1. Agenda 02 10 20

Documents:

AGENDA 02 10 20.PDF

1.I. Council Packet 02 10 20

Documents:

COUNCIL PACKET 02 10 20.PDF

1.I.i. City Council Meeting Minutes

Documents:

COUNCIL MEETING 01 27 20 FINAL.PDF

AGENDA

CITY OF WESTMINSTER
Mayor and Common Council Meeting
Monday, February 10, 2020 at 7 pm
Council Chambers of City Hall, 1838 Emerald Hill Lane, Westminster, MD

1. CALL TO ORDER

2. APPROVAL OF MINUTES

A) Mayor and Common Council Meeting of January 27, 2020

3. CONSENT CALENDAR

A) Approval – LEAD Memorandum of Understanding for Carroll County – Chief Ledwell

4. REPORT FROM THE MAYOR

5. REPORTS FROM STANDING COMMITTEES

A) Arts Council

B) Economic & Community Development Committee

C) Finance Committee

D) Personnel Committee

E) Public Safety Committee

F) Public Works Committee

G) Recreation & Parks Committee

6. COUNCIL COMMENTS AND DISCUSSION

7. BIDS

A) Approval – Purchase of Replacement Utility Maintenance Skid Steer Loader – Mr. Glass

8. UNFINISHED BUSINESS

9. NEW BUSINESS

10. DEPARTMENTAL REPORTS

11. CITIZEN COMMENTS

12. ADJOURNMENT

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MINUTES

CITY OF WESTMINSTER
Mayor and Common Council Meeting
Monday, January 27, 2020 at 7 pm

CALL TO ORDER
Elected Officials Present: Councilmember Chiavacci, Councilmember Dayhoff, Mayor Dominick, Councilmember Gilbert, President Pecoraro, and Councilmember Yingling (joined the meeting at 7:38 pm).

Staff Present: Director of Human Resources Childs, Director of Community Planning and Development Depo, Director of Public Works Glass, Director of Recreation and Parks Gruber, Police Chief Ledwell, City Attorney Levan, City Administrator Matthews, Director of Finance and Administrative Services Palmer, Director of Housing Services Valenzisi, and City Clerk Visocsky.

Guest Present: Graham Dodge, Executive Director, Mid-Atlantic Gigabit Innovation Collaboratory.

President Pecoraro welcomed Carroll County Commissioner Dennis Frazier to the meeting.

APPROVAL OF MINUTES
President Pecoraro requested a motion to approve the following minutes:

- Closed Meeting of October 28, 2019;
- Closed Meeting of December 9, 2019 (note: correction of incorrect date listed on January 27, 2020 agenda); and,
- Mayor and Common Council Meeting of January 13, 2020

Councilmember Chiavacci moved, seconded by Councilmember Dayhoff, to approve the minutes as presented.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

Citizen Comments – Clark Farm Property
President Pecoraro acknowledged the many community members in attendance who were requesting an update on the proposed Clark Farm Property development, located on WTTR Lane. He suggested that Mr. Depo provide an update before the Mayor and Common Council proceeded with the published meeting agenda.

Mr. Depo stated that the City had not yet received a formal application or site plan for the development of a multi-family residential development project on the site. Once a formal application is received, it would be reviewed by Carroll County Government and City staff to make sure that it meets the requirements of the City's zoning ordinance. Mr. Depo informed the Mayor and Common Council that the Clark Farm Property was located in the PD-4 Planned Development – 4 Zone; a multi-family residential development was a permitted use in this zoning district. Following staff review, any proposed

site plan and application would come before the Westminster Planning and Zoning Commission for its consideration.

Councilmember Chiavacci asked Mr. Depo what would occur following review of a site plan application by the Commission. Mr. Depo replied that, if the Commission approved the site plan, the applicant could then move forward with the project. If the Commission disapproved the site plan, the developer could elect to appeal the Commission's decision.

Mr. Depo explained that the proposed project was initiated by the owner of the Clark Farm Property, not the City.

Councilmember Dayhoff informed those in attendance that the property has been zoned PD-4 Planned Development – 4 Zone since the early 1990s. Mr. Depo confirmed that the property was zoned as such for many years, adding that the purpose of the zone was to allow for a variety of housing types.

President Pecoraro encouraged the community members to provide Mr. Depo with their contact information so that the City could keep them informed throughout the development review process.

Councilmember Chiavacci motioned that the agenda be modified to allow Citizen Comments before proceeding with the remaining agenda items. Councilmember Dayhoff seconded the motion.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

Jane Addeo, 814 Hemingford Court, expressed concern about a variance being approved by the Westminster Planning and Zoning Commission. Mr. Depo clarified that the Commission had not granted any variance, adding that approval of any variance would only occur at the time of site plan consideration. He stated that the Commission had held an informal discussion regarding the applicant's request for some relief from the current setback regulations.

Dwayne Van Horn, 730 Mulligan Lane, stated that a number of community members had signed a petition opposing the proposed development. He stated that the lot was too small for the proposed number of apartment units. Mr. Van Horn shared additional concerns, including noise, increased traffic on Mulligan Lane, light pollution, exacerbation of existing drainage issues, and devaluation of neighborhood properties. He noted that there was a school bus stop on Mulligan Lane at the entryway to the site of the proposed development.

President Pecoraro concluded the discussion of this matter, stating that those who wished to offer additional comments could do so under the Citizen Comments section of the agenda.

PRESENTATION
Quarterly Progress Report – Mid-Atlantic Gigabit Innovation Collaboratory (MAGIC)
Mr. Dodge, Executive Director of MAGIC, provided his quarterly update. A copy of Mr. Dodge's presentation is attached to these minutes and incorporated herein by reference.

During the presentation, Mr. Dodge stated that MAGIC envisioned providing tax credits to those who relocated to the City and worked remotely. Councilmember Chiavacci inquired as to the type of tax credits to which Mr. Dodge referred. Mr. Dodge replied that he was referring to local and property tax credits, adding that he recognized the request would need to go through the State government. President Pecoraro asked Ms. Levan if the City had the authority to provide such tax credits. Ms. Levan replied that the City had the legal authority to provide certain tax credits, and offered to provide a list of the same to the Mayor and Common Council.

Commissioner Frazier informed Mr. Dodge and the Mayor and Common Council that Carroll County had received $500,000 from the State that could be utilized to incentivize remote workers. He stated that he had proposed State legislation to provide $5,000 in closing costs to remote workers who relocated to Carroll County, but that the Carroll County State Delegation was not interested in pursuing the legislation at this time. Commissioner Frazier offered to meet with Mr. Dodge to further discuss the details of his legislative proposal.

Mayor Dominick asked Mr. Dodge what role MAGIC had in the establishment of the co-worker space being established at 118 E. Main Street, referred to as CoGarage. Mr. Dodge replied that MAGIC and Atlas Premier Realty joined together to open it as a space for remote workers. CoGarage will provide crazy fast, gigabit fiber internet provided by Ting Internet, as well as office space. MAGIC will manage memberships and the space, in return for having its own office and event space at this location. Mayor Dominick noted that CoGarage provided a good space for those just starting their business.

CONSENT CALENDAR

President Pecoraro requested a motion to approve the Consent Calendar, which consisted of the following:

- Approval of December 2019 Departmental Operating Reports;
- Approval – Agreements with MissionTix for Online and Onsite Ticketing and Admission Services for the Westminster Wine Stroll, Westminster BBQ Stroll, and Westminster Oyster Stroll; and,
- Acceptance of Deeds and Parcels for Bolton Hill Subdivision, Sections 4 and 5.

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

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

REPORT FROM THE MAYOR

Mayor Dominick reported that he had been giving some thought to proposed changes to the Ethics Ordinance, which he would share during the discussion of the same later in the agenda. He informed his colleagues that he was also contemplating proposed amendments to the City's election process, which he would bring forward at a future date.

REPORTS FROM STANDING COMMITTEES

There were no reports from the following Standing Committees: Finance and Public Works.

Councilmember Dayhoff, on behalf of the Arts Council, reported that the Carroll Arts Center had several upcoming events. He encouraged everyone to check out their website for more details.

President Pecoraro, on behalf of the Economic and Community Development Committee, reported that a meeting was scheduled for January 31, 2020.

Councilmember Gilbert, on behalf of the Personnel Committee, reported that the Committee met on January 13, 2020. One of the issues discussed by the Committee was a staff recommendation to eliminate the 20-hour, benefited employee category to provide more scheduling flexibility for the Recreation and Street Departments. Councilmember Gilbert informed her colleagues that all regular benefited employees are required to be enrolled as members of a Maryland State pension system. The

State system requires that any employee working 500 hours per fiscal year must be enrolled as a member; the 500-hour threshold limits staffing flexibility for these departments. Councilmember Gilbert informed her colleagues that the City has set standard hours for employees that work full-time and part-time, and provides health insurance and other benefits to regular part-time employees that work a standard 20-hour week. She noted that there are currently no authorized positions in the standard 20-hour, benefited employee category. Councilmember Gilbert stated that the Personnel Committee unanimously endorsed staff's recommendation to eliminate the 20-hour part-time benefited employee category to allow more staffing flexibility, and that the Committee is requesting approval of the proposed change by the elected body.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None

Councilmember Gilbert then reported that the Personnel Committee planned to discuss amending the Employee Handbook to include an anti-bullying policy at its next meeting.

Councilmember Chiavacci, on behalf of the Public Safety Committee, noted that the Police Department recently investigated a stabbing committed by an individual known to the victim. Councilmember Chiavacci complimented the Police Department for its quick work in arresting the perpetrator. He then requested that Chief Ledwell provide additional information regarding the incident.

Chief Ledwell stated that the property where the stabbing occurred was used by many people, who were unauthorized to be there under the terms of the lease; an eviction process is underway. An argument occurred, and the suspect stabbed the victim. The Police Department apprehended the suspect at the scene. Chief Ledwell stated that there was a second report of an assault in the same area the following day; however, the facts to date do not support that the alleged assault occurred.

Councilmember Yingling joined the meeting at 7:38 p.m.

COUNCIL COMMENTS AND DISCUSSION
Councilmember Dayhoff stated that he wished to follow up on several items discussed at the Strategic Planning Retreat on October 11, 2019 – revisiting the City's nuisance property ordinance and enhancing the current rental licensing program. Mayor Dominick informed Councilmember Dayhoff that the Economic and Community Development Committee would be discussing the rental licensing program at its next meeting on January 31, 2020. Mayor Dominick shared that he and Councilmember Yingling recently met with community members, who were involved in the task force discussions at the time the City established its rental licensing program, to get their feedback. Councilmember Dayhoff stated that the nuisance property ordinance and rental licensing issues were discussed at a community meeting he recently attended; he also informed his colleagues of the appalling housing conditions he encountered during his work with the Westminster Volunteer Fire Department.

Councilmember Dayhoff informed his colleagues that the Recreation and Parks Committee would hold a meeting in the near future.

Councilmember Gilbert shared that Governor Larry Hogan declared 2020 as the Year of the Woman in Maryland to align with the 100th anniversary of the ratification of the 19th Amendment giving women the right to vote. To commemorate this, Councilmember Gilbert initiated discussions with community members about possibly partnering with the City to hold celebration events. She informed her colleagues that she recently met with Ms. Gruber to discuss a possible tie in with the City's various special events.

Councilmember Yingling informed his colleagues and the audience that misinformation was being circulated that he and his business had a financial interest in the multifamily development being proposed for the Clark Farm Property. He stated that neither he nor his business had a financial interest in the property, or the proposed development. He stated he had a business relationship with the owner of the WTTR property, the nature of which he disclosed during the Planning and Zoning Commission meeting on January 9, 2020. During the same meeting, he recused himself from the discussion and decisions related to the project, before the Commission and any other government body.

BIDS

Purchase of Three Replacement Vehicles for Utility Maintenance

Mr. Glass stated that the City's adopted FY 2020 budget allocated funding in the amount of $150,000 for the replacement of three one-ton utility vehicles for the Utility Maintenance Department. Of this amount, $75,000 was budgeted in the Water Fund and $75,000 was budgeted in the Sewer Fund.

Mr. Glass informed that Mayor and Common Council that the vehicles were available via an existing contract between the State of Maryland and Criswell Chevrolet Fleet Sales. The City's procurement code allowed the City to piggyback on this competitive awarded contract.

Mr. Glass recommended that the Mayor and Common Council authorize the purchase of three 2020 Chevrolet Silverado 3500 HD utility trucks from Criswell Chevrolet Fleet Sales, in the total amount of $129,780.

Councilmember Chiavacci noted that the vehicles were coming in less than the budgeted amount, and expressed his appreciation to Mr. Glass.

Councilmember Chiavacci moved, seconded by Councilmember Gilbert, to authorize the purchase of three 2020 Chevrolet Silverado 3500 HD utility trucks from Criswell Chevrolet Fleet Sales, in the total amount of $129,780.

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

ORDINANCES & RESOLUTIONS

Ordinance No. 919

Ms. Palmer informed the Mayor and Common Council that Ordinance No. 919 would amend the adopted FY 2020 budget. She noted that a summary of the changes was provided in the staff memo included in the agenda packet. The Common Council introduced the ordinance on January 13, 2020.

Ms. Palmer recommended adoption of Ordinance No. 919, amending the adopted budget for the Fiscal Year beginning July 1, 2019 and Ending June 30, 2020 (FY 2020 Budget Amendment #1).

Councilmember Dayhoff moved, seconded by Councilmember Yingling, to adopt Ordinance No. 919 as presented.

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

UNFINISHED BUSINESS

President Pecoraro noted that a public hearing regarding the proposed vaping ordinance would be held on February 24, 2020.

NEW BUSINESS

Discussion of the Ethics Ordinance

President Pecoraro stated that he had shared a copy of a proposed ordinance to revise the City's Ethics Ordinance with his colleagues on January 13, 2020. The purpose of the proposed ordinance was to conform to the State's view of the statutory requirements for financial disclosures by the City's elected and appointed officials. The proposed ordinance also incorporates amendments to State law enacted since adoption of the City's current Ethics Ordinance.

Ms. Levan then reviewed the proposed modifications to the City's Ethics Ordinance, informing the Mayor and Common Council of the following:

- **§16-4 Conflicts of Interest**
  - State law now restricts former regulated lobbyist from participating in certain transactions as elected officials; therefore, under subsection A. Participation Restrictions was added to include:
    - (2) A former regulated lobbyist who is or becomes subject to regulation under this Chapter as a public official or employee may not participate in a case, contract, or other specific matter in his or her capacity as a public official or employee for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
  - Grammatical and stylist changes were made under subsection C. Post-employee Limitations and Restrictions.
  - Subsection E. Use of Prestige of Office, subsections (2), (3), and (4) were revised to conform to State law regarding solicitation:
    - (2) An official or employee may not intentionally use the prestige of office or public position to influence the award of a state or local contract to a specific person.
    - (3) An official or employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
    - (4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
- **§16-5 Financial Disclosures: City elected officials and candidates for City elective officer.**
  - Subsection A. Financial disclosure statement required, subsection (2) The filing date for financial disclosure statements was changed to February 15, due to the previous filing date not providing adequate time, following the beginning of a new year.
  - Subsection B. Candidates to be local elected officials: changes were made to conform with language of the City Code and the ordinance. Under subsection (3), subsection (b) was added to include:
    - (b) If a candidate fails to file a statement required by subsection (2)(b) of this Section or before the due date set forth therein, the City Clerk shall

send a notice to the candidate advising the candidate that his or her candidacy will be deemed withdrawn if the required statement is not filed by the close of business on the fifth business day following the date of the notice.

- Subsection C. Public Record: subsection (5) was added to include:

  - (5) The City Clerk may not provide public access to a portion of a statement that is filed after January 1, 2019, and that includes an address that the individual has identified as the individual's home address.

- Subsection E. Contents of statement: Due to a change in State law regarding interests in real property, subsection (1) (b) was replaced with the following:

  - (b) For each interest in real property, the schedule shall include:

    [1] The nature of the property and the location by street address, mailing address, or legal description of the property;

    [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;

    [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;

    [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

    [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and,

    [6] The identity of any other person with an interest in the property.

- Subsection E. (2) Interests in corporations and partnerships: the following new language was added to comply with State requirements:

  - (2) Interests in corporations and partnerships.

    (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City.

    (b) For each interest reported under this paragraph, the schedule shall include:

    [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

    [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;

[3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

[4] With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and,

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(c) An individual may satisfy the requirement to report the amount of the interest held under subsection E.2 (b) (2) of this Section by reporting, instead of a dollar amount:

[1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

[2] For an equity interest in a partnership, the percentage of equity interest held.

(d) For purposes of this Section, "Interest" does not include a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific area that is regulated by the City.

- Subsection (3) has been modified to include additional language. It now reads, Interests in business entities doing business with City. The following subsections were also modified:

  - (a) A statement filed under this Section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under subsection E.2. of this subsection.

  - (b) [3] If any interest was transferred, in whole or in part, at any time during the reporting period, the nature of the interest transferred, the identity of the person to whom the interest was transferred, and if the transferee is a person or business entity that is regulated by or is doing business with the City or has done business with the City in the preceding five years, the amount of the consideration received for the interest (including the value of any nonmonetary consideration received).

  - (c) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

Ms. Levan noted that, in subsection (4) Gifts, this section would need to be revised according to the City Code. She stated that she would correct this portion of the proposed ordinance prior to its introduction. Ms. Levan noted that this section insinuates that all gifts received, including from family, would need to be disclosed; therefore, she would include a definition of gifts, which would exclude gifts received from family members, etc.

- **§ 16-6 Financial disclosure: employees and appointed officials.**
    - Currently subsection A. has remained the same, but Ms. Levan proposed adding the titles of recently created department director positions. This would include the Director of Human Resources and Director of the Housing Services.

    - The following has been added to subsection C (3), (4), (5):

        - (3) The identity of any entity doing business with the City with which the official or employee has done business or from which he or she has received anything of value in the preceding five (5) years.

        - (4) The identity of any person doing business with the City or whom the official or employee knows or has reason to know has received anything of value from a person or entity doing business with the City with whom the official or employee has a personal relationship involving two or more private social engagements in the preceding year. The official or employee need not disclose the nature of the personal relationship.

        - (5) The identity of any business entity located in the City from which the official or employee receives earned income.

- **§16-6.1 Financial Disclosure: Members of boards and commissions.** This section was added, removing the original language from § 16-6. The requirements of the boards and commissions have remained the same. The filing deadline of February 15 will need to be added to this section.

Ms. Levan noted that, in addition to §16-5, a provision was added to §16-6 and §16-6.1 that states the City Clerk may not provide public access to a portion of a statement that is filed after January 1, 2019, and that includes an individual's home address that the individual has identified as the individual's home address.

Mayor Dominick suggested adding language that would disallow elected officials from doing business with an entity to which the City provides a large portion of the entity's funding. Ms. Levan informed the Mayor and Common Council that such an addition to the proposed ordinance would need to be discussed and decided amongst them; any addition would be included in §16-4.

Councilmember Chiavacci suggested that doing business with an entity that does business with the City not be prohibited. He suggested alternative language that would require an elected official to recuse himself or herself from participating in a decision to approve a transaction with an entity with which the elected official does business. Councilmember Chiavacci stated that prohibiting all business relationships may discourage people from serving in elected office.

Mayor Dominick stated that he had to primary goals – to enhance public trust through transparency and to mitigate influence by an elected official. To address Councilmember Chiavacci's concern, an option might be to establish a threshold standard.

Councilmember Chiavacci acknowledged Mayor Dominick's and Councilmember Yingling's prior comments and interest in strengthening the City's Ethics Ordinance. He expressed a desire for the elected body to collectively agree on the changes to be made to the City's existing Ethics Ordinance.

Councilmember Chiavacci then suggested that a requirement be added that City staff provide a list of businesses with which the City does business to the Mayor and Common Council on an annual basis. He also suggested excluding the physical address of any vacation property owned by an elected official. Ms. Levan stated that this language could be added.

Councilmember Chiavacci asked if the State Ethics Commission would review the proposed changes to the City's Ethics Ordinance. Ms. Levan replied that the proposed ordinance had been submitted to the Commission, but the Commission had not reviewed it; therefore, she would send the Commission a revised draft, incorporating any further changes directed by the Mayor and Common Council.

Mayor Dominick inquired if the provisions of the proposed ordinance addressed an elected official doing business with a company under contract by the City. Ms. Levan stated that she believed this was covered, but that she would be sure that the ordinance addressed the matter.

Councilmember Chiavacci inquired if the same provisions of the elected officials would be applicable to the appointed officials and boards and commissions identified in the ordinance. Mayor Dominick agreed that everyone listed within the ordinance should disclose the same as the elected officials. Ms. Levan explained the reasons for differences in the disclosures.

Councilmember Dayhoff asked Ms. Levan if it would be a conflict for him to vote on the City budget given the funding provided by the City to the Westminster Volunteer Fire Department, to which both he and his wife volunteer their time. Ms. Levan replied that there would be no conflict since he derived no income from the Fire Department; however, he may wish to disclose the relationship on his financial disclosure form.

President Pecoraro recommended that Ms. Levan update the proposed ordinance to reflect the Mayor and Common Council's discussion, for placement on the February 10, 2020 agenda. Ms. Levan would transmit the proposed ordinance to the State Ethics Commission after its introduction. The Mayor and Common Council preferred that the ordinance be transmitted in advance of introduction so as to avoid, if possible, spending further time on changes that might not be acceptable.

DEPARTMENTAL REPORTS

City Administrator

Ms. Matthews reported that the 45 West Main Renovation Project had been underway for approximately three weeks; the next bi-weekly progress meeting would be held on January 28, 2020. She then reported that the City expected to receive the final comments from Maryland Department of Environment staff regarding the technical protocol to be used for the City's water re-use bench scale and pilot project by the end of the week of January 27, 2020.

Ms. Matthews shared that Katz and Associates, the communications firm assisting the City with public information/education for the water reuse initiative, conducted the first round of community stakeholder interviews during the week of January 20, 2020. She informed the Mayor and Common Council that a second round of interviews would be conducted during the week of February 3, 2020. Following completion of the interviews, Katz would provide a report to the City summarizing its findings and recommendations. Councilmember Dayhoff shared that he had received positive feedback from those who had participated in the interviews.

Westminster Police Department
Chief Ledwell reported that, on January 14, 2020, he attended a community meeting hosted by the Historic Belle Grove Square Neighborhood Association. The meeting was beneficial, and the feedback received would be helpful to the Police Department in addressing concerns of the community members.

Chief Ledwell then reported that a Coffee with Cops event would be held at Birdie's Café on February 8, 2020. In addition, the department would be participating in an outreach program with the Boys and Girls Club.

Chief Ledwell informed the Mayor and Common Council that the four new recruits recently completed their first month in the police academy, and all were performing well.

Chief Ledwell shared that the Police Department had developed a promotional list for two new corporal positions, to add supervisory coverage when the new 12-hour patrol schedule went into effect.

Councilmember Chiavacci asked Chief Ledwell when the new patrol schedule would be implemented. Chief Ledwell replied that he had been working with Ms. Matthews and Ms. Palmer to finalize the details, and hoped that it could be implemented in approximately one month. Councilmember Chiavacci shared the positive feedback he had received from staff and community members about the new schedule.

Finance and Administrative Services Department
Ms. Palmer continued the discussion of the Westminster Police Department's new patrol schedule, adding that the new schedule required changes in the payroll system. She informed the Mayor and Common Council that initial testing was completed earlier that day, and it had gone smoothly. Additional testing was needed before proceeding.

Ms. Palmer then reported that her department issued W-2 and 1099 forms, and was in the process of printing 1095 forms.

Ms. Palmer shared that FY 2021 budget worksheets had been distributed to each department; the departmental requests would then be compiled into the master budget document. Ms. Palmer and Ms. Matthews would then meet with each department to discuss their requests.

Ms. Palmer concluded her report by informing the Mayor and Common Council that the City received an extension until March 31, 2020 to submit its audit to the State. Part of the delay was attributable to the City's audit firm being acquired by another company, which required the audit team to learn new software.

Public Works Department
Mr. Glass reported that the Westminster Fiber Network Maintenance Team quickly repaired a fiber line break on January 22, 2020. In addition, a water main break occurred on January 25, 2020; the Utility Maintenance Department was able to isolate the line and repair the break within a short period of time.

Mr. Glass then provided the Mayor and Common Council with an update on the extended pump test of the Gesell Well. He reported that there was one week remaining, and test results to date were positive.

Recreation and Parks Department
Ms. Gruber reported that her department was working on the various 2020 special events. The Mother/Son Date Night event sold out within five hours. She stated that the approval of the MissionTix agreements earlier in the agenda would allow the department to begin selling tickets for the Westminster Strolls.

Ms. Gruber then reported that the department had encountered several maintenance issues at the Family Center.

Housing Services Department
Ms. Valenzisi reported that her department was working on the administrative plan for the Housing Choice Voucher program. She also reported that her department was working with several landlords to identify a permanent solution to ongoing trash problems.

Community Planning and Development Department
Mr. Depo reported that there were currently no items scheduled for the February 4, 2020 Board of Zoning Appeals meeting agenda. On February 5, 2020, the Westminster Historic District Commission was scheduled to review telecommunication antennas on the water tower located near Sawgrass Court.

Mr. Depo also reported that Any Time Fitness was tentatively included on the February 13, 2020 Planning and Zoning Commission meeting to review their sign plan. Following adoption of Emergency Ordinance No. 918, the City had approved four deck permits to date.

Mr. Depo concluded his report by sharing that the Spring 2020 Water and Sewer Amendment was completed and submitted to Carroll County Government.

Human Resources Department
Ms. Childs reported that she and Ms. Levan were working together to finalize the City's new drug free and workplace policy. The new policy would be placed on a future Mayor and Council meeting agenda, most likely in February.

Westminster Volunteer Fire Department
Councilmember Dayhoff, on behalf of President Dan Plunkert of the Westminster Volunteer Fire Department (WVFD), reported that its 141st annual banquet celebration was held on January 26, 2020. He announced that Bill Brehm received the Firefighter of the Year Award for 2019.

CITIZEN COMMENTS
Terry Diehl, 43 Glen Oak Court, shared that she had lived in Westminster for 26 years, and loved the community. She then expressed her concerns regarding the proposed Clark Farm development, stating that she felt the concerns of she and her neighbors were being ignored and that their questions were not being answered. Ms. Diehl asked for a point of contact at the City with whom she could speak.

Emily Van Horn, 730 Mulligan Lane, informed the Mayor and Common Council that she and other community members had heard that the developer requested to build townhomes rather than apartments, but that the City denied the request. She then expressed her concerns regarding the proposed development.

Blanche Steel, 31 Glen Oak Court, questioned how the community could stay informed as the process moved forward. She shared her concerns regarding the development of apartments on the Clark Farm Property.

Donna Robinson, 33 Cypress Point Court, commented that she and her neighbors attended the Westminster Planning and Zoning Commission meeting on February 9, 2020. She stated that they felt shut down by the Commission when asking questions about the development. Additionally, a site plan was distributed which included the current surrounding homeowners names and location of their properties. It was noted that this was not a site plan.

Gary Steel, 31 Glen Oak Court, asked if the surrounding property owners were notified when the rezoning of the Clark Farm Property was approved in the 1990s. The Mayor and Common Council responded that they could not confirm what had transpired at that time.

Mike Carlson, 738 Mulligan Lane, asked for clarification on what could be built on the Clark Farm Property.

Jenny Bell, 734 Mulligan Lane, pointed out that a Ting Internet box was located on Mulligan Lane, expressing concern that it could be vandalized.

Mary Beth Kepler, 40 Wentworth Court asked if a traffic study would be required. Mr. Depo replied that a traffic study requirement would be one of the issues reviewed following submission of a site plan.

The Mayor, Common Council, and Mr. Depo replied to the questions and concerns raised by those in attendance. They reiterated that a site plan application for the proposed development had not yet been submitted. In addition, the Planning and Zoning Commission discussion on January 9, 2020 was an informational discussion concerning the project; no variance to setback requirements had been granted. They Mayor and Common Council stated that site plan approval was the purview of the Planning and Zoning Commission, not the Mayor and Common Council. The property's zoning allowed construction of a multifamily residential development as a matter of right.

The Mayor and Common Council encouraged community members to:

- Provide their contact information to Mr. Depo and the Community Planning and Zoning Department so they could receive notifications regarding the proposed development;
- Designate a community member to attend City meetings so they can stay informed;
- Request their HOA to arrange a meeting with the developer to discuss their questions and concerns; and,
- Attend the Westminster Planning and Zoning Commission meeting(s) regarding any site plan application to voice their concerns about site plan related matters.
- To speak to Jeff Laird, General Manager of WTTR and Managing Member of Hilltop Communications, regarding their concerns.

In conclusion, Mayor Dominick encouraged community members to attend the Mayor and Common Council meetings more frequently.

ADJOURNMENT

President Pecoraro adjourned the meeting at 9:32 pm.

Respectfully Submitted,

Shannon Visocsky, City Clerk

Full audio version is available on www.westminstermd.gov

magic

MID-ATLANTIC GIGABIT INNOVATION COLLABORATORY

2nd Quarter Progress Report

October, November, December - 2019

Mission:

To build a tech ecosystem that creates and nurtures talent, entrepreneurship, and tech businesses, elevating Westminster to lead the Mid-Atlantic region.

Vision:

Westminster will be the next technology hub to emerge in the United States. Following in the footsteps of Mountain View, Boulder and Austin.

#SiliconMainStreet

#CyberCounty

magic
MID-ATLANTIC GIGABIT INNOVATION COLLABORATORY

QUARTERLY KPIs

Measurement/Activity	Q1	Q2	Q3	Q4	Total
Number of sponsors participating in special events	0	29			
Amount of sponsor revenue received	0	$15.8k			
Number of grant applications submitted	2	2			
Number of volunteers from venture capitalists, startups, and tech companies	6	10			
Jobs placed/facilitated within the City of Westminster	2	0			
Jobs placed/facilitated outside the City of Westminster	0	1			
Number of conferences/events attended or hosted	6	7			
Number of conferences/business events attended at which the Westminster Fiber Network was promoted	2	4			
Coverage in local and regional news publications	0	8			

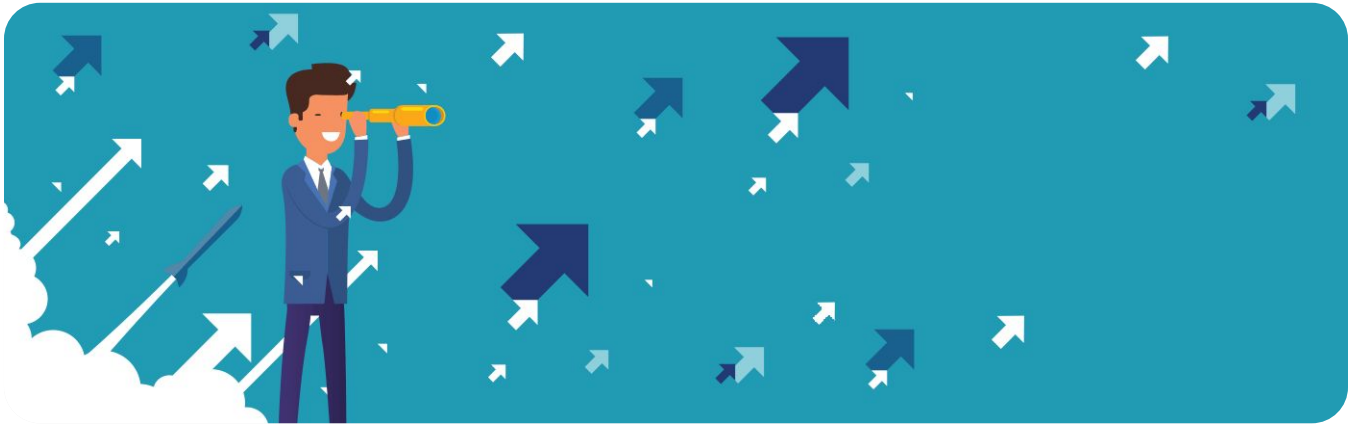
ACCOMPLISHMENTS THIS PAST QUARTER

Walmart

- LARGEST CTF TO DATE! - Over 300 registered students, over 20 locations, 3 countries
- AWARDED WAL-MART COMMUNITY GRANT - $1,000 will support our new Cyber Club
- CYBER CLUB TEAMS COMPETED IN CYBERPATRIOT XII - Our all girl team made semi-finals!

MID-ATLANTIC GIGABIT INNOVATION COLLABORATORY

WHAT'S AHEAD NEXT QUARTER



- NEW BOARD MEMBERS - 1/27 - Two veteran VCs Chris College and Ed Spiva are joining MAGIC
- HACKATHON 2020 - Feb 21-23 - new judges - $5,250 in sponsors committed so far
- INTRODUCTION TO GAMING - Mar 2 - May 28 - First paid course with professional instructor
- MOVE TO COGARAGE - Feb-Mar - MAGIC is helping Atlas Premier Realty launch and manage new co-working space

BAG OF TRICKS

- REMOTE WORKING TAX CREDITS
- RELOCATION GRANTS / CREDITS
- FEASIBILITY STUDIES
- CROSS PROMOTION WITH CITY & COUNTY
- CITY FUNDING FOR STARTUPS
- KAUFFMAN FOUNDATION PARTNERSHIPS
- $1M PERKS PROGRAM
- TECH JOBS BOARD
- FACADE GRANT, OPPORTUNITY ZONE, AND MORE ZONES!

magic

MID-ATLANTIC GIGABIT INNOVATION COLLABORATORY

To: Mayor and Common Council

From: Thomas Ledwell, Chief of Police

Date: January 27, 2020

Re: Approval – LEAD Memorandum of Understanding for Carroll County

Background

The Governor's Office of Crime Control and Prevention, along with the Maryland Department of Health, the Behavioral Health Administration, and the Office of the Public Defender, will work with local law enforcement and health agencies to support three existing and six new Law Enforcement Assisted Diversion (LEAD) and detention-based diversion programs for nine sites in Maryland. For its part, the Hogan administration recorded more than $674 million in opioid-related spending in FY 2019, which is expected to reach $747 million during the current fiscal year of FY 2020.

LEAD is a tool that empowers police to refer eligible individuals to public health services. This model has shown an improvement in public safety outcomes and reducing costs, while also supporting law enforcement partners and community members. Only select individuals under specific criteria would be eligible for diversion as a problem-solving tool.

The Carroll County Health Department (CCHD) has secured a grant to implement LEAD over the next 18 months in Carroll County, with additional funding anticipated moving forward. The CCHD has requested the Westminster Police Department to be a partner in this pilot initiative.

The attached LEAD Memorandum of Understanding outlines the commitments to the program. There are no costs or financial commitments from the City or the Police Department associated with this initiative, other than the training time for involved staff. The proposed Memorandum of Understanding has been reviewed and approved by the City Administrator and the City Attorney.

Recommendation

Staff recommends that the Common Council authorize the Mayor to sign the attached Memorandum of Understanding on behalf of the City of Westminster.

Attachments

- Proposed LEAD Memorandum of Understanding
- LEAD Referral and Diversion Protocol

cc: Barbara B. Matthews, City Administrator

Law Enforcement Assisted Diversion
Memorandum of Understanding

Memorandum of Understanding
Among

Carroll County Health Department
The Mayor and Common Council of Westminster on behalf of
the Westminster Police Department
the Carroll County State's Attorney
Public Defender's Office

Regarding

Law Enforcement Diversion Program
Policy Coordinating Group: Formation, Governance, and Responsibilities

Recitals

Whereas, the Mayor and Common Council of Westminster ("the City"), the Commissioners of Carroll County ("the County"), and residents and business owners in the community want to improve public safety and public order; and

Whereas the City, the County, and community members want to reduce future criminal behavior related to mental illness, drug involvement, homelessness, poverty, and other health and wellness issues in the City's communities; and

Whereas arresting, booking, processing, and jailing individuals committing offenses related to mental illness, drug involvement, chronic homelessness, poverty, and other health and wellness issues in the City has had limited effectiveness in improving either public safety or public order in the neighborhoods; and

Whereas, interventions that connect individuals that have been charged with low-level offenses with services may cost less and be more successful at reducing criminal behavior than processing these individuals through the criminal justice system; and

Whereas a program grounded in harm reduction and housing first philosophies, such as LEAD, may provide better results than traditional abstinence only programs; and

Whereas the LEAD National Support Bureau is available for technical support;

Now Therefore, the Parties state their intentions as follows:

A. Formation, Purposes, and Membership of the Law Enforcement Assisted Diversion (LEAD) Policy Coordinating Group (PCG)

A Policy Coordinating Group is hereby formed for the LEAD pre-arrest/booking diversion program. The purposes of the PCG are to review and provide feedback on the Referral and Diversion Protocols for LEAD participants, approval of Requests for Proposals (RFP) for service providers and program evaluators, select providers and evaluators, review and provide feedback on periodic reports from the Operational Work Group, make criminal justice and human services data available for comparison and evaluative purposes, and provide policy guidance and administrative oversight for the LEAD program's operations and evaluation. The PCG will select an appropriate fiscal sponsor to receive and administer the program's funding.

LEAD Policy Coordinating Group

The Policy Coordinating Group's membership shall consist of representatives from the following entities and organizations:

1. Carroll County Health Department
2. Westminster Police Department
3. State's Attorney's Office
4. Public Defender's Office

Additional member entities and organizations may be added by the Policy Coordinating Group upon unanimous consent of the existing members.

LEAD Staffing

In addition to individual organizations' staff committed by each of the signatories to the Memorandum of Understanding as described below, the Law Enforcement Assisted Diversion program is to have two full-time staff members dedicated to the LEAD program; a Community Engagement Coordinator, and the Project Manager. The assignment of the Project Manager will be determined by the Policy Coordinating Group. The Project Manager is responsible for overseeing all aspects of LEAD program management, resource development, and stakeholder coordination. The Project Manager will serve as a liaison between the fiscal sponsor, the program funders, the contract service providers, the Policy Coordinating Group, and the Operations Work Group. The Project Manager, with the PCG, will advocate for fidelity to agreed protocols and the core principles of LEAD.

MOU Signatories' Individual Statements of Intent

The parties signing this MOU specifically state their respective intentions below and commit to the following :

The Mayor and Common Council of Westminster

The City is committed to the goals of supporting safe communities and promoting opportunities for all communities and individuals to realize their full potential. This can

be realized by changing the way criminal behavior related to problematic substance use, mental illness, chronic homelessness, poverty, and other health and wellness issues is handled. The LEAD initiative furthers these goals and has the full support of the City.

The City is committed to providing staff towards the implementation, execution, and sustainability of LEAD. A qualified senior staff member will be appointed to the Policy Coordinating Group. The City further directs the police department to make LEAD a priority and is committed to addressing racial and ethnic disparities.

The City agrees to participate in data collection and information sharing.

Westminster Police Department (WPD)

The WPD is committed to participate in LEAD on both a policy and operational level. The Department will appoint command level personnel to the Policy Coordinating Group who will have the authority to make policy level decisions. The Department will further dedicate a line level supervisor and officer to the Operations Work Group. A mid-level supervisor will be identified to oversee the department's responsibilities on the Operations Workgroup and will have the authority to make operational decisions.

The Department recognizes the importance of police officers understanding the goals and principles of LEAD, the history and philosophy of harm reduction, and the process of making a diversion. The Department will train officers involved in the LEAD initiative in all aspects of LEAD to include harm reduction and the philosophy of the LEAD initiative.

The WPD agrees to participate in data collection and information sharing.

Carroll County Health Department

The Carroll County Health Department, under the Maryland Department of Health, agrees to assign senior leadership personnel to the LEAD Policy Coordinating Group; as well as personnel knowledgeable of the behavioral health system of care in the County. The personnel will provide consultation and operational technical assistance in the development of appropriate community behavioral health services necessary to the success of the LEAD program.

The Carroll County Health Department will appoint a representative to the Operations Workgroup who is familiar with Behavioral Health issues and the available local resources.

The Carroll County Health Department agrees to participate in data collection and information sharing.

Office of the Public Defender

The Public Defender's Office pledges its support to the formation and implementation of a LEAD program. The Public Defender will dedicate senior leadership to participate in the Policy Coordinating Group. The Public Defender's Office will further be assigned an attorney to the Operations Workgroup to represent the interests of participants, advocate for individuals who seek to become part of the LEAD program and communicate with all stakeholders to ensure the program is meeting its goals.

The Public Defender's Office agrees to participate in data collection and sharing.

Carroll County State's Attorney

The Carroll County State's Attorney believes that the success of LEAD will allow for better outcomes for those living with addiction, mental illness, homelessness, or poverty while allowing for less of a burden on our costly criminal justice system. The Carroll County State's Attorney will appoint a senior level personnel to the Policy Coordinating Group who has the authority to make policy and administrative decisions.

Furthermore, personnel will be appointed to the Operations Workgroup and who have decision making authority on operational matters. The appointee to the Operations Workgroup will act as a liaison between the LEAD case managers and prosecuting attorneys for any old or new criminal cases that LEAD participants may have. This is instrumental to the success of LEAD as decisions on filing charges, determining plea agreements, and recommending sentences are integral to the success of participants in LEAD.

The Carroll County State's Attorney agrees to participate in data collection and sharing.

B. Governance

Participation in the LEAD Policy Coordinating Group is voluntary, and any member may withdraw unilaterally at any time for any reason. This MOU does not amend any law or ordinance; nor does it create any binding obligation on the part of any signatory. This MOU simply memorializes the intent of the Policy Coordinating Group's members in participating in LEAD and describes the responsibilities they understand to be accepted through their participation.

All decisions of the Policy Coordinating Group will be made by a modified consensus. For the purposes of this MOU, "modified consensus" means a resolution that is acceptable to all participants even if not ideal to one or more. However, the police department retains discretionary authority over diverting potential LEAD participants and in instances when where a case is filed, the State's Attorney retains the ultimate and exclusive authority to make filing and case decisions.

The Project Manager Agency shall have a decision-making role in both the Policy Coordinating Group and the Operations Workgroup, in addition to acting in an advisory capacity.

Any non-signatory agency that acts as a subject matter expert may participate in the Policy Coordinating Group or Operations Workgroup at the discretion of the partner entities, but shall not have a decision making role.

Each member organization shall designate one representative for the purposes of determining consensus in Policy Coordinating Group decisions, but multiple representatives from each organization may attend meetings and participate in discussions.

C. Responsibilities

The Role of the Policy Coordinating Group is to make policy-level decisions regarding the LEAD program and to provide periodic administrative oversight of the program. Specific responsibilities include, but are not limited to, the following:

1. Review of LEAD Referral and Diversion Protocols;
2. Selection of a fiscal sponsor to receive and administer private funding granted for LEAD operation and evaluation, however government funding allocated for the LEAD program may be administered by the governmental entity rather than transferring the funds to a Funding Hub;
3. Oversight, advisement, and discretion of fiscal sponsor pursuant to grant agreements;
4. Collaboration on grant applications for LEAD operation and evaluation;
5. Review of RFP applications and selection of service providers and evaluators;
6. Approval of RFPs for LEAD service provision and evaluation;
7. Taking part in the collection and sharing of criminal justice and human health services system data for comparison and evaluative purposes;
8. Oversight of LEAD implementation, including but not limited to regular review of reports from the Operations Workgroup, contract compliance of service providers and evaluators, ensuring a commitment to a harm reduction philosophy, and solicitation and review of community feedback; and,
9. Modification of service provision, or evaluation criteria and process, as needed.

The MOU signatory agency, or Project Manager Agency, to which the Project Manager is assigned, shall provide staffing support through document drafting, stakeholder consultation, troubleshooting, and technical assistance to the Operations Workgroup; the Project Manager will have decision-making authority as a member of the Policy Coordinating Group.

This MOU may be signed in counterparts and shall be effective as of the date it is signed by all parties. No amendment or modification of this MOU will have effect unless it is made in writing and agreed to by all signatories or their successors.

Acknowledgments

This document was developed by the LEAD National Support Bureau, The Public Defender's Association, and The Katal Center for Health, Equity, and Justice.

The LEAD National Support Bureau provides technical support for jurisdictions nationally that are exploring or implementing LEAD, and hosts learning collaboratives where the insights and lessons learned in this family of reform initiatives can be shared peer to peer among jurisdictions.

LEAD® is a registered trademark held by the Public Defender Association for the flagship LEAD Policy Coordinating Group in Seattle, Washington. The LEAD National Support Bureau is a project of PDA. PDA grants limited licenses to use the term LEAD without charge to jurisdictions working in alignment with the LEAD core principles.

_____ _____

Carroll County Health Department Public Defender's Office

_____

Carroll County State's Attorney

THE MAYOR AND COMMON COUNCIL OF WESTMINSTER

By: _____
Joe Dominick, Mayor

WESTMINSTER POLICE DEPARTMENT

By: _____
Thomas Ledwell, Chief of Police

Carroll County, MD

LEAD Referral and Diversion Protocol

Introduction

This is not a legal document and does not reflect official guidance to law enforcement; therefore, this document should be used as a guide, not a substitute for official law enforcement Standard Operating Procedures.

This document is designed to serve as a detailed explanation of LEAD (Law Enforcement Assisted Diversion) as well as a guide for implementing agencies, other partners, and the public. It anticipates that LEAD operational agencies (i.e. service provider, law enforcement) will be creating their own internal protocols to address specific aspects of LEAD operations. In addition, this living document will undergo revisions and changes based on input from partners and the public.

Carroll County residents, elected officials, law enforcement officers, prosecutors, business owners, and social service providers are invested in finding creative solutions to reducing crime, poverty, and overdose in ways that recognize and address the underlying behavioral health and social service needs of community members.

LEAD, which provides case management and diverts eligible individuals from jail and prosecution, has been proven more effective at reducing recidivism and improving public safety than traditional criminal justice approaches. In addition, LEAD provides eligible participants with direct support services and treatment without the costs and delay of a criminal process and possible incarceration.

Goals

All LEAD partners have the following common goals that guide LEAD-related decision-making:

- To recognize and treat substance use and other behavioral health conditions as public health issues and to address social service needs that may give rise to criminal offenses
- To reduce the cost to the criminal justice system by providing support services instead of jail and prosecution
- To reduce the harm of drug use to the individual and the community
- To reduce crime and recidivism
- Improve community-police relations
- Reduce overdose deaths in Carroll County

Core Principles

- **A harm reduction philosophy.** Participants will be engaged based on where they are in their lives and in their drug use and recovery; they will not be penalized or denied services if they do not achieve abstinence. The goal is to reduce, as much as possible, the harm done to themselves and to the surrounding community through problematic drug activity.

- **A non-displacement principle.** LEAD staff and stakeholders recognize that the supply of services and resources may not always meet the demand from the community. Because the objective is to increase safety and order for the community as a whole, it is unhelpful to achieve success for an individual LEAD participant by bumping him or her up a wait list for scarce services while necessarily bumping another community member who needs the same services further down the list. Where existing programs have unused capacity and meet participants' identified needs, LEAD staff will use those resources. In addition, LEAD program funding will be used to purchase or access additional resources on the private market when necessary.
- **Community transparency and accountability.** It is essential that community stakeholders and public safety leaders are able to participate in regular staff meetings, have access to program performance reports, and have access to program staff. Community confidence that LEAD is a reasonable way to improve public safety is essential to the viability of the program.
- **Participant Confidentiality** - The confidentiality of LEAD participants and a respect for their privacy are crucial components to their success and to successful and ethical service delivery. LEAD stakeholders and operational partners recognize that participant data security is always a priority and that participant safety and reputation depend on a commitment to confidentiality and privacy.
- **Participant-informed**. LEAD evaluation is best done by its participants. The program will regularly assess its impact on the lives of participants, which will inform its evolution and growth. Program implementers will engage in self-assessment of the program based on this feedback and adjust based on unmet needs and unattained goals.

Diverting Individuals to LEAD in Lieu of Jail & Prosecution

There are two LEAD referral paths: Stop referral and Social Contact referral. The Social Contact referral process is discussed in Section C, below.

The primary decision makers for LEAD referrals are LEAD-trained law enforcement officers and their supervisors (pursuant to clear criteria on which officers have been trained but ultimately based on officer discretion). Referrals to LEAD are measured as activity similar to arrests or other actions. LEAD referrals and other informal, and non-arrest oriented problem solving is encouraged by all partners. Safe resolutions that assist residents and abate concerns without the collateral consequences associated with arrest result in better community and individual outcomes.

Schedule & Geography

LEAD diversion will occur Monday - Friday between the hours of 8am - 8pm.

The Program Manager and service provider will make ongoing determinations of program capacity during LEAD diversion hours (i.e., if three people have been referred in the previous two hours, it is possible that staff will not be available to conduct another intake, and LEAD referrals may cease until a staff member is available again). Program capacity updates will be regularly communicated to the partner agencies who will disseminate the updated information to all LEAD officers.

The LEAD program will begin pilot operations within a defined area and officers may only make referrals for individuals within that 'pilot zone'. The LEAD Pilot Zone is defined as the **City of Westminster. Please see the attached map.**

As the LEAD pilot program progresses, it is possible that scheduled diversion hours will increase. All partners will be consulted and will have adequate time to adjust staffing in advance of schedule changes.

Stop Referral to LEAD

Overview

Diversion by Stop Referral to LEAD means that a person who committed a criminal offense that could result in an arrest will instead be engaged by LEAD program staff (outreach and case management team) prior to booking and charging and any additional involvement with the judicial system.

The LEAD staff will provide an immediate individual assessment and intake to determine what factors led the individual to engage in criminal activity, and offer immediate crisis-related assistance as needed. Then, over time and in a harm reduction framework, case managers provide comprehensive services to address those factors and reduce the harm the individual is causing to him or herself and the community.

The referred individual is considered to be in LEAD if they:

- Complete an intake session;
- Sign a *Consent to Participate Agreement* in the program and a *Release of Information Form* allowing the sharing of information on an as-needed basis among the LEAD operational and service provider partners; and
- Complete at least one in person follow up session with LEAD case management.

Stop Referral Process

LEAD Stop referrals will occur within the defined schedule; within the LEAD pilot area, and only by LEAD-trained and designated officers.

All LEAD officers will report to the Westminster Police Department regarding any work or decisions related to LEAD. Designated supervisors will serve as the secondary point of contact for LEAD-related matters.

Key LEAD personnel and contact information are listed below.

A LEAD-trained officer may refer an individual to LEAD based on the eligibility criteria below, in addition to their own discretion and assessment of the individual's amenability to the intervention model. A prior referral does not preclude a second referral. Please see Re-Referral section below. Assessment of the impact of this discretion will be done on a monthly basis by identifying common factors of those referred to, and those not referred to, LEAD.

If an officer in the LEAD pilot area who is not LEAD-trained identifies an individual who may be eligible for diversion, he or she may call a LEAD-trained officer to the scene for assistance. Only the LEAD-trained officer may offer LEAD referrals through the Stop Referral Process. Only law enforcement may make a Social Contact referral (see below).

Intoxication/Informed Consent

If the LEAD officer observes that an individual is intoxicated, incapacitated, a risk to self or others, or otherwise unable to engage effectively in the LEAD diversion process, the individual should not be referred to LEAD at that time. In such cases, the officer should follow normal procedure and if medically suitable, transport the individual to the Carroll County Triage beds for further assistance.

Stop and Arrest

When a LEAD-trained officer initiates a stop and finds probable cause for an arrest, the officer may evaluate that individual for LEAD participation.

The officer will follow normal arrest procedure until the individual is ready to transport. The officer will transport the individual, in custody, to the Westminster Police Department.

While in custody at the secure law enforcement facility, officers will identify the individual and begin screening for LEAD eligibility. If eligible, the officer will seek verbal approval from a supervisor.

The officer may also ask the individual if they have been referred to LEAD before and may consider this when deciding to make a referral, see Re-referral section below. LEAD participation will be noted in relevant law enforcement systems to allow officers to notify LEAD staff if participants have additional police interactions.

If the officer has any questions or concerns about the LEAD process or an individual's eligibility, he or she is encouraged to contact the LEAD commanding officer immediately before further action is taken. The officer may also contact the LEAD Assistant State's Attorney, the individual's LEAD case manager or the LEAD Program Manager if they have questions about a specific LEAD participant or potential participant.

If the individual meets all of the eligibility requirements and the officer receives supervisor approval, the officer will give the individual the choice of LEAD participation or booking per normal procedure. At this time, the officer will inform that individual that charges may be filed in the future; pending positive CDS test results, if the individual fails to come in for their follow up appointment.

If the individual chooses LEAD participation, the officer will call LEAD staff to meet the individual. The officer should complete all relevant paper work, and prepare copies for LEAD staff.

The officer will not file charges against the individual at this time. CDS evidence will be submitted for testing, and all other documentation will be completed and filed appropriated for record keeping.

Service Provider Hand-Off

Once eligibility is confirmed, supervisor approval obtained and LEAD staff called, the referring officer will complete necessary law enforcement paperwork and prepare copies for LEAD staff.

Once LEAD staff arrive, the officer will introduce the individual and LEAD staff will ensure that the individual can give consent to participate in LEAD and sign the appropriate releases of information. Then they will work with the individual and officer to complete the LEAD Referral Form.

Once all paperwork is completed and informed consent obtained, LEAD staff will complete a full intake or begin addressing immediate needs. The officer may then return to their patrol duties.

If during the intake process the individual decides not to participate in LEAD, the service provider will notify the officer who will then follow normal procedure for individuals suspected of committing a criminal offense.

Intake and Follow-up Appointments

In the service provider's judgment, individuals who are capable of giving informed consent but not capable of completing the full intake and assessment may schedule a follow up appointment. These prospective LEAD clients will have seven business days from the date of initial referral in which to follow up with and schedule a full intake and assessment with the service provider.

If the individual fails to attend a follow up appointment with LEAD case management within seven business days of the initial referral and no extenuating circumstances have been communicated to the service provider, the individual's case will be discussed at the next Operational Workgroup meeting or via electronic communication with Workgroup members. The Workgroup will then decide either to extend the follow up window or to refer the case back to law enforcement for a charging decision.

Filing Charges

If the individual successfully comes in for their follow up appointment, then they are considered an active LEAD participant and no charges stemming from the Stop Referral encounter will be filed. However, if the individual meets the following conditions, that could lead to the filing of charges with the consensus of all Operational Workgroup parties:

- If the LEAD participant in question has not been engaged or been in contact with a LEAD case manager for at least one month;
- If the individual is deemed a continuing nuisance by law enforcement. A continuing nuisance is defined as an individual who has been seen or known by law enforcement to have been engaged in dangerous or harmful behavior within Carroll County on at least two separate occasions within one month;
- If the members of the Operational Workgroup have made a good faith attempt to engage the individual. This includes persistent attempts to locate and engage the individual and thorough consultation with the Operational Workgroup; and
- If filing charges is in the best interests of the LEAD participant and community. Charges will be used as a last resort to help engage the participant in care and without punitive intent and the impact on the individual, their family and other relations will be considered. If charges result in the apprehension of the participant, law enforcement, prosecutors, and public defenders will attempt to get the individual care and linked to services both inside and outside the criminal justice system.

Re-referral

LEAD participants who are subsequently stopped by law enforcement for a LEAD eligible offense may be re-referred to the program in lieu of booking at the officer's discretion. As the individual is already a LEAD participant, eligibility requirements may be considered but need not control the decision to refer. Officers are encouraged to contact the individual's LEAD case manager if they are not sure if a re-referral is appropriate.

The re-referral is equivalent to the normal referral and supervisor approval is necessary in order to proceed. In addition, all evidence must be submitted and paperwork completed per departmental procedure and copies should be made for the LEAD case manager.

Ineligibility

If at any point during the eligibility screening the officer finds that the individual does not meet the LEAD criteria, listed below, the officer will then follow normal arrest procedure.

If an officer, despite an individual's eligibility status, is interested in providing additional care and support to an individual inside or outside of the criminal justice system, that officer is encouraged to attend and discuss this individual at the subsequent Operational Workgroup Meeting.

In such cases, LEAD partners can seek to provide needed services outside of the program when appropriate. In addition, LEAD partners can follow the case and attempt to re-engage the individual when they become eligible.

Documentation

For all LEAD referrals, officers will submit evidence, complete and submit all paperwork per normal procedure while noting that a LEAD referral took place with supervisor approval. Copies should be provided to LEAD staff during the handoff. If applicable, officers should also provide a copy of the Diversion Consent Form. The LEAD Referral Form, which includes the *Consent to Participate Agreement*, will be completed during the handoff by LEAD staff with assistance from the referring officer.

Participating law enforcement agencies will measure LEAD referrals and LEAD-related activity as they do arrests and other job activities. Officers will not be penalized or see their recorded activities decrease because of using LEAD. LEAD referrals and program engagement is encouraged and will be recognized accordingly.

LEAD Notifications

While only LEAD officers within the LEAD pilot area may make referrals, LEAD participants may encounter law enforcement throughout Carroll County. All Carroll County law enforcement officers will have the ability to identify LEAD clients through information solicited from Dispatch that will indicate whether an individual is a LEAD participant or has ever been referred to the program.

An individual's LEAD status may be useful during referral or re-referral situations and if the individual is in need. Officers will be asked to inform the LEAD Program Manager or secondary contact if a LEAD participant is arrested, is in distress and referred to services (i.e. emergency care, crisis intervention, etc.), or if the officer believes the encounter has generated information which may be helpful for the LEAD service provider.

Beyond this notification, officers should follow normal procedure. Notifications may be made 24/7 by email or phone to_____

Eligibility Criteria for Stop Referral to LEAD

Adults (18 and over) suspected of the following categories of offenses will be eligible for diversion to LEAD:

- Controlled Dangerous Substance (CDS) possession
- Prostitution, including associated and third-party charges such as facilitation
- Misdemeanor Theft (Shoplifting and Larceny)
- 4th Degree Burglary when the offense involves unoccupied buildings or outbuildings, i.e. sheds
- Rouge and Vagabond
- 'Nuisance Crimes' including but not limited to: trespassing, open container, public urination/defecation

And should be referred to LEAD, except when:

- The crime involves a victim that can be located, in which case, that victim must consent to diversion in lieu of criminal prosecution by completing the Diversion Consent Form;
- The suspected CDS activity involves Distribution or Possession with Intent to Distribute, and there is reason to believe the suspect's primary motivation for dealing is to derive income, as contrasted with an addiction or survival motivation (i.e., as a source of funding to acquire additional CDS for personal use, or for basic needs such as food or rent);
- The individual's behavior does not appear amenable to diversion (i.e. intoxicated or combative behavior);
- The individual appears to be a threat to him or herself or to public safety;
- The individual appears to exploit minors or others in a drug dealing enterprise;
- The individual is suspected of promoting prostitution through force, fraud or coercion;
- The individual has an existing peace or protective order prohibiting contact with a current LEAD participant or LEAD staff;
- The individual has one of the following disqualifying convictions that occurred within ten years before the date of the current offense:
    - First Degree or Second Degree Murder
    - Rape
    - First, Second, or Third Degree Sex Offenses
    - Abduction or Kidnapping
    - Child Abuse (physical or sexual)
    - Armed Robbery or any offense involving a firearm
    - First Degree Assault
    - Arson
    - Manslaughter or Vehicular Manslaughter
- The individual has an open warrant, in which case the individual should be processed per existing policies and procedures;

Individuals with open cases or under supervision may participate in LEAD if the pending offense or the offense for which they are serving a sentence for is related to underlying behavioral health or social service needs, i.e. an eligible offense listed above.

Participation in LEAD is limited to Carroll County residents, or if housing unstable, individuals for whom there is strong reason to believe spend the majority of his or her time within Carroll County.

There is no substantive right to be offered LEAD diversion. LEAD eligibility is not intended to be a substantive right to be litigated.

Referral of "Social Contacts" to LEAD

To the extent that the program has capacity after responding to Stop Referral cases, LEAD will also accept referrals from officers who make a "Social Contact" with an individual. These referrals are those that officers perceive to be at a high risk of arrest or overdose in the future. Social Contact referrals should not be used as the sole reason to initiate contact with the individual or enter an area.

The Social Contact referral is a tool to prevent future harm caused by drug use by offering LEAD services to individuals who do not need to be placed under arrest but who police may come into contact with during the course of their normal duties.

Criteria

All Social Contact referrals to LEAD must meet the following criteria:

- Law enforcement should verify that the individual is involved with problematic drug use, prostitution, or related behavior which may cause community concern. To verify this involvement, law enforcement may consider the following evidence:
    - Police reports, stops, jail bookings, criminal charges;
    - Direct observation of the individual's involvement with illegal narcotics possession; and
    - Law enforcement has a reliable basis of information to believe that the individual was or is engaged in illegal narcotics or prostitution activity, such as information provided by another first responder or credible community members.
- Except for post-overdose referrals, the individual's involvement with illegal narcotics or prostitution must have occurred within the City of Westminster's LEAD pilot zone.
- The individual's involvement with illegal narcotics or prostitution must have occurred within 3 months of the date of referral.
- The individual does not pose a threat to public safety or the health and welfare of LEAD staff or partners. Excluding factors include open cases for crimes of violence, recent convictions (within 5 years) for crimes of violence, peace or protective orders with LEAD staff or partners and officer judgment.

Social Contact Referral Process

Only law enforcement may make a Social Contact referral to LEAD for an individual whom they believe meet the criteria above.

When a LEAD-trained officer encounters an individual who may be well served by LEAD, they may ask the individual if they are interested in LEAD services or simply in need of assistance. If the individual is interested in assistance, the officer may then transport them to the Westminster Police Department.

During transport, the officer should alert LEAD staff. The officer should note the particular circumstances of the referral and why they believe this individual is in need of LEAD services. Staff will use this information to begin the LEAD Referral Form.

To minimize the disruption to other clients, Center operations, and to the individual, the officer may simply drop the individual off and return to patrol duties. Given the advanced notice, LEAD staff can track the referral and report to the officer at the next Operational Workgroup.

At the Carroll County Triage bed, staff will triage the referral and route them to the appropriate service. All individuals referred by law enforcement will be screened for LEAD eligibility and the Operational Workgroup provided with data and reporting on these referrals.

For those referred to LEAD services after triage by Center staff, a LEAD Referral form will be filled out and delivered to the LEAD office, along with the individual. If after LEAD hours, forms will be delivered along with any additional information necessary to locate and engage the individual, i.e. tent location and color in encampment.

If an individual can be easily, compassionately, and adequately assisted by another provider at a lower level of care, a warm hand off to those services will be attempted, ending the LEAD referral process and maximizing the availability of LEAD resources for additional referrals.

Individuals referred by Social Contact may opt out of LEAD services without penalization at any time, which will be clearly communicated to the participant.

Governance and Structure

A Senior Policy Group, comprised of key local stakeholders, and already overseeing Carroll County's opioid epidemic response will provide oversight and high-level governance of the LEAD program. The Senior Policy Group will receive at least quarterly updates on the program and will have final approval of the LEAD Protocols as well as any substantive changes to the Protocols.

In addition, members of the Senior Policy Group, including the Westminster Police Department, State's Attorney's Office, Office of the Public Defender, and local government representatives have signed a Memorandum of Understanding (MOU) outlining each party's role and commitment to LEAD.

The Operational Workgroup will provide daily oversight and management of LEAD with the assistance of the LEAD Program Manager.

Operational Workgroup

The LEAD Operational Workgroup (OWG) includes, but is not limited to:

- LEAD service provider staff (case managers and peer specialists)
- Other service providers as needed
- LEAD law enforcement officers and commanders
- Office of the State's Attorney (OSA)
- Office of the Public Defender
- DPSCS Division of Parole and Probation
- LEAD Program Manager
- LEAD Evaluator

The Operational Workgroup (OWG) will meet weekly to review LEAD participants and discuss the daily operations of the LEAD program. The Workgroup will be used to discuss referral criteria, program capacity and compliance with the protocols and core principles. The OWG will also focus the attention of LEAD program staff and law enforcement on particular areas viewed with concern based upon data analysis.

The OWG will operate and make decisions by consensus, with all partners aligned with common program values of compassion, dignity, and autonomy, and the goal of individual and community welfare.

At least every other month, the Operational Workgroup will review LEAD data and examine potential changes to the protocol process and eligibility criteria in order to ensure that LEAD effectively meets the program goals. Data review will focus on potential points of failure within the program as evidenced by individuals who do not successfully engage in services as well as individuals not diverted.

This data review includes a regular review of law enforcement data in order to identify arrests that were eligible but not screened and to ensure equal access to the program. In such cases, supervisors will be encouraged to engage officers and educate colleagues on the benefits of diversion and harm reduction as well as the evidence supporting public health approaches to vulnerable populations.

Substantive changes to the LEAD pilot or adjustment in the LEAD criteria or process that are discussed and proposed at OWG meetings will require approval from the Senior Policy Group before changes take effect.

The OWG may communicate and make decisions remotely via mobile and email between scheduled meetings, as needed.

Agenda

The Program Manager will set and disseminate the meeting schedule and agendas in advance, including a list of new referrals, LEAD participants, and emerging issues that will be discussed. Each partner is expected to come prepared to discuss the particulars of each case under review.

Whenever possible, operational partners will send the LEAD Program Manager the names of individuals they wish to discuss, with a brief background summary of relevant data, in advance of the OWG meeting. Individual cases may be discussed more frequently via phone conference, email or text as needed.

Officers who made recent referrals or who have input are strongly encouraged to attend meetings and share their experiences and perspectives. As the primary actors and first point of contact, officers have valuable information relevant to all partners.

LEAD Data Management and Information Sharing

LEAD participants are required to sign waivers authorizing program staff to discuss their cases and progress with the other partners. These consent authorizations are a condition of participating in LEAD, and if not completed or if rescinded, the individual will not be considered a LEAD participant.

The Program Manager, with support from operational partners, will have primary responsibility for LEAD data management and information sharing. Participants' information will only be shared per the uses specified below. In

addition, protected data under HIPAA, 42 CFR, and CJIS will only be shared with participant's permission, on an as-needed basis, and in accordance with all relevant laws.

Authorized Uses of LEAD Data:

- To provide or coordinate services to participants;
- To identify and make referrals to programs that may assist participants;
- To track program outcomes and produce program reports and evaluations;
- For program administrative functions such as legal, audits, personnel, oversight, and management functions;
- To comply with funding reporting requirements;
- To identify service needs in our community;
- To support system-level planning;
- To conduct research for government and educational purposes approved by the LEAD Senior Policy Group;
- To accomplish any and all other purposes deemed necessary by the LEAD Senior Policy Group.

The Program Manager will store information relevant to LEAD operational partners on a secure platform, allowing access to necessary information as needed and between OWG meetings, including a list of LEAD participants, their referral source, and status in LEAD.

Data will be updated and validated regularly with assistance from operational partners.

State's Attorney's Office and Office of the Public Defender

The Office of the State's Attorney plays a vital role in LEAD and has identified an Assistant State's Attorney (ASA) to represent the office at Workgroup meetings and to assist LEAD participants. The LEAD ASA will assist with the coordination of other criminal matters relevant to a LEAD participant. The ASA will play an important role during Operational Workgroup meetings by providing criminal history and pending case information. The ASA will use his or her discretion and coordinate with other OSA staff as appropriate. They will also serve as a liaison to prosecutors and law enforcement in other jurisdictions where other matters, such as open warrants or other criminal cases, may be pending.

The Office of the Public Defender will work closely with the LEAD ASA as needed to ensure that LEAD participants access all appropriate legal services. In addition, Public Defender participation will supplement legal services and referrals provided by the LEAD ASA and will provide an additional level of oversight and participant advocacy on the Operational Workgroup.

Service Protocol

Assessment and Intake

During the initial screening and intake, LEAD staff should instruct the participants not to return to the area, if possible, where they were stopped for their LEAD-referred offense for the next 24 hours. If participants were initially stopped during a "buy-bust" and shortly thereafter return to the scene of a buy-bust, they may possibly be arrested for compromising the safety of the undercover officers who are working the buy-bust. These suggestions are for the participant's safety as misperceptions of police cooperation may have adverse consequences within the community.

If the individual was referred during a traffic stop, LEAD staff may take the individual to retrieve their vehicle and belongings.

If an individual does not remain to complete the initial assessment and intake and if no extenuating circumstances are identified, the referring LEAD law enforcement officer may decide to arrest the individual or pursue charges per normal procedure.

Following intake, necessary information will be forwarded to the Program Manager as well as entered into the appropriate LEAD and operation/service partner data systems.

Initial Contact

When an individual is diverted to LEAD, service provider staff will immediately conduct an initial intake screening and assessment, explain the diversion process and assistance available, obtain informed consent, and have the participant sign the participation and release of information forms. Then, the case manager will first work to meet any immediate needs that must be addressed, such as shelter for the night, food, or healthcare.

The service provider will survey a wide range of factors that might contribute to ongoing encounters with law enforcement. Such factors include, but are not limited to substance use, mental health, housing, legal issues, social/familial issues, employment, and education. LEAD funding and staffing may be used to aid in harm reduction and address any factor driving the participant to engage in drug activity at the street level.

Individual Service Plan (ISP)

Once any acute needs have been addressed, the case manager will work with each participant in one or more meetings to design an Individual Service Plan, which will form both the action plan for the individual and a key element of program evaluation. The ISP will focus on the individual's self-identified goals with a focus on reducing criminal justice system involvement and may include assistance with housing, treatment, education, job training, job placement, licensing assistance, small business counseling, childcare or other services.

Although many elements of the service plan will be participant-identified and driven, the ISP will draw on the professional expertise of the case manager. If the case manager identifies needs for treatment or other services, he or she will either provide referrals to appropriate programs with available capacity (see discussion above of non-displacement principle) or procure needed services using LEAD funding.

Goals

ISPs will be designed to maximize self-sufficiency independent of program funding at some point in the relatively near term. For some, this may entail a plan for vocational or higher education or achieving a GED; for some, it may involve job placement; for those who are not likely to be able to support themselves through work, it may entail applications for SSI.

Since the objective is securing changes in individual behavior, there will be no prior limit on the time period in which an individual can receive services. The test, rather, is simply whether, in the judgment of LEAD staff, the participant is continuing to make good use of the resources LEAD is dedicating to him or her.

Withdrawal of Services

Receipt of ongoing services is conditioned on the participant's continued participation in case management services. The possibility that services might be withdrawn should not be invoked lightly and may only be used as a last resort for participants who fail to participate in case management. Services may always be reinstated if the individual reengages. The decision to withdraw services will only be made following consultation with and approval from the Operational Workgroup.

In addition, participation may be terminated if participant consent is withdrawn, participant has not been located despite consistent weekly attempts for 120 days or if a participant has been determined to be a danger to staff (evidenced by credible threats or actual violence towards staff).

LEAD Personnel

Primary LEAD Referral Line

Officers should notify supervisor of a referral who will then dispatch the case management team for handoff

Service Provision

Case Manager
Peer Specialist

PCMS Supervisor	Veronica Diesz	(443) 683-1516	veronia.dietz@maryland.gov
Program Manager	Veronica Dietz	(443) 683-1516	veronia.dietz@maryland.gov

Westminster Police Department

LEAD Contact	Capt. Nikki Heuer	(410) 984-5418	nheuer@westgov.com
LEAD Contact	Sgt. Stephen Blackwell	(443) 862-7849	sblackwell@westgov.com
Power User	Pfc. Ashley Stahlman	(304) 582-2209	astahlman@westgov.com

State's Attorney's Office

Primary LEAD Contact Kara Friedman

Primary Peer Specialist Brittany Sabock

Office of the Public Defender

Primary LEAD Contact Judd Larimore

DPSCS Division of Parole and Probation

Primary LEAD Contact

Attachments

LEAD Pilot Zone Map

LEAD Law Enforcement Policy

LEAD Referral Form

Diversion Consent Form (for crimes involving a victim)

To: Mayor and Common Council

From: Jeffery D. Glass, Director of Public Works

Date: January 27, 2020

Re: Approval – Purchase of Replacement Utility Maintenance Skid Steer Loader

Background

The City's adopted FY 2020 budget allocates funding in the amount of $50,000 for the replacement of a Skid Steer Loader and flail mower attachment for the Utility Maintenance Department. Of this amount, $25,000 is budgeted in the Water Fund and $25,000 is budgeted in the Sewer Fund.

The skid steer and attachment are available via an existing Sourcewell contract 040319-CEC. The equipment being purchased is a Bobcat S595 T4 with a flail mower attachment. Further information is provided in the attached quote and specification sheets.

The cost of the Skid Steer is $41,662.09, while the attachment has an associated cost of $6,920.63. The total cost of this procurement is $48,582.72, inclusive of the selected options.

Recommendation

Staff recommends that the Mayor and Common Council authorize the purchase of the skid steer loader and flail mower attachment from Metro Bobcat, Inc., located at 33 West Liberty Road in Eldersburg, Maryland, 21784, in the total amount of $48,582.72.

Attachment

- Quote and Specification Sheet for Bobcat S595 T4

cc: Barbara B. Matthews, City Administrator
Tammy M. Palmer, Director of Finance & Administrative Services

Bobcat

Product Quotation

Quotation Number: HMM-19518
Date: 2020-01-14 15:36:42

Customer Name/Address:	Bobcat Delivering Dealer	ORDER TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF WESTMINSTER **Attn: MIKE ZECHMAN** **401 LUCABAUGH MILL RD** **WESTMINISTER, MD 21157**	**Metro Bobcat, Inc., Eldersburg, MD** **33 WEST OLD LIBERTY ROAD** **ELDERSBURG MD 21784** **Phone: 410-795-1500** **Fax: 301-840-0521**	**Clark Equipment Co dba Bobcat Company** **250 E Beaton Dr, PO Box 6000** **West Fargo, ND 58078** **Phone: 701-241-8719** **Fax: 855-608-0681** **Contact: Heather Messmer** **Heather.Messmer@doosan.com**

Description	Part No	Qty	Price Ea.	Total
S595 T4 Bobcat Skid-Steer Loader	M0247	1	$33,301.44	$33,301.44

74.0 HP Tier 4 Turbo Diesel Engine
2-Speed Travel
Auxiliary Hydraulics: Variable Flow
Backup Alarm
Bob-Tach
Bobcat Interlock Control System (BICS)
Controls: Bobcat Standard
Cylinder Cushioning - Lift, Tilt
Engine/Hydraulic Systems Shutdown
Glow Plugs (Automatically Activated)
Horn
Instrumentation: Engine Temperature & Fuel Gauges, Hourmeter, RPM and Warning Lights
Lift Arm Support
Lift Path: Vertical
Lights, Front & Rear
Operator Cab

- Includes: Adjustable Suspension Seat, Top & Rear Windows, Parking Brake, Seat Bar & 3-Point Seat Belt
- Roll Over Protective Structure (ROPS) meets SAE-J1040 & ISO 3471
- Falling Object Protective Structure (FOPS) meets SAE-J1043 & ISO 3449, Level I; (Level II is available through Bobcat Parts)

Spark Arrestor Exhaust System
Tires: 31 x 12-16.5, 10 PR, Bobcat Heavy Duty
Warranty: 2 years, or 2000 hours whichever occurs first

A71 Option Package	M0247-P01-A71	1	$4,801.68	$4,801.68
Cab enclosure with Heat and AC				
Deluxe Instrument Panel				
Keyless Start				
Power Bob-Tach				
Heated Air Ride Suspension Seat - Cloth	M0247-R05-C12	1	$410.40	$410.40
Hydraulic Bucket Positioning	M0247-R11-C02	1	$482.40	$482.40
Reversing Fan	M0247-R32-C02	1	$532.08	$532.08
Telematics US	M0247-R51-C02	1	$0.00	$0.00
68" Heavy Duty Bucket	7272679	1	$786.60	$786.60
--- Standard Bolt-on tooth kit	7355991	7	$43.57	$304.99
10-16.5, 10PR, Heavy Duty Tires	M0247-R09-C02	1	$0	$0

Total of Items Quoted	**$40,619.59**
Freight Charges	**$955.00**
Dealer Assembly Charges	**$87.50**
Quote Total - US dollars	**$41,662.09**

Notes:

Product Quotation

Quotation Number: HMM-19519
Date: 2020-01-14 15:38:16

Customer Name/Address:	Bobcat Delivering Dealer	ORDER TO BE PLACED WITH: Contract Holder/Manufacturer
CITY OF WESTMINSTER **Attn: MIKE ZECHMAN** **401 LUCABAUGH MILL RD** **WESTMINISTER, MD 21157**	**Metro Bobcat, Inc., Eldersburg, MD** **33 WEST OLD LIBERTY ROAD** **ELDERSBURG MD 21784** **Phone: 410-795-1500** **Fax: 301-840-0521**	**Clark Equipment Co dba Bobcat Company** **250 E Beaton Dr, PO Box 6000** **West Fargo, ND 58078** **Phone: 701-241-8719** **Fax: 855-608-0681** **Contact: Heather Messmer** **Heather.Messmer@doosan.com**

Description		Part No	Qty	Price Ea.	Total
30" Flail Mower		7225484	1	$5,612.60	$5,612.60
---	Case Drain E32 & E35	7245617	1	$191.77	$191.77
---	Flail Mower hoses (All Std Arm excavators) (E32 LA and E35 LA) and (E32, E35, E42 and E45 ext arm)	7245468	1	$164.92	$164.92
---	X-Change Mounting Cap (E32, E35, E42, E45, E50, E55, E63)	7238337	1	$633.84	$633.84

Total of Items Quoted	**$6,603.13**
Freight Charges	**$130.00**
Dealer Assembly Charges	**$187.50**
Quote Total - US dollars	**$6,920.63**

Notes:

**Prices per the Sourcewell Contract –040319-CEC*
**Terms Net 30 Days. Credit cards accepted.*
**FOB Origin within the 48 Contiguous States.*
**Delivery: 60 to 90 days from ARO.*

**State Sales Taxes apply. Must include a Tax Exempt Certificate with order placed.*

**TID# 38-0425350*

**Orders Must be Placed With: Clark Equipment dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.*

ORDER ACCEPTED BY:

SIGNATURE _____ **DATED** _____

PRINT NAME AND TITLE _____ **PURCHASE ORDER #** _____

SHIP TO ADDRESS: _____

BILL TO ADDRESS (if different than Ship To): _____

☐

ORDER ACCEPTED BY:

SIGNATURE	DATED
PRINT NAME AND TITLE	PURCHASE ORDER #

SHIP TO ADDRESS:_____

BILL TO ADDRESS (if different than Ship To):_____

**Prices per the Sourcewell Contract –040319-CEC*
**Terms Net 30 Days. Credit cards accepted.*
**FOB Origin within the 48 Contiguous States.*
**Delivery: 60 to 90 days from ARO.*

**State Sales Taxes apply. Must include a Tax Exempt Certificate with order placed.*

**TID# 38-0425350*

**Orders Must be Placed With: Clark Equipment dba Bobcat Company, Govt Sales, 250 E Beaton Drive, West Fargo, ND 58078.*

MINUTES

CITY OF WESTMINSTER
Mayor and Common Council Meeting
Monday, January 27, 2020 at 7 pm

CALL TO ORDER

Elected Officials Present: Councilmember Chiavacci, Councilmember Dayhoff, Mayor Dominick, Councilmember Gilbert, President Pecoraro, and Councilmember Yingling (joined the meeting at 7:38 pm).

Staff Present: Director of Human Resources Childs, Director of Community Planning and Development Depo, Director of Public Works Glass, Director of Recreation and Parks Gruber, Police Chief Ledwell, City Attorney Levan, City Administrator Matthews, Director of Finance and Administrative Services Palmer, Director of Housing Services Valenzisi, and City Clerk Visocsky.

Guest Present: Graham Dodge, Executive Director, Mid-Atlantic Gigabit Innovation Collaboratory.

President Pecoraro welcomed Carroll County Commissioner Dennis Frazier to the meeting.

APPROVAL OF MINUTES

President Pecoraro requested a motion to approve the following minutes:

- Closed Meeting of October 28, 2019;
- Closed Meeting of December 9, 2019 (note: correction of incorrect date listed on January 27, 2020 agenda); and,
- Mayor and Common Council Meeting of January 13, 2020

Councilmember Chiavacci moved, seconded by Councilmember Dayhoff, to approve the minutes as presented.

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

Citizen Comments – Clark Farm Property

President Pecoraro acknowledged the many community members in attendance who were requesting an update on the proposed Clark Farm Property development, located on WTTR Lane. He suggested that Mr. Depo provide an update before the Mayor and Common Council proceeded with the published meeting agenda.

Mr. Depo stated that the City had not yet received a formal application or site plan for the development of a multi-family residential development project on the site. Once a formal application is received, it would be reviewed by Carroll County Government and City staff to make sure that it meets the requirements of the City's zoning ordinance. Mr. Depo informed the Mayor and Common Council that the Clark Farm Property was located in the PD-4 Planned Development – 4 Zone; a multi-family residential development was a permitted use in this zoning district. Following staff review, any proposed

site plan and application would come before the Westminster Planning and Zoning Commission for its consideration.

Councilmember Chiavacci asked Mr. Depo what would occur following review of a site plan application by the Commission. Mr. Depo replied that, if the Commission approved the site plan, the applicant could then move forward with the project. If the Commission disapproved the site plan, the developer could elect to appeal the Commission's decision.

Mr. Depo explained that the proposed project was initiated by the owner of the Clark Farm Property, not the City.

Councilmember Dayhoff informed those in attendance that the property has been zoned PD-4 Planned Development – 4 Zone since the early 1990s. Mr. Depo confirmed that the property was zoned as such for many years, adding that the purpose of the zone was to allow for a variety of housing types.

President Pecoraro encouraged the community members to provide Mr. Depo with their contact information so that the City could keep them informed throughout the development review process.

Councilmember Chiavacci motioned that the agenda be modified to allow Citizen Comments before proceeding with the remaining agenda items. Councilmember Dayhoff seconded the motion.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

Jane Addeo, 814 Hemingford Court, expressed concern about a variance being approved by the Westminster Planning and Zoning Commission. Mr. Depo clarified that the Commission had not granted any variance, adding that approval of any variance would only occur at the time of site plan consideration. He stated that the Commission had held an informal discussion regarding the applicant's request for some relief from the current setback regulations.

Dwayne Van Horn, 730 Mulligan Lane, stated that a number of community members had signed a petition opposing the proposed development. He stated that the lot was too small for the proposed number of apartment units. Mr. Van Horn shared additional concerns, including noise, increased traffic on Mulligan Lane, light pollution, exacerbation of existing drainage issues, and devaluation of neighborhood properties. He noted that there was a school bus stop on Mulligan Lane at the entryway to the site of the proposed development.

President Pecoraro concluded the discussion of this matter, stating that those who wished to offer additional comments could do so under the Citizen Comments section of the agenda.

PRESENTATION
Quarterly Progress Report – Mid-Atlantic Gigabit Innovation Collaboratory (MAGIC)
Mr. Dodge, Executive Director of MAGIC, provided his quarterly update. A copy of Mr. Dodge's presentation is attached to these minutes and incorporated herein by reference.

During the presentation, Mr. Dodge stated that MAGIC envisioned providing tax credits to those who relocated to the City and worked remotely. Councilmember Chiavacci inquired as to the type of tax credits to which Mr. Dodge referred. Mr. Dodge replied that he was referring to local and property tax credits, adding that he recognized the request would need to go through the State government. President Pecoraro asked Ms. Levan if the City had the authority to provide such tax credits. Ms. Levan replied that the City had the legal authority to provide certain tax credits, and offered to provide a list of the same to the Mayor and Common Council.

Commissioner Frazier informed Mr. Dodge and the Mayor and Common Council that Carroll County had received $500,000 from the State that could be utilized to incentivize remote workers. He stated that he had proposed State legislation to provide $5,000 in closing costs to remote workers who relocated to Carroll County, but that the Carroll County State Delegation was not interested in pursuing the legislation at this time. Commissioner Frazier offered to meet with Mr. Dodge to further discuss the details of his legislative proposal.

Mayor Dominick asked Mr. Dodge what role MAGIC had in the establishment of the co-worker space being established at 118 E. Main Street, referred to as CoGarage. Mr. Dodge replied that MAGIC and Atlas Premier Realty joined together to open it as a space for remote workers. CoGarage will provide crazy fast, gigabit fiber internet provided by Ting Internet, as well as office space. MAGIC will manage memberships and the space, in return for having its own office and event space at this location. Mayor Dominick noted that CoGarage provided a good space for those just starting their business.

CONSENT CALENDAR

President Pecoraro requested a motion to approve the Consent Calendar, which consisted of the following:

- Approval of December 2019 Departmental Operating Reports;
- Approval – Agreements with MissionTix for Online and Onsite Ticketing and Admission Services for the Westminster Wine Stroll, Westminster BBQ Stroll, and Westminster Oyster Stroll; and,
- Acceptance of Deeds and Parcels for Bolton Hill Subdivision, Sections 4 and 5.

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

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None.

REPORT FROM THE MAYOR

Mayor Dominick reported that he had been giving some thought to proposed changes to the Ethics Ordinance, which he would share during the discussion of the same later in the agenda. He informed his colleagues that he was also contemplating proposed amendments to the City's election process, which he would bring forward at a future date.

REPORTS FROM STANDING COMMITTEES

There were no reports from the following Standing Committees: Finance and Public Works.

Councilmember Dayhoff, on behalf of the Arts Council, reported that the Carroll Arts Center had several upcoming events. He encouraged everyone to check out their website for more details.

President Pecoraro, on behalf of the Economic and Community Development Committee, reported that a meeting was scheduled for January 31, 2020.

Councilmember Gilbert, on behalf of the Personnel Committee, reported that the Committee met on January 13, 2020. One of the issues discussed by the Committee was a staff recommendation to eliminate the 20-hour, benefited employee category to provide more scheduling flexibility for the Recreation and Street Departments. Councilmember Gilbert informed her colleagues that all regular benefited employees are required to be enrolled as members of a Maryland State pension system. The

State system requires that any employee working 500 hours per fiscal year must be enrolled as a member; the 500-hour threshold limits staffing flexibility for these departments. Councilmember Gilbert informed her colleagues that the City has set standard hours for employees that work full-time and part-time, and provides health insurance and other benefits to regular part-time employees that work a standard 20-hour week. She noted that there are currently no authorized positions in the standard 20-hour, benefited employee category. Councilmember Gilbert stated that the Personnel Committee unanimously endorsed staff's recommendation to eliminate the 20-hour part-time benefited employee category to allow more staffing flexibility, and that the Committee is requesting approval of the proposed change by the elected body.

VOTE
AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, and Councilmember Gilbert.
NAYS: None

Councilmember Gilbert then reported that the Personnel Committee planned to discuss amending the Employee Handbook to include an anti-bullying policy at its next meeting.

Councilmember Chiavacci, on behalf of the Public Safety Committee, noted that the Police Department recently investigated a stabbing committed by an individual known to the victim. Councilmember Chiavacci complimented the Police Department for its quick work in arresting the perpetrator. He then requested that Chief Ledwell provide additional information regarding the incident.

Chief Ledwell stated that the property where the stabbing occurred was used by many people, who were unauthorized to be there under the terms of the lease; an eviction process is underway. An argument occurred, and the suspect stabbed the victim. The Police Department apprehended the suspect at the scene. Chief Ledwell stated that there was a second report of an assault in the same area the following day; however, the facts to date do not support that the alleged assault occurred.

Councilmember Yingling joined the meeting at 7:38 p.m.

COUNCIL COMMENTS AND DISCUSSION
Councilmember Dayhoff stated that he wished to follow up on several items discussed at the Strategic Planning Retreat on October 11, 2019 – revisiting the City's nuisance property ordinance and enhancing the current rental licensing program. Mayor Dominick informed Councilmember Dayhoff that the Economic and Community Development Committee would be discussing the rental licensing program at its next meeting on January 31, 2020. Mayor Dominick shared that he and Councilmember Yingling recently met with community members, who were involved in the task force discussions at the time the City established its rental licensing program, to get their feedback. Councilmember Dayhoff stated that the nuisance property ordinance and rental licensing issues were discussed at a community meeting he recently attended; he also informed his colleagues of the appalling housing conditions he encountered during his work with the Westminster Volunteer Fire Department.

Councilmember Dayhoff informed his colleagues that the Recreation and Parks Committee would hold a meeting in the near future.

Councilmember Gilbert shared that Governor Larry Hogan declared 2020 as the Year of the Woman in Maryland to align with the 100th anniversary of the ratification of the 19th Amendment giving women the right to vote. To commemorate this, Councilmember Gilbert initiated discussions with community members about possibly partnering with the City to hold celebration events. She informed her colleagues that she recently met with Ms. Gruber to discuss a possible tie in with the City's various special events.

Councilmember Yingling informed his colleagues and the audience that misinformation was being circulated that he and his business had a financial interest in the multifamily development being proposed for the Clark Farm Property. He stated that neither he nor his business had a financial interest in the property, or the proposed development. He stated he had a business relationship with the owner of the WTTR property, the nature of which he disclosed during the Planning and Zoning Commission meeting on January 9, 2020. During the same meeting, he recused himself from the discussion and decisions related to the project, before the Commission and any other government body.

BIDS

Purchase of Three Replacement Vehicles for Utility Maintenance

Mr. Glass stated that the City's adopted FY 2020 budget allocated funding in the amount of $150,000 for the replacement of three one-ton utility vehicles for the Utility Maintenance Department. Of this amount, $75,000 was budgeted in the Water Fund and $75,000 was budgeted in the Sewer Fund.

Mr. Glass informed that Mayor and Common Council that the vehicles were available via an existing contract between the State of Maryland and Criswell Chevrolet Fleet Sales. The City's procurement code allowed the City to piggyback on this competitive awarded contract.

Mr. Glass recommended that the Mayor and Common Council authorize the purchase of three 2020 Chevrolet Silverado 3500 HD utility trucks from Criswell Chevrolet Fleet Sales, in the total amount of $129,780.

Councilmember Chiavacci noted that the vehicles were coming in less than the budgeted amount, and expressed his appreciation to Mr. Glass.

Councilmember Chiavacci moved, seconded by Councilmember Gilbert, to authorize the purchase of three 2020 Chevrolet Silverado 3500 HD utility trucks from Criswell Chevrolet Fleet Sales, in the total amount of $129,780.

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

ORDINANCES & RESOLUTIONS

Ordinance No. 919

Ms. Palmer informed the Mayor and Common Council that Ordinance No. 919 would amend the adopted FY 2020 budget. She noted that a summary of the changes was provided in the staff memo included in the agenda packet. The Common Council introduced the ordinance on January 13, 2020.

Ms. Palmer recommended adoption of Ordinance No. 919, amending the adopted budget for the Fiscal Year beginning July 1, 2019 and Ending June 30, 2020 (FY 2020 Budget Amendment #1).

Councilmember Dayhoff moved, seconded by Councilmember Yingling, to adopt Ordinance No. 919 as presented.

VOTE

AYES: President Pecoraro, Councilmember Chiavacci, Councilmember Dayhoff, Councilmember Gilbert, and Councilmember Yingling.
NAYS: None.

UNFINISHED BUSINESS

President Pecoraro noted that a public hearing regarding the proposed vaping ordinance would be held on February 24, 2020.

NEW BUSINESS

Discussion of the Ethics Ordinance

President Pecoraro stated that he had shared a copy of a proposed ordinance to revise the City's Ethics Ordinance with his colleagues on January 13, 2020. The purpose of the proposed ordinance was to conform to the State's view of the statutory requirements for financial disclosures by the City's elected and appointed officials. The proposed ordinance also incorporates amendments to State law enacted since adoption of the City's current Ethics Ordinance.

Ms. Levan then reviewed the proposed modifications to the City's Ethics Ordinance, informing the Mayor and Common Council of the following:

- **§16-4 Conflicts of Interest**
  - State law now restricts former regulated lobbyist from participating in certain transactions as elected officials; therefore, under subsection A. Participation Restrictions was added to include:
    - (2) A former regulated lobbyist who is or becomes subject to regulation under this Chapter as a public official or employee may not participate in a case, contract, or other specific matter in his or her capacity as a public official or employee for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
  - Grammatical and stylist changes were made under subsection C. Post-employee Limitations and Restrictions.
  - Subsection E. Use of Prestige of Office, subsections (2), (3), and (4) were revised to conform to State law regarding solicitation:
    - (2) An official or employee may not intentionally use the prestige of office or public position to influence the award of a state or local contract to a specific person.
    - (3) An official or employee may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
    - (4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
- **§16-5 Financial Disclosures: City elected officials and candidates for City elective officer.**
  - Subsection A. Financial disclosure statement required, subsection (2) The filing date for financial disclosure statements was changed to February 15, due to the previous filing date not providing adequate time, following the beginning of a new year.
  - Subsection B. Candidates to be local elected officials: changes were made to conform with language of the City Code and the ordinance. Under subsection (3), subsection (b) was added to include:
    - (b) If a candidate fails to file a statement required by subsection (2)(b) of this Section or before the due date set forth therein, the City Clerk shall

send a notice to the candidate advising the candidate that his or her candidacy will be deemed withdrawn if the required statement is not filed by the close of business on the fifth business day following the date of the notice.

- Subsection C. Public Record: subsection (5) was added to include:

  - (5) The City Clerk may not provide public access to a portion of a statement that is filed after January 1, 2019, and that includes an address that the individual has identified as the individual's home address.

- Subsection E. Contents of statement: Due to a change in State law regarding interests in real property, subsection (1) (b) was replaced with the following:

  - (b) For each interest in real property, the schedule shall include:

    [1] The nature of the property and the location by street address, mailing address, or legal description of the property;

    [2] The nature and extent of the interest held, including any conditions and encumbrances on the interest;

    [3] The date when, the manner in which, and the identity of the person from whom the interest was acquired;

    [4] The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;

    [5] If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and,

    [6] The identity of any other person with an interest in the property.

- Subsection E. (2) Interests in corporations and partnerships: the following new language was added to comply with State requirements:

  - (2) Interests in corporations and partnerships.

    (a) A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City.

    (b) For each interest reported under this paragraph, the schedule shall include:

    [1] The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;

    [2] The nature and amount of the interest held, including any conditions and encumbrances on the interest;

[3] With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and

[4] With respect to any interest acquired during the reporting period:

1. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and,

2. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

(c) An individual may satisfy the requirement to report the amount of the interest held under subsection E.2 (b) (2) of this Section by reporting, instead of a dollar amount:

[1] For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or

[2] For an equity interest in a partnership, the percentage of equity interest held.

(d) For purposes of this Section, "Interest" does not include a mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific area that is regulated by the City.

- Subsection (3) has been modified to include additional language. It now reads, Interests in business entities doing business with City. The following subsections were also modified:

  - (a) A statement filed under this Section shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under subsection E.2. of this subsection.

  - (b) [3] If any interest was transferred, in whole or in part, at any time during the reporting period, the nature of the interest transferred, the identity of the person to whom the interest was transferred, and if the transferee is a person or business entity that is regulated by or is doing business with the City or has done business with the City in the preceding five years, the amount of the consideration received for the interest (including the value of any nonmonetary consideration received).

  - (c) For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

Ms. Levan noted that, in subsection (4) Gifts, this section would need to be revised according to the City Code. She stated that she would correct this portion of the proposed ordinance prior to its introduction. Ms. Levan noted that this section insinuates that all gifts received, including from family, would need to be disclosed; therefore, she would include a definition of gifts, which would exclude gifts received from family members, etc.

- **§ 16-6 Financial disclosure: employees and appointed officials.**
    - Currently subsection A. has remained the same, but Ms. Levan proposed adding the titles of recently created department director positions. This would include the Director of Human Resources and Director of the Housing Services.

    - The following has been added to subsection C (3), (4), (5):

        - (3) The identity of any entity doing business with the City with which the official or employee has done business or from which he or she has received anything of value in the preceding five (5) years.

        - (4) The identity of any person doing business with the City or whom the official or employee knows or has reason to know has received anything of value from a person or entity doing business with the City with whom the official or employee has a personal relationship involving two or more private social engagements in the preceding year. The official or employee need not disclose the nature of the personal relationship.

        - (5) The identity of any business entity located in the City from which the official or employee receives earned income.

- **§16-6.1 Financial Disclosure: Members of boards and commissions.** This section was added, removing the original language from § 16-6. The requirements of the boards and commissions have remained the same. The filing deadline of February 15 will need to be added to this section.

Ms. Levan noted that, in addition to §16-5, a provision was added to §16-6 and §16-6.1 that states the City Clerk may not provide public access to a portion of a statement that is filed after January 1, 2019, and that includes an individual's home address that the individual has identified as the individual's home address.

Mayor Dominick suggested adding language that would disallow elected officials from doing business with an entity to which the City provides a large portion of the entity's funding. Ms. Levan informed the Mayor and Common Council that such an addition to the proposed ordinance would need to be discussed and decided amongst them; any addition would be included in §16-4.

Councilmember Chiavacci suggested that doing business with an entity that does business with the City not be prohibited. He suggested alternative language that would require an elected official to recuse himself or herself from participating in a decision to approve a transaction with an entity with which the elected official does business. Councilmember Chiavacci stated that prohibiting all business relationships may discourage people from serving in elected office.

Mayor Dominick stated that he had to primary goals – to enhance public trust through transparency and to mitigate influence by an elected official. To address Councilmember Chiavacci's concern, an option might be to establish a threshold standard.

Councilmember Chiavacci acknowledged Mayor Dominick's and Councilmember Yingling's prior comments and interest in strengthening the City's Ethics Ordinance. He expressed a desire for the elected body to collectively agree on the changes to be made to the City's existing Ethics Ordinance.

Councilmember Chiavacci then suggested that a requirement be added that City staff provide a list of businesses with which the City does business to the Mayor and Common Council on an annual basis. He also suggested excluding the physical address of any vacation property owned by an elected official. Ms. Levan stated that this language could be added.

Councilmember Chiavacci asked if the State Ethics Commission would review the proposed changes to the City's Ethics Ordinance. Ms. Levan replied that the proposed ordinance had been submitted to the Commission, but the Commission had not reviewed it; therefore, she would send the Commission a revised draft, incorporating any further changes directed by the Mayor and Common Council.

Mayor Dominick inquired if the provisions of the proposed ordinance addressed an elected official doing business with a company under contract by the City. Ms. Levan stated that she believed this was covered, but that she would be sure that the ordinance addressed the matter.

Councilmember Chiavacci inquired if the same provisions of the elected officials would be applicable to the appointed officials and boards and commissions identified in the ordinance. Mayor Dominick agreed that everyone listed within the ordinance should disclose the same as the elected officials. Ms. Levan explained the reasons for differences in the disclosures.

Councilmember Dayhoff asked Ms. Levan if it would be a conflict for him to vote on the City budget given the funding provided by the City to the Westminster Volunteer Fire Department, to which both he and his wife volunteer their time. Ms. Levan replied that there would be no conflict since he derived no income from the Fire Department; however, he may wish to disclose the relationship on his financial disclosure form.

President Pecoraro recommended that Ms. Levan update the proposed ordinance to reflect the Mayor and Common Council's discussion, for placement on the February 10, 2020 agenda. Ms. Levan would transmit the proposed ordinance to the State Ethics Commission after its introduction. The Mayor and Common Council preferred that the ordinance be transmitted in advance of introduction so as to avoid, if possible, spending further time on changes that might not be acceptable.

DEPARTMENTAL REPORTS

City Administrator

Ms. Matthews reported that the 45 West Main Renovation Project had been underway for approximately three weeks; the next bi-weekly progress meeting would be held on January 28, 2020. She then reported that the City expected to receive the final comments from Maryland Department of Environment staff regarding the technical protocol to be used for the City's water re-use bench scale and pilot project by the end of the week of January 27, 2020.

Ms. Matthews shared that Katz and Associates, the communications firm assisting the City with public information/education for the water reuse initiative, conducted the first round of community stakeholder interviews during the week of January 20, 2020. She informed the Mayor and Common Council that a second round of interviews would be conducted during the week of February 3, 2020. Following completion of the interviews, Katz would provide a report to the City summarizing its findings and recommendations. Councilmember Dayhoff shared that he had received positive feedback from those who had participated in the interviews.

Westminster Police Department
Chief Ledwell reported that, on January 14, 2020, he attended a community meeting hosted by the Historic Belle Grove Square Neighborhood Association. The meeting was beneficial, and the feedback received would be helpful to the Police Department in addressing concerns of the community members.

Chief Ledwell then reported that a Coffee with Cops event would be held at Birdie's Café on February 8, 2020. In addition, the department would be participating in an outreach program with the Boys and Girls Club.

Chief Ledwell informed the Mayor and Common Council that the four new recruits recently completed their first month in the police academy, and all were performing well.

Chief Ledwell shared that the Police Department had developed a promotional list for two new corporal positions, to add supervisory coverage when the new 12-hour patrol schedule went into effect.

Councilmember Chiavacci asked Chief Ledwell when the new patrol schedule would be implemented. Chief Ledwell replied that he had been working with Ms. Matthews and Ms. Palmer to finalize the details, and hoped that it could be implemented in approximately one month. Councilmember Chiavacci shared the positive feedback he had received from staff and community members about the new schedule.

Finance and Administrative Services Department
Ms. Palmer continued the discussion of the Westminster Police Department's new patrol schedule, adding that the new schedule required changes in the payroll system. She informed the Mayor and Common Council that initial testing was completed earlier that day, and it had gone smoothly. Additional testing was needed before proceeding.

Ms. Palmer then reported that her department issued W-2 and 1099 forms, and was in the process of printing 1095 forms.

Ms. Palmer shared that FY 2021 budget worksheets had been distributed to each department; the departmental requests would then be compiled into the master budget document. Ms. Palmer and Ms. Matthews would then meet with each department to discuss their requests.

Ms. Palmer concluded her report by informing the Mayor and Common Council that the City received an extension until March 31, 2020 to submit its audit to the State. Part of the delay was attributable to the City's audit firm being acquired by another company, which required the audit team to learn new software.

Public Works Department
Mr. Glass reported that the Westminster Fiber Network Maintenance Team quickly repaired a fiber line break on January 22, 2020. In addition, a water main break occurred on January 25, 2020; the Utility Maintenance Department was able to isolate the line and repair the break within a short period of time.

Mr. Glass then provided the Mayor and Common Council with an update on the extended pump test of the Gesell Well. He reported that there was one week remaining, and test results to date were positive.

Recreation and Parks Department
Ms. Gruber reported that her department was working on the various 2020 special events. The Mother/Son Date Night event sold out within five hours. She stated that the approval of the MissionTix agreements earlier in the agenda would allow the department to begin selling tickets for the Westminster Strolls.

Ms. Gruber then reported that the department had encountered several maintenance issues at the Family Center.

Housing Services Department
Ms. Valenzisi reported that her department was working on the administrative plan for the Housing Choice Voucher program. She also reported that her department was working with several landlords to identify a permanent solution to ongoing trash problems.

Community Planning and Development Department
Mr. Depo reported that there were currently no items scheduled for the February 4, 2020 Board of Zoning Appeals meeting agenda. On February 5, 2020, the Westminster Historic District Commission was scheduled to review telecommunication antennas on the water tower located near Sawgrass Court.

Mr. Depo also reported that Any Time Fitness was tentatively included on the February 13, 2020 Planning and Zoning Commission meeting to review their sign plan. Following adoption of Emergency Ordinance No. 918, the City had approved four deck permits to date.

Mr. Depo concluded his report by sharing that the Spring 2020 Water and Sewer Amendment was completed and submitted to Carroll County Government.

Human Resources Department
Ms. Childs reported that she and Ms. Levan were working together to finalize the City's new drug free and workplace policy. The new policy would be placed on a future Mayor and Council meeting agenda, most likely in February.

Westminster Volunteer Fire Department
Councilmember Dayhoff, on behalf of President Dan Plunkert of the Westminster Volunteer Fire Department (WVFD), reported that its 141st annual banquet celebration was held on January 26, 2020. He announced that Bill Brehm received the Firefighter of the Year Award for 2019.

CITIZEN COMMENTS
Terry Diehl, 43 Glen Oak Court, shared that she had lived in Westminster for 26 years, and loved the community. She then expressed her concerns regarding the proposed Clark Farm development, stating that she felt the concerns of she and her neighbors were being ignored and that their questions were not being answered. Ms. Diehl asked for a point of contact at the City with whom she could speak.

Emily Van Horn, 730 Mulligan Lane, informed the Mayor and Common Council that she and other community members had heard that the developer requested to build townhomes rather than apartments, but that the City denied the request. She then expressed her concerns regarding the proposed development.

Blanche Steel, 31 Glen Oak Court, questioned how the community could stay informed as the process moved forward. She shared her concerns regarding the development of apartments on the Clark Farm Property.

Donna Robinson, 33 Cypress Point Court, commented that she and her neighbors attended the Westminster Planning and Zoning Commission meeting on February 9, 2020. She stated that they felt shut down by the Commission when asking questions about the development. Additionally, a site plan was distributed which included the current surrounding homeowners names and location of their properties. It was noted that this was not a site plan.

Gary Steel, 31 Glen Oak Court, asked if the surrounding property owners were notified when the rezoning of the Clark Farm Property was approved in the 1990s. The Mayor and Common Council responded that they could not confirm what had transpired at that time.

Mike Carlson, 738 Mulligan Lane, asked for clarification on what could be built on the Clark Farm Property.

Jenny Bell, 734 Mulligan Lane, pointed out that a Ting Internet box was located on Mulligan Lane, expressing concern that it could be vandalized.

Mary Beth Kepler, 40 Wentworth Court asked if a traffic study would be required. Mr. Depo replied that a traffic study requirement would be one of the issues reviewed following submission of a site plan.

The Mayor, Common Council, and Mr. Depo replied to the questions and concerns raised by those in attendance. They reiterated that a site plan application for the proposed development had not yet been submitted. In addition, the Planning and Zoning Commission discussion on January 9, 2020 was an informational discussion concerning the project; no variance to setback requirements had been granted. They Mayor and Common Council stated that site plan approval was the purview of the Planning and Zoning Commission, not the Mayor and Common Council. The property's zoning allowed construction of a multifamily residential development as a matter of right.

The Mayor and Common Council encouraged community members to:

- Provide their contact information to Mr. Depo and the Community Planning and Zoning Department so they could receive notifications regarding the proposed development;
- Designate a community member to attend City meetings so they can stay informed;
- Request their HOA to arrange a meeting with the developer to discuss their questions and concerns; and,
- Attend the Westminster Planning and Zoning Commission meeting(s) regarding any site plan application to voice their concerns about site plan related matters.
- To speak to Jeff Laird, General Manager of WTTR and Managing Member of Hilltop Communications, regarding their concerns.

In conclusion, Mayor Dominick encouraged community members to attend the Mayor and Common Council meetings more frequently.

ADJOURNMENT

President Pecoraro adjourned the meeting at 9:32 pm.

Respectfully Submitted,

Shannon Visocsky, City Clerk

Full audio version is available on www.westminstermd.gov