

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
JANUARY 9, 2012**

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 9, 2012, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Chiavacci, Frazier, Wack, and Whitson; City Administrator and Acting City Clerk Wolf; City Treasurer Ehlers; Chief of Police Spaulding; Director of Public Works Glass; Interim Director of Planning, Zoning, and Development Horn; Director of Recreation and Parks Schroers; and, City Attorney Levan were present.

MINUTES:

Upon motion of Mr. Whitson, seconded by Mr. Chiavacci and unanimously passed, the minutes of the Council meeting of December 12, 2011 were approved.

CONSENT CALENDAR:

Mr. Chiavacci moved to approve the Consent Calendar, which consisted of the November 2011 Departmental Operating Reports. Dr. Wack seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz commented that the end of the year was busy for City staff and the community. He thanked everyone involved in helping organize the recent events in Downtown Westminster. He reported that the New Year's Eve inaugural event went well.

REPORTS FROM STANDING COMMITTEES:

Dr. Wack commented on the 15 percent reduction in property assessments and the need to reevaluate budget priorities as a result. He noted that this reduction is likely to complicate the City's ongoing efforts to achieve self-sufficiency (i.e., elimination of dependence on state reimbursements) and to eliminate a backlog of projects contained in the Capital improvements Program (CIP). The City relies on certain revenue from the tax base, and the reduced assessments have substantially changed our projections for the upcoming budget process. He stated that new information is expected from the current legislative session on available funds for municipalities. In order to compensate for the loss of state funds, the City will consider: healthcare costs; the continuation of building a reserve fund; diverting revenue from the Capital Improvements Program fund

to the Operating Fund; delaying certain Capital Improvement Projects; and, further reductions to the operating budget. He asked the Common Council to discuss how the budget cuts will be addressed during upcoming meetings.

Mr. Chiavacci complimented Lori Graham and everyone else involved in the New Year's Eve event in Downtown Westminster. He estimated that more than 450 people attended the event, which was fun and well done. He reported that several local businesses were impacted by increased customer traffic. Mr. Whitson noted the coverage of the New Year's Eve event in the *Carroll County Times* and Mr. Halstad noted the coverage on WestminsterPatch.com.

BIDS:

Mr. Glass explained that there are funds available for the replacement of a Leaf Vacuum Unit to be utilized at the Street Department. The City solicited proposal prices for a basic generic unit for this purpose. Three suppliers responded with proposals that ranged from \$30,295 to \$31,295. RMS, a local Westminster area business, provided the lowest proposal price of \$30,295. City Staff reviewed and evaluated the provided proposals and found them to meet or exceed the specifications required by the City. Mr. Glass noted that it is a trailer mounted unit which is an exact replacement of the current unit.

Mr. Chiavacci asked if the old unit would be used as a trade-in toward the purchase price. Mr. Glass said that the old unit would be traded in, as the City already owns two leaf vacuum units. Mr. Chiavacci was glad that a local business had the lowest bid.

Dr. Wack moved to accept the bid from RMS in the amount of \$30,295 and Mr. Chiavacci seconded, and the motion passed unanimously.

Mr. Glass then explained that the FY11-12 General Budget contains funds for facilities maintenance identified specifically for the repair of City Hall. This project is divided into phases whereby the City will act as the general contractor with all construction work subcontracted. He stated that a request for proposal (RFP) was originally solicited in late summer 2011. Those proposals were then forwarded to the Historic District Commission (HDC) for comment. As a result of the variation in the submitted proposals and comments generated by the HDC, a more refined scope of work was prepared and delivered to the same firms that had interest in the original RFP. Two amended proposals were received in late November that ranged from \$76,431 to \$85,789. The apparent lowest price was from local contractor Patrick Construction Building and Remodeling, Inc. in the amount of \$76,431. The contractor was also required to supply references and a schedule of project experience which have all exceeded the expectations by a significant margin. In addition, more locally, Patrick Construction has performed multiple historic projects at McDaniel College that are very similar in nature.

Mr. Frazier asked if pine wood was going to be used in the skirt board due to HDC recommendations, or if a longer lasting material could be used. Mr. Glass replied that

there would be a change in wood species to Spanish cedar for the skirt board and the columns. He added that the porch would be full stave pieces and not finger-joined.

Mr. Halstad asked why a hardy board composite would be used for the porch instead of composite materials. Mr. Glass responded that due to the historic requirements, the material must be composed of 51% wood; therefore, the material would be a wood composite to meet those historic requirements.

Mr. Chiavacci moved to accept the bid from Patrick Construction in the amount of \$76,431 and Mr. Frazier seconded, and the motion passed unanimously.

ORDINANCES:

Mr. Frazier motioned to approve Ordinance No. 831 – Reclaimed Water Use System and Dr. Wack seconded, and the Ordinance was approved unanimously.

NEW BUSINESS:

Mr. Horn presented a slide show on the Development Design Preferences composed by the City staff and the Planning and Zoning Commission (PZC). The purpose of the manual is to achieve replication of aesthetically pleasing architectural styles already found in the City. It also contains guidance for future development with regard to energy efficiency and resource management. He explained that the Preferences are not regulatory; they are suggestions as to what the City is looking for from developers during the early design stages. They are guidelines for future use of commercial and residential areas only; industrial areas are not included. He outlined the basic principles in the guidelines as: Consistency with local architectural styles; Sensitivity to environmental concerns; and, Efficiency with regard to energy and resource consumption. The manual also sets public safety as a priority in community design.

Mr. Frazier asked why the manual did not use established LEED standards in the conservation measures. Mr. Horn replied that the manual is dynamic and can be changed and updated as necessary. LEED standards were considered, but are expensive for the developer to achieve. The City will present its preferences through the manual without LEED standards listed as a requirement, and more developers may meet those LEED standards without the entire cost of certification. Mr. Frazier commented that if the preferences were not required, LEED standards would be only a recommendation.

Mr. Halstad asked if the PZC had already approved the manual. Mr. Horn replied yes. Ms. Wolf added that the manual took approximately two years to develop and recognized Planning Intern Noah Patton for his hard work in completing the project.

Mr. Whitson moved to approve the Development Design Preferences manual and Mr. Chiavacci seconded, and the document was approved unanimously.

Dr. Wack motioned, pursuant to Section 10-508-A-7 of the State Government Article of the Annotated Code of Maryland, to conduct an executive session at the conclusion of the current meeting to consult counsel to obtain legal advice. Mr. Chiavacci seconded, and the motion passed unanimously.

DEPARTMENT REPORTS:

President and C.E.O. of the Westminster Fire and Hose Company No. Bob Cumberland reported that there were 115 fire calls for the month of December. CY2011 saw 1,471 calls, compared to 1,563 in CY2010. He reported that the total fire loss for CY2011 was \$800,260. He also reported that there were 384 EMS calls in December; 4,786 in CY2011 and 4,731 in CY2010. In December, the 3rd unit was staffed 71 times, for a total of 762 times in CY2011. Mr. Cumberland thanked the Mayor and Common Council for sending their recommendations on the fire sprinkler ordinance to the Carroll County Commissioners. The Commissioners voted 4-1 in favor of maintaining the current ordinance. He announced the recent fire department elections included Mayor Utz being named a Lieutenant of Officer Operations.

Mr. Ehlers stated that the Finance Department has begun work on the next year's budget, starting with preliminary revenue numbers. He also stated that the payroll department is working with current tax tables to finish out CY2011. Finally, Mr. Ehlers reported that the new VoIP phone system is scheduled to go online starting next week.

Mr. Horn announced the upcoming HDC and PZC meetings. He also reminded the Mayor and Council of the upcoming Public Hearing on electronic message signs that is scheduled on Monday, January 23rd during the next Council meeting.

Ms. Wolf announced the Knorr Brake groundbreaking ceremony on January 18th. She explained that the facility is seeking the LEED platinum level for energy efficiency. The company is also the first to apply for the City's recently passed Job Creation Tax Credit. Ms. Wolf reported on a recent presentation on the water situation at Union Mills. The Maryland Department of the Environment fully supported the Union Mills project between the County and City. Ms. Wolf stated that a permit for Gesell Well is close to completion and recognized the members of Performance Food Group who were in attendance at the meeting.

Chief Spaulding announced the swearing in of one new officer, and upcoming swearing in of two more officers. The three new officers will reduce the current sworn officer vacancies to one. Mayor Utz asked when the other two officers would be sworn in. Chief Spaulding replied that they would be sworn in within approximately one month.

CITIZEN COMMENTS:

Lyndi McNulty, 195 West Main Street, thanked the Mayor and Lori Graham for the festivities at the New Year's Eve event. She stated that it was fun and a great time for all who attended.

Lori Graham, 118 Pennsylvania Avenue, asked if there were any Historic Trust credits available when renovating the porch on City Hall. Mr. Chiavacci responded that the City does not pay taxes, so there would not be any credits available in that respect. Ms. Graham thanked Sergeant Kowalczyk and Officer Cuadro for their investigative efforts after her business was broken into over the holidays. She thanked Dave Johannsson for his help in coordinating the New Year's Eve event, and stated that many Downtown business owners were interested in being key partners in the 2012 event. She also thanked Interstate Battery and Ben's Rental for providing equipment to use during the event. She thanked Larry Bloom and Pat Walsh from the City Street Department for their help in making sure the event ran smoothly. Finally, she thanked her staff at Dutterer's Flower Shop and Mayor Utz for helping her with the event.

Mr. Halstad thanked Ms. Graham for all of her hard work and dedication to the event.

ADJOURN:

President Halstad adjourned the meeting at 7:52 PM.

Respectfully Submitted,

Samantha H. Parthree