1. City Council Meeting Agenda

Documents:

AGENDA 01 09 17.PDF

1.I. City Council Meeting Packet

Please see the Mayor and Common Council Packet for December 12, 2016 meeting for the Wakefield Valley documents.

Documents:

COUNCIL PACKET 01 09 17.PDF

AGENDA

CITY OF WESTMINSTER, MARYLAND

Mayor and Common Council Meeting of January 9, 2017

1. CALL TO ORDER

2. APPROVAL OF MINUTES OF THE MEETING DECEMBER 12, 2016

3. PUBLIC HEARINGS

4. CONSENT CALENDAR

Approval of November 2016 Departmental Operating Reports

Canine Sales Agreement and Warranty – Chief Spaulding

5. REPORT FROM THE MAYOR

6. REPORTS FROM STANDING COMMITTEES

7. COUNCIL COMMENTS AND DISCUSSION

8. BIDS

9. ORDINANCES & RESOLUTIONS

Introduction of Ordinance 874 – An Ordinance amending the adopted budget for the fiscal year ending June 30, 2017. – Ms. Palmer

Proposed Introduction of Ordinance No. 875 – Amending Chapter 164 "Zoning" to define and regulate small-scale, wind energy converters and solar energy collectors throughout the City – Mr. Mackey

10. UNFINISHED BUSINESS

Proposed Amendment to Wakefield Valley to allow 53 new houses on Parcel W – Mr. Mackey

11. NEW BUSINESS

Approval of the Appointment of Barbara Matthews as City Administrator

12. DEPARTMENTAL REPORTS

13. CITIZEN COMMENTS

14. ADJOURNMENT

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MINUTES
CITY OF WESTMINSTER, MARYLAND

Mayor and Common Council Meeting of December 12, 2016

CALL TO ORDER
Council Members Present: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, Councilman Pecoraro, and Mayor Utz **Absent**: None.
Staff Present: Director of Recreation and Parks Gruber, Director of Public Works Glass, City Clerk Visocsky, City Attorney Levan, Director of Finance and Administrative Services Palmer, Chief of Police Spaulding, Interim City Administrator Deutsch, Director of Community Planning & Development Mackey and Manager of Human Resources Childs.

Theresa Bethune, President of the Fallfest committee, presented charity checks to Carroll County Fellowship of Christian Athletes, Carroll County Therapeutic Recreation, Westminster Rescue Mission, Westminster Lions Club, Kiwanis of Westminster and The Community Foundation of Carroll County.

Mayor Utz presented Miracle on Main Street Parade Awards. He announced that the Main Street Champion was White Pine Paving, Best and Brightest was Home Depot, and Spirit of the Season was Merritt Athletic Club. Mayor Utz then presented the Mayor's Cup Award to The Westminster Library for their beautifully decorated window for the holiday season.

Ms. Levan recommended that Mayor and Common Council amend the agenda so that New Business, Proposed Rules of Order and Procedure for Quasi-Judicial hearings be adopted prior to the Public Hearing.

Councilman Chiavacci moved, seconded by Councilwoman Albert, to suspend the Rules and Change the Order, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

APPROVAL OF MINUTES OF THE MEETING NOVEMBER 28, 2016
Councilwoman Becker moved, seconded by Councilman Chiavacci, to approve the minutes of the meeting on November 28, 2016, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and
Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

The proposed Rules of Order of Mayor and Common Council and Procedure for Quasi-Judicial hearings have been prepared by Ms. Levan. Ms. Levan recommended that Mayor and Common Council adopt the Rules of Procedure for Quasi-Judicial Hearing proceeding to be utilized by the Mayor and Common Council during the Public Hearing.

Councilman Pecoraro moved, seconded by Councilwoman Albert, to approve the Rules of Order and Procedure for Quasi-Judicial Hearings, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

PUBLIC HEARINGS
Mayor Utz conducted a quasi-judicial hearing on the proposed amendment to Wakefield Valley to allow 53 new houses on Parcel W. Mr. Mackey summarized that the applicant's proposal is to amend the plan for Wakefield Valley to add 50 new density rights, so 53 houses could be constructed on 38 acres of former golf course located on Bell Road. Over 100 households and organizations submitted written comments related to the proposal. Thirteen members of the public provided verbal comments before the Planning and Zoning Commission at its public hearing in October.

Mr. Mackey noted that the proposal is not consistent with the 2009 Comprehensive Plan, nor is it in keeping with the central purpose of the original General Development Plan. The 2009 Comprehensive Plan does envision the property as Conservation under the zoning provisions. If the land were to be developed in line with those provisions, the permitted density would be three units per acre yielding a dozen new houses. Utilizing a cluster design approach, this density could be accommodated on 14 acres. Mr. Mackey recommended approval with modifications in order to allow nine new density units and transfer the existing three units for a total of 12 density units with the condition that a cluster design be undertaken to maintain as much open space as possible.

Mr. Mackey reported that the Planning and Zoning Commission recommended denial as presented, citing the extinguishing of the development rights in 1989, potential loss of open space, and objections in comments from the public. Mr. Mackey compared the historical record with what is constructed currently. There is more open space and less density units than set forth in the original 1978 General Development Plan. Over time more open space was included and less units were allowed in the various re-iterations of the general development plan.

The Mayor and Common Council are required to utilize a quasi-judicial process to decide on the matter. The Council must make specific findings in six areas pursuant to § 164-188.

Councilman Chiavacci questioned the impact on Fenby Farm of the Wakefield Valley project. Mr. Mackey replied that Fenby Farm is the other half of the Wakefield Valley Fenby Farm general development plan. There is a vacant parcel under the old parcel S, which is undeveloped. The property has 26 units and 10 acres of commercial. Mr. Mackey noted that the development being presented was not the Fenby Farm subdivision.

Councilman Pecoraro asked if the application was for 53 units. Ms. Levan replied that the Council must decide if the application is consistent with the general development plan. Councilman Chiavacci questioned if there were a timeframe in which a decision needed to be made. Ms. Levan replied that there was no time requirement for a decision, but if Council members were to choose to continue the hearing, they would need to do so with a date certain. Councilwoman Becker inquired about the procedure if Council does not find the development plan to be consistent. Ms. Levan replied that if Council does not find the application consistent with specific criteria that is set forth and then council can deny the proposal.

Clark Shaffer, 73 East Main Street, representing WVDIA, LLC, Richard Kress, applicant shared that the process began 2 ½ years ago with a Memorandum of Understanding with the City when Mr. Kress donated property to the City. Mr. Shaffer began by questioning Mr. Mackey. Mr. Mackey summarized his background in Planning. He commented that after the conclusion of the Planning and Zoning Commission meeting, he had made some changes and additions to his staff report. Mr. Mackey shared that he began with the 2006 decision on the development plan due to it being the most recent decision on the subject matter. Mr. Shaffer questioned Mr. Mackey about the City's Master Plan. Mr. Mackey commented that he felt that the Master plan was geared towards development in the downtown of the City.

Edmund Cueman, 1201 Woods Road, Westminster, Planning Consultant and Advisory Service of Mason/Dixon Circuit Rider, summarized his history in the Planning industry. Mayor Utz requested a motion to approve Mr. Cueman as an expert witness to testify in the quasi-judicial hearing.

Councilman Chiavacci moved, seconded by Councilman Pecoraro, to approve Edmund Cueman as an expert witness, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Mr. Cueman shared that he acted as a consultant with the Griswold family. In May 2012, a preliminary approval was granted for 17 lots. On September 26, 1978, Mr. Cueman wrote a letter to Carroll Dell, director of Public Works that outlined the Wakefield Valley development plan. Councilman Chiavacci inquired if the parcel was within the City limits at that time. Mr. Mackey replied that the parcel was annexed in 1977. Mr. Cueman added that the letter followed the annexation of the parcel. Mr. Cueman opined that the development is in compliance with the

general development plan, the comprehensive plan, the zoning ordinance 164-133 B and the general development plan. The density was pegged at 1.6 acres.

Mr. Cueman shared that he felt 38 acres was appropriate for the 53 lots. He commented that traffic, and environmental requirements needed to be taken into consideration. Mr. Cueman explained that the Griswold property had 20 lots allocated to a particular parcel with one existing house. Mr. Mackey clarified that the amended site development plan had not come in front of the Common Council. President Wack commented that there is no final approved plan. Councilman Pecoraro commented that the chart, parcel F reflects 17 planned units.

Mayor Utz requested a motion to approve Martin Hackett, President of CLSI, 439 East Main Street, as an expert witness for the quasi-judicial hearing.

Councilman Chiavacci moved, seconded by Councilwoman Becker, to approved Martin Hackett as an expert witness, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and
Councilman Pecoraro.
NAYS: None.

MOTION: Passed Unanimously 5-0.

Mr. Hackett shared with Mayor and Common Council that the strip of land on Bell Road was to be open space that would be deeded to the home owners association. The overall vision for the 1978 plan was a maximum of 16 units per gross density acre. In the 1978 Plan, 767 units could have been developed for Wakefield Valley property and 569 units without granting of approval. The reduction occurred from the development plan that was amended for Mr. Oakes. Mr. Oakes had an amended plan of 55 units for Fenby Farm. Based on the 1989, 688 dwelling units were existing. There was nothing to prevent anyone from applying to develop the entire area. Mr. Hackett shared the density amount per unit from 1978 until today. He commented that Mr. Kress has 114 acres, but only wants to develop 38 acres. In 2006 Marty Hill had proposed 320 units. The 114 acres is all developable land with 3 – 3.2 density per acre. In 1978 the open space amount was approximately 200 acres. Today the open space amount is 242 acres with a proposal of 208 acres, including the 38 acres for development. Additionally, 16 acres is to be donated to Carroll Lutheran Village, which is intended for open space.

Councilman Chiavacci inquired if the property would still be donated to Carroll Lutheran Village if the development were not approved. Mr. Shaffer replied that the applicant will comply with the MOU and would donate the open space to Carroll Lutheran Village. Mr. Hackett commented that this development would not conflict with any plans. Mr. Hackett added that Mr. Kress was hoping for more water when he donated the 187 acres to the City of Westminster. He chose to donate the land to the City rather than leave it as open space for the home owners association. Mr. Hackett commented that the development plan was in compliance with the general development plan.

Mr. Shaffer and Ms. Shaffer requested a motion to enter the exhibits into evidence. Council unanimously approved the exhibits that were entered into evidence.

Brian Biddle, 266 Whistling Pine Road, Severna Park, Vice President of Lenhart Traffic Consulting, Inc., summarized his experience as a professional Traffic Operations Engineer. Mayor Utz requested a motion to approve Mr. Biddle as a traffic engineer expert witness.

Councilman Chiavacci moved, seconded by Councilman Pecoraro, to approved Brian Biddle as an expert witness, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and
Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Mr. Biddle shared with Mayor and Common Council that he conducted a Traffic Impact Analysis to reflect the Griswold Property and the sports complex/park. The study now reflects the most recent site plan of 53 homes and the intersection of MD 31 at Tahoma Farm Road. Mr. Biddle commented that the improvements to the intersection of Royer Road and Uniontown Road are recommended.

Mr. Biddle commented that he took into account the anticipated growth rate. President Wack inquired about the actual measurements that were taken. Mr. Biddle replied that he conducted the study with the 8 locations with the Park. President Wack commented that there was not going to be a park. Mr. Biddle added that the survey was based on Carroll County's requirements. Mr. Shaffer commented that this was a definitive analysis of the traffic study.

Lisa Eckard, Littlestown Pike, summarized her experience as a real estate appraiser. Mayor Utz requested a motion to approve Ms. Eckard as real estate expert witness.

Councilman Chiavacci moved, seconded by Councilwoman Albert, to approved Lisa Eckard as an expert witness, as recommended.

VOTE

AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Ms. Eckard shared with Mayor and Common Council that the Wakefield Valley Community is a mixed-use neighborhood which includes a wide variety of housing product. The location appears to be an ideal location for infill development based on development patterns surrounding the former golf course property. Additionally, the property is proposed for development with upscale

housing product, open space and walking trails which will provide access to park land. Based on Mr. Kress's description of the project, there is nothing to suggest that the proposed use of the site will be anything other than complimentary to the existing mixed use development in the area.

Melanie Moser of Moser Consulting, 501 West University Parkway, 2B, Baltimore, shared her experience and education as a land development consultant. Mayor Utz requested a motion to approve Ms. Moser as a land use, planning and design expert witness.

Councilman Chiavacci moved, seconded by Councilwoman Albert, to approve Melonie Moser as an expert witness, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Ms. Moser shared with Mayor and Common Council that she found the amendment to Wakefield Valley General Development Plan to be in substantial compliance with the use and density indicated in the plan and does not conflict with the Comprehensive Plan. Ms. Moser concluded that due to the research that she provided to Mayor and Common Council that she believes that the amendment is consistent with the Zoning Code and Wakefield Valley General Development Plan, is compatible with the Comprehensive Plan, and should be approved.

Richard Kress, applicant, commented that his goal is to develop something that everyone is proud of, just as he has done with the Nagana project.

President Wack inquired about the definition of low density as it is stated on the 2004 map. Mr. Shaffer replied that it was a land use designation that is commonly used in Master Plans in Carroll County.

Alan Stottlemyer, 195 Bell Road, commented that the development plans for 53 houses were not compatible with the neighbors of the current neighborhood of Wakefield Valley. The development would be adjacent to his home. He also commented that there will be larger homes on smaller lots. Mr. Stottlemyer shared that his house value is lower than it was in 2003, and he urged Mayor and Common Council to object to the development.

Doug Reeves, 14 Golden Eagle Court, commented on the amount of open space that has been given since 1978. If the Council were to approve the development of 53 homes, it would have a negative impact on the community. He also disagreed with the traffic analysis and that the amount of traffic would be higher. Mr. Reeves shared that he was a part of the Wakefield Valley task force. The task force spent a lot of time and effort in protecting the Wakefield Valley property.

Michael Marques, 189 Bell Road, disagreed with the traffic analysis and also felt that the amount of traffic will be higher due to the development of the 53 homes. He shared that he bought his

home on Bell Road due to the view. Mr. Marques expressed his concerns of the impact the development would have on the wildlife at Wakefield Valley. He asked that Council deny the application for development.

With no additional comments or questions from the Common Council and the public, Mayor Utz closed the public hearing.

Councilman Chiavacci motioned, seconded by Councilman Pecoraro to continue the process of a decision of the Wakefield Valley development to the Mayor and Common Council meeting on January 9, 2017, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Mayor Utz adjourned the quasi-judicial meeting at 12:04 am.

ORDINANCES & RESOLUTIONS
Mr. Mackey recommended that Mayor and Common Council vote to disapprove the proposed ordinance, so that further research related to the issues raised may be undertaken and a revised ordinance be introduced.

Councilman Pecoraro moved, seconded by Councilwoman Albert, to disapprove Ordinance No. 869 – Amending Chapter 164 "Zoning and Subdivision of Land" to address wireless technology on certain private property, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

On September 15, 2016, Mr. Clark Shaffer, attorney for the petitioner, Marta Coursey, submitted a petition for text amendment to add indoor dog raining and event facility as a special exception. The proposed amendment to Chapter 164, Zoning and Subdivision of Land, the proposed ordinance would be reviewed by the Planning and Zoning Commission, in order for the Commission to provide recommendations. Mr. Mackey recommended the proposed ordinance be introduced and reviewed by Planning and Zoning Commission.

Councilman Chiavacci moved, seconded by Councilman Becker, to introduce Ordinance No. 873 – Amending Chapter 164 "Zoning" to allow a new use, Indoor Dog Training and Event Facility, as a special exception in the I-R Restricted Industrial Zone, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

NEW BUSINESS
Mr. Deutsch recommended a motion to authorize Mayor Kevin R. Utz to negotiate an employment agreement with Ms. Barbara B. Matthews of Columbia, MD for the position of City Administrator of the City of Westminster, with an effective starting date of January 3, 2017.

Councilman Chiavacci moved, seconded by Councilman Pecoraro, to authorize Mayor Utz to negotiate an employment agreement with Ms. Barbara B. Matthews for the position of the City Administrator, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

Mr. Deutsch then recommended approval of the appointment of Shannon Visocsky as City Clerk for the City of Westminster, effective December 13, 2016.

Councilman Pecoraro moved, seconded by Councilwoman Albert, to approve the appointment of Shannon Visocsky as City Clerk, as recommended.

VOTE
AYES: Council President Wack, Councilman Chiavacci, Councilwoman Albert, Councilwoman Becker, and Councilman Pecoraro.
NAYS: None.

MOTION Passed Unanimously 5-0.

DEPARTMENTAL REPORTS
Mr. Deutsch shared that City staff would have a report regarding the proposed bike lane on January 23. He then thanked Mayor and Common Council for the opportunity to work in the City of Westminster since this was his last Council meeting. Councilman Chiavacci thanked Mr. Deutsch for his time with the City.

CITIZEN COMMENTS

Sherry Botsford, 110 Masters Court, questioned the process of when a decision would be made for Wakefield Valley development. President Wack replied that the discussion would continue on January 9, 2017.

Sherri Saslaw, 9305 Gerwig Lane, Columbia, MD, inquired if the wireless industry would be able to speak to Mr. Mackey during the process of Ordinance No. 869 being redrafted.

ADJOURNMENT

President Wack adjourned the meeting at 12:15 AM.

Respectfully Submitted,

Shannon Visocsky

Full audio version is available on www.westminstermd.gov.

CITY OF WESTMINSTER, MARYLAND
STATUS & INFORMATION REPORT NO. 05 FOR 2017

To Mayor Utz and Members of the City Council:

FINANCE

TREASURY REPORTS AS OF NOVEMBER 30, 2016 – UNADJUSTED AND UNAUDITED

GENERAL FUND REVENUES		Budget		Actual YTD	% to Budget
Taxes	$	10,296,117	$	6,128,902	60%
Licenses and Permits		503,530		142,726	28%
Intergovernmental		4,955,907		1,648,723	33%
Charges for Services		599,090		335,726	56%
Fines & Forfeitures		185,000		75,439	41%
Miscellaneous Income		98,200		32,992	34%
Benefit Assessments		187,175		46,080	25%
Capital Tax Revenue		1,989,974		1,448,922	73%
Transfers		704,475		-	0%
GENERAL FUND APPROPRIATION BY ACTIVITY					
Community Support	$	60,668	$	22,418	37%
Facilities	$	3,663,441	$	576,558	16%
Finance	$	185,369	$	55,883	30%
Executive & Legislative	$	1,048,387	$	322,839	31%
Human Resources	$	102,893	$	29,755	29%
Planning, Zoning & Development	$	386,553	$	163,047	42%
Housing & Preservation Services	$	246,209	$	28,034	11%
Public Safety Department	$	6,989,155	$	2,455,616	35%
Public Works	$	5,316,000	$	2,001,139	38%
Recreation & Parks	$	1,132,519	$	480,215	42%
Technology	$	388,274	$	109,778	28%
Total General Fund Revenues	$	19,519,468	$	9,859,510	51%
Total General Fund Appropriations	$	19,519,468	$	6,245,283	32%

UTILITY FUND REVENUES		Budget		Actual YTD	% to Budget
Small Meter - City	$	4,200,490	$	1,260,521	30%
Small Meter - County		2,823,768		599,209	21%
Large Meter - City		2,307,339		699,482	30%
Large Meter - County		1,623,796		429,580	26%
Reclaimed - City		-		-	
Reclaimed - County		20,000		8,418	42%
Benefit Assessment Fees		599,143		160,451	27%
Transfer from Benefit Assessment		-		-	
Carroll County Septage Facility		202,000		92,983	46%
Capital Projects Transfers		27,629,338		-	0%
Miscellaneous Income		593,261		284,495	48%
Transfers		1,227,846		-	0%
UTILITY FUND APPROPRIATION BY ACTIVITY					
Community Support	$	23,336	$	23,526	101%
Facilities		128,686		51,073	40%
Finance		527,002		170,477	32%
Executive & Legislative		667,318		325,490	49%
Human Resources		238,628		67,389	28%
Planning, Zoning & Development		246,896		86,994	35%
Public Works		466,126		143,720	31%
Technology		837,410		208,823	25%
Utilities		1,656,060		587,590	35%
Water		5,804,630		1,351,584	23%
Wastewater		30,630,892		731,439	2%
Total Utility Fund Revenues	$	41,226,981	$	3,535,138	9%
Total Utility Fund Appropriations	$	41,226,984	$	3,748,105	9%

FIBER FUND OPERATING REVENUES		Budget		Actual YTD	% to Budget
Provider Fees - Units Passed	$	360,128	$	13,500	4%
Provider Fees - Subscriptions		-		5,338	
Miscellaneous		-		21,875	
General Fund Subsidy		300,000		-	0%
Transfers		33,805		-	0%
FIBER FUND OPERATING EXPENDITURES					
Salaries & Benefits	$	105,000	$	-	0%
Operating Expenses		429,000		63,963	15%
Debt Service		159,933		6,607	4%
Total Operating Revenues	$	693,933	$	40,713	6%
Total Operating Expenses		693,933		70,570	10%
Net Income (Loss)			**$**	**(29,857)**	
Loan Proceeds	$	8,946,733	$	720,665	8%
Capital Improvements		8,946,733		597,427	7%

PUBLIC HOUSING FUND REVENUES		Budget		Actual YTD	% to Budget
Housing Assistance Payments	$	1,778,976	$	806,475	45%
HAP Equity Reserve Transfer		75,000		-	0%
HUD Administrative Fee Distribution		210,730		87,147	41%
Miscellaneous Income		10,000		5,627	56%
PUBLIC HOUSING FUND EXPENDITURES					
Salaries & Benefits	$	222,976	$	82,941	37%
Administration		36,200		5,165	14%
Housing Assistance Payments		1,772,288		781,956	44%
Facilities		43,243		17,691	41%
Total PHA Fund Revenues	$	2,074,706	$	899,249	43%
Total PHA Fund Appropriations	$	2,074,707	$	887,753	43%

Disbursements between $10,000 and $25,000 from November 16, 2016 to December 31, 2016:

Vendor Name	Description	Total Amount
ADVANCED LAND AND WATER INC	GESELL LONG TERM	$24,691.53
ADVANCED LAND AND WATER INC	GESELL LONG TERM TEST	$23,146.91
AQUA-AEROBIC SYSTEMS INC	MIXER EQUIPMENT	$24,991.22
CARROLL COUNTY COMMISSIONERS	FUEL/MAINTENANCE/VEHICLE UPFITTING	$12,367.68
CARROLL COUNTY COMMISSIONERS	POLICE VEHICLE REPAIR, FUEL, NEW VEHICLE UPFITTING	$21,111.22
COHN REZNICK LLP	AUDIT F/Y 06/30/16	$16,000.00
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$16,913.36
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$17,083.99
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$17,171.39
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$17,407.03
D R S AND ASSOCIATES INC.	HOLLOW ROCK, CITY VIEW & JAMES ST WATER LINE	$10,920.10
FUNK AND BOLTON ATTY'S AT LAW	OCTOBER LEGAL BILLING	$11,616.00
INTEGRATED AGRONOMICS LLC	SLUDGE	$12,391.39
INTEGRATED AGRONOMICS LLC	SLUDGE	$10,880.97
INTEGRATED AGRONOMICS LLC	SLUDGE	$17,121.86
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$18,333.19
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$18,173.93
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$18,172.26
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$18,465.30
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$10,967.60
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$10,852.10
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$10,966.70
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$10,912.76
WESTMINSTER FIRE COMPANY	BUDGET PAYMENT DEC 16	$20,833.34
WINCHESTER WEST LLC	DEC RENT 56 W MAIN ST	$13,249.92

OPERATIONS HIGHLIGHTS

- Fiber Project: The City has collected $40,416 in Passed Premises Revenue and $12,376 in Subscriber Revenue. There are 62 subscribers of 375 passed premises. The City has drawn $1,726,941 from the $21,000,000 loan, leaving $19,273,059 remaining. Interest paid to date is $18,268.
- A representative of CohnReznick will present the Comprehensive Annual Financial Reports at the January 23, 2017 Mayor and Council meeting. Please email or call me with any questions or concerns.
- A recent audit of certain water meters resulted in two large credits paid in cash to two customers. The meters were installed with the bottom of one model and the top of a different model meter. Because the top and the bottom were not compliant, the meter reads were reporting incorrect consumptions to the billing software. The credits were made to Tristar Mgmt. in the amount of $177,435.37 and English AM Tailoring Co. in the amount of $53,409.73. Credits were based on percentage of incorrect consumption going back three years unless the meter had been installed within the last three years. Ms. Levan has advised the statute of limitations on incorrect invoicing/billing is three years. It is unclear how many additional meters may have been installed incorrectly. Mr. Glass was provided a report of all meters over 1". I expect a finding on next year's audit if no remediation plan is implemented.

Technology Services
Technical Support and Application Support:

- Total Helpdesk Calls **99**
- Total Water Bill Calls **29**
- New PC's Deployed **2**
- PC'S Reimaged **2**
- Password Resets or unlocks **7**
- New Employees Trained **0**
- City Email Usage for last 30 days **101.0K**
- Monthly City Backup **9 Terabyte**

Projects:

- 2016-3.4 Cashiering being instated for testing
- Eden 5.15.1.2 testing Will move to news Eden in December
- OSP insight Will be moving data to us
- Looking in to phone App companies
- Asset management software for PW
- Downtown Wi-Fi RFP
- Starting to work on server replacement cost and demo's
- Working on e recycling for old computers
- Working on PCI issues
- Working on file search and email journaling

- Working on file letter restructuring
- Working on GIS layer refresh for city PW's
- Replacing fiber switch at main locations "County"
- Working on make PRI's redundant between 56 and police
- Upgrading Verent server at police for recordings
- Firmware upgrade to 56 SAN Completed

GIS:

- Sewer line shapefile to Chris Heyn at CC
- GPS setup for fieldwork
- Gist rd sewer video saved in Utilities folder
- Make changes to Zoning Map/add Historic Distric ArcGIS Online
- Scan engineering drawings
- Create and update shapefiles for various uses
- Gist rd. sewer video saved in Utilities folder
- GPS Pathfinder issues with converting data point to shapefiles
- Sidewalk study map and data setup for ArcGIS Collector
- Handicap ramps map and data setup for ArcGIS Collector
- Map of sewer mains and drawing search for Laura Monto of Wilson T. Billard Co.
- Sewer Easement near East Middle School
- Scan meter pit drawings
- Schools with half mile radius buffer map
- Water solutions and Water shutoff map for ArcGIS Online
- Miracle on Main St. formation map
- Citizen request Westminster map
- Meter Pit gps collection at ag center
- Map of meter pits
- Latitude and Longitude conversions for engineering drawings
- Georeferencing drawings for digitization
- Georeference/Rubbersheeting Wakefield drawings
- Water solutions and water shutoff map for ArcGIS Online
- Working with data for affected area map of water main shut offs
- Properties shapefile
- Print large scale water utilities map
- Deed research of Sycamore St.
- Property search west Main st.
- Zoning map property links broken waiting to get updated data from county to fix.
- Drawing coordinate corrections for georeferencing
- Georeferencing (overlay on aerial map) drawings for digitizing data.
- Wastewater Treatment plant map

Training:

- WPD Dispatch cashiering training Nov 8th and 9th

HUMAN RESOURCES

1) Benefits/Wellness
   a) Reviewed and approved the Part D prescription program documentation that is distributed by
      Cigna to Medicare retirees for the January 1, 2017 renewal
   b) Nationwide Retirement Solutions Deferred Compensation
      i) Reviewed updated 401(a) plan Adoption and Administrative Services Agreements
      ii) Submitted resolution for Council approval
      iii) Prepared Nationwide plan year questionnaires for FY15 and FY16
   c) Attended meeting with NextLogical on available benefits
   d) Wellness Program
      i) Prepared/distributed the November electronic monthly wellness newsletter
   e) Wellness Educational Sessions Held in November:
      i) Nationwide's Approaching Retirement – 18 attendees
   f) Wellness Educational Session Planned for December:
      i) Employee Assistance Program presentations by Cigna and Business Health Services/Presentation
         on Cigna services available to members
   g) Planned and held Annual Employee Expo
      i) 21 Vendors
      ii) 102 Employees and retirees attended
      iii) 52 Flu Shots given
      iv) 49 Blood Pressure Screenings provided
      v) 30 Door prizes awarded

2) Employment/Recruitment
   a) Advertisements:

	Internal Advertisements	External Advertisements	Internal Applications Processed	External Applications Processed
Full-time	0	1	0	16
Part-time	0	0	0	0
Temporary	0	0	0	0
Seasonal	0	0	0	0

   b) Hired:

Full-Time	Part-Time	Temporary	Seasonal
3	0	1	0

   c) Held new employee orientations for 3 full-time employees and 1 temporary employee
   d) Prepared 5 new employee hire packets
   e) Processed 1 internal promotion
   f) Drafted an updated City Clerk job description

3) Projects

a) Prepared memorandum and distributed City's Code of Ethics to all employees
b) Updated the internship guidelines and handbook with the City's Code of Ethics, and reformatted
c) Performed research and worked on draft of a new Substance Abuse Policy

4) Risk Management
   a) Insurance Claims Filed
      - Automobile – 1
      - Liability – 0
      - Sewer Back-up – 0
      - Property - 0
      - Workers' Compensation – 1
   b) Updated property insurance values for new City Park playground equipment
   c) Researched insurance coverages for Public Works utilities project
   d) Scheduled 54 Public Works annual hearing testing results as required by the Hearing Conservation Program policy
   e) Planned a January date with LGIT to provide defensive driver training to new employees

5) Trainings/Meetings
   a) HR Manager attended the Carroll County SHRM annual conference
   b) HR Manager & Senior HR Specialist attended Chesapeake Employers' Insurance Policyholder Seminar
   c) HR Manager attended presentation at Carroll Community College on the available corporate training program
   d) HR Manager attended a webinar on Taking the pain Out of Performance Reviews
   e) HR Manager attended a webinar on Solutions to Marijuana in the Workplace
   f) Administrative Coordinator attended a webinar on How to Write a Great Employment Advertisement

COMMUNITY PLANNING & DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT PERFORMANCE MEASURES	
	November 2016
Board of Zoning Appeals items	1
Bond Reductions approved	1
Building Permits approved	35
Deeds approved	2
Grants awarded or received	1
Historic District Commission items	1
Planning and Zoning Commission items	3
Pre-Submittal Conferences held	3
Rezoning Requests approved	1
Sign Permits issued	12
Special Exceptions approved	1
Tree Commission items	6
Use and Occupancy approved	1

During the month of **November**, the Department of Community Planning and Development provided staff support for the Board of Zoning Appeals, Planning and Zoning Commission, Historic District Commission and Tree Commission. The department also provided planning, zoning and economic development services. Highlights are included below.

Items related to the **Mayor and Common Council** for November included a public hearing and decision related to a Rezoning and Simplified Site Plan for Medical Cannabis Uses at 1234 Tech Court and a public hearing related to Ordinance No. 869 – Amending Chapter 164 "Zoning and Subdivision of Land" to address wireless technology on certain private property.

The Board of Zoning Appeals held a public hearing regarding the application by FR Conversions Inc., requesting approval of a special exception for a proposed restaurant and lunchroom use without drive-through service at 1231 Tech Court. The Board voted to approve the request.

The **Planning and Zoning Commission** concluded its deliberation of on a proposed Amendment to Wakefield Valley to allow 53 new houses on Parcel W. The Commission reviewed and approved proposed amendments to the 2014 Carroll County Water & Sewer Master Plan, proposed same-size replacement signs for The Home Depot at 835 Market Street, and proposed additional signs for Katana Japanese Cuisine at 410 Meadow Creek Drive.

The **Historic District Commission** and staff continued to progress with the preparations for the Holiday House Tour including a house docent meeting on Wednesday, November 16, 2016.

The **Tree Commission** reviewed six items including fall tree planting ideas, Westminster urban heat island project, Emerald Ash Borer treatment program, the Tree-Mendous grant, review of the 2016 Community Forestry Workshop, and planning for the Arbor Day planting in 2017.

Thirty-five building permits were approved for projects including two new homes, five solar panel installations on residences, one new business and one swimming pool. The remainder were for interior work, exterior decks and miscellaneous construction.

In preparation for the meeting of the Mayor and Common Council on a proposed **Amendment to Wakefield Valley** to allow 53 new houses on Parcel W, DCPD staff prepared and sent over 300 letters to owners of record and coordinated other notice and meeting support functions.

DCPD coordinates and staffs weekly downtown collaborative meetings with other departments, monthly Downtown Westminster Coalition meetings, and quarterly retailers and restaurateurs meetings. DCPD seeks and manages various grants to **support downtown efforts.**

DCPD creates **monthly downtown newsletters** and promotes downtown events. Additionally, the City's marketing and promotion consultant also works on events with the DCPD team. The marketing consultant reported the following for this month's activities for the City.

This month's events included **Farmers Market**, **Second Saturday Art Market**, and **Second Saturday Holiday Open House**.

Farmers Market work included ongoing producer requests and correspondence, coordinating music, social media, electronic billboard, website, onsite administration and season shut down.

Second Saturday Art Market work included coordination of Art Market at City Hall in November, including cancellation of event.

Second Saturday Holiday Open House included ongoing coordination of business offerings including the grand opening of Country View Tuxedo and social media and overall promotion.

Planning of the 2016 **Holiday House Tour** included program guide development; editing of home descriptions and program guide information; design of eight panel program; budget development, design of "Four Seasons" Poster to be sold at event; coordination of

the event with Sue Thomas; refreshment coordination with Sherri Joseph; securing and confirming ticket outlets; distribution of tickets; advertising design and management: Facebook, billboard, public relations; and, ongoing event management and meetings.

Small Business Saturday: Shop Small, 8 Days a Week included facilitating *Creativity Caucus* with participants from all over the County to develop a unique promotion for small businesses; coordinating business participation, featuring more than 90 businesses across all Carroll County Downtowns – extensive time, multiple discussions with all municipalities and follow up; design of the Passport and stickers; create the program rules, information sheets and coordinate distribution of passports and information; negotiating the donation of the passport printing by the Carroll Chamber; negotiating the donation of the sticker printing by Miller; negotiating the donation of the gift certificates by Tourism and Miller; development of the electronic billboard; and, ongoing coordination of promotion.

Other items included promotion of 2016 Miracle on Main and preliminary discussions and setting of date with Maryland Wine Association for the 2017 Wine Stroll.

Additionally, the marketing consultant met with the Downtown Westminster Coalition, various staff for event planning meetings, Carroll County Downtowns, Council Members as well as Rare Opportunity Farm, Eclecticity, Food Chick and SERRV about potential locations in downtown.

The marketing consultant also worked on potential giveaways for City Park playground ribbon cutting; a radio appearance on WTTR to promote holiday events; and, media coverage including the Small Business Saturday passport program in CCT (Front page), Sun (Page 2); Holiday House Tour in CCT (Encore section, front page; calendar); and Miracle on Main in CCT (Front page).

Finally, DCPD staff answer hundreds of inquiries every month by email, phone and in person. Email received by DCPD in November was over 2,600. Responses sent by DCPD were nearly 1,000 this month. Also, on many matters staff meet with applicants and their attorneys in order to discuss their upcoming applications.

POLICE DEPARTMENT

Time Frame	Police Calls For Service	Adult Arrests	Juvenile Arrests	DUI Arrests	Traffic Citations	Foot/Bike/T3 Patrol Hours
November 2016	935	38	6	3	160	262.5
2016 Total	**10,106**	**461**	**60**	**91**	**2,047**	**3,183**
2015 Total	10,092	602	107	115	2,731	2,354.75

Significant Cases in November:

Crime: **Aggravated Assault - Shooting**
Date/Time of Report: November 11, 2016 @ 9:20 p.m.
Location: Unit block of Carroll View Avenue
Details: On November 11th at approximately 9:20 p.m. officers were dispatched to the unit block of Carroll View Avenue for the report of a shooting. Upon arrival they located the victim, a 31 year old male, laying in the street suffering from gunshot injuries (shotgun pellets) to the back and legs. Several bystanders pointed out the shooting suspect who was standing inside a nearby residence. Officers entered the residence and took the suspect into custody without incident. A shotgun was recovered from within the residence. Investigation revealed that the victim resided in the residence with the suspect and his wife. An argument occurred between the suspect and the victim, this resulting in the victim leaving the residence. Once outside, the victim began to puncture the tires of the suspect's car. Upon observing this activity, the suspect obtained a shotgun from within the residence and fired two rounds at the victim, striking him in the back. The victim was transported to the University of Maryland Shock Trauma Center for treatment of his injuries. The suspect was arrested and charged with first degree assault and related charges.
Arrested/Charged: Dustin Alan Forson (37 years of age) of Westminster

Crime: **Aggravated Assault - Knife**
Date/Time of Report: November 23, 2016 @ 10:50 a.m.
Location: Unit block of West George Street
Details: On November 23rd at approximately 10:50 a.m. officers were dispatched to a residence in the unit block of West George Street for a domestic incident. Upon arrival they contacted the victim who reported that she had just been assaulted by her boyfriend who also lived in the residence. According to the victim, the suspect punched her in the stomach and pinned her against a wall where he threatened her with a knife. There was evidence of a struggle in the residence and the victim had injuries consistent with her report. A knife similar to the knife described by the victim was located on the floor in the area of the argument. The suspect was located in the basement of the residence and taken into custody without incident. He was charged with assault and related charges.
Arrested/Charged: Brendon Avery Davis (41 years of age) of Westminster

Crime: **Strongarm Robbery**
Date/Time of Report: November 10, 2016 @ 6:20 p.m.
Location: Unit block of Liberty Street
Details: On November 10th at approximately 6:20 p.m. officers responded to the area of Liberty Street and Main Street for the report of a fight. Upon arrival they located the victim who reported that he had been assaulted by three men. According to the victim, he was walking on Liberty Street near O'Lordan's Pub when he was confronted by three males. The confrontation turned into a fight when he turned to argue with them as

he neared Main Street. During the fight one of the suspects reportedly removed the victim's wrist watch. After a brief fight, the three suspects fled on foot toward Green Street. A check of the area for suspects proved negative. The victim sustained minor injuries which did not require treatment. This case remains open.

Arrested/Charged: No one at this time.

Crime: **Strongarm Robbery**

Date/Time of Report: November 23, 2016 @ 9:00 a.m.

Location: 100 block of East Main Street

Details: On November 23rd at approximately 9:00 p.m. officers were dispatched to Winters Alley in the area of 105 East Main Street for the report of a stolen purse. Upon arrival they contacted the victim who reported that she was getting out of her car along Winters Lane when someone approached from behind, grabbed the purse from her arm, and fled the area on foot. The victim could not provide a description of the suspect. According to the victim the suspect pulled forcefully on her purse, causing the strap to break and her to fall to the ground. A search of the area for the suspect proved negative. This case remains open.

Arrested/Charged: No one at this time.

Crime: **Residential Burglary**

Date/Time of Report: November 1, 2016 @ 5:00 p.m.

Location: 800 block of Crows Court

Details: The victim in this case reported that his apartment had been burglarized at some point in the previous 24 hours while he was away. Upon returning home he observed that two gaming systems had been stolen. Other items of obvious value were not disturbed. Pry marks were located on the door to the residence. The apartment was processed for forensic evidence and a neighborhood canvass was conducted. This case remains open.

Arrested/Charged: No one at this time.

Crime: **Residential Burglary**

Date/Time of Report: November 12, 2016 @ 7:00 a.m.

Location: 400 block of Daniel Drive

Details: The victim in this case reported that his bedroom had been burglarized at some time overnight the previous evening while he was away. When he returned home in the morning he entered his room and observed that a small safe was missing from its normal location on the dresser. It appears that entry was gained through a bedroom window which had been left partially open. Evidence located within the bedroom has resulted in the identification of a potential suspect. This case remains under active investigation.

Arrested/Charged: No one at this time.

Crime: **Residential Burglary**

Date/Time of Report: November 21, 2016 @ 10:15 a.m.

Location: Unit block of Webster Street
Details: The victim in this case contacted the Police Department at approximately 10:15 a.m. to report that he had just confronted a subject within his residence after returning home. According to the victim, he left his residence at approximately 9:30 a.m., leaving the front door unlocked. When he returned home approximately 30 minutes later he confronted an unknown male who was in the process of exiting the home. The suspect fled the area when the victim reentered the home to call the police. A search of the area by responding officers proved negative. The victim reported that a bag of loose change valued at approximately $50 was missing from the residence. This case remains open.
Arrested/Charged: No one at this time.

Crime: **Attempted Commercial Burglary**
Date/Time of Report: November 29, 2016 @ 8:45 a.m.
Location: Unit block of West Main Street
Details: The victim in this case reported that he observed damage to the rear door of his business when he arrived on the morning November 29th. The investigating officer observed evidence of prying on the door in the area of the locks, as well as a substantial amount of blood – an indication that the suspect may have been injured while attempting to pry open the door. There was no evidence of entry into the building, and the intrusion alarm was not triggered. The scene was processed for forensic evidence. This case remains open.
Arrested/Charged: No one at this time.

Crime: **Vehicle Theft**
Date/Time of Report: November 3, 2016 @ 7:00 a.m.
Location: Unit block of Timber Ridge Drive
Details: The victim in this case reported that his vehicle, a 2003 Ford Windstar minivan, was stolen from its parking space in front of his residence at some time overnight. According to the victim, the vehicle was unlocked at the time it was stolen and an ignition key was hidden within the vehicle. The victim could provide no suspect information. *The vehicle was recovered in Baltimore City on November 23rd. There were no arrests.*
Arrested/Charged: No one at this time.

Significant Activities in November:

1. On November 16, 2016 several members of the Westminster Police Department took part in the fourth **Carroll County Combined Agency Warrant Sweep** which was organized by the Maryland State Police – Westminster Barrack. As a result of this collaborative effort, 31 wanted individuals were arrested and 46 arrest warrants/summons were served in an 8-hour period.

2. Planning is underway to establish a joint law enforcement **Crisis Incident Stress Management (CISM) Team** here in Carroll County. Current partners include the Sheriff's Office, WPD and the Carroll County Health Department. As currently envisioned, the team will be a collaborative effort open to all Carroll County officers who wish to receive CISM training and serve in this role in their own agency and a part of a larger County effort. Once in place, the CISM Team will provide local officers and citizens involved in traumatic events with both peer support and crisis intervention services immediately following the event, thus minimizing the potential for long-term emotional and psychological harm. The first iteration of CISM training is scheduled for April 5th-7th at the Public Safety Training Center here in Westminster.

3. The **2016 Holiday Crime Prevention Patrol Initiative** is currently ongoing**.** 2016 marks the 13th year of this partnership between WPD, the Carroll County Sheriff's Office and the Maryland State Police. These agencies collaborate to provide an enhanced uniformed law enforcement presence along the Route 140 and Main Street business corridors between "Black Friday" and Christmas in a coordinated effort to reduce crime such as robberies, shoplifting and thefts from vehicles. Grant funding is also used to provide dedicated aggressive driving and DUI patrols after normal business hours. The initiative has proven highly effective in minimizing crime during the holiday period in past years. The initiative was expanded this year to provide dedicated coverage in the Main Street business corridor between Christmas and New Year's Eve.

4. On December 22nd the Police Department took delivery of their **new police canine.** "Canine Foxy" has been assigned to Canine Handler Tim Pheabus and they will begin their drug detection training in early January, 2017. Following their drug detection certification, they will transition to the Frederick Police Department Canine Unit where they will receive the remainder of their training.

PUBLIC WORKS

WASTEWATER TREATMENT PLANT

Total Flow 120.483 MG

Ave. Daily Flow 4.016 MGD

Sludge (Integrated Agronomics) 391.07 wet tons

Septage Sludge 91.65 Wet tons

-Repaired bridge guardrail, placed concrete barriers

-Installed 2 floating mixers

-Mixer maintenance

-Hearing tests

-safety training

-ENR meetings

-Recycles to Landfill

- Routine Maintenance

UTILITY MAINTENANCE DEPARTMENT

Water Leaks:

-540 Jermor Ln (Main 0.01MG)
-403 Cassell Close (Service 0.2MG)
-Juniper Ct (Service 0.001MG)
-Shaeffer Ave (Main 0.02MG)
-Carroll Plaza (Private 0.1MG)

Sewer Blockages:

-51 S. Colonial (Lateral)
-307 Bishop (Private)
-27 Milton (Private)
-421 London (Private)
-421 London (Lateral plumber pushed blockage to us)
-97 W Sunshine (Private)
-831 Old Manchester (Private)
-59 S Church (Private)
-322 Bishop (Lateral)
-340 Bishop (Lateral)
-342 Bishop (Lateral)

Water Loss:

-Water Main Flushing
    -0.171 MG
-Water Leaks
    -0.231 MG
-Private Leaks
    -0.1 MG
-Sewer Main Flushing
    -0.005 MG
Total Loss
    -0.507MG

Miscellaneous:

-Flushing for Water Plant
-Meter Replacement
-Miss Utility Markings
-Meter Readings
-High Water Bill Inspections

Regular Maintenance:

-Flushing and Cleaning Sewer Mains
-Fire Hydrants
-Sewer Pumping Stations
-Booster Stations and Water Storage Stations
-Leak Detection

STREET DEPARTMENT

Grounds Maintenance section performed the following:
Assisted with cleaning up leaves around The Police Dept., City Hall and City Parks
Assisted with pruning trees around tot lot at the City playground
Assisted with the leaf vac picking up loose leaves around town
Assisted with setting up and cleaning up for Miracle on Main St.

Building Maintenance section performed the following:
Assisted with repairing high visibility signs on City streets
Assisted with painting the curbs and street marking
Assisted with the maintenance and repair for City Building and Parks
Assisted with setting up and cleaning up for the Miracle on Main St.
Assisted with collecting meter money and maintenance meters

Streets and Alleys section:
Street Baskets---1.23T
Bulk trash---22.25T
Brush---24.44T
Yard Waste---130.88T
Paper Recycling---.12T
Street Sweepings---.00T
Tires---.39T
Metal---5.97T
Assisted with removal of brush, metal, yard waste and bulk trash
Assisted with putting out dumpster for larger piles of bulk trash
Assisted with helping the black top crew repair a storm drain at 1183 Long Valley Rd.
Assisted with cleaning up trash at the storm water management ponds
Assisted with helping the black top crew black top the shoulder of the road on Krider's Church Rd
Assisted with the leaf vac picking up loose leaves around town

Assisted with helping the black top crew repair a storm drain at Burning Tree Ct.
Assisted with setting up and cleaning up for Miracle on Main St.

Street Maintenance section:
Assisted with repairing a storm drain at 1183 Long Valley Rd.
Assisted with black topping the shoulder of the road on Krider's Church Rd.
Assisted with black topping water patch on Gist Rd
Assisted with cleaning up the pole barn at the street shop
Assisted with cleaning up trash at the storm water management ponds
Assisted with removal of brush, metal, yard waste and bulk trash
Assisted with ran the leaf vac picking up loose leaves around town
Assisted with repairing a storm drain at Burning Tree Ct.
Assisted with setting up and cleaning up for Miracle on Main St.

ENGINEERING

1. Wakefield Valley Community Trail Extension- Conewago Enterprises, Inc. is substantially complete.

2. WWTP ENR Project –City provided GHD, the Engineer with comments to 90% submittal of specs and drawings and is waiting for another submission from GHD with addressed comments. GHD is working on obtaining permits for the project from Carroll County Offices. GHD continues to work on completion of the project design.

3. City Sewer System I&I Study – GHD is working on the project design for phase II. GHD received a permit for the project Phase I from MDE and working on obtaining permits for Carrol County Offices for construction. GHD added design of remediation of the MH 12-8-70 to the project phase I and is working on completing the project.
4. FTTP Phase I project construction started by SMC, Inc. Contractor continues to work at Meadow Branch Rd and Uniontown Rd areas (parts A and D)

5. Reconstruction of the City ramps to the ADA requirements- TBH is the lowest bidder for FY 16-17 project. Contractor expects to start the project at Spring 2017.

WATER PLANT

Cranberry Water System Sources
Raw Water to Plant in MG
Raw Meter Total 36.23258 MG

Recycled Water Total	3.51912 MG
% Recovered	9.713 MG
Cip Wash Water/Membrane Cells	0.15984 MG
Total	36.07274 MG

Raw Water Sources in MG

Cranberry Branch	15.71414 MG
Hull Creek	20.3586 MG
Raw Reservoir	0 MG
Other	0 MG
Total	36.07274 MG

Treated in MG

Finished Water Flow Meter	35.70860 MG
Station Water	.027559 MG
Total Treated	35.68104 MG
Backwash/Recycle Filters	0.2066 MG
Delivered to System	35.47444 MG

Wells in Cranberry System in MG

Well 3	2.274179 MG
Well 4	0.98847 MG
Well 5	5.74206 MG
Well 6	2.77974 MG
Well 7	4.014628 MG
Well 8	4.074656 MG
Well 9 & 10	1.583958 MG
Well 11	3.06807 MG
Total Delivered to System	59.73122 MG
Day of maximum usage, 6	2.20223 MG
Well 4 Backwash	0.0000 MG
Well 5 Backwash	0.00528 MG
Well 7 Backwash	0.25740 MG
Well 8 Backwash	0.00630 MG
Daily Average	1.9910406 MG
Hours Operated	744
Rainfall	2.85 inches
Raw Reservoir Level	22.5’

Wakefield Well System

Well 1	2.156 MG

Well 2	4.273141 MG
Total Delivered to System	6.429141 MG
Filter Backwash	0.00689 MG
Daily Average	0.2073916 MG
Day of maximum usage, 5	0.408342 MG

Bramble Hills System

Total Delivered to System	.035206 MG
Daily Average	.0011735 MG
Day of Maximum Use, 6	.002092 MG

Regular Maintenance at the Wells and Water Plant
Collected process and compliance samples from Plant,Wells and distribution sites
Completed monthly operation reports
Handed out safety information for the month

Respectfully submitted,

David Deutsch
Interim City Administrator

Westminster Police Department
Internal Memorandum

TO: The Honorable Mayor and Common Council

FROM: Jeffrey Spaulding
Chief of Police

DATE: January 3, 2017

TOPIC: **APPROVAL OF CANINE SALES AGREEMENT AND WARRANTY**

As the Council is aware, our former police canine "Casper" retired in October after more than 7-years of service to the citizens of Westminster. In an effort to identify a suitable replacement canine, we collaborated with the Canine Trainer for the Frederick Police Department who agreed to evaluate a series of prospective canines and recommend a suitable dog for our purchase. The trainer evaluated several dogs prior to recommending canine "Foxy" for purchase. Canine "Foxy" is an 18-month old Belgian Malinois. The purchase price for "Foxy" is $7,500 and she is medically warrantied for a period of 10-months. *The dog will be purchased with forfeiture funds and those funds reimbursed by Homeland Security Investigations per our recent HIDTA agreement.* The local provider for the canine is L5-S1 Tactical Training Group from Frederick, MD. A copy of the Canine Sales Agreement and Warranty Information are attached for your review. Both documents have been reviewed and approved for legal sufficiency by the City Attorney.

I am hereby requesting that the Common Council formally approve Mayor Utz to execute the Canine Sales Agreement and Warranty on behalf of the City of Westminster.

Please feel free to contact me if you have any questions relating to this topic.

CC: City Administrator Barbara Matthews

SELLER: L5-S1 Tactical Training Group, LLC

3126-A Basford Road, Frederick, Maryland 21703

PURCHASER: Mayor and Common Council of Westminster

56 W. Main Street

Westminster, Maryland 21157

DELIVERY DATE:

COST: $7,500.00 (DUE UPON DELIVERY OF CANINE)

CANINE PROCUREMENT:

- L5-S1 Tactical will deliver selected canine(s) to Purchaser at the Westminster Police Department ("WPD"), 36 Locust Street, Westminster, Maryland 21157 into the custody of PFC Tim Pheabus only, for evaluation and testing.
- Client agent will evaluate, test and report on canine suitability on Delivery Date plus 7 days.
- Client will deem the specified canine(s) as candidate(s) for the client's program by the 7th day after delivery.
- Any canine(s) not selected will be returned at the expense of L5-S1 Tactical, which shall collect the canine from the WPD, PFC Pheabus, at a mutually agreeable date and time.

DATE OF AGREEMENT:

PURCHASER'S SIGNATURE: _____

PURCHASER'S PRINTED NAME: _____

WARRANTY INFORMATION

CANINE(S) DESCRIPTION:

CANINE DESCRIPTION: Canine, "Foxy", a Belgian Malinois, 18 months old.

L5-S1 Tactical, LLC ("L5-S1") hereby agrees to warrant and replace the previously described canine(s) at no cost to the purchaser should the dog be unhealthy or unsuitable for drug detection or ordinary and customary police patrol work within ten (10) months of this Agreement.

The Purchaser has seven (7) days to have the described canine medically evaluated by a licensed veterinarian. Dogs from L5-S1 are warranted to be healthy and suitable for workability for ten (10) months from the date of this Agreement. Dogs deemed unsuitable for work or health issues within (10) months of this Agreement will be replaced at no cost to the Purchaser. It is the responsibility of the Purchaser to notify L5-S1 as soon as possible should it believe any health or workability issues exist, where L5-S1 will make arrangements to evaluate the canine(s) as soon as practical. **L5-S1 reserves the right to have the canine examined and evaluated by a mutually acceptable independent third party licensed veterinarian. If the veterinarian determines that the lack of suitability of the dog is due to injury or illness incurred after the date of delivery to the Purchaser, or should the canine pass the medical re-examination, the dog will not be replaced by L5-S1.**

NOTE: SPAYED OR NEUTERED DOGS WILL VOID THIS WARRANTY

Any injury, illness, or death, including but not limited to heat stroke, broken teeth or bones, or adverse reactions to drugs, vaccines, or anesthesia given by the Purchaser or the Purchaser's veterinarian will not be covered under this Agreement and will void the warranty.

This canine has received the following vaccinations: [INSERT]the Purchaser acknowledges that any vaccines given to the dog in addition to vaccinations the dog already has can cause damage to the dog's immune system and create health issues later. Please vaccinate the dog under the care and direction of a licensed veterinarian. Overvaccinating the canine will void this warranty.

This canine has been equipped with a microchip, which can be registered with a microchip provider. Ifyou're the Purchaser or the Purchaser's veterinarian removes, replaces, or places an additional microchip, this warranty will be void.

PURCHASER'S OBLIGSTIONS AND RESPONSIBILITIES

1. The Purchaser agrees to maintain the dog in a humane environment and to properly train and care for the dog. The Purchaser shall cause the dog to be legally licensed and receive any required continuing inoculations (against rabies, distemper, parvovirus, and other communicable diseases in accordance with applicable law and standard veterinary practice.

2. The Purchaser agrees to maintain the dog on a heartworm preventive medication on a schedule recommended for the specific region in which the dog will reside. Under no circumstances will the dog be administered liquid Ivermectin, either orally or by injection as a means of heartworm prevention unless the dog has received the MDR1 Sensitivity test and is found to be homozygous for normal genes.

3. The Purchaser agrees that the dog will not be allowed to roam outside the control of its assigned trainer(s) and/or handler(s) and will be secured.

4. The Purchaser agrees to ensure that the dog will be properly socialized.

5. Spay & Neutering is at the discretion and cost of the purchaser.

   NOTE: SPAYED OR NEUTERED DOGS CAN NOT BE RETURNED

6. The Purchaser shall assume any and all civil and criminal liability that may be incurred due to the actions of the canine.

7. This Agreement represents the full and final understanding between the parties, and supersedes any and all previous understandings, commitments, or agreements, oral or written pertaining to this Agreement.

8. This Agreement shall be made binding upon the date of the signature, and insure to the benefit of each party hereto and its successors and assigns. The Purchasers further acknowledges and accepts the terms of the canine warranty, and fully understands its responsibilities of care for the canine described in this Agreement.

ATTEST: L5-S1 TACTICAL, L.L.C

_____ BY: _____
[Insert name and title]

ATTEST: CITY OF WESTMINSTER, MARYLAND

_____ BY: _____,
Shannon Visocsky, City Clerk Kevin R. Utz, Mayor

Approved as to form and legal sufficiency
this ___ day of _____, 2017:

_____
Elissa D. Levan, City Attorney

CITY OF WESTMINSTER
56 W. Main St.
Westminster, Maryland 21157

TELEPHONE
Local (410) 848-9000
Baltimore Line (410) 876-1313
Website: www.westgov.com

To: Mayor & Common Council
From: Tammy Palmer
Date: 1/5/2017
Re: Budget Amendment

Background

According to the City of Westminster Charter: § 20-8. Transfer of funds, any transfer of funds between appropriations proposed by the Mayor must be approved by the Common Council before becoming effective.

Summary

General Fund

A change was made in the payroll system to allow the Police Department to apply for and audit their State Police Aid Grant through an automated process. Formerly, the Department would manually apply percentages of salary and benefits to each department and apply for reimbursement of those funds. The payroll system has been updated for those changes and now the reports are completed instantly. This change requires an appropriations change because a portion of those departments' payroll and benefits are now being allocated directly to the Police Department. This results in an increase in Police Department expense and a decrease in multiple other departments' expense. There is no increase in spending as a result of this change. The change in Police salary and various benefits expense accounts amounts to $267,735.

The Police Department has requested an increase in the expense line item for adjudicated forfeiture in the amount of $25,000. Adjudicated funds are amassed as a result assets seized in a criminal investigation. The balance of the Adjudicated account is currently $80,432.96. The transfer from reserves will come from the restricted adjudicated forfeiture account balance.

The Police Department lost a vehicle to an accident. Insurance coverage amounted to $6,500. The Police Department has requested that the $6,500 insurance be transferred to the Priority One Capital Fund and an additional $21,525 be taken from Priority One Capital reserves to replace the lost car.

The Police Department has requested an additional appropriation of $10,000 for training expense for four cadets attending the Maryland Police and Correctional Training Commission Academy. The $10,000 will come from General Fund reserves.

The Wakefield Valley Trail extension exceeded the budget in the amount of $126,781 as a result of a change in alignment and ADA accessibility required by State Highway Administration. This project dates back to FY2009 and total costs to date are $349,802. Additional expenses are estimated to be $19,134. The City has received Program Open Space grants in the amount of $76,275 and State Highway Infrastructure grants in the amount of $165,880. The amount from General Fund reserves is $126,781.

Last year's budget included $25,000 for painting and $15,000 for gym floor improvements at the Longwell Building. The improvements were not completed until this year. This revision includes $40,000 from General Fund Reserves for painting and gym floor improvements.

Emergency roof repairs were required for the Longwell Building. This revision includes $30,000 from General Fund Reserves for roof repair.

Computer maintenance contracts expiring this year resulted in additional expenses in the Technology Department. Additional expense of $11,075 will be taken from General Fund reserves.

Changes in personnel in the Legislative and Administration Department resulted in an anticipated budget overrun of $245,250 in salary, benefits and consultation expenses. These costs are split between the General, Water, and Sewer Funds. The costs in the General Fund are offset by a decrease in the Contingency account and the Business Continuity account of $10,000 each. The amount from General Fund reserves is $57,850.

Water Fund

Legislative and Administration salary and benefits exceeded the budget in the amount of $63,700 which will come from Water Fund Reserves. Computer maintenance contracts expiring this year resulted in additional expenses of $11,075 which will come from Water Fund reserves.

In addition, the Granular Activated Carbon project is increased to $65,000 which is a result of a transfer of Equipment expense in the amount of $35,000 and Storage Facility in the amount of $30,000. Also, Main St. Water Main project has been postponed and its allocation of $235,000 has been transferred to the Hollow Rock/City St/James Street Water Main project. In addition, $100,000 from the Watershed easements line item is transferred to the Hollow Rock/City St./James St Water Main Project.

Sewer Fund

Legislative and Administration salary and benefits exceeded the budget in the amount of $63,700 which will come from Sewer Fund reserves. Computer

maintenance contracts expiring this year resulted in additional expenses of $11,075 which will come from Sewer Fund reserves. An additional vehicle expense of $43,000 is required as a result of an error. However, pump station upgrades will not be completed this year which results in the return of $31,840 to Sewer Fund reserves. The portable emergency pump was purchased last year which results in the return of allocation of $80,000. The net transfer from Sewer Fund reserves is $5,935.

Recommendation

I respectfully request the following transfers of appropriations: (see tables)

General Fund Revenues	Adopted	Revision 1	After All Revisions
Taxes	10,296,116		10,296,116
Licenses & Permits	503,530		503,530
Intergovernmental	4,948,907		4,948,907
Charges for Services	590,000		590,000
Fines & Forfeitues	185,000		185,000
Miscellaneous Income	301,465		301,465
Transfers	463,953	300,706	764,659
Capital Fund	2,605,496	21,525	2,627,021
	19,894,467	322,231	20,216,698
General Fund Expenses		-	-
Community Support	60,668		60,668
Facilities	3,610,091	196,781	3,806,872
Finance	231,649	(46,280)	185,369
Executive & Legislative	1,141,923	46,814	1,188,737
Human Resources	121,603	(18,710)	102,893
Planning, Zoning & Dev.	386,553		386,553
Housing & Preservation Serv	252,940	(6,731)	246,209
Public Safety Dept	6,767,270	324,260	7,091,530
Public Works	5,439,542	(123,542)	5,316,000
Recreation & Parks	1,145,353	(12,835)	1,132,518
Technology	736,875	(37,526)	699,349
	19,894,467	322,231	20,216,698

Water Revenues	Adopted	Revision 1	After All Revisions
Small Meter City	1,800,000		1,800,000
Small Meter County	1,200,000		1,200,000
Large Meter City	1,100,000		1,100,000
Large Meter County	700,000		700,000
Penalties and Fees	273,650		273,650
Miscellaneous Income	214,161		214,161
Benefit Assessment Fees	296,007		296,007
Transfers	2,566,482	74,775	2,641,257
	8,150,300	74,775	8,225,075
Water Expenses			-
Community Support	11,668		11,668
Facilities	64,343		64,343
Finance	263,501		263,501
Executive Legislative	322,723	63,700	386,423
Human Resources	119,314		119,314
Planning, Zoning & Dev.	123,448		123,448
Public Works	233,438		233,438
Technology	418,705	11,075	429,780
Utilities	788,530		788,530
Water	5,804,630	-	5,804,630
	8,150,300	74,775	8,225,075

Sewer Revenues	Adopted	Revision 1	After All Revisions
Small Meter City	2,400,490		2,400,490
Small Meter County	1,623,768		1,623,768
Large Meter City	1,207,339		1,207,339
Large Meter County	923,796		923,796
Reclaimed Water-County	20,000		20,000
Penalties and Fees	292,450		292,450
Miscellaneous Income	15,000		15,000
Benefit Assessment Fees	303,136		303,136
Grants	16,162,325		16,162,325
Bond Proceeds	10,110,960		10,110,960
Transfers	17,417	5,935	23,352
	33,076,681	5,935	33,082,616
Sewer Expenses			-
Community Support	11,668		11,668
Facilities	64,343		64,343
Finance	263,501		263,501
Executive Legislative	344,593	63,700	408,293
Human Resources	119,314		119,314
Planning, Zoning & Dev.	123,448		123,448
Public Works	232,688		232,688
Technology	418,705	11,075	429,780
Utilities	867,530		867,530
Wastewater	30,630,891	(68,840)	30,562,051
	33,076,681	5,935	33,082,616

Housing Revenues	Adopted	Revision 1	After All Revisions
Housing Assistance Payments	1,778,976		1,778,976
HUD Administrative Fee Dist	210,730		210,730
Miscellaneous Income	10,000		10,000
Transfers	75,000		75,000
	2,074,706		2,074,706
			-
Housing Expenses			-
Salary & Benefits	222,875		222,875
Administration	31,300		31,300
Housing Assistance Payments	1,777,288		1,777,288
Facilities	43,243		43,243
	2,074,706	-	2,074,706

Fiber Revenues	Adopted	Revision 1	After All Revisions
Provider Fees	360,128		360,128
Loan Proceeds	8,946,733		8,946,733
General Fund Subsidy	300,000		300,000
Transfers	33,805		33,805
	9,640,666	-	9,640,666
			-
Fiber Expenses			-
Salary & Benefits	105,000		105,000
Operating Expenses	429,000		429,000
Debt Service	159,933		159,933
Capital Improvements	8,946,733		8,946,733
	9,640,666	-	9,640,666

Sponsored By: Kevin R. Utz, Mayor
Robert Wack, Council President

ORDINANCE NO. _874__

OF THE MAYOR AND COMMON COUNCIL OF WESTMINSTER, MARYLAND AMENDING THE ADOPTED BUDGET FOR THE FISCAL YEAR BEGINNING JULY 1, 2016 AND ENDING JUNE 30, 2017

WHEREAS, in accordance with the requirements of Md. Code Ann., Title 5 of the Local Government Article, and Section 41 of the Charter of the City of Westminster and Chapter 20 of the Code of the City of Westminster , it is the determination of the Mayor and Common Council that an ordinance should be enacted to budget and appropriate funds for the several programs and purposes for which the City of Westminster must provide in the fiscal year beginning July 1, 2016, and ending June 30, 2017 ("Fiscal Year 2017") and to set the property tax rates for the said Fiscal Year 2016; and

WHEREAS, the Mayor, as required by the City Charter, on or before the 15th of June, 2016 prepared and presented to the Common Council a proposed budget outlining the anticipated expenditures and transfers for Fiscal Year 2017. The budget includes the estimated revenues and other financing sources required and establishes the proposed tax rate for all real property taxes; and

WHEREAS, the Common Council held a public hearing on May 9, 2016 after notice thereof in a newspaper having general circulation in Westminster; and

WHEREAS, following said public hearing the Common Council adopted a budget for FY 2017 by Ordinance No. 865; and

WHEREAS, it has come to the attention of the Mayor and Common Council that the City has received certain revenues not included in the adopted budget for Fiscal Year 2017 and further that the City has incurred or will incur expenses exceeding current appropriations for certain budgeted items and that, therefore, certain additional appropriations are necessary; and

WHEREAS, Md. Code Ann., Local Gov't Art., Section 5-205(b) provides, *inter alia*, with respect to expenditures for safety, health, and general welfare that a municipality may not expend funds that were appropriated at the time of the annual levy for a purpose different from the purpose for which the money

was appropriated or spend money not appropriated at the time of the annual levy unless such expenditures are approved by a two-thirds vote of all the individuals elected to the legislative body.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Common Council of the City of Westminster:

Section 1: That the budget adopted for Fiscal Year 2017 by Ordinance No. 865 shall be and hereby is amended to provide for the following additional revenues and expenditures.

General Fund Revenues	**Adopted**	**Revision 1**	**After All Revisions**
Taxes	10,296,116		10,296,116
Licenses & Permits	503,530		503,530
Intergovernmental	4,948,907		4,948,907
Charges for Services	590,000		590,000
Fines & Forfeitues	185,000		185,000
Miscellaneous Income	301,465		301,465
Transfers	463,953	300,706	764,659
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Human Resources	121,603	(18,710)	102,893
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Housing & Preservation Serv	252,940	(6,731)	246,209
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Technology	736,875	(37,526)	699,349
	19,894,467	322,231	20,216,698

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Small Meter County	1,200,000		1,200,000
Large Meter City	1,100,000		1,100,000
Large Meter County	700,000		700,000
Penalties and Fees	273,650		273,650
Miscellaneous Income	214,161		214,161
Benefit Assessment Fees	296,007		296,007
Transfers	2,566,482	74,775	2,641,257
	8,150,300	74,775	8,225,075
Water Expenses			-
Community Support	11,668		11,668
Facilities	64,343		64,343
Finance	263,501		263,501
Executive Legislative	322,723	63,700	386,423
Human Resources	119,314		119,314
Planning, Zoning & Dev.	123,448		123,448
Public Works	233,438		233,438
Technology	418,705	11,075	429,780
Utilities	788,530		788,530
Water	5,804,630	-	5,804,630
	8,150,300	74,775	8,225,075

Sewer Revenues	Adopted	Revision 1	After All Revisions
Small Meter City	2,400,490		2,400,490
Small Meter County	1,623,768		1,623,768
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Large Meter County	923,796		923,796
Reclaimed Water-County	20,000		20,000
Penalties and Fees	292,450		292,450
Miscellaneous Income	15,000		15,000
Benefit Assessment Fees	303,136		303,136
Grants	16,162,325		16,162,325
Bond Proceeds	10,110,960		10,110,960
Transfers	17,417	5,935	23,352
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Finance	263,501		263,501
Executive Legislative	344,593	63,700	408,293
Human Resources	119,314		119,314
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Technology	418,705	11,075	429,780
Utilities	867,530		867,530
Wastewater	30,630,891	(68,840)	30,562,051
	33,076,681	5,935	33,082,616

Housing Revenues	Adopted	Revision 1	After All Revisions
Housing Assistance Payments	1,778,976		1,778,976
HUD Administrative Fee Dist	210,730		210,730
Miscellaneous Income	10,000		10,000
Transfers	75,000		75,000
	2,074,706		2,074,706
			-
Housing Expenses			-
Salary & Benefits	222,875		222,875
Administration	31,300		31,300
Housing Assistance Payments	1,777,288		1,777,288
Facilities	43,243		43,243
	2,074,706	-	2,074,706

Fiber Revenues	Adopted	Revision 1	After All Revisions
Provider Fees	360,128		360,128
Loan Proceeds	8,946,733		8,946,733
General Fund Subsidy	300,000		300,000
Transfers	33,805		33,805
	9,640,666	-	9,640,666
			-
Fiber Expenses			-
Salary & Benefits	105,000		105,000
Operating Expenses	429,000		429,000
Debt Service	159,933		159,933
Capital Improvements	8,946,733		8,946,733
	9,640,666	-	9,640,666

Section 2: Except as set forth in Section 1 hereof, the Fiscal Year 2017 budget adopted by Ordinance No. 865 shall remain in full force and effect.

Section 3: BE IT FURTHER ORDAINED that this ordinance, if adopted by a two-thirds vote of the entire Common Council, shall become effective ten days after its enactment by the Common Council of the City of Westminster, Maryland.

INTRODUCED this ____ day of _____, 2017.

_____
Shannon Visocsky, City Clerk

ADOPTED this _____day of _____, 2017

_____
Shannon Visocsky, City Clerk

APPROVED this _____day of _____ , 2017

_____
Kevin R. Utz, Mayor

APPROVED AS TO FORM AND SUFFICIENCY this _____day of _____, 2017

_____
Elissa D. Levan, City Attorney

Memorandum

Re: Proposed Introduction of Ordinance No. 875 – Amending Chapter 164 "Zoning" to define and regulate small-scale, wind energy converters and solar energy collectors throughout the City

To: Mayor and Common Council

From: Bill Mackey, AICP, Planning Director

Date: January 5, 2017

Background
In recent years, the number of requests for solar panels on the roofs of buildings has been increasing. The City has a long-standing policy of approving such requests. Required permits are approved, issued, inspected, and passed by Carroll County under the general permit provisions of the Westminster City-County Agreement; however, specific zoning regulations have not been adopted by the City to date.

Overview
The proposed ordinance provides for definitions of small-scale devices – *small wind energy converters*, *hot water solar collectors*, and *photovoltaic solar collectors*. The proposed ordinance also defines any roof-mounted device as an accessory use in any zoning district. This would mean that one such device for each category could be mounted on a roof in any district as an accessory use to any permitted use.

For any ground-mounted device or any array of devices, defined as *facilities*, the ordinance provides for four zoning districts, where *facilities* could be permitted by special exception – "C" Conservation Zone, "B" Business Zone, "I-R" Restricted Industrial Zone, and "P-I" Planned Industrial Zone. In all the other districts, only one device (functional unit) per category is permitted as an accessory use (see above).

The proposed, new special exception section includes specific provisions developed by a review of the approaches of neighboring jurisdictions and from models in the American Planning Association (APA) Planning Advisory Service Report No. 566, *Planning for Wind Energy*, and PAS Report No. 575, *Planning for Solar Energy*. The proposal is drafted to mirror other (new) special exception provisions in City Code.

Recommendation
In light of the issues raised regarding the screening of wireless technology, which the Common Council referred back to the Planning and Zoning Commission, the Mayor and Common Council may wish to ask the Commission to consider screening for all types of equipment and appurtenances, especially in those situations where multiple devices, deployments of technology, HVAC equipment, etc., would be utilized.

Staff recommends the proposed ordinance be introduced for consideration and then forwarded to the Planning and Zoning Commission for its review and recommendation to Mayor and Common Council.

Attachments
- Sample Small Wind Energy Converters (images)
- Sample Solar Collectors and Solar Facility (images)

Sample Small Wind Energy Converters

Figure 1. Ground-mounted device (PAS Report 566, APA, p. 113)

Figure 2. Residential, roof-mounted (www.greenlivingideas.com)

Figure 3. Facility in parking lot (PAS Report 566, p. 24)

Sample Solar Collectors and Solar Facility

Figure 4. Roof-mounted, photovoltaic device (PAS Report 575, APA, p. 20)

Figure 5. Ground-mounted, photovoltaic facility (PAS Report 575, p. 88)

Figure 6. Roof-mounted, hybrid wind-solar (www.cleantechnia.com)

Figure 7. Roof-mounted, hot water collector (www.solaharts.com.au)

ORDINANCE NO. 875

AN ORDINANCE AMENDING CHAPTER 164, "ZONING", OF THE WESTMINSTER CITY CODE, ARTICLE I, "GENERAL PROVISIONS", SECTION 164-3, "DEFINITIONS AND WORD USAGE", TO ADD DEFINITIONS FOR CERTAIN SOLAR AND WIND ENERGY FACILITIES; AMENDING ARTICLE III "C-CONSERVATION ZONE", SECTION 164-13, "SPECIAL EXCEPTIONS", ARTICLE VIII, "B-BUSINESS ZONE", SECTION 164-42, "SPECIAL EXCEPTIONS", ARTICLE X, "I-R RESTRICTED INDUSTRIAL ZONE", SECTION 164-54, "SPECIAL EXCEPTIONS", AND ARTICLE XII "P-I PLANNED INDUSTRIAL ZONE", SECTION 164-66.1, "SPECIAL EXCEPTIONS", TO PROVIDE FOR THE INSTALLATION OF CERTAIN SOLAR ENERGY AND WIND ENERGY FACILITIES AS SPECIAL EXCEPTION USES; AND AMENDING ARTICLE XX, "SPECIAL PROVISIONS", TO ADD SECTION 164-155.3, "CLEAN ENERGY FACILITIES", TO PROVIDE STANDARDS FOR THE GRANT OF A SPECIAL EXCEPTION BY THE BOARD OF ZONING APPEALS FOR CERTAIN SOLAR ENERGY AND WIND ENERGY FACILITIES IN CERTAIN ZONES.

WHEREAS, pursuant to the Local Government Article of the Annotated Code of Maryland, § 5-213, the Mayor and Common Council of Westminster, Maryland (the "City") has the authority to provide reasonable zoning regulations subject to the referendum of the voters at regular or special elections; and

WHEREAS, pursuant to Sections 11 through 18 of the City Charter, the City has, for the purpose of promoting the health, security, general welfare and morals of the community, the authority to divide the City into zoning districts and to regulate therein the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land, in accordance with a comprehensive plan and for enumerated purposes, which include the control and direction of municipal expansion and development, provided that such regulations are to be made with reasonable consideration of the character of the districts and their peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, pursuant to the aforestated authority and the additional authority contained in Md. Code Annotated, Land Use Article, Division 1, "Single Jurisdiction Planning and Zoning", Title 4, "Zoning" (formerly, Md. Code Ann., Art. 66B, § 4.01 *et seq*.), the City has enacted Chapter 164, "Zoning", of the City Code; and

WHEREAS, pursuant to Chapter 164, § 164-183, the City's Planning Commission is charged with reviewing proposed amendments to the text of that chapter and submitting a report and recommendation to the Mayor and Common Council with respect to such proposed amendments; and

WHEREAS, a proposal for a text amendment to the Chapter 164 of the City Code, § 164-121, "On-Premises Business Signs", to permit certain clean energy facilities in certain zones in the City by special exception was submitted to the Planning Commission and the Planning Commission issued a report and recommendation relating to said report, and approving the

recommendation, dated _____, which report was presented to the City at a regular meeting of the Mayor and Common Council on _____; and

WHEREAS, an amendment to the text of Chapter 164 of the City Code to incorporate the proposal was introduced before the Mayor and Common Council at a regular meeting on or about November 28, 2016 and, on or about _____, 2016 , a public hearing relating to the aforementioned amendment was held, as required by Section 18 of the City Charter and § 164-186.1 of the City Code; and

Section 1. NOW THEREFORE BE IT ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code Article I, "General Provisions", § 164-3, "Definitions and Word Usage", shall be and hereby is amended as follows:

§ 164-3. Definitions and Word Usage.

A. For the purpose of this chapter, certain words and phrases used herein are defined as follows:

ACCESS:

A means of approach or admission.

* * *

SMALL WIND ENERGY CONVERTER
A device for which the primary purpose is to transform wind energy into electrical energy and for which all required Carroll County permits have been approved, issued, inspected and passed.

SMALL WIND ENERGY CONVERTER, ROOF-MOUNTED
A small wind energy converter that is designed to look like a roof ventilator or small antenna and for which all required Carroll County permits have been approved, issued, inspected and passed. Roof-mounted converters are an accessory use to permitted uses in any zoning district, subject to restrictions of all historic districts.

SMALL WIND ENERGY FACILITY
A series of ground-mounted and/or structure-mounted small wind energy converters that are designed to serve the premises and/or nearby uses where the facility is located. Such facilities are intended for on-site consumption and/or reverse or net-metering. Such facilities are not intended for the commercial sale of energy or for the creation of and/or use as a utility.

SOLAR COLLECTOR, HOT WATER
A device for which the primary purpose is to collect solar radiant energy to heat water for use on-premises and for which all required Carroll County permits have been approved, issued, inspected and passed.

SOLAR COLLECTOR, PHOTOVOLTAIC
A device for which the primary purpose is to transform solar radiant energy into electrical energy for use on-premises and for which all required Carroll County permits have been approved, issued, inspected and passed.

SOLAR COLLECTOR, ROOF-MOUNTED (PHOTOVOLTAIC AND HOT WATER)
A solar collector or array of collectors which are flush with and surface-mounted onto the roof of a building and for which all required Carroll County permits have been approved, issued, inspected and passed. Roof-mounted solar collectors are an accessory use to permitted uses in any zoning district, subject to restrictions of all historic districts.

SOLAR FACILITY
A series of ground-mounted and/or structure-mounted solar photovoltaic collectors that are designed to serve the premises and/or nearby uses where the facility is located. Such facilities are intended for on-site consumption and/or reverse or net-metering. Such facilities are not intended for the commercial sale of energy or for the creation of and/or use as a utility.

* * *

Section 2. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, Article III, "C Conservation Zone", §164-13, "Special Exceptions", shall be and hereby is amended as follows:

§ 164-13. Special exceptions.

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. Antique shops.

* * *

I. Small Wind Energy Converter Facility, subject to the requirements of § 164-155.3

J. Solar Collector Facility, subject to the requirements of § 164-155.3

Section 3. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, that Article VIII, "B-Business Zone", §164-42, "Special Exceptions", shall be and hereby is amended as follows:

§ 164-42. Special exceptions.

The following uses may be permitted as special exceptions in accordance with the provisions of Article XXII:

A. All uses authorized as permitted uses or special exceptions in this zone which are to be located within structures in excess of three stories but not in excess of six stories.

* * *

W. Small Wind Energy Converter Facility, subject to the requirements of § 164-155.3

X. Solar Collector Facility, subject to the requirements of § 164-155.3

Section 4. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, that that Article X, "I-R Restricted Industrial Zone", §164-54, "Special Exceptions", shall be and hereby is amended as follows:

§ 164-54. Special exceptions.

The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Any use permitted in § 164-41A (7), (9), (11), (17), (19), (33), (35), [(36)], (39), (40), (41), (42), (45), (47) and (48).

* * *

L. Small Wind Energy Converter Facility, subject to the requirements of § 164-155.3.

M. Solar Collector Facility, subject to the requirements of § 164-155.3.

Section 5. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, that that Article XII, "P-I Planned Industrial Zone", §164-66.1, "Special Exceptions", shall be and hereby is amended as follows:

§ 164-66.1. Special exceptions.
The following uses may be permitted as a special exception in accordance with the provisions of Article XXII:

A. Telecommunications facilities, subject to the requirements of § 164-139.1.

B. Small Wind Energy Converter Facility, subject to the requirements of § 164-155.3

C. Solar Collector Facility, subject to the requirements of § 164-155.3

Section 6. BE IT FURTHER ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 164, "Zoning", of the Westminster City Code, that Article XX, "Special Provisions" shall be and is hereby amended to add a new §164-155.3, "Clean Energy Facilities" as follows:

§ 164-155.3 Clean Energy Facilities (Small Wind Energy Facility and Solar Facility)

A. Clean energy facilities may be permitted as a special exception upon approval by the Board in accordance with the provisions of this Code, provided that the following minimum standards and requirements are met:

1. Clean energy facilities shall be setback from property lines a distance equal to their overall height or as may be approved by the Board in order to provide space for adequate fall zones. The Board may consider topography and design for safety such as guy wires and break-away, collapsible structures and may approve reduced facility setbacks, as may be appropriate.

2. Clean energy facilities shall be setback from all existing overhead utility lines, all underground and overhead utility easements, all public and private easements, and all public and private roads and rights-of-way in the same manner as subsection (A)(1) of this Section, regardless of the existing property lines.

3. Clean energy facilities shall not be lighted, unless required by the Federal Aviation Administration (FAA). Signage on facilities other than manufacturer or owner identification and safety or warning signage is prohibited. Small interpretative plaques may be permitted by the Board, at its discretion. Such signs should be pedestrian-scale.

4. Clean energy facilities shall conform with applicable industry standards, such as the American National Standards Institute (ANSI), Underwriters Laboratory (UL), the American Society of Testing and Materials (ASTM) or similar organizations and institutes.

5. Clean energy facilities shall be designed and located to avoid glare, moving shadow and/or any reflection onto adjacent properties and adjacent roadways and shall not interfere with traffic or create a safety hazard. Glare analysis shall be included in any submittal to the Board.

6. Clean energy facilities shall be designed and secured to prevent unauthorized access by use of secured fencing and/or other enclosures, by prohibiting climbing aids from the first eight feet (8') of facilities, or by location on a similarly secured structure. All security fencing must be located between landscaping and the clean energy facilities

7. Audible sound from the clean energy facilities and support devices, including but not limited to transformers, as measured at the property line shall not exceed normal ambient sound levels from traffic and other conditions in the vicinity, as determined by the Board at its discretion.

8. Clean energy facilities must be certified by the Small Wind Certification Council, the Solar Rating & Certification Corporation or equivalent organizations.

9. Any transmission lines and all facility connections for clean energy facilities shall be underground and all facilities shall comply with the most current requirements for electrical connections and required electrical permits in the Carroll County Code of Public Laws.

B. The applicant shall submit a perimeter landscaping plan for the entire site, depicting landscaping adequate to screen the site in the judgment of the Board.

C. The premises shall be maintained at all times in a clean and orderly condition including the care or replacement of plant materials required in the landscaping plan for the site. The plan shall include details on maintenance of and access to the site.

D. Facilities shall comply with all applicable local, state, and federal laws and provisions. Facilities no longer in use shall be removed from the site within one year of the date that the use ceases. Then, the site shall be graded, topsoil added and landscaped.

E. The Board may only approve the specific facility represented in the drawings.

Section 7. Be it further enacted and ordained by The Mayor and Common Council of Westminster that this Ordinance shall take effect (10) ten days after its passage and approval.

INTRODUCED this _____ day of _____, 2017.

_____
Barbara B. Matthews, City Administrator

PASSED this _____ day of _____, 2017.

_____
Barbara B. Matthews, City Administrator

APPROVED this _____ day of _____, 2017.

_____
Kevin R. Utz, Mayor

APPROVED AS TO FORM AND SUFFICIENCY
this ____ day of _____, 2017:

_____
Elissa D. Levan, City Attorney