoration or rehabilitation of historic properties".

During the discussion of the ordinance's introduction on February 25, 2019, the Mayor and Common Council requested insertion of a placeholder in the City Code so that a new Section 143-6 could be added in the future. Ms. Levan replied that the ordinance presented for adoption did not require modification, as this reservation was added prior to the ordinance's introduction.

Councilmember Pecoraro moved, seconded by Councilmember Yingling, to approve Ordinance No. 909.

VOTE

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

NAYS: None.

Ordinance No. 910

Mr. Mackey informed the Mayor and Common Council that, on February 25, 2019, Mr. Michael Holt, President of the Board of Trustees of New Hope Fellowship Church located in Taneytown, Maryland, submitted a petition for a text amendment to the City Code. Specifically, Mr. Holt requested that the City's Zoning Code be amended to allow churches, convents, monasteries, parish houses, and all other places of worship in the N-C Neighborhood Commercial zoning district. The Zoning Code does not currently permit churches in this zoning district by right or by special exception. The New Hope Fellowship Church is seeking to purchase a property in the City of Westminster that is located in the NC zoning district.

Mr. Mackey explained that the processing of the petition provided an opportunity to update certain terminology in the City's Zoning Code. Proposed Ordinance No. 910 uses the term "Places of Worship" instead of the Code's current terminology "Churches, convents, monasteries, parish houses and all other places of worship." Additionally, Section 2 of the proposed ordinance includes a general provision to update similar language in Chapter 164 by substituting "Places of Worship" throughout the Chapter.

Mr. Mackey recommended that the Mayor and Common Council introduce Ordinance No. 910, amending Chapter 164, "Zoning", of the Code of the City of Westminster Article XIA, "N-C Neighborhood Commercial Zone", Section 164-64.2, "Uses Permitted", to add places of worship as permitted uses and to amend the Chapter generally to substitute the phrase "Places of Worship" for terms specifically related to any individual religion. Following its introduction, staff would forward the ordinance to the Westminster Planning and Zoning Commission for its review and recommendation.

Councilmember Chiavacci moved, seconded by Councilmember Becker, to introduce No. 910, as presented.

VOTE

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

NAYS: None.

UNFINISHED BUSINESS

None.

NEW BUSINESS

None.

DEPARTMENTAL REPORTS

Westminster Police Department

Chief Ledwell reported that Westminster Police Department personnel were scheduled to attend training on the use of social media and bicycle patrols. He added that downtown Westminster was a unique area that required different police strategies than other areas of the community; bicycle patrols would be part of this effort. Chief Ledwell shared that he was evaluating the department's patrol structures for possible modification. He informed the Mayor and Common Council that he would be a presenter at Leadership Carroll's Law and Justice Day on March 12, 2019.

Community Planning and Development

Mr. Mackey reported that the Planning and Zoning Commission would hold a public hearing on March 14, 2019 regarding an overlay zone at 312, 314, and 322 West Main Street. The Commission's agenda also included a review of sign changes for Caples Car Care; consideration of proposed Ordinance No. 907, which involved the deletion of rooming houses from the Zoning Code; City materials for Carroll County's Annual Report; and, review of the Carroll County Pedestrian and Bicycle Master Plan.

Mr. Mackey also reported that Geared Up, located at 19 North Court Street, had applied for a Special Exception to sell firearms in the D-B Downtown Business Zone.

Westminster Fire Department

Ms. Petry provided the Mayor and Common Council with the monthly report for the Westminster Volunteer Fire Department (WVFD). She reported that WVFD responded to 465 calls during the month of February, consisting of 71 fire calls and 394 EMS calls. Of these, 274 calls were within the City limits. Year-to-date, WVFD had responded to 174 fire calls and 866 EMS calls.

Ms. Petry welcomed Chief Ledwell and thanked Mr. Glass and his staff for clearing the City streets during snow storms so that WVFD could respond to its calls. She then reported that WVFD had received the new engine; WVFD would put the engine into service following the attachment of certain equipment.

In conclusion, Ms. Petry thanked the Mayor and Common Council for their continued support of the WVFD.

Public Works Department

Mr. Glass reported that the annual paving project would get underway on April 1, 2019, with initial work taking place in the Greens of Westminster.

Councilmember Chiavacci inquired about the project's cost. Mr. Glass replied that the adopted FY 2019 budget included \$1.2 million for the project.

CITIZEN COMMENTS

Lyndi McNulty, 195 East Main Street, shared that Off Track Art had many customers as a result of the Celtic Canter and Irish Celebration Event on March 9, 2019.

Bernie Miller, 28 Bella Vita Court #3C, expressed concern about the increase in water rates. Bella Vita is a 55-plus community, with many residents living on fixed incomes. Mr. Miller stated that the sprinkler fee for each building in the community was previously in the amount of \$2,000 per year, but was now around \$4,000. The Mayor and Common Council and staff explained to Mr. Miller that water usage and sprinkler systems were separately metered; the sprinkler system fee had not been increased in approximately six years. Ms. Palmer asked Mr. Miller to stay after the meeting so that she could receive his contact information; she also offered to review the water bills for the property.

Heather Cole, 199 East Main Street, owner of Mollie's Café, complimented Chief Ledwell for his response to the concerns she voiced at the Mayor and Common Council meeting on February 25, 2019.

ADJOURNMENT

President Wack adjourned the meeting at 7:50 p.m.

Respectfully Submitted,

Shannon Visocky, City Clerk

Full audio version is available on www.westminstermd.gov