1. City Council Meeting Agenda

Documents:

AGENDA 01 23 17.PDF

1.I. City Council Meeting Packet

Documents:

COUNCIL PACKET 01 23 17.PDF

AGENDA
CITY OF WESTMINSTER, MARYLAND
Mayor and Common Council Meeting of January 23, 2017

1. CALL TO ORDER

2. APPROVAL OF MINUTES

Approval of Mayor and Common Council Meeting Minutes of January 9, 2017

Approval of Executive Session Minutes of January 9, 2017

3. PUBLIC HEARINGS

4. CONSENT CALENDAR

Approval of December 2016 Departmental Operating Reports

UPSD Agreement Renewal with Town Mall - Chief Spaulding

Façade easement, Agreement A-1099, for the City Mural at Locust Lane City Park – Bill Mackey

5. REPORT FROM THE MAYOR

6. REPORTS FROM STANDING COMMITTEES

7. COUNCIL COMMENTS AND DISCUSSION

8. BIDS

9. ORDINANCES & RESOLUTIONS

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

10. UNFINISHED BUSINESS

Use of Winters Street for a Bike Lane

11. NEW BUSINESS

Presentation of the Fiscal Year 2016 Audited Financial Reports-Cohn Reznick

12. DEPARTMENTAL REPORTS

13. CITIZEN COMMENTS

14. ADJOURNMENT

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MINUTES

CITY OF WESTMINSTER, MARYLAND

Mayor and Common Council Meeting of January 9, 2017

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 Public Works Glass, City Clerk Visocsky, City Attorney Levan, Director of Finance and Administrative Services Palmer, Chief of Police Spaulding, City Administrator Matthews, and Director of Community Planning & Development Mackey.

President Wack welcomed Barbara Matthews to the City of Westminster as the new City Administrator. On behalf of the Mayor and Council, he then thanked Mr. David Deutsch for his service at the City as the Interim City Administrator.

Mayor Utz expressed his appreciation to Mr. Deutsch for his time at the City of Westminster. Councilman Pecoraro also thanked Mr. Deutsch. Councilman Chiavacci complimented Mr. Deutsch on the wonderful job he had done and thanked him for his service. Councilwoman Becker also complimented Mr. Deutsch on a job well done.

Mr. Deutsch thanked the Mayor and Common Council for the opportunity to serve as the Interim City Administrator for the City of Westminster. He stated that he had truly enjoyed working with staff as well as the Mayor and Common Council.

APPROVAL OF MINUTES OF THE MEETING DECEMBER 12, 2016

Councilman Chiavacci moved, Councilwoman Albert seconded, to approve the minutes of the meeting December 12, 2016, as recommended.

VOTE

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

MOTION Passed Unanimously 5-0.

CONSENT CALENDAR

Council President Wack requested a motion to approve the Consent Calendar that consists of November 2016 Departmental Operating Reports and the Canine Sales Agreement and Warranty for the Westminster Police Department.

Councilman Pecoraro moved, Councilwoman Becker seconded, to approve the Consent Calendar, as recommended.

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

MOTION Passed Unanimously 5-0.

REPORT FROM THE MAYOR
Mayor Utz shared that the City received a holiday card from the Westminster City Hall in London.

REPORTS FROM STANDING COMMITTEES
Councilman Chiavacci, on behalf of the Safety Committee, reported that the suspect was apprehended for the robbery at the PNC bank. He complimented the Westminster Police Department on their work on this case. Councilman Chiavacci also noted how quiet it was throughout the holiday season, which reflects on the job well done by the Westminster Police Department in patrolling.

ORDINANCES & RESOLUTIONS
Ms. Palmer recommended that the Mayor and Common Council introduce Ordinance No. 874, an ordinance amending the adopted budget for the fiscal year ending June 30, 2017. President Wack commented that ordinance amendment was an annual housekeeping for the budget.

Councilman Chiavacci moved, Councilwoman Albert seconded, to introduce Ordinance 874 – An Ordinance amending the adopted budget for the fiscal year ending June 30, 2017.

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

MOTION Passed Unanimously 5-0.

Mr. Mackey informed the Mayor and Common Council that the proposed Ordinance No. 875 provides definitions of small wind energy converters, hot water solar collectors, and photovoltaic solar collectors. The ordinance also defines any roof-mounted device as an accessory use in any zoning district. 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 as special exceptions. The zoning districts include Conservation zone, Business Zone, Restricted Industrial Zone and Planned Industrial Zone. The new special exception section includes special provisions developed by a review of the approaches of neighboring jurisdictions and from models in the American Planning Association, Planning Advisory Service Report No. 566, Planning for Wind Energy, and PAS Report No. 575, Planning for Solar Energy.

Mr. Mackey recommended that the Mayor and Common Council introduce Ordinance No. 875, amending Chapter 164 “Zoning” to define and regulate small-scale, wind energy converters and solar energy collectors throughout the City.

Councilman Pecoraro noted that height restrictions were not included in the ordinance and suggested that this be considered. Councilwoman Becker recalled that the County has some restrictions for wind turbines. She agreed with Councilman Pecoraro that height restrictions should be considered.

Councilman Chiavacci commented that, because the City has relatively dense communities, he feels that this may cause push back. The City needs to be sensitive in looking at all aspects of the issue, such as size, screening, and scope of the small-scale, wind energy converters and solar collectors. Councilman Chiavacci commented that he would like to see community input regarding this. Mayor Utz commented that the HOAs and associations may have the same type of restrictions and would want to have interaction with the Council regarding the proposed ordinance. Councilwoman Becker commented that she would like to see the ordinance move forward and noted that the wind turbines are very small in size but agrees that consideration is needed. President Wack agreed that a standard to achieve a balanced approach is needed. Councilwoman Becker questioned if the Planning and Zoning Commission currently provides input on solar panels being put on homes. Mr. Mackey replied not currently.

Councilman Pecoraro moved, Councilwoman Becker seconded, to introduce Ordinance No. 875 – Amending Chapter 164 "Zoning" to define and regulate small-scale, wind energy converters and solar energy collectors throughout the City.

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

MOTION Passed Unanimously 5-0.

UNFINISHED BUSINESS
Mr. Mackey began by sharing that the discussion of the proposed Wakefield Valley to allow 53 homes on parcel W is for deliberation by Council. President Wack inquired if Council needed to come to a consensus regarding the proposed Wakefield Valley development by the end of the Mayor and Common Council meeting on January 9. Ms. Levan replied that Council did not need to come to consensus by the end of tonight's meeting.

Councilman Pecoraro inquired what needed to be decided as part of the discussion. Ms. Levan replied that the Wakefield Valley plan is subject to Section 164-133. Section 133 provides for properties that had development plans adopted prior to November 5, 1979, regardless of the zone classification. If the development plans are amended, they are then referred to sub-section 164-188 J. There are six criteria for which the Council will need to make specific findings. Ms. Levan suggested that the Council itemize the factors as they make the decision. The Council agreed that the conclusion of the decision will be to approve or deny and not to amend the application.

The first factor for consideration is that the zone applied for is in substantial compliance with the use and density indicated by the Master Plan or sector plan and that it does not conflict with the general plan, the City's capital improvements program, or other applicable City plans and policies. President Wack commented that he felt that the proposed plan did not fit with what Wakefield Valley should look like due to the density; therefore, it conflicts with the City's general plan. Councilman Pecoraro

concurred that the density plan is not in compliance. Councilwoman Becker felt that the first factor failed according to the 2009 Comprehensive Plan. Councilwoman Albert agreed with Councilwoman Becker.

Second, the proposed development would comply with the purposes, standards, and regulations of the zone as set forth in Articles II through XV, providing for the maximum safety, convenience and amenity of the residents of the development and would be compatible with adjacent development. President Wack found there was reasonable evidence to support a positive finding. Councilwoman Becker commented that it was not known what the adjacent development might include. Councilman Pecoraro added that lot sizes of the development are different from neighboring parcels. President Wack commented that the Mayor and Council did not see a specific analysis.

Third, the proposed vehicular and pedestrian circulation systems are adequate and efficient. The Council agreed that the record contained considerable evidence to support a positive finding. There was no compelling evidence that the proposed plan couldn't handle the traffic.

Fourth, by its design, by minimizing grading and by other means, the proposed development would tend to prevent erosion of the soil and to preserve natural vegetation and other natural features of the site. President Wack found that this factor is not relevant at this time and that the applicant had not submitted this part of the proposal yet. He added that there was no evidence to prove that there would not be any erosion; therefore, one cannot say that it passes. Councilman Chiavacci commented that the state and local rules and regulations would require the development to meet certain standards. Mayor Utz commented that Mr. Hackett had addressed this during the quasi-judicial hearing.

Fifth, that any proposal, including restrictions, agreements or other documents, which show the ownership and method of assuring perpetual maintenance of those areas, if any, that are intended to be used for recreational or other common or quasi-public purposes, are adequate and sufficient. Council members agreed with President Wack that the fifth factor passed due to the common areas that were presented in the plan. President Wack added that there is no requirement for recreational space. Councilwoman Becker and Councilman Chiavacci agreed that this factor passes.

Finally, the sixth factor, the submitted development plan is in accord with all pertinent statuary requirements and is or is not approved. Disapproval of a development plan by the Common Council shall result in a denial of the rezoning application of which the development plan is a part. Ms. Levan suggested that it is difficult to see how this factor could apply for this particular site on a negative basis.

Councilman Pecoraro shared that the sixth factor all goes back to the first factor, which is the most important taking into account all the materials that were submitted. In his opinion, he failed to see anything that is compelling regarding why 50 new development rights should be granted. Additionally, Wakefield Valley should have less development, not more. The character of Wakefield Valley is open space. Ms. Albert concurred with Councilman Pecoraro. Councilwoman Becker commented that the first point failed, in that, 50 houses are not conservation. Councilman Chiavacci added that based on the evidence that was presented, the first factor failed. Councilwoman Albert concurred. Councilwoman Albert added that she has maintained and agreed that that Wakefield Valley should be kept as open space. Councilwoman Albert stated that enough information was given to make an

informed decision. In conclusion, the Council found factors two, three, four and five to pass and factors one and six to fail.

Councilman Pecoraro moved, seconded by Councilman Chiavacci, that the application for the development failed the first factor, as recommended.

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

MOTION Passed Unanimously 5-0.

Councilman Pecoraro moved, seconded by Councilwoman Albert, that the second, third, fourth and fifth factors passed, as recommended.

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

MOTION Passed Unanimously 5-0.

Councilman Pecoraro moved, seconded by Councilwoman Albert, that the sixth factor is not in accord with all pertinent statutes and is not approved.

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

MOTION Passed Unanimously 5-0.

NEW BUSINESS
President Wack requested a motion to approve the appointment of Barbara Matthews as City Administrator.

Councilwoman Albert moved, seconded by Councilman Chiavacci, to approve the appointment of Barbara Matthews as 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.

President Wack requested a motion to hold an executive session immediately following the regular meeting to consider the acquisition of real property for a public purpose and matters directly related thereto; to consult with counsel to obtain legal advice on a legal matter; and to consult with staff, consultants, or other individuals about pending or potential litigation.

Councilwoman Albert moved, seconded by Councilman Chiavacci, to hold an Executive Session immediately following regular meeting, 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. Cumberland welcomed Ms. Matthews to the City of Westminster. He reported that, during the month of December, the Westminster Fire Department responded to 173 calls, totaling 1,823 for 2016. During the month of December, there were 492 EMS calls, totaling 5,374 for 2016.

Mr. Glass reported that the fiber maintenance contract went out to bid and that there were bids out for major waterline for replacements. Councilman Chiavacci inquired where the City currently stands with Hyde's quarry. Mr. Glass replied that the testing has been completed for Hyde's quarry and we are still making progress through MDE and the County at this time.

Ms. Palmer welcomed Ms. Matthews to the City of Westminster. She shared that she and Ms. Matthews had a discussion regarding the budget and the improvements that were needed. Ms. Palmer also reported that the Purchase card plan training was being held on January 11.

Chief Spaulding reported that the Chamber of Commerce would hold its first Annual Public Safety Awards Program on May 18.

Ms. Matthews reminded Mayor and Common Council that City offices would be closed on January 16 due to the MLK Holiday. She then shared that she would be sending out a budget survey to Mayor and Common Council for feedback regarding the FY 2018 budget.

CITIZEN COMMENTS
Lyndi McNulty, 195 W. Main Street, expressed her concerns regarding her properties being vandalized and robbed. Ms. McNulty suggested that the City allocate more funding for the Westminster Police Department to hire more police officers.

Richard Huss, 947 Westcliff Court, President of the HOA for Fenby Farm, thanked the Mayor and Common Council for listening to the community and not allowing the development at Wakefield Valley.

On a separate item, Mr. Huss also thanked President Wack for visiting the HOA Board and Councilman Chiavacci for voicing an interest in visiting the community to speak about the potential for a park. He commented that this was appreciated by the community and had received positive feedback. President Wack commented that he enjoyed his time spent with the board.

Ed Kramer, 371 Winged Foot Drive, shared his support for Ordinance No. 875 and would like to see the City move forward on solar panels. He suggested a community incentive to encourage the installation of solar panels.

ADJOURNMENT

President Wack adjourned the meeting at 8:28 PM.

Respectfully Submitted,

Shannon Visocsky

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

CITY OF WESTMINSTER, MARYLAND

STATUS & INFORMATION REPORT NO. 06 FOR FY 2017

FINANCE

Treasury Reports as of December 31, 2016 – Unadjusted and Unaudited

GENERAL FUND REVENUES		Budget		Actual YTD	% to Budget
Taxes	$	10,296,117	$	6,823,116	66%
Licenses and Permits		503,530		169,114	34%
Intergovernmental		4,455,907		1,748,568	39%
Charges for Services		599,090		364,250	61%
Fines & Forfeitures		185,000		88,886	48%
Miscellaneous Income		98,200		47,477	48%
Benefit Assessments		187,175		49,920	27%
Capital Tax Revenue		1,989,974		1,468,600	74%
Transfers		704,475		-	0%
GENERAL FUND APPROPRIATION BY ACTIVITY					
Community Support	$	60,668	$	24,415	40%
Facilities	$	3,663,441	$	566,402	15%
Finance	$	185,369	$	77,159	42%
Executive & Legislative	$	1,048,387	$	363,360	35%
Human Resources	$	102,893	$	39,847	39%
Planning, Zoning & Development	$	386,553	$	195,420	51%
Housing & Preservation Services	$	246,209	$	46,867	19%
Public Safety Department	$	6,989,155	$	3,591,088	51%
Public Works	$	4,816,000	$	2,654,386	55%
Recreation & Parks	$	1,132,519	$	568,965	50%
Technology	$	388,274	$	123,695	32%
Total General Fund Revenues	$	19,019,468	$	10,759,930	57%
Total General Fund Appropriations	$	19,019,468	$	8,251,603	43%

UTILITY FUND REVENUES		Budget		Actual YTD	% to Budget
Small Meter - City	$	4,200,490	$	1,621,205	39%
Small Meter - County		2,823,768		1,034,892	37%
Large Meter - City		2,307,339		828,359	36%
Large Meter - County		1,623,796		484,593	30%
Reclaimed - City		-		-	
Reclaimed - County		20,000		8,418	42%
Benefit Assessment Fees		599,143		181,931	30%
Transfer from Benefit Assessment		-		-	
Carroll County Septage Facility		202,000		108,584	54%
Capital Projects Transfers		27,629,338		-	0%
Miscellaneous Income		593,261		364,398	61%
Transfers		1,227,846		-	0%
UTILITY FUND APPROPRIATION BY ACTIVITY					
Community Support	$	23,336	$	23,526	101%
Facilities		128,686		53,800	42%
Finance		527,002		233,295	44%
Executive & Legislative		667,318		375,876	56%
Human Resources		238,628		92,740	39%
Planning, Zoning & Development		246,896		113,361	46%
Public Works		466,126		199,278	43%
Technology		837,410		243,292	29%
Utilities		1,656,060		735,382	44%
Water		5,804,630		1,672,632	29%
Wastewater		30,630,892		965,052	3%
Total Utility Fund Revenues	$	41,226,981	$	4,632,380	11%
Total Utility Fund Appropriations	$	41,226,984	$	4,708,233	11%

FIBER FUND OPERATING REVENUES		Budget		Actual YTD	% to Budget
Provider Fees - Units Passed	$	360,128	$	20,250	6%
Provider Fees - Subscriptions		-		8,381	
Miscellaneous		-		43,750	
General Fund Subsidy		300,000		-	0%
Transfers		33,805		-	0%
FIBER FUND OPERATING EXPENDITURES					
Salaries & Benefits	$	105,000	$	-	0%
Operating Expenses		429,000		65,613	15%
Debt Service		159,933		9,100	6%
Total Operating Revenues	$	693,933	$	72,381	10%
Total Operating Expenses		693,933		74,713	11%
Net Income (Loss)	$	-	$	(2,332)	

PUBLIC HOUSING FUND REVENUES		Budget		Actual YTD	% to Budget
Housing Assistance Payments	$	1,778,976	$	961,818	54%
HAP Equity Reserve Transfer		75,000		-	0%
HUD Administrative Fee Distribution		210,730		103,492	49%
Miscellaneous Income		10,000		7,622	76%
PUBLIC HOUSING FUND EXPENDITURES					
Salaries & Benefits	$	222,976	$	108,097	48%
Administration		36,200		9,516	26%
Housing Assistance Payments		1,772,288		945,539	53%
Facilities		43,243		17,943	41%
Total PHA Fund Revenues	$	2,074,706	$	1,072,932	52%
Total PHA Fund Appropriations	$	2,074,707	$	1,081,096	52%

Disbursements between $10,000 and $25,000 from January 1 through January 18, 2017:

Vendor Name	Description	Total Amount
COMPTROLLER OF MARYLAND	MD STATE TAX: PAYMENT	$17,735.84
INTEGRATED AGRONOMICS LLC	SLUDGE	$18,700.36
MD ST RETIREMENT & PENSION SYS	MD STATE RETIREMENT: PAYMENT	$18,602.86
MORTON SALT INC	SALT	$14,022.94
NATIONWIDE RETIREMENT SOLUTION	ROTH 457(B): PAYMENT	$11,219.12
STAMBAUGH, JASON	FIBER NETWORK EXPENSES	$12,690.53
STAMBAUGH, JASON	FIBER NETWORK EXPENSES	$10,143.15
WESTMINSTER FIRE COMPANY	BUDGET PAYMENT JAN 17	$20,833.34

Technology Services

Technical Support and Application Support:

- Total Helpdesk Calls = 81
- Total Water Bill Calls = 22
- New PC's Deployed = 0
- PC'S Reimaged = 8
- Password Resets or unlocks = 23
- New Employees Trained = 0
- City Email Usage for last 30 days = 101.4K
- Monthly City Backup = 9.5 Terabyte

Projects:

- Eden Needs to be upgraded from 5.14.1.2 to 5.16.0.0 (Completed)
- Tyler Cashiering needs to be upgraded to Server 2012 from 2008
- Eden app systems(EAS) needs to be updated to 1.0.44
- 2016-3.4 Cashiering (Ready to test)
- Sound for Council Progress upgrading sound system ordered
- Looking into phone App companies
- Asset management software for Public Works

- Downtown Wi-Fi study draft RFP
- Starting to work on server replacement cost and demo's
- Working on e recycling for old computers
- Working on 3 PCI issues (One now competed)
- Working on file search and email journaling
- Working on file letter restructuring
- Replacing fiber switch at main locations "County"
- Working on make PRI's redundant between 56 and police
- Setting up Phone Software upgrade
- Upgrading Domain Controllers from 2008 to 2012
- Upgrading Active directory from 2003 to 2012
- Upgrading VMware from 5.5 to 6

GIS:

- Wi-Fi Map updates for RFP
- Latitude and Longitude conversions for engineering drawings
- Geo-referencing (overlaying on aerial map) drawings for digitizing data
- Water solutions and water shutoff map for ArcGIS Online
- Working with data for affected area map of water main shut offs
- Winters Lot map
- Preparing ArcGIS Collector data for sidewalk inspections
- Geo-referencing drawings
- Wakefield Valley Trail map updates
- ArcGIS help for a map of Winters Street
- Online map creation for sidewalk inspections
- Restaurants online map app updated with new restaurants
- Fiber project address count for service areas
- Citizen map request

HUMAN RESOURCES

Benefits/Wellness

- Nationwide Retirement Solutions Deferred Compensation
    - Verified employee eligibility and participation census for FY15 and FY16 for the 401(a) matching plan for submission to Nationwide
- Nationwide Social Security "It's the choice of a lifetime" workshop held - 16 attendees
- Researched the Teladoc benefit
- Wellness Program
    - Prepared/distributed the December electronic monthly wellness newsletter
    - Prepared "New Year New You" fitness challenge flyer for January
    - Employee Assistance Program presentations by BHS and Cigna – 14 attendees
- Verified and approved the Maryland State Retirement Agency annual invoice for payment

- Updated the Maryland State Retirement Agency system with the January Medicare premium increases for monthly retiree deductions.
- Met with the Benecon and Cigna representatives to review the annual Cigna Consultative Analytics report; reviewed the ConnectCare3 utilization status report
- Reviewed dependents on insurance for age-outs in 2017

Employment/Recruitment

Advertisements:

	Internal Advertisements	External Advertisements	Internal Applications Processed	External Applications Processed
Full-time	2	2	0	12
Part-time	0	0	0	0
Temporary	0	0	0	0
Seasonal	0	0	0	0

Processed:

	New Hire Documentation	Employee Orientations	Internal Transfers	Promotions
Full-time	4	4	1	1
Part-time				
Temporary		1		
Seasonal				

Projects

- Prepared holiday lunch agenda and Cost Savings Awards Certificates
- At the request of the State of Maryland Office of the Attorney General, calculated the FY15 Full Time Equivalent employee count and completed form for a case settlement benefitting Maryland Local Governments

Risk Management

- Insurance Claims Filed

Automobile	Liability	Property	Sewer Back-	Workers'
2	0	0	0	1

- Processed 2 new CDL drivers
- Fingerprinted 2 new hires
- Distributed the annual hearing testing results to Public Works employees as required by the Hearing Conservation Program policy, and scheduled re-tests
- Met with the Chesapeake Employers' Insurance claims representative to review open claims
- Researched Certificate of Insurance questions with LGIT for Police secondary employment
- Researched insurance requirements for Public Works project
- Scheduled Defensive Driver training to be presented by LGIT in January for new employees and volunteers
- Received and logged the annual respirator fit test results, and distributed to Public Works superintendents

- Held Safety Committee Meeting
    - Presentation on Safety Data Sheet (SDS) online service
    - Presentation by Chesapeake loss control representative on OSHA's final rule on Walking/Working Surfaces and Fall Protection
    - Discussed:

        (1) Work-related injury report
        (2) Annual Risk Management Policies and Procedures review
        (3) Job Hazard Assessments
        (4) Defensive driver training for new employees
        (5) Status of hands-on respirator training
        (6) Status of monthly building self-inspections
        (7) Status of online safety training
        (8) Status of refills for the first aid stations
        (9) National Safety Month activities

Trainings/Meetings

- HR Manager attended a webinar on Performance Strategies
- Sr. HR Specialist attended an MSRA webinar on LEOPS Deferred Retirement Option Program (DROP)
- Sr. HR Specialist attended Benecon webinar on Cobra administration procedures

COMMUNITY PLANNING AND DEVELOPMENT

COMMUNITY PLANNING AND DEVELOPMENT PERFORMANCE MEASURES	
	December 2016
Building Permits approved	15
Façade Improvements completed	1
Planning and Zoning Commission items	2
Sign Permits issued	3
Zoning Verification Letters	1
Use and Occupancy	5

During the month of **December,** the Department of Community Planning and Development provided staff support for the Planning and Zoning Commission and the Historic District Commission. The Board of Zoning Appeals and the Tree Commission did not meet in December. The department also provides planning, zoning and economic development services. Highlights are provided below.

- Items related to **the Mayor and Common Council** for the month of December included a proposed amendment to Wakefield Valley to allow 53 new houses; disapproval of Ordinance No. 869 amending Chapter 164 "Zoning and Subdivision of Land" to address

wireless technology on certain private property; and, introduction of 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.

- The **Planning and Zoning Commission** was provided materials on the upcoming review of the *2009 Comprehensive Plan* and proposed Rules and Regulations. The Commission adopted minutes from November 17, 2016, for use as evidence regarding the proposed amendment to Wakefield Valley.

- The **Historic District Commission** hosted the 2016 Holiday House Tour at Belle Grove Square. City Police, Public Works, and DCPD collaborated to assist with the event. Early reporting indicates that ticket sales appear to be similar to 2014 with 470± tickets sold. A report on expenses and revenues is in preparation.

- **Fifteen building permits** were approved for projects within the City, including one new home in Bolton Hill on Amherst Lane; one rehab of a property on East Main Street, which will include four apartment units for rent; one residential solar panel; and, one new business, *Mediterraneo Ristorante Italiano*, which in this case, is a relocation to Downtown at the intersection of Main Street and Pennsylvania Ave. The remainder of the approved building permits were for decks and miscellaneous construction.

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 also creates monthly downtown newsletters and promotes downtown events. Additionally, the City's marketing and promotion consultant also works on events with the DCPD team.

- This month's focus was the **Holiday House Tour**. The marketing consultant's services included budget development; design of a poster for sale at the event; entertainment coordination; updating volunteers; refreshment coordination with members of the Historic District Commission; securing and confirming ticket outlets; distribution of tickets to outlets and money pickup; advertising via and management of Facebook presence and billboard; public relations; and, ongoing event management and meetings.

- For the **Mayor's Cup**, presented on December 12, 2016, the marketing consultant's services included coordination of entries; coordination of judging; review of judging forms to determine winner; Mayor's Cup engraving; and, announcement of the presentation to local business community via social media.

- For the **Small Business Saturday: Shop Small, 8 Days a Week** activities, marketing consultant services included coordination of Facebook Live event to announce the winners; email correspondence and coordination with all winners and businesses; administration of program with businesses, winners, and Carroll County municipalities; design of winner certificates; and, coordination of sponsorship payments.

- Future event planning for the 2017 **Wine Stroll** included preliminary discussions with the Maryland Wine Association (MWA), creation of new Event Plan, poster design, and development of an MOU with MWA.

- Other 2017 event planning included coordination with Arts Council, Library, Historical Society, McDaniel and the City to create an **overall events calendar**; coordination of agenda and attendance for January meeting of the retailers and restauranteurs; planning for the 2017 **Farmers' Market** including updates to Farmers Market Producer agreements; and, communications with current and potential producers, as well as the beginning of design for promotional materials for **Celtic Canter** and the **Month of Sundays**.

- Additionally, the marketing consultant met with staff for event planning; the Carroll County Downtowns group, comprising multiple municipalities; Westminster Council members; and, Tamar Osterman, Office of Business Development, Maryland Department of Commerce.

- The marketing consultant worked on social media posts, at least once daily; drafted an introduction for the City's monthly downtown newsletter; and, met with new and potential business owners including the Rare Opportunity Bakehouse (opened in the former J Café space), Sharon Yingling, building owner (ready for tenants in Spring 2017), Eclecticity (opened 11/26), Food Chick (interested in Conah's space), and two potential businesses looking for bookstore space.

Finally, DCPD staff answer hundreds of inquiries every month by email, phone and in person. The email received by DCPD in December exceeded 2,300. Responses sent by DCPD exceeded 830. Also, on many matters, staff meet with applicants and their attorneys 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
December 2016	979	49	17	5	189	303
2016 Total	**11,085**	**510**	**77**	**96**	**2,236**	**3,223.5**
2015 Total	10,979	652	113	131	3,127	2,708.75

Significant Cases in December:

Crime: **Armed Robbery - Bank**
Date/Time of Report: December 7, 2016 @ 10:30 a.m.
Location: PNC Bank – 400 block of Englar Road

Details: On December 7th at approximately 10:30 a.m., officers were dispatched to the PNC Bank on Englar Road for the report of a robbery in progress. It was reported that a lone male had entered the bank and displayed a handgun, demanding cash from a teller. Following the robbery, the suspect fled the parking lot in a white vehicle. No injuries were reported as a result of the robbery. An extensive search of the area failed to locate the suspect. Detectives learned that this robbery was very similar to a bank robbery in Hagerstown on December 2nd. Working in collaboration with investigators for Hagerstown PD and the FBI, a suspect was quickly identified. It was also learned that the suspect was a convicted felon who had recently been released from prison. An arrest warrant was obtained charging the suspect with the Hagerstown robbery. He was subsequently located and taken into custody on December 14th by the Pennsylvania State Police at his residence near Harrisburg. He has since been returned to Maryland to stand trial for both bank robberies.

Arrested/Charged: Edwin Hoerner (53 years of age) of Shiremanstown Borough PA

Crime: **Aggravated Assault - Choking**

Date/Time of Report: December 11, 2016 @ 10:00 a.m.

Location: Unit block of Union Street

Details: On December 11th, the victim in this case came to Police Headquarters to file a complaint relating to a domestic assault which had occurred at her residence on Union Street during a several hour period earlier on that date. According to the victim, her former boyfriend was visiting and initiated an argument with her about a text message that he observed on her phone. The argument escalated to a physical assault during which she was beaten and choked. She was eventually able to flee the residence at which time the suspect left the area in his vehicle. The victim was taken to Carroll Hospital Center where her injuries were treated and documented. An arrest warrant was obtained charging the suspect with assault and related charges. He was arrested on December 13th and the charges were served.

Arrested/Charged: Michael Adrian Smith (25 years of age) of Westminster

Crime: **Aggravated Assault – Baseball Bat**

Date/Time of Report: December 22, 2016 @ 6:40 p.m.

Location: 600 block of Spring Meadow Drive

Details: On December 22nd at approximately 6:40 p.m., officers responded to a residence in the 600 block of Spring Meadow Drive regarding an assault. Upon arrival they contacted the victim who indicated that he had been assaulted by his son during an argument over car keys. According to the victim, his son struck him on the head with a baseball bat during the argument, causing him to lose consciousness. The victim was transported to the hospital by ambulance for treatment and documentation of his injuries.

Officers learned that the suspect fled the home prior to the arrival of the police. An arrest warrant was obtained for the suspect charging him with assault and related charges. He turned himself in at Police Headquarters on December 29th and the warrant was served.

Arrested/Charged: Bryan Keith Miller (23 years of age) of Westminster

Crime: **Storehouse Burglary (business under construction)**
Date/Time of Report: December 2, 2016 @ 12:20 p.m.
Location: 400 block of Englar Road
Details: The victim in this case reported that a business under construction in the 400 block of Englar Road (Point Breeze Credit Union) was entered at some point during the overnight hours and a quantity of copper wire and aluminum stock was stolen. Entry was gained into the site by removing a piece of plywood which had been securing a window opening. The total loss (theft and property damage) was estimated at $3,000. This case remains open.
Arrested/Charged: No one at this time.

Crime: **Storehouse Burglaries - 2 (garages)**
Date/Time of Report: December 18, 2016 @ 12:00 p.m.
Location: 100 block of West Main Street
Details: The victim in this case reported that he observed that his garage had been forcibly entered while visiting the garage on the afternoon of December 16th. Pry marks were visible on the door and door frame at the point of entry. A check of the garage interior revealed that the suspect(s) had rummaged through the victim's vehicle and removed an IPod from the glove box. There was no damage to the vehicle. While the officer was at the scene, the victim's wife checked the garage on a nearby property and located pry marks on the rear door of that garage. The garage door was locked and it is unknown if the suspect(s) made entry into that garage. These cases remain open.
Arrested/Charged: No one at this time.

Crime: **Residential Burglary**
Date/Time of Report: December 31, 2016 @ 10:00 a.m.
Location: 100 block of Pennsylvania Avenue
Details: The victim in this case reported that he had left his apartment at approximately 9:20 a.m. on December 31st to drive a friend home. He failed to lock the apartment prior to leaving as he did not bring along his house keys when he left the residence. Upon returning to the apartment, he observed that a pistol which had been in a pistol case laying on the couch was now missing. Other items of obvious value, including a shotgun, were undisturbed. There were no signs of forced entry into the apartment. The victim provided investigators with possible suspect information. This case remains active.

Arrested/Charged: No one at this time.

Crime: **Vehicle Theft (motorcycle)**
Date/Time of Report: December 27, 2016 @ 7:30 p.m.
Location: Unit block of Liberty Street
Details: The victim in this case reported that his motorcycle, a 2002 Kawasaki KLR250 Dual Sport, was stolen from its parking place near the back porch of the residence sometime between December 25th and 27th. According to the victim, the forks on the motorcycle were locked and the key was not with the motorcycle when it was taken. The victim could provide no suspect information. This case remains open.
Arrested/Charged: No one at this time.

Significant Activities in December:

- On December 13th, the Department participated in the **37th Annual Governor's Crime Prevention Awards Program** in Glen Burnie. During the ceremony, WPD received a Governor's Crime Prevention Award for Law Enforcement Agencies for our ongoing crime prevention efforts throughout the year. Additionally, PFC Michael Beaumont received a Governor's Crime Prevention Award for Law Enforcement Officers for his excellent work as our dedicated Main Street Officer, and SCORE Volunteer Larry Myers received a Governor's Crime Prevention Award for Individual Citizens for his many contributions as a SCORE Officer during the previous year.

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

- On December 22nd, the Police Department took delivery of a **new police canine.** "Canine Foxy" has been assigned to Canine Handler Tim Pheabus; they began their drug detection training on January 10, 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. Funding to purchase the new canine was provided through a reimbursement grant by the Department of Homeland Security Investigations; funding for drug detection training was provided by a grant from the Carroll County Drug Task Force.

RECREATION AND PARKS

Family Fitness Center

- Total Gym Entries – 3,029 members and non-members entered the facility during the month of December. This number does not include the total childcare entries listed below.
- Total Childcare Entries – 466 children entered childcare during the month of December.
- Total Facility Entries = 3,495
- Total Revenue = $14,406
- Total Active Members as of December 1 = 1,275
  - Membership Retention Rate = 95%
  - Cancelled Memberships during the month of December (individually counted) = 23
- Membership Packages Sold
  - Child Supervision = 1
  - Family Memberships = 21 (individually numbered)
  - Individual Memberships = 17
  - One Month Youth/Student = 3
  - Youth/ Student Memberships = 7
  - Total New Memberships =49
- December membership incentive offered. No enrollment fee with one month free when you sign up for an individual or family membership using autopay.
- Group Fitness Class Participation:
  - Cardio = 858
  - Cycle = 142
  - Yoga = 355
  - Total =1,355
- Group Fitness Instructor Tara Walsh, was hired to teach a new class (CIZE Live) scheduled to start in January.
- Two different types of spin bikes were delivered to the fitness center cycle studio. Matrix Fitness Equipment supplied the demo bikes to help staff and members research possible options for replacement bikes. The two week demo ended mid-December. The bikes that we currently own are over ten years old. The parts for these bikes are no longer available for repairs. During routine maintenance provided by Race Pace, two bikes were removed from the cycle studio and were unable to be repaired because parts are no longer available. Those bike have been saved and are being used for parts to fix other cycles that break or need maintenance. Of the 20 original cycles purchased, only 14 remain in marginal working condition.

Recreation Revenue

Pool	$6,500
Family Center	$14,406
Programs and Events	$2,713
Facility Rentals	$590
Total Revenue	**$24,209**

Recreation Staff

- **Fitness Center**: Designed flyer for Monthly Special and January Fitness Challenge.
- **Social Media**: Advertised for Family Fitness Center, Santa House Hours, Celtic Canter and Pool Memberships. Facebook likes increased by 26 people for the month of December. Posted upcoming events to Facebook.
- **Second Saturday's**: Worked to promote Merry Madness and conducted the event in Locust Lane.
- **Miracle on Main Street**: Sent thank you letters to all parade volunteers. Attended the police wrap-up meeting.
- **Celtic Canter**: Researched and booked bands and develop entertainment schedule. Promoted race registration. Attended training on Celtic Canter website at Kohn Creative.
- **Flower & Jazz Festival**: Set-up online registration for vendors. Worked with staff to get vendor information out on festival websites.
- **Employee Party**: Packaged employee gifts and created employee games for the event. Worked with staff to set-up and host event.
- **Pool**: Started the sale of 2017 pool memberships, created a banner for on the fence at the pool to advertise the sale of memberships.
- **Month of Sundays**: Researched and scheduled bands for the Month of Sundays Concerts. Obtained contracts and initiated deposits. Also, worked on obtaining sound and production for the weeks necessary.
- **Permits**: Finalized all permit request submitted during the month of December including:, Main Street banner requests and reservation of the tennis courts for the Carroll County Recreation and Parks Learn to Play Tennis program.
- **Camp**: Finalized camp parent manual and Activenet online registration process. Activated online registration for 2017 enrollment.
- **Summer Staff**: Drafted a letter inviting all summer staff with a positive 2016 end of season evaluation to return. Assessed new minimum wage rate (effective July 1) and assigned new rates of pay accordingly. All letters are ready to be sent out after the first of the year with a return response requested by January 31.
- **Mother/Son & Daddy Daughter**: Reserved facility, booked entertainment and photographer, researched different options for themes.

PUBLIC WORKS

Wastewater Treatment Plant

Total Flow	136.037 MGD
Average Daily Flow	4.388 MGD
Sludge (Integrated Agronomics)	440.33 Wet Tons
Septage Sludget	112.2 Wet Tons

- Other tasks performed included:
  - Snowblower maintenance
  - Recycle pump sent for repairs
  - Repaired drivetrain on Kubota rtv
  - Safety training
  - ENR meetings

- Recyclables to landfill
- Routine maintenance

Utility Maintenance

- 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	**0.507 MG**

- Miscellaneous Tasks
  - 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 tasks:
  - Assisted with cleaning up leaves at all City parks
  - Assisted with pruning and removing trees around the building at the golf course
  - Assisted with cutting down weeds at JC Park
  - Assisted with cleaning up leaves and trash at Locust Mall
  - Assisted with running the leaf vac around town
  - Assisted with winterizing mowers and mowing trailers
  - Delivered ice melt to all City buildings
  - Assisted with snow removal from all City streets

- Building Maintenance section performed the following tasks:
  - Assisted with repairing high visibility signs on City streets
  - Assisted with construction on the bunkhouse at the Street Shop
  - Assisted with boarding up the windows and doors at Wakefield Valley
  - Assisted with setting up and cleaning up from the Holiday House Tours
  - Assisted with snow removal from all City streets
  - Assisted with collecting meter money and maintenance meters

- Streets and Alleys section

Street Baskets	1.54 Tons
Bulk Trash	33.32 Tons
Brush	5.94 Tons
Yard Waste	85.91 Tons
Paper Recycling	0.10 Tons
Street Sweepings	4.06 Tons
Tires	0.00 Tons
Metal	2.63 Tons

  - Assisted with removal of brush, metal, yard waste and bulk trash
  - Assisted with putting out dumpster for larger piles of bulk trash
  - Ran the leaf vacuum to pick up loose leaves around town
  - Assisted the blacktop crew repair a storm drain on Cranberry Road and fixing various pot holes around town
  - Assisted with snow removal from all City streets

Street Maintenance Section

- Assisted with inspecting handicap ramps in the Greens and Furnace Hills
- Assisted with repairing the storm drain on Cranberry Road
- Assisted with helping the Black top crew repair a storm drain on Cranberry Road
- Assisted with fixing pot holes on 24th St, Uniontown Rd, New Windsor Rd, 25th St and John St.
- Assisted with removal of brush, metal, yard waste and bulk trash
- Assisted with picking up loose leaves around town

- Assisted with spreading salt brine
- Assisted with snow removal from all City streets

Engineering

- **WWTP ENR Project**: City provided GHD, the project 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. GHD continues to work on completion of the project design.

- **City Sewer System I&I Study**: GHD is working on the project design for phase II. GHD received a permit for Phase I from MDE and is working on obtaining permits Carroll County. GHD added design of remediation of the MH 12-8-70 phase I and is working on completing the project. GHD is working on transferring of remediation of the sewer main along Longwell Creek from Phase II to Phase I.

- **Gesell Well Treatment Facility (Phase Two)**: Contractor installing SCADA/Instrumentation for the project.

- 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)

- 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 in spring 2017.

- Water main replacements on James Street, Hollow Rock Avenue, and City View Avenue

- City Annual Paving Contract - CJ Miller, Inc. completed the contract.

Water Plant

Cranberry Water System Sources – Raw Water to Plant in MG

Raw Meter Total	39.13843 MG
Recycled Water Total	4.46047 MG
Recycled Water Recovered	11.397 MG
Cip Wash Water/Membrane Cells	0.16848 MG
Total	**38.96955 MG**

Raw Water Sources in MG

Cranberry Branch	16.15625 MG
Hull Creek	22.8137 MG
Raw Reservoir	0 MG
Other	0 MG
Total	**38.96995 MG**

Treated in MG

Finished Water Flow Meter	39.22190 MG
Station Water	0.02662 MG
Total Treated	39.19528 MG
Backwash/Recycle Filters	0.3634 MG
Delivered to System	38.83188 MG

Wells in Cranberry System in MG

Well 3	2.242274 MG
Well 4	0.000000 MG
Well 5	5.184230 MG
Well 6	2.88851 MG
Well 7	3.959606 MG
Well 8	4.147968 MG
Wells 9 and 10	1.642907 MG
Well 11	3.000801 MG
Total Delivered to System	61.717272 MG
Days of Maximum Usage – 18	2.155140 MG
Well 4 Backwash	0.000000 MG
Well 5 Backwash	0.004170 MG
Well 7 Backwash	0.165730 MG
Well 8 Backwash	0.011000 MG
Daily Average	1.9908797 MG

Hours Operated = 744
Rainfall = 2.57 inches

Raw Reservoir Level = 23.0 feet

Wakefield Well System

Well 1	2.217000 MG
Well 2	4.345887 MG
Total Delivered to System	6.429141 MG
Filter Backwash	0.006360 MG
Daily Average	0.211706 MG
Days of Maximum Usage - 18	0.449398 MG

Bramble Hills System

Total Delivered to System	0.0373410 MG
Daily Average	0.0012045 MG
Days of Maximum Usage – 18	0.0022040 MG

- Other tasks included:
  - 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,

Barbara B. Matthews
City Administrator

Westminster Police Department
Internal Memorandum

TO: The Honorable Mayor and Common Council

FROM: Jeff Spaulding
Chief of Police

DATE: January 18, 2017

TOPIC: **APPROVAL OF UPSD AGREEMENT FOR TOWN MALL**

Since 2006, the Westminster Police Department (WPD) has offered the ***Uniformed Police Services Detail (UPSD) Program*** to private entities in the City who have a special need for a uniformed police presence on their premise. Through the UPSD Program, the Police Department provides uniformed police officers working for the City in an overtime capacity to businesses who have entered into a UPSD agreement with the City. The business in turn agrees to reimburse the City for the overtime costs associated with the assignment of the officer(s) at the business location for the time period requested (as well as any related Court overtime). Over the past several years, we have successfully utilized this program at such locations as Town Mall, McDaniel College and our local Wai-Mart store.

The Town Mall contracts its security services to a private security firm, which in turn contracts with WPD for our UPSD services. We have had a UPSD contract in place with these security entities since 2006, although the corporate entities have changed several times during this period. In November, 2014 we entered into a UPSD agreement with Universal Protection Services, L.L.C. for UPSD services at the Mall. We have recently been advised that Universal Protection Services L.L.C. has been acquired by another firm (Allied Universal Security Services l.LC.), which is now providing the security services at the Mall. As a result, it is necessary for W to update our UPSD agreement to reflect this new business entity.

Attached you will find a revised UPSD agreement reflecting Allied Universal Security Services LL.C. as the contracting party. All other aspects of the agreement remain unchanged from the previous agreement. The form and content of this agreement (standard template) has been reviewed and approved for legal sufficiency by the City Attorney.

I am hereby requesting that the Common Council formally approve Mayor Utz to sign the agreement on behalf of the City of Westminster so that we may continue to provide this valuable public safety service to this important community partner.

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

CC: City Administrator Barbara Matthews

AGREEMENT NO. A-

UNIFORMED POLICE SERVICES DETAIL
TOWN MALL ASSIGNMENT

THIS AGREEMENT is made this 23rd day of January, 2017, by and between The Mayor and Common Council of Westminster, a municipal corporation of the State of Maryland (hereinafter known as the "City"), on behalf of the Westminster Police Department (hereinafter known as the "Department"), and Allied Universal Security Services, L.L.C. (hereinafter known as "Allied").

WHEREAS, the City is mindful of its duties and responsibilities to protect and maintain the public health, safety and welfare of its citizens and, to that end, has established and operates the Department; and

WHEREAS, the Department permits police officers to work overtime assignments at specific private places of business that are open to the public and at which members of the public regularly congregate in order to achieve the mission of the Department and to protect and maintain said public health, safety and welfare, provided that the owners of said places of business assume all costs of compensation to said officers; and

WHEREAS, Allied as a duly-authorized agent of Town Mall has requested the assistance of the Department in the form of overtime assignment of officers to the areas at and near the property known as Town Mall of Westminster located in Westminster, Maryland ("Town Mall Detail"); and

WHEREAS, the Department is willing to provide certain services as outlined herein under the terms and conditions set forth and Allied is willing to undertake its duties and responsibilities, set forth herein, including but not limited to, the payment of certain monies to the City as set forth herein.

NOW, THEREFORE, for and in consideration of the mutual covenants, promises and agreements contained herein, the parties hereto agree as follows:

1. All police officers ("officers") working the Uniformed Police Services Detail (UPSD) and assigned to the ***Town Mall of Westminster*** are and remain subject to all rules and regulations of the Westminster Police Department and are imbued with all of the rights and obligations of police officers under local, state, and federal law. The City agrees that it will accept legal responsibility and liability for the conduct of its officers while performing law enforcement activities at the Town Mall to the same extent that it has legal responsibility and liability for the conduct of its police officers when they are performing their law enforcement duties within the scope of their employment outside of this agreement. Officers assigned to the Town Mall Detail will not conduct themselves in a manner that will bring discredit to the City, the Police Department or the Town Mall.

2. Normal staffing for the Town Mall Detail will be one (1) uniformed police officer with all normal patrol equipment including police vehicle and portable radio as determined by the Department. Additional staffing may be provided upon request of Allied, provided that officers are available for such assignment and the provision of additional officers will not have an adverse effect upon Departmental operations. The Department reserves the right to recall any member assigned to the Town Mall Detail for redeployment in the event of an emergency or other operational reason. The Department reserves the right to cancel any assignment that cannot be staffed with officers who volunteer for such detail or when in the judgment of the Chief of Police or his designee, Department priorities so require. The Department will staff these positions on with officers who volunteer for such assignment and who hold the rank of Lieutenant or below.

3. Officers assigned to the Town Mall Detail will be compensated at their normal overtime rate; however, Allied shall only be responsible for reimbursing the City at the Officer's normal overtime rate of pay minus any shift differential that may have been applied. The minimum length of the assignment will be four (4) hours per workday. Allied agrees to reimburse the Department the actual costs (salary and benefit costs) for each officer assigned to the detail. Officers assigned by the Department to the Town Mall Detail will be compensated for any time spent handling an arrest that takes them past their scheduled securing time for the detail by Allied. Allied also agrees to reimburse the Department for these expenses at the assigned officer's normal overtime rate. Additionally, Allied agrees to reimburse the Department for one hour for the 16th through 60th minute of time an officer is required to spend after the end of an assignment. The Department will be responsible for compensating its employees for any Court appearances that arise from their assignment to the Town Mall Detail.

4. Officers assigned to the Town Mall Detail will respond to any emergency or "in progress" call occurring in the immediate area of the Mall. If the assigned officer makes an arrest, the Officer will assume case responsibility for that incident, including prisoner transport, processing and the preparation of charging documents and reports in accordance with Departmental procedures. Officers assigned to the Town Mall Detail will handle violations of the law that are observed or discovered by the officer or come to the officer's attention by way of a walk-up citizen complaint, (i.e. thefts from auto, vandalisms, CDS violations, etc.) in the same manner in which they would handle such violations while on regular duty in any other place. In general, Officers assigned to the Town Mall Detail will provide the same level of service to the public as any other Patrol Officer on foot-patrol would be expected to provide when on regular duty in a public place.

5. Officers assigned to the Town Mall Detail will not respond to routine calls for police service occurring in Mall tenant properties. These calls will be referred to Dispatch for a Patrol response. Officers may respond to such calls when necessary to ensure the safety of others pending the arrival of Patrol Officers.

6. In the event of a trespassing complaint, Officers assigned to the Town Mall Detail will stand-by while a Mall Security Officer or qualified Mall representative directs the

trespasser to leave Mall property. If the trespasser refuses to leave the property as directed, the Officer may make an arrest for trespassing, a misdemeanor committed in the Officer's presence. Officers may make trespass arrests on sight in those instances where they have prior knowledge that the trespasser has been previously banned from the property. Officers will not issue banning letters for the Mall, but may document in a police report the fact that a banning letter was issued and served on an individual by an authorized Mall representative or security officer.

7. Allied will request detail scheduling through the Commander of the Field Services Bureau. Efforts will be made to ensure that all scheduling is finalized at least one month prior to the date of the assignment.

A. Any last minute schedule changes requested by Allied will be handled through the Commander of the Field Services Bureau. Officers assigned to the Town Mall Detail will receive two (2) hours pay at their normal overtime rate if scheduling errors by Allied staff result in their reporting to work when they are not needed. Allied will reimburse the Department for this expense if the scheduling error was made by Mall personnel.

B. The Department will attempt to provide 24 hours notice to Allied whenever a detail must be canceled; however, failure to provide such notice shall not be deemed a breach of this Agreement. The Department will make the necessary notifications to the Officers scheduled for the detail.

8. Allied will have no authority over the Officers assigned to the Town Mall Detail but may suggest areas of the property to be patrolled and suggest problems to be focused on during the shift. Officers assigned to the Town Mall Detail will check in with the on-duty Mail Security Supervisor prior to beginning and ending their shifts, and carry Mall portable radios at all times during their shifts. They will also notify Police Dispatch and the Patrol Watch Commander of their identities (Officer's ID number) and assignment when they begin and end their shifts

9. Officers assigned to the Town Mall Detail will enforce any violations of law that they witness during their shifts. Officers will <u>not</u> perform bank runs, janitorial functions, or other functions not ordinarily associated with police patrol duties. Questions relating to the appropriateness of specific duties will be addressed through the on-duty Patrol Watch Commander. Problems will be brought to the attention of the Commander of the Field Services Bureau.

10. Allied will report any suspected breaches of conduct by Officers assigned to the Town Mall Detail to the Commander of the Field Services Bureau. Flagrant violations will be reported immediately to the on-duty Watch Commander through the Police Department Dispatch Center. Disciplinary problems will be handled by the Department through established procedures. The disposition of these complaints may include suspension from the Uniformed Police Services Detail program in addition to other disciplinary measures.

11. The Department will develop mechanisms to track personnel expenses associated with the Town Mall Detail. This accounting will be presented to Allied on a monthly basis for payment.

12. This Agreement will remain in force for three years from the date of its execution and may be renewable with the consent of both parties. This Agreement may be canceled by either party with 30 days written notice. Notice shall be sent by certified, registered mail, or by actual hand delivery by the party providing such notice to the other party at the following address:

Chief Jeffrey Spaulding
Westminster Police Department
City of Westminster
36 Locust Street
Westminster, MD 21157; and

Mr. Thomas LaCount
Regional Vice President
Allied Universal Security Services L.L.C.
Eight Tower Bridge
161 Washington Street, Suite 600
Conshohocken, PA 19428

13. Entire Agreement. This Agreement constitutes the entire Agreement between the parties. No waiver, alteration or modification of any of the provisions of this Agreement shall be binding unless and until in writing and executed by the parties.

14. Modification. This agreement may be modified at any time by written agreement of both parties only. The City shall also have the right to modify the reimbursement rate by submitting the proposed modification to Allied by March 15 of any year for implementation on July 1 of the same year. Allied shall retain the right to negotiate the proposed rate modification, but if the parties fail to reach an agreement as to the rate, the agreement shall automatically expire on June 30 of that year.

15. Independent Status. Neither party shall have the power or authority to create an obligation on behalf of the other, either express or implied. The Department, its officers, agents and employees shall not be construed as employees, agents or representatives of Allied for any purpose.

16. Default and Termination. In the event of default by Allied under the terms Of this Agreement, the City shall, in addition to all other rights that it may have in law and equity, have the right to suspend performance under this Agreement effective upon written notification to Allied at the address set forth in Paragraph 12.

17. Mutual Cooperation. The Department and Allied shall exchange such appropriate data, information, plans, documents, etc., which is required for performance of this Agreement.

18. Governing Law. This Agreement shall be governed by the laws of the State of Maryland.

19. Duplicate Execution. This Agreement is executed in two counterparts, each one of which shall be deemed an original.

IN WITNESS WHEREOF, the parties hereto have set their hands and seals, the day and year first set above.

ATTEST: Allied Protection Services, LLC.

_____ By: _____(SEAL)
Thomas LaCount, Regional Vice President

ATTEST: THE MAYOR AND COMMON COUNCIL OF WESTMINSTER

_____ By:_____(SEAL)
Kevin R. Utz, Mayor

APPROVED ON BEHALF OF THE
WESTMINSTER POLICE DEPARTMENT

_____
Jeffrey Spaulding, Chief of Police

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY THIS
DAY OF_____, 2017.

_____
Elissa D. Levan, City Attorney

Memorandum

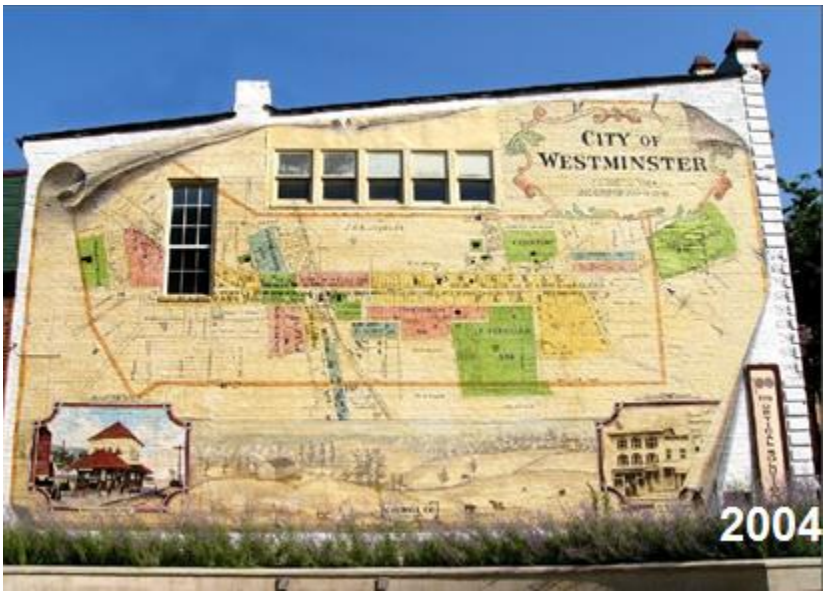
Re: Proposed façade easement, Agreement A-1099, for the City Mural at Locust Lane City Park

To: Mayor and Common Council

From: Bill Mackey, AICP, Planning Director

Date: January 19, 2017

Background
On January 6, 2017, the property at 47 East Main Street changed ownership. For many years, the City has maintained a long-term lease for the preservation and upkeep of the City mural located on the side wall of the building on the property. The City mural forms a key feature of the Locust Lane City Park.



Proposal
The proposed façade easement continues the same rights and responsibilities for the next ten years with the possibility of two, five-year extensions at the end of ten years. The applicant has also requested that the mural be touched up by the City. The City plans to seek grant funds to do so. The applicant may want to propose changes to the mural in the future, in order to accommodate additional windows the applicant is considering. Additional windows may require amendments to this agreement, depending on placement.

Recommendation
Staff recommends approval of the proposed façade easement, Agreement A-1099, as presented.

Attachments
- Proposed façade easement, Agreement A-1099, with exhibit (6 pages)

Agreement No. A-1099
SECOND FACADE EASEMENT

This Second Façade Easement ("this Agreement") dated this ____ day of January, 2017, by and between Brock Properties, L.L.C. ("Grantor"), 1915 Old New Windsor Pike, New Windsor, Maryland 21776 and the Mayor and Common Council of Westminster ("Grantee"), 56 W. Main Street, Westminster, Maryland 21157;

WHEREAS, Grantor is the owner of certain property located at 47-49 East Main Street, Westminster, Maryland, 21157, described in the tax records as Map 104, Grid 10, Parcel 1224, Plat 0024/0079, by virtue of a deed from James G. Sirinakis, dated January 6, 2017, and recorded among the Land Records of Carroll County at Liber 8579, Folio 216 (the "Property"); and

WHEREAS, the Property is improved with a building that is used for commercial and retail purposes; and

WHEREAS, Grantee desires to showcase certain sites within the City of Westminster for preservation of its historic character and tradition, and improve the streetscape for the benefit of all residents of the City; and

WHEREAS, Grantor commissioned and installed, pursuant to a predecessor Façade Easement dated July 16, 1999 ("the First Façade Agreement"), on the exterior of the eastern side wall of the Property ("the Side Wall") a mural, as generally shown on Exhibit A attached hereto and made a part hereof that depicts the development and tradition of the City (the "Mural"); and

WHEREAS, the First Façade Agreement has expired and Grantor wishes to retain the Mural on the Side Wall and further wishes Grantee to renovate and restore the Mural, which has faded somewhat over the years; and

WHEREAS, Grantee wishes for Grantor to retain the Mural on the Side Wall of the Property and further wishes to renovate, restore and maintain the Mural; and

WHEREAS, Grantor is willing to provide a further easement for renovation, restoration and maintenance of the Mural for the benefit of Grantee; and

WHEREAS, the parties desire to establish the terms and conditions for the easement.

NOW, THEREFORE, in consideration of the promises herein contained and for other good and valuable consideration, the receipt of which is hereby acknowledged, Grantor does hereby grant and convey a Facade Easement upon the terms and conditions stated below:

1. Grantor grants and conveys to Grantee a Facade Easement for a term of ten (10) years from the date hereof. The area of the Facade Easement shall consist of the surface of the Side Wall of the building on the Property, together with any portion of such area necessary to affix the Mural.

2. Grantor hereby grants and conveys a temporary easement for the purposes of the restoration and renovation of the Mural. Grantee shall provide written notice to Grantor of the dates on which it intends to perform the renovation and restoration work on of the Mural. Grantor shall perform the work in such a manner as to not cause material damage to the structure and shall perform the work in a manner that provides a minimum of interference with ingress, egress and operations of the Property.

3. Periodically, Grantee shall perform inspections and maintenance of the Mural during the term of this easement. Such work shall only be performed, except in an emergency, after written notice to Grantor and shall be completed in a manner that creates a minimal interference with ingress, egress and operation of the Property.

4. Grantee shall provide suitable evidence of insurance for performance of the renovation and restoration of the Mural and for injuries to person or property during the term of

the Easement. Grantee shall be responsible for any damages, injury or loss that may be incurred as a result of the use or maintenance of the easement.

5. Grantor shall make no changes to the building or structure that will interfere with the view or site lines of the Mural, or undertake any other changes to the exterior of the building on the Property that would materially affect the color, composition, view, location or appearance of the Mural.

6. Except as provided herein, Grantor reserves all rights, privileges, powers and immunities in and to the Property, including, without limitation, the right of exclusive possession and enjoyment.

7. At the option of Grantee, this easement may be extended for two (2) five-year terms. Notice of Grantee's exercise of the option to extend shall be given no later than sixty (60) days prior to the termination of the easement or the first extension thereof. At the termination of the easement, Grantee shall remove the Mural and return the area of the building that has been covered by the Mural to substantially the same condition as existed prior to its installation.

8. This Agreement contains the final and entire Agreement between the parties. Any amendment to this Agreement shall be valid only if executed in writing by the parties hereto.

9. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, heirs, and assigns.

TO HAVE AND TO HOLD unto the Grantee for the term herein stated. The Grantor covenants to warrant specially the property and to execute such further assurances of the property as may be requisite.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK.]

IN TESTIMONY WHEREOF, the Grantor has caused this Facade Easement to be executed on the day and year first above-written.

ATTEST: GRANTOR: BROCK PROPERTIES, L.L.C.

_____ By : _____(Seal)
Greg Brock, President

ATTEST: THE MAYOR AND COMMON COUNCIL OF WESTMINSTER

_____ By: _____(Seal)
Shannon Visocsky, City Clerk Kevin R. Utz, Mayor

Approved as to form and legal sufficiency
this _____day of _____, 2017.

_____
Elissa D. Levan, City Attorney

STATE OF MARYLAND
COUNTY OF _____

On this _____ day of _____, _____, before me, a Notary Public of the State of Maryland, in and for Carroll County aforesaid, the undersigned officer, personally appeared, _____, who acknowledged himself to be _____, that he, being authorized to do so, executed and acknowledged the foregoing instrument on behalf of said corporation in his capacity therein stated.
In witness whereof I hereunto set my hand and Official Seal.

_____
Notary Public

My Commission expires

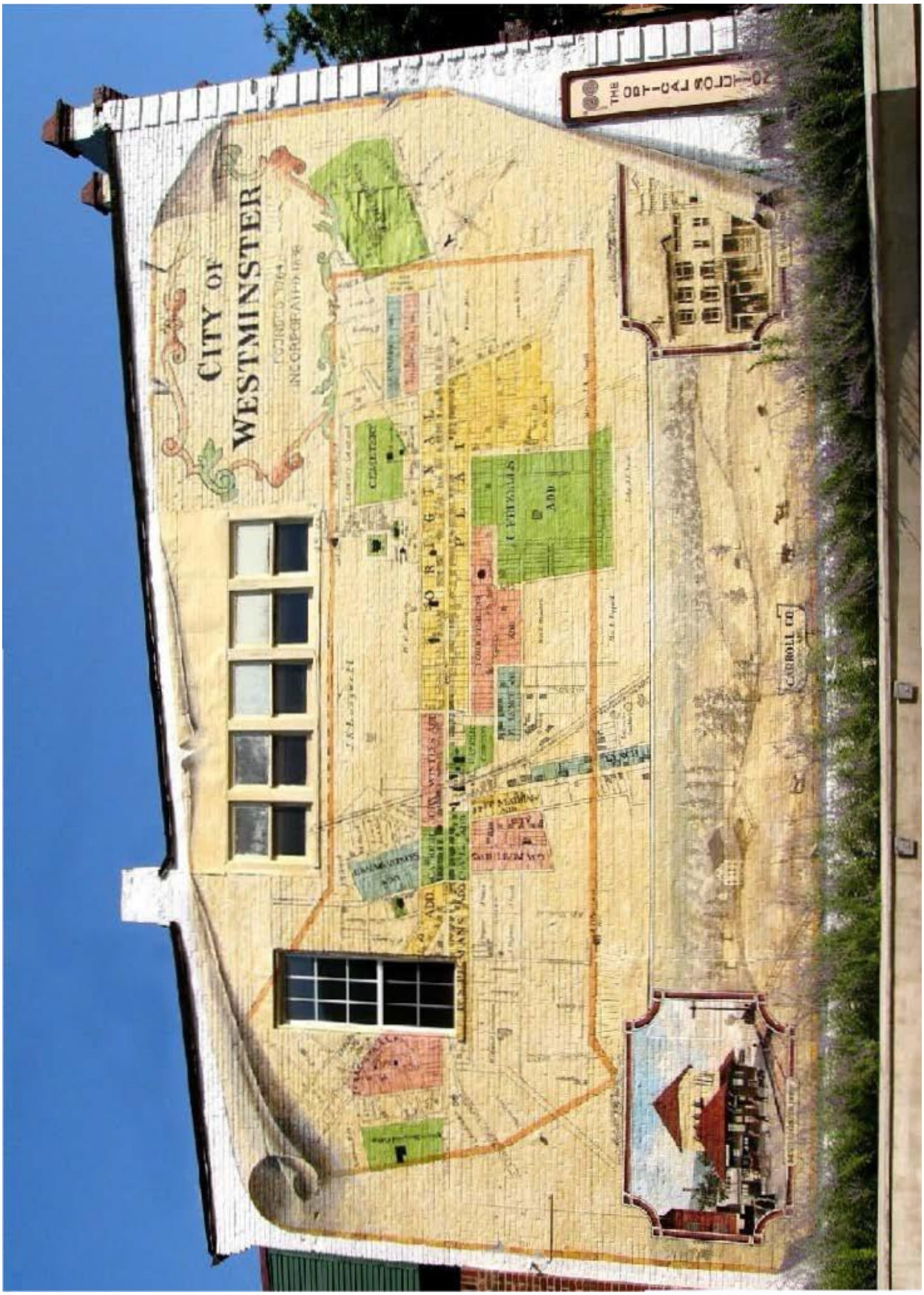
STATE OF MARYLAND
COUNTY OF CARROLL

On this _____ day of _____, _____, before me, a Notary Public of the State of Maryland, in and for Carroll County aforesaid, the undersigned officer, personally appeared, KEVIN R. UTZ, who acknowledged himself to be Mayor of The Mayor and Common Council of Westminster, that he , being authorized to do so, executed and acknowledged the foregoing instrument on behalf of said corporation in his capacity therein stated.

In witness whereof I hereunto set my hand and Official Seal.

_____
Notary Public

My Commission expires


CITY OF
WESTMINSTER
ORIGINAL PLAT
CEMETERY
CARROLL CO

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
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

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

The City of Westminster
Report to the City Council

To: Mayor and Common Council

From: Barbara B. Matthews, City Administrator

Date: January 18, 2017

Re: Use of Winters Street for a Bike Lane

BACKGROUND

On November 28, 2016, Council President Dr. Robert Wack inquired whether Winters Street could accommodate a dedicated bike lane. As envisioned, the bike lane could provide an alternative mode of transportation to move cyclists through the City and possibly serve as a connector entity to other existing parks and trails.

In response to the query by Council President Wack, then Interim City Administrator David Deutsch recommended that City staff meet to discuss the feasibility of this proposal and publish a report outlining their findings. On December 20, 2016, Mr. Deutsch met with Director of Public Works Jeff Glass, Chief of Police Jeff Spaulding, Director of Planning William Mackey, and Director of Recreation of Parks Abby Gruber to discuss this matter.

DISCUSSION

A map of Winters Street from the beginning at East Main Street and Manchester Avenue to the terminus at the west end of Pennsylvania Avenue was assessed. During the assessment, it was noted that several sections of Winters Street were designated one way. Those sections were identified as Center Street to Locust Lane, Route 27 to John Street, and Winters Parking Lot to Carroll Street. All these sections accommodate westbound traffic only.

Other challenges include the termination of Winters Street in the Sherwood Parking Lot as it intersects Locust Lane and the entrance/exit of the Winters Parking Lot that allows for two way traffic on Winters Street from the Winters Parking Lot entrance/exit to John Street. Staff also noted areas where Winters Street is open to two way traffic but is too narrow to allow two vehicles to safely pass; these areas included Center Street to Court Street and Carroll Street to the Shaw Apartment Complex. Additionally, the intended purpose of Winters Street is a service road for businesses and residents along Main Street and Pennsylvania Avenue; dumpsters, delivery trucks and grease receptacles line the alley creating a potentially unsavory and unsafe experience for cyclists.

The possibility of using Green Street for a potential bicycle lane was also introduced and discussed. It was quickly determined that Green Street would not be a suitable option for a bike lane due to the abundance of on-street parking.

RECOMMENDATION

For the reasons noted above, staff does not believe that Winters Street is appropriate for the development of a bike lane through downtown Westminster. Doing so would introduce cyclists onto an already busy service road which would be potentially dangerous.

Staff believes that the development of bikeways between Carroll County's historic downtowns would be a more advantageous endeavor. The trails could be developed in a manner that would encourage travel by bike from town to town, creating attractive and inviting depots at the center of each town for bicyclists to dismount, lock their bikes, and discover the downtown areas on foot. If the Mayor and Council are supportive of this recommendation, staff will initiate the outreach efforts with other towns to explore the viability and feasibility of creating bikeways between Carroll County's historic downtowns.

The Mayor and Members of Common Council and Management
City of Westminster, Maryland

In planning and performing our audit of the financial statements of the City of Westminster, Maryland, (the "City") as of and for the year ended June 30, 2016, we considered its internal control over financial reporting ("internal control") as a basis for designing audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of its internal control. We refer you to our Report on Internal Control over Financial Reporting and on Compliance and Other Matters Based on an Audit of Financial Statements Performed in Accordance with *Government Auditing Standards* dated October 26, 2016. We did become aware of matters that are an opportunity for strengthening internal controls and operating efficiency.

CohnReznick offers the following comments for your review and consideration. We have already discussed these comments with various City personnel, and we will be pleased to discuss them in further detail at your convenience. We appreciate the courtesies extended to us during our engagement by the City's personnel and look forward to a continually mutually beneficial relationship.

1) IT Risk Assessment:

   Management has not conducted and documented an IT risk assessment for the fiscal year ended June 30, 2016. Without performing an IT risk assessment at least annually, management may overlook IT threats, underestimate risks, and fail to implement appropriate controls.

   Management's Response:

   Due to budget constraints and a misunderstanding of having the risk assessment done within the fiscal year we went by the calendar year to have it completed. This is also scheduled to be done annually.

2) Audit Logging:

   On the Windows Active Directory server, audit logs are not reviewed daily or at least weekly to detect unauthorized activities. Audit logging is weak and as a result unauthorized activity may not be detected in a timely manner. In the event of a breach, the Organization may lack evidence to investigate and take legal action against the guilty party.

   Management's Response:

   We will re-evaluate this observation when our Domain Controller is updated to Server 2012.

3) Access This Computer from the Network:

   On the Windows Active Directory, the security rights setting "Access this computer from the network" is not set to Administrators, Authenticated Users, and Enterprise Domain Controllers. If "Access This Computer from the Network" is not set to administrators and authenticated users, users who can connect from their computer to the network can access resources on target computers for which they have permission.

Management's Response:

During the week of August 31st - September 6th, 2016, while a contractor from IPDS was here doing work, we had made this change to "Access this computer from the network" which then caused a major lock out to our whole network. After reverting back our contractor from IPDS did not think the change was necessary. We will re-evaluate this observation when our Domain Controller is updated to Server 2012.

4) Act as Part of the Operating System:

On the Windows Active Directory, the "Act as part of the operating system" security setting is not set to "no one" as recommended by Microsoft. Act as part of the operating system allows full access to the network and the ability to change or delete any part of the network. If this privilege is not set to 'no one' then an unauthorized individual may perform highly destructive acts and not be detected.

Management's Response:

This is not defined because there is a group policy that blocks the users from creating any local account on the computer. We will re-evaluate this observation when our Domain Controller is updated to Server 2012.

5) Passwords:

Passwords do not expire at least every 90 days on the ActiveNet POS system. Passwords that are not required to be changed in at most 90 days allow greater time for them to be cracked. Once passwords are cracked, unauthorized disclosure and unauthorized changes could be made to financial information.

Management's Response:

ActiveNet is a cloud based program used by our Recreation Department and controlled by our Recreation Department. We will make the recommendations to them about this observation.

6) User Recertification:

Management has not recertified users on the network or on the financial application. Per management, a user recertification was performed for the financial application in the fiscal year; however, documentation was not retained. Without user recertification, a user may have invalid, unnecessary or higher access rights than required. This could result in unauthorized changes and disclosure of financial information.

Management's Response:

As part of an on-site training program held by Tyler Technologies from March 29th - April 1st, 2016, all current financial system users had their access rights rechecked to verify that they were appropriate for their position. With the introduction and implementation of Office 365 starting the week of June 1st, we have been forced to look at all users access rights and update them to ensure proper function of the new system. Going forward, management will retain evidence of recertification.

7) Software Development Life Cycle ("SDLC"):

There are no written change management policies and procedures for infrastructure changes. A log of changes to systems and applications is not maintained. If business management does not have change management policies and procedures for the development and implementation of changes, the risk that new or changes to existing software may not function as intended and not

achieve the business objectives is increased. Without documenting system changes, unauthorized system changes may be more difficult to detect and system problems may be more difficult to trouble shoot.

Management's Response:

We are in the process of documenting and researching how to log changes.

This communication is intended solely for the information and use of management, the Mayor and Common Council, and others within the City of Westminster, Maryland, and is not intended to be, and should not be, used by anyone other than these specified parties.

Baltimore, Maryland
November 8, 2016

CITY OF WESTMINSTER, MARYLAND

June 30, 2016 Independent Audit

CohnReznick
FORWARD THINKING.

NEXIA INTERNATIONAL | CohnReznick is an independent member of Nexia International

Agenda

- Auditor's Opinion
- Auditor's Report on Internal Control
- Financial Highlights
- Communication with Those Charged with Governance

Auditor's Opinion

To the Mayor and Common Council
City of Westminster, Maryland

Report on the Financial Statements

We have audited the accompanying financial statements of the governmental activities, the business-type activities, and each major fund of the City of Westminster, Maryland as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City of Westminster, Maryland's basic financial statements as listed in the table of contents.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

Auditor's Opinion- Continued

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, and each major fund of the City of Westminster, Maryland, as of June 30, 2016, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Correction of an Error

As discussed in Note 24 to the basic financial statements, during the year ended June 30, 2016 the City determined that certain infrastructure assets were deeded to the City in a prior year and were not recorded. These assets as well as beginning fund balance and net position have been restated to reflect the transaction. Our opinion is not modified with respect to this matter.

Required Supplementary Information

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis and budgetary comparison information on pages 20 - 33 and pages 95 - 98; the schedules of funding progress and employer contributions - other postemployment benefits plan on page 99; and the schedules of the City's proportionate share of the net pension liability and pension plan contributions on pages 100 and 101 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Auditor's Opinion- Continued

Other Information

Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Westminster, Maryland's basic financial statements. The introductory section and statistical section, are presented for purposes of additional analysis and are not a required part of the basic financial statements. The schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. Code of Federal Regulations (CFR) Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, and is also not a required part of the basic financial statements.

The schedule of expenditures of federal awards is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

Other Reporting Required by *Government Auditing Standards*

In accordance with *Government Auditing Standards*, we have also issued our report dated October 26, 2016, on our consideration of the City of Westminster, Maryland's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of Westminster, Maryland's internal control over financial reporting and compliance.

CohnReznick LLP

Baltimore, Maryland
October 26, 2016

Auditor's Report on Internal Control

To the Mayor and Common Council
City of Westminster, Maryland

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the governmental activities, the business-type activities, and each major fund of the City of Westminster, Maryland, as of and for the year ended June 30, 2016, and the related notes to the financial statements, which collectively comprise the City of Westminster, Maryland's basic financial statements, and have issued our report thereon dated October 26, 2016.

Internal Control over Financial Reporting

In planning and performing our audit of the financial statements, we considered the City of Westminster, Maryland's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City of Westminster, Maryland's internal control. Accordingly, we do not express an opinion on the effectiveness of the City of Westminster, Maryland's internal control.

A *deficiency in internal control* exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A *material weakness* is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A *significant deficiency* is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. We did identify a certain deficiency in internal control, described in the accompanying schedule of findings and questioned costs as Finding No. 2016-001 that we consider to be a material weakness.

Auditor's Report on Internal Control

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the City of Westminster, Maryland's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

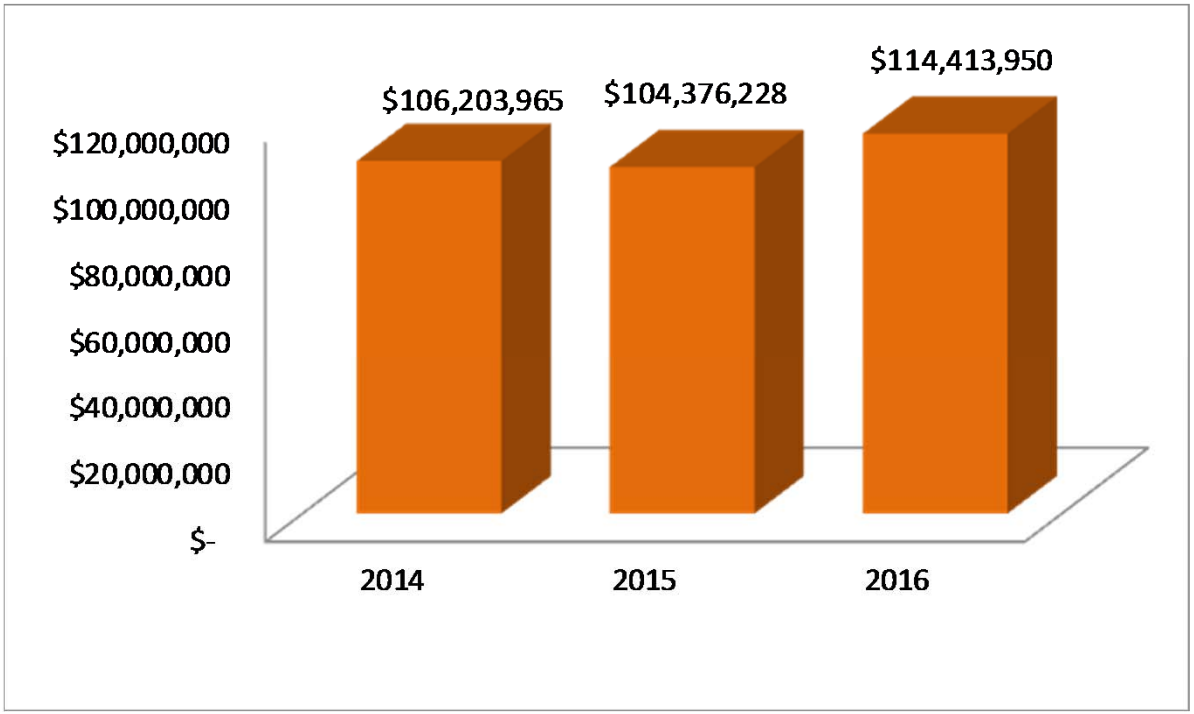
Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Cohn Reznick LLP

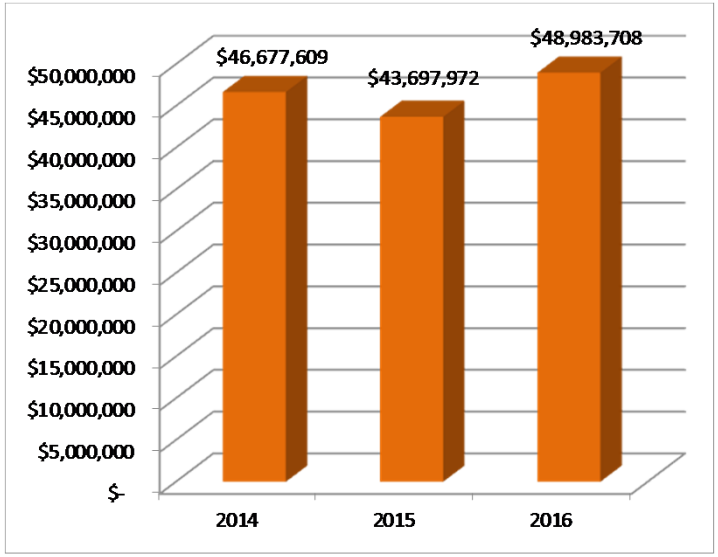
Baltimore, Maryland
October 26, 2016

City of Westminster, Maryland
Primary Government – Total Net Position

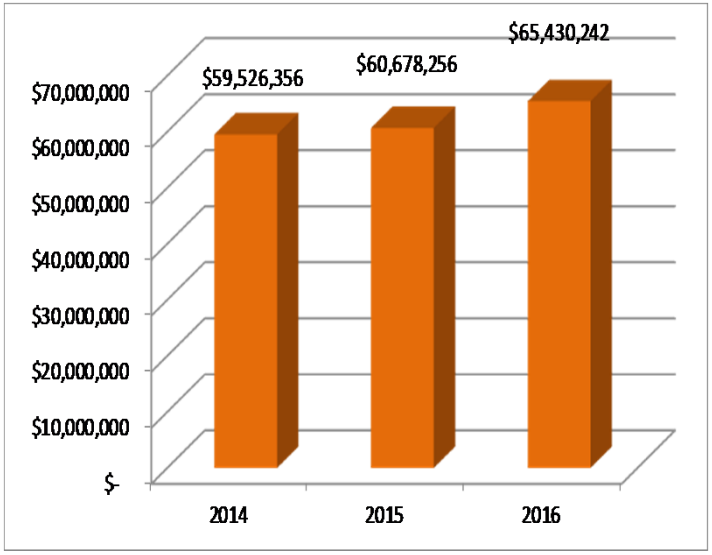


City of Westminster, Maryland
Primary Government – Total Net Position by Type

Governmental Activities

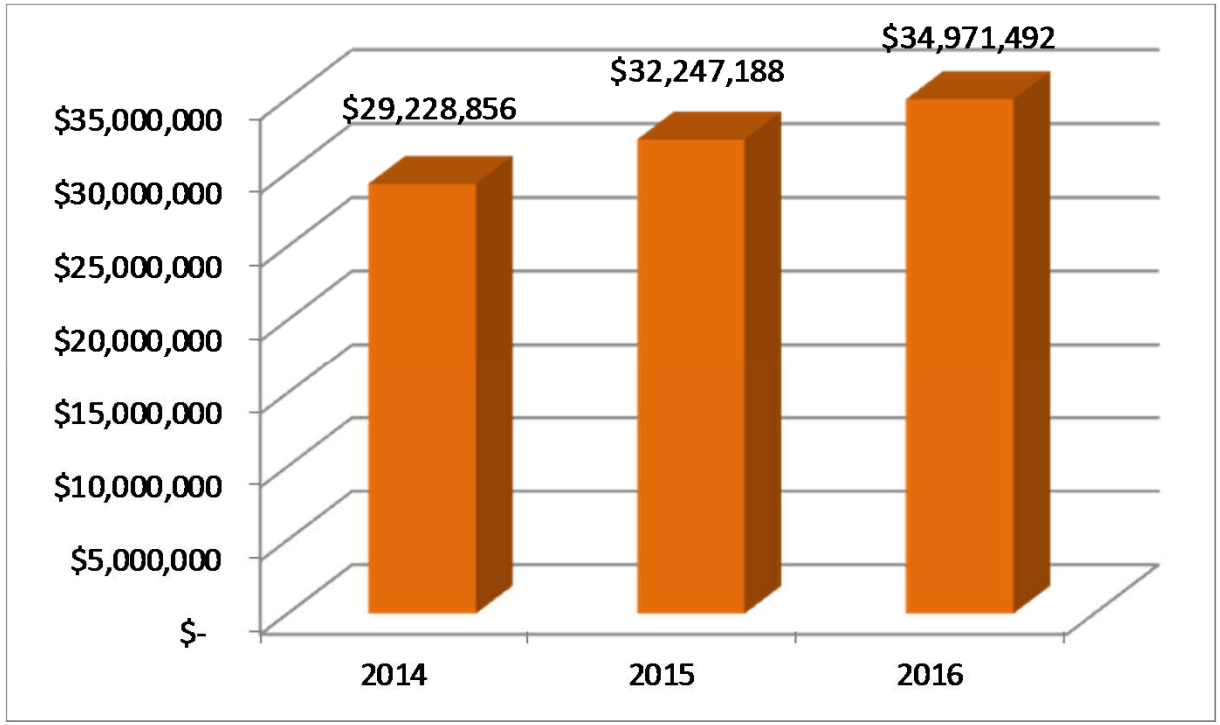


Business - Type Activities



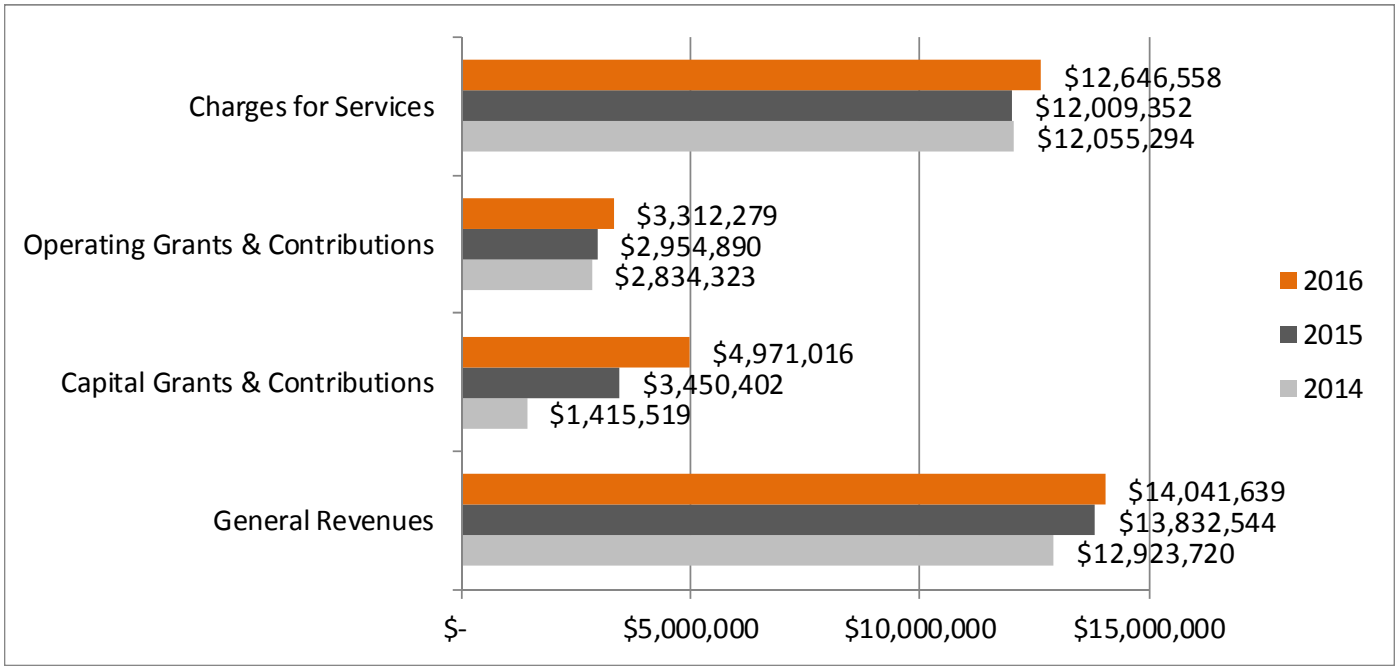
City of Westminster, Maryland

Primary Government Revenue*

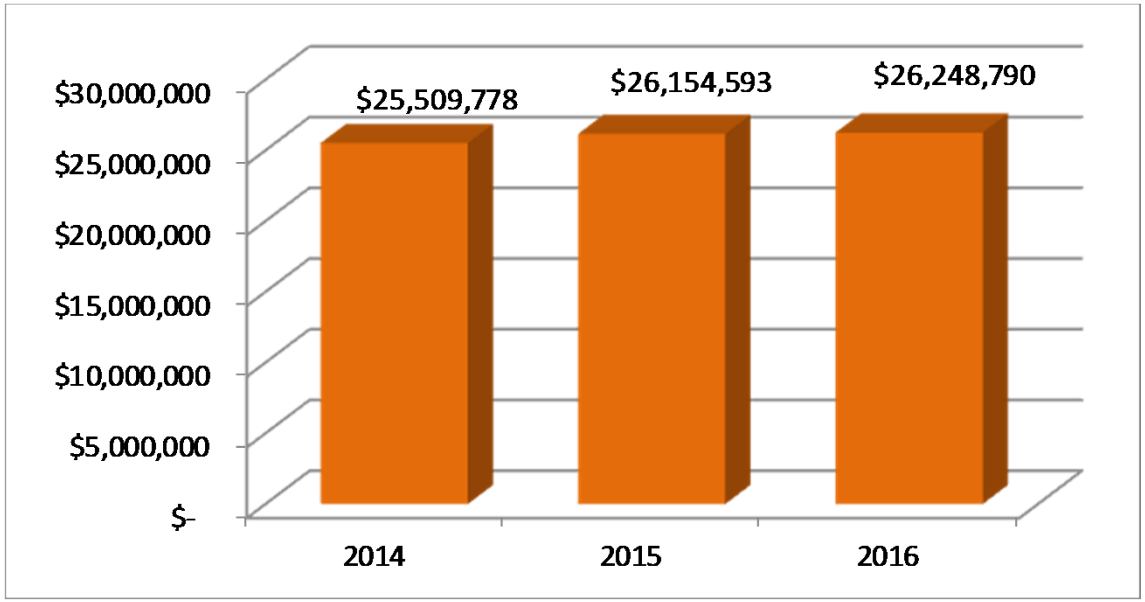


*includes general revenues

City of Westminster, Maryland
General & Program Revenues

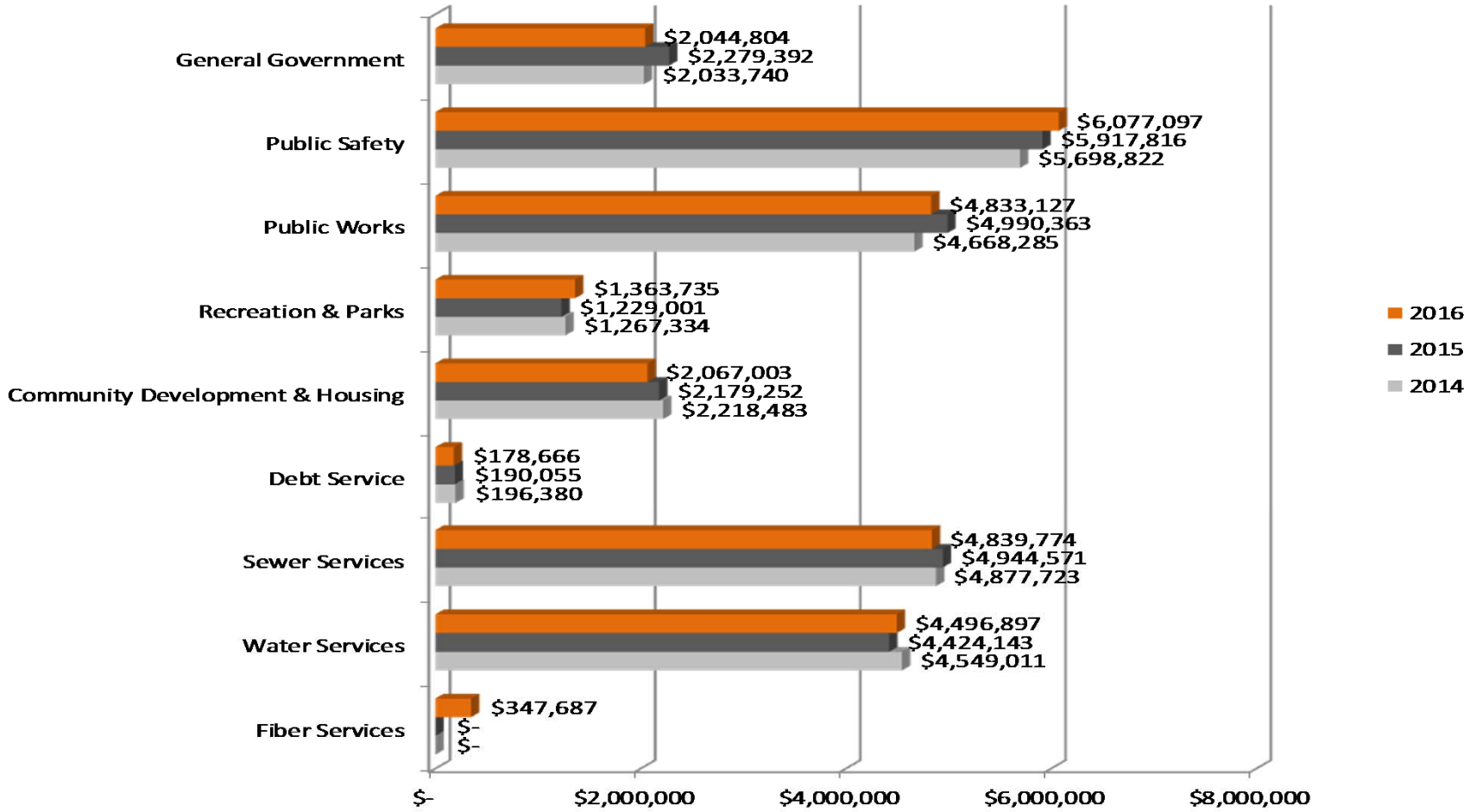


City of Westminster, Maryland
Total Primary Government Expenditures



City of Westminster, Maryland

Expenditures by Function



COHN REZNICK

Communication with Those Charged with Governance

November 8, 2016

To the Honorable Members of the Common Council City of Westminster, Maryland

We have audited the financial statements of the governmental activities, the business-type activities, and each major fund of the City of Westminster, Maryland for the year ended June 30, 2016. Professional standards require that we provide you with information about our responsibilities under generally accepted auditing standards (and, if applicable, *Government Auditing Standards* and the Uniform Guidance), as well as certain information related to the planned scope and timing of our audit. We have communicated such information in our letter to you dated June 6, 2016. Professional standards also require that we communicate to you the following information related to our audit.

Significant Audit Findings

Qualitative Aspects of Accounting Practices

Management is responsible for the selection and use of appropriate accounting policies. The significant accounting policies used by the City of Westminster, Maryland are described in Note 1 to the financial statements. As described in Note 1 to the financial statements, during the year ended June 30, 2016, the City of Westminster, Maryland implemented GASB Statement No. 72, *Fair Value Measurement and Application*, GASB Statement No. 76, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, which supersedes GASB Statement No. 55, *The Hierarchy of Generally Accepted Accounting Principles for State and Local Governments*, and GASB Statement No. 79, *Certain External Investment Pools and Pool Participants*, the effects of which have been reflected in the financial statements as of and for the year ended June 30, 2016. Other than those noted above, no new accounting policies were adopted and the application of existing policies was not changed during 2016. We noted no transactions entered into by the City of Westminster, Maryland during the year for which there is a lack of authoritative guidance or consensus. All significant transactions have been recognized in the financial statements in the proper period.

Communication with Those Charged with Governance-Continued

Accounting estimates are an integral part of the financial statements prepared by management and are based on management's knowledge and experience about past and current events and assumptions about future events. Certain accounting estimates are particularly sensitive because of their significance to the financial statements and because of the possibility that future events affecting them may differ significantly from those expected. The most sensitive estimates affecting the City of Westminster, Maryland's financial statements were:

Management's estimate of the net pension liability and related deferred outflows and inflows of resources are based on an actuarial valuation report. We evaluated the key factors and assumptions used to develop the net pension liability, deferred outflows of resources, and deferred inflows of resources in determining that they are reasonable in relation to the financial statements taken as a whole.

Management's estimate of the actuarial accrued liability related to other post-employment benefits is based on an actuarial valuation report. We evaluated the key factors and assumptions used to develop the accrued liability in determining that it is reasonable in relation to the financial statements taken as a whole. 2

Management's estimate of the allowance for doubtful accounts is based on past experience of collections. We evaluated the key factors and assumptions used to develop the allowance for doubtful accounts in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the unbilled utility service receivables is based on actual water and sewer charges during the subsequent billing periods and the previous year's respective billing periods, depending on the availability of related readings when the unbilled services are estimated. We evaluated the key factors and assumptions used to develop the utility service receivables in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the donated assets is based on an appraised value. We evaluated the key factors and assumptions used to develop the value in determining that it is reasonable in relation to the financial statements taken as a whole.

Management's estimate of the depreciation expense of assets is based on the estimated useful life of the related assets. We evaluated the key factors and assumptions used to develop the depreciation expense to determine that it is reasonable related to the financial statements taken as a whole.

Communication with Those Charged with Governance-Continued

Certain basic financial statement disclosures are particularly sensitive because of their significance to basic financial statement users. The most sensitive disclosures affecting the basic financial statements were as follows:

> The disclosures of the net pension liability and the accrued other postemployment benefits are considered sensitive because they involve actuarial assumptions. Notes 17 and 18 to the basic financial statements disclose the net pension liability and the accrued other postemployment benefits, respectively.

The financial statement disclosures are neutral, consistent, and clear.

Difficulties Encountered in Performing the Audit

We encountered no significant difficulties in dealing with management in performing and completing our audit.

Corrected and Uncorrected Misstatements

Professional standards require us to accumulate all known and likely misstatements identified during the audit, other than those that are clearly trivial, and communicate them to the appropriate level of management. A schedule summarizing the uncorrected misstatements of the financial statements was previously provided to management. Management has determined that their effects are immaterial, both individually and in the aggregate, to the financial statements as a whole. In addition, none of the misstatements detected as a result of audit procedures and corrected by management were material, either individually or in the aggregate, to each opinion unit's financial statements taken as a whole.

Disagreements with Management

For purposes of this letter, a disagreement with management is a financial accounting, reporting, or auditing matter, whether or not resolved to our satisfaction, that could be significant to the financial statements or the auditor's report. We are pleased to report that no such disagreements arose during the course of our audit.

Management Representations

We have requested certain representations from management that are included in the management representation letter dated October 26, 2016.

Communication with Those Charged with Governance-Continued

Management Consultations with Other Independent Accountants

In some cases, management may decide to consult with other accountants about auditing and accounting matters, similar to obtaining a "second opinion" on certain situations. If a consultation involves application of an accounting principle to the City of Westminster, Maryland's financial statements or a determination of the type of auditor's opinion that may be expressed on those statements, our professional standards require the consulting accountant to check with us to determine that the consultant has all the relevant facts. To our knowledge, there were no such consultations with other accountants.

Other Audit Findings or Issues

We generally discuss a variety of matters, including the application of accounting principles and auditing standards, with management each year prior to retention as the City of Westminster, Maryland's auditors. However, these discussions occurred in the normal course of our professional relationship and our responses were not a condition to our retention.

We noted other matters that were reported to management of the City in a separate letter dated November 8, 2016.

Other Matters

We applied certain limited procedures to management's discussion and analysis, the budgetary comparison information, the City's pension-related information and schedule of funding progress, which are required supplementary information ("RSI") that supplements the basic financial statements. Our procedures consisted of inquiries of management regarding the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We did not audit the RSI and do not express an opinion or provide any assurance on the RSI.

Communication with Those Charged with Governance-Continued

We were engaged to report on the Schedule of Expenditures of Federal Awards, the Program Balance Sheet Summary, the Program Revenue and Expense Summary, and the HAP and Admin Equity Calculations, which accompany the financial statements but are not RSI. With respect to this supplementary information, we made certain inquiries of management and evaluated the form, content, and methods of preparing the information to determine that the information complies with accounting principles generally accepted in the United States of America, the method of preparing it has not changed from the prior period, and the information is appropriate and complete in relation to our audit of the financial statements. We compared and reconciled the supplementary information to the underlying accounting records used to prepare the financial statements or to the financial statements themselves.

We were not engaged to report on the introductory and statistical sections, which accompany the financial statements but are not RSI. Such information has not been subjected to the auditing procedures applied in the audit of the basic financial statements, and accordingly, we do not express an opinion or provide any assurance on it.

Restriction on Use

This information is intended solely for the information and use of Common Council and management of the City of Westminster, Maryland and is not intended to be, and should not be, used by anyone other than these specified parties.

Very truly yours,

CohnReznick LLP