

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
JANUARY 10, 2011**

QUORUM:

A meeting of the Mayor and Common Council was held in the Council Chambers at City Hall, 1838 Emerald Hill Lane, Westminster, Maryland on the evening of January 10, 2011, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Albert, Chiavacci, and Pecoraro; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Public Works Glass, Director of Recreation and Parks Schroers; and City Attorney Levan were present. Councilman Wack and Director of Planning, Zoning, and Development Beyard were excused from attending.

Mayor Utz recommended the reappointment of Stephen Allgeier to the Westminster Tree Commission. Mr. Chiavacci moved to approve the recommendation. Mr. Pecoraro seconded and the motion passed unanimously.

Mayor Utz stated that on Saturday, December 11th, the Historic Belle Grove Square Neighborhood was the home of the 2010 Westminster Holiday House where almost 1,000 visitors from across the region visited. He thanked the following downtown business for their help in selling tickets: Carroll Arts Center, Carroll County Historical Society, Mercer Carpet One, The Hickory Stick, and Clementine's Country Boutique. He expressed his gratitude to the Department of Culinary Arts at the Carroll County Career and Technology Center for the cookies they provided and the Pipe Creek Civil War Round Table for dressing up in period costumes. He recognized the following local performers who contributed to setting the stage for the Tour with their delightful holiday music: The Westminster Municipal Band, The Homespun Ringers, The Brethren Ringers, The Children's Chorus of Carroll County, The Winters Mill Christmas Carolers, Celtic Crossing, and Paul Zimmerman.

Mayor Utz presented the following Westminster Holiday House Tour participants with original sketches of their homes and buildings: St. Paul's United Church of Christ, Westminster Church of the Brethren, Bruce DeVault and Mitchell Edmondson, Wayne and Laurie Walters, Robert and Mary Eileen Churchill, Stanley Tevis, Howard and Martha Bubert, Mark and Teresa Snyder, Natalie Inskip, and Judy Wood. He then announced that there was a tie for first place for the Belle Grove Square Holiday Decoration between the tenants at 7 Park Avenue, Reverends Lucy Brady and Ed Blue and Glenn Hansen. He presented Ms. Brady with framed photographs of Belle Grove Square, taken by Stan Ruchlewicz. He also declared Jamie and T.J. Reilly of 44 Bond Street as the contest's runners up. Mayor Utz concluded by thanking the Westminster Historic District Commission for their many hours of hard work and preparation in creating a successful house tour.

Mr. Pecoraro added that it was fabulous to see the beautiful work that the homeowners do on these homes. He explained that it shows the importance of the work that the City is trying to do with historic preservation in the more mature neighborhoods.

President Halstad stated that, from prior experience, he and other members of the Council understand what it takes to get ready for this event and he thanked the participants for their work.

MINUTES:

Upon motion of Mrs. Albert, seconded by Mr. Chiavacci and unanimously passed, the minutes of the Council meeting of December 13, 2010 were approved.

CONSENT CALENDAR:

Mr. Chiavacci moved to approve the Consent Calendar, which consisted of the acceptance of Road Bed Deeds from the Village of Meadow Creek and the approval of the November Departmental Operating Reports. Mrs. Albert seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz reported that on January 3rd he met with Commissioner Doug Howard. Mr. Howard is the second of the five County Commissioners with which Mayor Utz has met. He explained that these meetings are intended to provide a foundation for partnering with Carroll County and to make sure they understand what the City's needs are in terms of water, sewer, and other necessities. He stated that meetings have been scheduled with the remaining Commissioners in the upcoming weeks. Mayor Utz is very optimistic that the City will have a great relationship with them.

REPORTS FROM STANDING COMMITTEES:

Mr. Pecoraro reported that the Finance Committee will meet Friday, January 14th and have a report at the next meeting of the Mayor and Common Council.

ORDINANCES AND RESOLUTIONS:

Mr. Pecoraro reported that Resolution No. 10-9 would establish a rainy day fund for the City of Westminster. This would allow the City to set aside revenue not required for immediate use in covering operating expenses, for use in times of unexpected revenue shortfall or budget deficit. He added that most governments at any level try to establish some sort of rainy day or budget stabilization fund. He explained that in the past, the City used to have a larger unallocated surplus which operated similar to a rainy day fund, but over the past several budget cycles, the City emptied all reserves before being forced to seek additional revenue from citizens. He continued to say that the City has worked hard over the last couple of years to try and stabilize the budget; although times remain challenging, the City has managed to find a way to set aside some funds. Mr. Pecoraro feels that this is a prudent thing to do and an important step forward of good financial management for the City.

Mr. Ehlers added that there is a schedule of payments from the \$1.5M loan made by the

Water Fund from the General Fund, so the City would be adding to this annually through January 2014.

Mr. Pecoraro clarified to the Mayor and Common Council that the nature of rainy day funds and unallocated surplus are different. Unallocated surplus are funds that are in excess to what is needed. Rainy day funds would be funds that are set aside for a specific purpose as a cushion for the City. He added that it would take action by the Mayor and Common Council to tap into the rainy day fund should the need arise.

Mrs. Albert stated that she found the concept interesting and felt that establishing the rainy day fund was best practice since a lot of governments are doing it.

Mr. Pecoraro moved to approve Resolution 10-9 to establish a rainy day fund. Mr. Chiavacci seconded the motion and it passed unanimously.

UNFINISHED BUSINESS:

None as of January 6, 2011

NEW BUSINESS:

Mr. Glass reported that the City was recently notified by CTR Systems, the manufacturer of the parking control equipment in the Longwell Parking Garage, that the current system does not meet the Payment Card Industry Data Security Standard (PCI DSS). He explained that the means of transmitting sensitive financial information from credit cards is not encrypted to protect as it should. The cost for the software upgrade would be \$21,400. Mr. Glass stated that another option is to install parking meters along with the lease spaces in the garage. He added that the City has already gone this direction at the Westminster Square Parking Garage as a pilot program and has found that the user satisfaction has gone up significantly. He stated that he receives calls from people who are unhappy at the arrangement of the gates or for being locked in or out of the garage for any reason of malfunction. Should parking meters be installed, those complaints would be eliminated, as well as the callouts and vandalism of the gates. He added that the annual service agreement fees would also be eliminated. Mr. Glass feels that although there is an expenditure of \$17,495, the parking meters are going to be more economical. He added that in addition to the meters, there would also be change machines that the City would own and operate.

Mr. Glass stated that there are some potential drawbacks when it comes to collecting money. He explained that instead of one location, there would be approximately a hundred locations so it would take longer to collect. He added that the meter monitor from the Police Department would have to frequent that area then, too. He feels there are some costs associated with the meters, but it will be much less in comparison to what the cost of the software upgrades and continued maintenance would be.

Mayor Utz stated that with the gate system, a patron can pay for as long as they have been in the garage. He questioned whether the meters would allow enough time on them so that patrons were not rushing back to put more money in them.

Mr. Glass explained that the meters are programmable so the City can set the time for any duration and, in addition, there would still have lease spots available. He stated that the City has received some negative comments regarding the change machines in Westminster Square Parking Garage in that they do not change \$20 bills, just \$10 and \$5 bills. Mr. Glass received consensus from the Mayor and Common Council to move forward with the parking meters for the Longwell Parking Garage.

Mr. Chiavacci recommended that Mr. Glass also look into a change machine that could take large bills and/or credit cards. He stated that he understands the data encryption issues, but feels it could not hurt to see what it would cost.

Mr. Glass then reported that the lease agreement between the City of Westminster and T-Mobile for space on the Hook Road water tank is very similar to the other cell phone antenna leases that the City has. He added that this antenna would be the first one to go on this tank, which would hopefully lead to others. He explained that the terms of this agreement include a 10 year base lease, with the possibility of multiple extensions. The starting rent is \$24,000 per year and would increase by three percent each year. In addition, under this agreement T-Mobile would also pay \$3,500 as a signing bonus. He emphasized that all construction costs associated with the antenna are the provider's responsibility. Mr. Glass recommended the Mayor and Common Council approve the agreement and authorize the Mayor to execute the document.

Mr. Pecoraro stated that these antennae have been a good revenue source for the City of Westminster. He explained that collocation was always a good direction to move because if the City has a high point, then carriers can put up their towers for a much lower cost and there can be more than one carrier on the same facility. He added that it also provides good coverage around town without having to build a large tower.

Ms. Levan pointed out that there are two option periods in the lease. She explained that T-Mobile does not have to commit to the long term lease for a total period of a year, but the City will get paid either option at the same rate.

Mr. Chiavacci moved to approve the agreement and authorize the Mayor to execute the document. Mr. Pecoraro seconded the motion and it passed unanimously.

Finally, Mr. Glass reported that the City recently received the Enhanced Nutrient Removal (ENR) grant agreement from Maryland Department of the Environment (MDE) which outlines funding, terms and conditions for the project to proceed with financial assistance provided by the State, who will be funding 65.3% of the project. He stated that upon reviewing the agreement, the frequency of the words "must" and "shall" were much more prevalent under the City's obligations than MDE. The agreement was forwarded to the City Attorney for professional judgment and advice where she provided additional language that would lend similar latitude for situations of limited funding to the City that the State maintains by this agreement. Mr. Glass stated that the City should have the same type of protection as the State. He explained that the agreement is probably very standard and an adjustment is something they might not agree to; therefore, if that is the case, the City still

has to sign since that is where the funding is coming from. Mr. Glass requested approval from the Mayor and Common Council and authorize the Mayor execute the agreement.

Ms. Wolf explained that there is a time constraint on this in that the City cannot move forward on the engineering until the agreement is signed.

Mr. Glass explained that they have not yet heard back regarding their review of the City's engineering contract, but he anticipated that they might not give any comments back until they receive this agreement.

Ms. Levan stated that her understanding of the agreement is that the State is not making any guarantees that they are giving the City the money; it depends on their budget. She stated that the modifications would clarify that if that was the case, then the City is not committing to proceed with the improvements due to funds available in the budget. She added that she has been doing these agreements for at least five years and she has never heard of the State not following through to the conclusion of the project. She stated that they have a very strong interest in getting these improvements done since it improves the quality of the watershed. Ms. Levan explained that she does not anticipate that the State would either not award the grant fund anymore or stop half way through, but she would like it clarified in the agreement that if it does occur, then the City is not obligated to proceed.

Mr. Chiavacci stated that he is concerned by the language "subject to the availability of funds" and inquired as to what would happen if the City decides not to sign the agreement unless the changes are made.

Mr. Glass explained that as per the City's NPDES permit, there are guidelines and deadlines in effect that stipulate ENR quality effluent that the City will have to meet and they will not be met without the upgrades to the system.

Ms. Wolf added that the money is coming from the Chesapeake Bay Restoration Fund, which is the extra \$7.50 per quarter that is on the water/sewer bills.

Mr. Pecoraro recommended seeking out assistance from the Maryland Municipal League (MML) to see if anyone has been successful in achieving a modification in this agreement.

Mr. Pecoraro then moved to approve the agreement and authorize the Mayor to execute the agreement. He stated that all these things come from Federal requirement and ultimately, the local governments wind up with very little choices. He added that he feels the City needs to move forward and do what it can to keep the project on track. Mrs. Albert seconded the motion.

Mrs. Albert feels as though the City is partnering with the MDE to stay on top of the concerns right now and it has been moving right along.

Mr. Chiavacci questions what the City's timeline is in terms of not signing and waiting for MDE to come back with a decision on whether they will make the modifications.

President Halstad clarified that it does not matter whether or not they agree to the

modifications; the City still has to move forward.

Ms. Wolf explained that the point of the issue is not just MDE, but that the City is expanding the Wastewater Treatment Plant at the same time. The City is at the stage where it has to be done. She stated that it is not going to matter if the City gets water from Union Mills because the City is going to be constrained on the sewer side, which is the situation for every municipality in the County. Ms. Wolf added that it is part of the whole plan to keep in balance and move forward. Ms. Wolf stated that the City has spent a lot of time working with MDE to get them up from the original \$3M.

With a motion and a second on the floor, it was unanimously approved to authorize the Mayor to execute the standard ENR agreement.

DEPARTMENT REPORTS:

President and C.E.O. of the Westminster Fire and Hose Company No. 1 Bob Cumberland reported that they received 159 Fire calls in December, with 70 of those calls in city limits. These numbers put the total for 2010 at 1,563, up 14 from 2009. He added that they received 666 City calls, 766 County calls, and 131 mutual aid calls in 2010 with their total fire loss at \$698,150. Mr. Cumberland explained that the line of duty deaths was at the all time lowest in the U.S. in 2010. He also reported that they ran 442 EMS calls in December to bring the 2010 total to 4,731 calls; an 85 call increase from 2009.

Mr. Chiavacci questioned what percentage of the calls from the county did the Westminster Fire Department respond to and how much of the County funding is received to handle that percentage.

Mr. Cumberland estimated that between the fire and EMS calls received, they handle 35- to 40% of them. He explained that the funding from the County is given to the Fireman's Association, and then divided by the fourteen companies in the County.

Mr. Schroers reported that only nine days into the new year the Westminster Family Center has received over 2,200 visitors. He also stated that, if anyone was interested, they will soon start the 2011 Weight Loss Challenge at the center. Mr. Schroers announced that they are now offering a Zumba class and had over 70 people taking that class the prior week. Finally, he recognized Bruce DeVault from Belle Grove Square for being instrumental in getting the Recreation and Parks information in their newsletter. He added that he has been a great partner to get the word out on what the City has to offer to the residents.

Mr. Ehlers reported that the City closed on the operating line of credit with BB&T Bank recently. He also stated that the external auditors from McGladrey and Pullen, LLP will be at the January 24th meeting to report to the Mayor and Common Council.

Chief Spaulding reported that they are working with the Fire department to use a facility within their building as the City's emergency operations center. Carroll County has used this location as their backup emergency operations center for a number of years, but

fortunately has not had to use it. He explained that it would be a modest setup for the things that they need to do to communicate with the Public Works and Fire departments, as well as the police staff in the field.

Ms. Wolf reported that Wayne Reifsnider, Assistant Superintendent for the Street Department, was named the December 2010 Employee of the Month for all his work during the holiday activities which included the parade, Miracle on Main Street, Santa's Treat, and the Holiday House Tour in Belle Grove Square. He and the Street Department staff were recognized for their efforts during the two unexpected snowfalls in December. She also reported that they recently welcomed the first intern from McDaniel College who will be working on the Arts and Culture Task Force. Finally, she stated that the City is working on scheduling mandatory customer service training for every City employee over the next couple of months. She feels that this is something that is really needed and needs to be done down on a level where it is face to face with the employees. Those are the people who make or break the City.

CITIZENS COMMENTS:

Rebecca Orenstein of 64 Pennsylvania addressed her concerns with 52 to 56 Pennsylvania Avenue. She presented the Mayor and Common Council with photos of trash, graffiti, and structural damage at these locations. She is also concerned about the potential for a fire since there are a lot of loose, hanging wires. She explained that it degrades her property and her attempts to maintain her property. She stated that her neighbors encouraged her to approach the City in search of assistance.

Mr. Pecoraro recommended that the Code Enforcement Officer check out these properties for any violations.

ADJOURN:

Council President Halstad adjourned the meeting at 8:30 PM.

Respectfully Submitted,

Elizabeth L. Fahey