

## MINUTES

### **CITY OF WESTMINSTER Mayor and Common Council Meeting Monday, July 22, 2019 at 7 pm**

#### **CALL TO ORDER**

**Elected Officials Present:** Councilmember Dayhoff, Mayor Dominick, Councilmember Gilbert, President Pecoraro, 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 Housing Services Valenzisi, and City Clerk Visocsky.

**Guests Present:** Amy Rupp, MAGIC Executive Director, and Jamie Petry, President of the Westminster Volunteer Fire Department.

#### **APPROVAL OF MINUTES**

President Pecoraro requested a motion to approve the Mayor and Common Council meeting minutes of July 8, 2019.

Councilmember Gilbert moved, seconded by Councilmember Dayhoff, to approve the Mayor and Common Council meeting minutes of July 8, 2019.

#### **VOTE**

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

**NAYS:** None.

#### **PRESENTATION**

##### **Mid-Atlantic Gigabit Innovation Collaboratory (MAGIC)**

Ms. Rupp updated the Mayor and Common Council on MAGIC's activities during the quarter ending June 30, 2019. A copy of her presentation is attached to these minutes and incorporated herein by reference.

During Ms. Rupp's presentation she invited Chris Windsor, a senior at Gerstell Academy, to share his experience with MAGIC. Mr. Windsor informed the Mayor and Common Council that he began competing in the Capture of the Flag event three and half years ago. Since then, he has served as a judge, mentor, and coach; Mr. Windsor also started a club to create an app, which was used during a recent competition. Mr. Windsor shared that he was recently hired by Skayl, located in TownMall Westminster.

Following Ms. Rupp's presentation, Councilmember Dayhoff thanked former Council President Robert Wack for attending the Mayor and Common Council meeting and for his involvement with MAGIC.

Councilmember Yingling stated that he was intrigued by MAGIC's work in the cybersecurity field, noting that it is a growth industry.

Councilmember Yingling thanked Ms. Rupp for including grant-related information in her presentation. He then asked Ms. Rupp if MAGIC had an established grant funding goal. Ms. Rupp responded that MAGIC's Executive Committee and Finance Committee work together to establish goals for all revenue categories (grants, sponsorships, and donations). Councilmember Yingling noted that MAGIC's

sponsorship revenue had increased. Ms. Rupp offered to provide more detailed information on this revenue source.

Councilmember Yingling asked Ms. Rupp if MAGIC had job placement goals both within and outside of the City limits. Ms. Rupp replied that MAGIC's Business Development Committee developed a survey to query the needs of local tech companies. MAGIC supports the local tech companies who are seeking to fill positions and provides programs to help the companies find applicants. Ms. Rupp informed the Mayor and Common Council that MAGIC attempts to connect talented students with local tech companies for potential job opportunities so that they remain in the Westminster area.

Councilmember Yingling asked Ms. Rupp to clarify how MAGIC assisted Skyl. Ms. Rupp responded that the MAGIC Board of Directors assisted Skyl in finding a larger office space and also attended Skyl's ribbon-cutting ceremony on July 22, 2019.

Councilmember Yingling then asked Ms. Rupp for an update on the Smart Home project. Ms. Rupp shared that a student who participated in several MAGIC events was provided an internship opportunity with the Smart Home project.

Councilmember Pecoraro asked how MAGIC followed up with prospective leads such as CACI International, Inc. Ms. Rupp replied that MAGIC connected with a local real estate office to identify adequate space.

President Pecoraro asked Ms. Matthews with whom Ms. Rupp could share contact information so that the City could follow up as well. Ms. Matthews replied either herself or Mr. Mackey.

President Pecoraro thanked former Council President Wack for attending the Mayor and Common Council meeting.

### **CONSENT CALENDAR**

President Pecoraro requested a motion to approve the Consent Calendar, which consisted of the Maryland Criminal Intelligence Network Grant Memorandum of Understanding between the City of Westminster (Westminster Police Department) and the Carroll County State's Attorney's Office.

Councilmember Gilbert moved, seconded by Councilmember Yingling, to approve the Consent Calendar.

### **VOTE**

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

**NAYS:** None.

### **REPORT FROM THE MAYOR**

Mayor Dominick thanked the Public Works staff for their quick response to a water main break on July 17, 2019. He expressed his appreciation to Councilmember Dayhoff for his updates during the repair process and for the photos he shared with the Mayor and Common Council.

Mayor Dominick then noted that there were five grand opening celebrations of new businesses in the City on July 22, 2019. Due to the number of them, he and his Council colleagues coordinated who would attend which celebration. He stated that on this same day, Comptroller Peter Franchot visited the Pub Dog Brewing and Shop Maryland Tax-Free Press Event, The Liberty Shop.

Mayor Dominick stated that the Pride Festival, which took place on July 13, 2019, was a great event. Councilmember Gilbert and Council President Pecoraro echoed Mayor Dominick's comments. Mayor

Dominick expressed his appreciation to the staff of the Westminster Police Department and the Carroll County Sheriff's Department for their work during the Pride Festival.

### **REPORTS FROM STANDING COMMITTEES**

Councilmember Dayhoff, on behalf of the Carroll County Arts Council, reported that Ting Internet, Inc. was sponsoring free family movies at the Carroll Arts Center on Tuesday nights throughout the summer. He then encouraged everyone to come see the Art of Musical Instrument exhibit at the Arts Center. Councilmember Dayhoff concluded his report by stating that donations were needed for the upcoming yART Sale on July 24 and July 25, 2019.

Councilmember Yingling, on behalf of the Economic and Community Development Committee, stated that the Mayor and Common Council's adopted Strategic Plan included the following as a priority project:

*Promote opportunities for the City to be an active partner in public-private joint ventures that address the underutilization of key parcels in the downtown area.*

Councilmember Yingling stated that the City had acquired the former BB&T Bank building, located at 45 West Main Street, to serve as the future home of the City's administrative offices following the building's renovation. Due to the projected cost of the renovation project, the Mayor and Common Council agreed that it would be prudent to explore other uses of the property before moving forward. Councilmember Yingling shared that the Economic and Community Development Committee met on July 16, 2019 and discussed a variety of issues, including the revitalization of the Westminster Town Center Corporation, downtown revitalization efforts, and the issuance of a Request for Proposals for consulting services to assist the City with property redevelopment matters.

President Pecoraro, on behalf of the Finance Committee, stated that the City's independent annual financial audit is underway. He informed his colleagues that he had a conversation with the auditors.

Councilmember Gilbert, on behalf of the Public Safety Committee, stated that the Westminster Police Department had organized several community outreach meetings. Scheduled meetings included the King Park, Avondale Run, and Willis Street neighborhoods.

President Pecoraro, on behalf of Councilmember Chiavacci, stated that there was no Personnel Committee report.

Councilmember Yingling, on behalf of the Public Works Committee, thanked the Public Works Department staff for their work on the water main break on July 17, 2019. He asked Ms. Matthews to provide an update on retaining a communications firm to assist the City with public information and education for the water re-use initiative. Ms. Matthews shared that the City had received seven proposals. Following staff review of the proposals and interviews with the top rated firms, she stated that staff would bring forward a contract award recommendation to the Mayor and Common Council in August.

### **COUNCIL COMMENTS AND DISCUSSION**

Councilmember Dayhoff reported that the release of beneficial insects on the property of City Hall, organized by the Westminster Tree Commission, was a great event. He then suggested to the Mayor and Common Council that they re-visit the current City policy regarding the retention of license plate reader data. Councilmember Dayhoff also recommended to his colleagues that they discuss the possible implementation of a residential parking permit program in the Union Street neighborhood, as well as a way to restrict heavy truck traffic downtown to extend the life of recently paved streets.

President Pecoraro shared that former Chief of Police Jeff Spaulding researched this matter and expressed concern about enforcement of any such restriction. He suggested that Chief Ledwell look into the matter and determine if it was feasible to limit truck traffic for local deliveries only.

Mayor Dominick informed Councilmember Dayhoff that several members of the former Council had expressed concern about the negative impacts of truck traffic on downtown streets. He expressed support for re-visiting the matter.

Councilmember Yingling suggested that the City meet with the Maryland Department of Transportation to discuss potential enforcement options.

## **ORDINANCES & RESOLUTIONS**

### **Resolution No. 19-14**

Mr. Mackey informed the Mayor and Common Council that, on February 11, 2019, the Mayor and Common Council approved an annexation agreement for 215 Pennsylvania Avenue and a portion of 218 ½ Pennsylvania Avenue, Westminster. At the same meeting, the Mayor and Common Council also approved a transfer of water and sewer allocations for 40 new multi-family residential units in 2020.

Mr. Mackey noted that, on May 2, 2019, Mr. J. Brooks Leahy, Esq., representing both the property owner of Parcel 1 and the owner of Parcel 5 and the contract purchaser, submitted a joint petition for property annexation and a zoning map amendment.

Mr. Mackey recommended the Mayor and Common Council introduce Resolution No. 19-14, enlarging the corporate boundaries of the City of Westminster by annexing into the City certain property contiguous and adjoining to the City's existing corporate boundaries consisting of the real property located at 214 Pennsylvania Avenue, Westminster, Maryland, also identified as Map 39, Grid 13, Parcel 441, and designated as Tax Account No. 07-020430, and comprising 0.4088± acres and a portion of the real property located at 218 ½ Pennsylvania Avenue, Westminster, Maryland, also identified as Map 39, Grid 13, Parcel 1013, Tax Account No. 07-11443, and comprising 0.1722 ± Acres. Pursuant to the Maryland law, introduction of the resolution will begin the process for consideration.

Councilmember Yingling moved, seconded by Councilmember Gilbert, to introduce Resolution No. 19-14, as presented.

### **VOTE**

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

**NAYS:** None.

### **Resolution No. 19-15**

Mr. Mackey stated that, on June 10, 2019, Mayor Dominick conducted a public hearing for a petition for Local Map Amendment (LMA) 19-02. The amendment proposed the application of the Compatible Neighborhood Overlay (CN) Zone to the subject property located at 7 Schoolhouse Avenue.

Mr. Mackey noted that, on June 10, 2019, the Common Council voted to approve proposed LMA 19-02 because it met the zoning provisions in the City Code based on evidence and testimony presented at the meeting by the petitioner. A number of members of the public also spoke and asked questions about the rezoning and the proposed project on the site. Subsequently, the Common Council deliberated and made findings and conclusions.

Mr. Mackey stated that the Common Council instructed Ms. Levan to create a written decision to document its actions and to create a record of the proceedings. He informed the Mayor and Common Council that, by passing and approving the resolution and decision, the process for the application of the CN Zone to the subject property, as requested, would be concluded.

Mr. Mackey recommended that the Mayor and Common Council approve Resolution No. 19-15, a Resolution regarding Local Zoning Map Amendment No. LMA19-02, approving an application for the establishment of a Compatible Neighborhood Overlay District upon certain property located in the City's "R-7,500" Residential Zone, known as 7 Schoolhouse Avenue, and adopting the accompanying written decision.

President Pecoraro stated that he visited Union Street following the public hearing on June 10, 2019 and did not experience the parking difficulties described by local residents. His own experience notwithstanding, he could envision parking conflicts occurring when McDaniel College is in session.

Councilmember Gilbert agreed the parking in the neighborhood was an issue when the College is in session. She noted that building was also occurring in the area, adding to the parking challenges for residents. Councilmember Gilbert suggested evaluating the overall situation in this part of the City.

Mayor Dominick shared that parking was an issue when he was a student at McDaniel College. He stated that parking is particularly a challenge for students who work, but are not eligible to park on campus.

Councilmember Yingling stated that the purpose of the resolution was to apply the Compatible Neighborhood Overlay Zone to the property. He noted that the Planning and Zoning Commission would consider parking in conjunction with the site plan approval process.

Councilmember Yingling moved, seconded by Councilmember Dayhoff, to approve Resolution No. 19-15 and the written decision, as presented.

#### **VOTE**

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

**NAYS:** None.

#### **Ordinance No. 916**

Ms. Levan stated that on July 8, 2019, the Common Council introduced Ordinance No. 916, amending Section 4-7 of the Code to state expressly that the City's elected officials are treated as regular full-time employees for receiving non-cash benefits. She added that the ordinance is a companion to Resolution No. 19-13 adopted by the Common Council on July 8, 2019; this resolution ratified amendments to the City's health, dental, and vision insurance plans for the purpose of providing coverage to elected officials.

Ms. Levan recommended the Common Council adopt Ordinance No. 916, an Ordinance Amending Chapter 4, "Administration of Government", of the Code of the City Of Westminster, Article II, "Legislative Body", Section 4-7, "Salaries and Compensation", to Clarify That City Elected Officials Are Considered Full-Time Employees for Purposes of Eligibility for Non-Cash Benefits.

Mayor Dominick stated that he did not consider elected officials to be full-time employees. He informed the members of the Common Council that he had not yet signed Resolution No. 19-13, and did not intend to sign Ordinance No. 916 if adopted.

Councilmember Yingling stated that he had given the matter considerable thought. He concurred with Mayor Dominick that the City's elected officials should not be treated as full-time employees for benefit purposes. Councilmember Yingling informed his colleagues that he would vote against the ordinance.

In response to an inquiry, Ms. Matthews clarified that the City's benefit contracts did not define the Mayor and Common Council as full-time employees. Rather, the policies listed elected officials as a

separate category for eligibility purposes. Ms. Matthews noted that the insurance policies allowed the City's elected officials to participate in the benefit programs; what the City paid towards the elected officials' coverage was a matter of City policy.

Councilmember Dayhoff moved, seconded by Councilmember Gilbert, to adopt Ordinance No. 916, as presented.

**VOTE**

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

**NAYS:** Councilmember Yingling.

**UNFINISHED BUSINESS**

None.

**NEW BUSINESS**

**FY 2020 MAGIC Grant Agreement**

Ms. Matthews stated that the FY 2020 budget allocates \$80,000 in grant funding to support the activities of the Mid-Atlantic Gigabit Innovation Collaboratory (MAGIC). She informed the Mayor and Common Council that Exhibit A of the agreement sets forth certain program measures to keep the City apprised of MAGIC's progress in attaining certain goals related to its mission of promoting a culture of technology in Westminster and Carroll County. Ms. Matthews informed the Mayor and Common Council that, in consultation with the Mayor and the Common Council's Economic Development Committee, staff modified the program measures from those included in the FY 2019 grant agreement.

Ms. Matthews stated that the FY 2020 grant agreement calls for MAGIC to report publicly to the Mayor and Common Council on a quarterly basis on its progress in meeting the program measures. MAGIC would also be required to file a written final report after the conclusion of FY 2020.

Ms. Matthews stated that staff recommended approval of the FY 2020 Grant Agreement between the City of Westminster and MAGIC.

Councilmember Yingling stated that he appreciated the information provided by Ms. Rupp and MAGIC's efforts. He did not feel, however, that the City should be the primary funder for MAGIC. Councilmember Yingling stated that he would therefore vote against the grant agreement.

Councilmember Dayhoff moved, seconded by Councilmember Gilbert to approve the FY 2020 Grant Agreement between the City of Westminster and MAGIC.

**VOTE**

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

**NAYS:** Councilmember Yingling.

**Vote to Go into Executive Session**

President Pecoraro requested a motion to go into the Executive Session to discuss the following:

- To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- To consider the acquisition of real property for a public purpose and matters directly related thereto;
- To consider the investment of public funds;

- To consult with counsel to obtain legal advice on a legal matter; and,
- Before a contract is awarded or bids are opened, to discuss a matter directly related to a negotiating strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.

Councilmember Yingling moved, seconded by Councilmember Gilbert, to go into the Executive Session, as presented.

### **VOTE**

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

**NAYS:** None.

### **DEPARTMENTAL REPORTS**

#### **City Administrator**

Ms. Matthews shared with the Mayor and Common Council that Ms. Visocky spent a considerable amount of time processing the necessary permits for the Pride Festival. She had very little time to do so and had done a wonderful job.

#### **Westminster Volunteer Fire Department**

Ms. Petry provided the Mayor and Common Council with the monthly report of the Westminster Volunteer Fire Department (WVFD). She reported the WVFD responded to 545 calls during the month of June, consisting of 83 fire calls and 462 EMS calls. Of these, 294 calls were within the City limits. Year-to-date, WFVD had responded to 482 fire calls and 2,648 EMS calls.

Ms. Petry informed the Mayor and Common Council that the department received its new fire engine and planned to put it into service in approximately six weeks. She stated that the department was carefully scrutinizing its budget, as the County reorganization plan would result in a loss of EMS billing funds.

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

Mr. Mackey reported that there was a Westminster Downtown Partners meeting on July 22, 2019. He informed the Mayor and Common Council that meeting attendance had increased, noting that Main Street Manager Anderson was visiting the businesses frequently and welcoming new businesses. Matters discussed at the July 22, 2019 meeting included the following:

- Westminster Welcome for incoming McDaniel class;
- Midnight Madness, now being managed by a committee of 12 business owners; and,
- Potentially changing the date of 2020 Restaurant Week.

#### **Housing & Preservation Services Department**

Ms. Valenzisi reported that her department was continuing to work on processing rental license applications.

#### **Public Works Department**

Mr. Glass reported that a staff member discovered the July 13, 2019 water main break heading home at the end of the day. The repair was completed by midnight, and temporary repairs were made to the roadway so that it could be re-opened. Mr. Glass noted that the permanent roadway repairs would likely cost \$50,000 to \$75,000. Councilmember Dayhoff complimented Water Plant Superintendent Bret Grossnickle, who controlled the water levels within the plant during repair of the water line.

Councilmember Dayhoff asked Mr. Glass to provide an update on the Clearwater reservoir. Mr. Glass replied that the reservoir was currently offline, awaiting replacement of the liner and cover.

### **Recreation & Parks Department**

Ms. Gruber reported that many memories were created during the month of July in celebration of Recreation and Parks Month. Despite the rain and heat, the events were well attended.

Ms. Gruber then reported that the Recreation and Parks Facebook page continued to increase in new likes and new followers.

She thanked Councilmember Gilbert for attending the ice cream social and helping to scoop ice cream.

### **Human Resources Department**

Ms. Childs expressed her appreciation to her staff for their hard work during her recent medical leave. She thanked Ms. Matthews for her support while she was out of the office.

### **Westminster Police Department**

Chief Ledwell reported that the County partially activated its Emergency Operation Center during the City's water main break. He then shared that the storm earlier in the day had resulted in downed trees, blocked roads, and downed wires.

Chief Ledwell informed the Mayor and Common Council that the City would celebrate National Night Out on August 6, 2019.

He concluded his report by sharing that six recruits would graduate from the police academy on August 2, 2019.

### **CITIZEN COMMENTS**

Lyndi McNulty, 195 W. Main Street, shared that her tenants encountered parking difficulties when McDaniel College is in session. She stated that those who live on Main Street have had to park their vehicles on Old New Windsor Pike. Ms. McNulty encouraged the City to address this issue.

### **ADJOURNMENT**

President Pecoraro adjourned the meeting at 8:47 p.m.

Respectfully Submitted,

Shannon Visocky, City Clerk

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