

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
JUNE 14, 2010**

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 June 14, 2010, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Albert, Chiavacci, and Wack; City Administrator and Acting City Clerk Wolf, Acting City Treasurer Ehlers; Chief of Police Spaulding, Director of Planning, Zoning, and Development Beyard, Director of Public Works Glass, Director of Recreation and Parks Schroers; and City Attorney Levan were present. Councilman Pecoraro was excused from attending.

Mayor Utz presented the Winters Mill High School 2010 Girls Lacrosse team with a Mayoral Recognition for their outstanding accomplishments during the 2010 season. He explained that the team, lead by Coach Courtney Vaughn, ended their season as County, Regional, and State Champions, as well as a number three overall national ranking out of 2,300 schools.

Coach Vaughn thanked the Mayor and Council for the Recognition. She stated that the State title game was a slow start, but the girls picked it up and they came out on top and won the game.

Jenna Chiavacci, a senior member of the team, explained that they worked well as a team, did their best, and were able to win.

Mayor Utz announced that three openings have become available on the Board of Zoning Appeals. He recommended that the Common Council appoint Thomas Bethune. He stated that Mr. Bethune, owner of InfoPathways, Inc., has lived in Westminster since 1991 and has a background in the construction industry and all aspects of building and infrastructure development. Mayor Utz also recommended the appointment of Daniel Hoff. He explained that Mr. Hoff, a life-long resident of Carroll County and an 11-year resident of Westminster, works at Hoff Agency, a local family-owned and operated real estate company. Finally, he recommended Laura Matyas as an alternate for the Board. He explained that Ms. Matyas, who moved to the Westminster area in September 2007, holds a Master's of Architecture degree from the University of Wisconsin at Milwaukee. Mayor Utz requested that Common Council confirm the appointment of the three individuals to the Board of Zoning Appeals for a three year term, effective July 1st. Dr. Wack moved to approve the recommendations. Mr. Chiavacci seconded and the motion passed unanimously.

Mr. Daniel Hoff was in attendance and stated that he is looking forward participating on the Board. He feels his background in real estate and his love and knowledge of the City of Westminster will help him make informed and good decisions.

Mayor Utz then recommended the reappointments of Jay Bogash and Joseph Barley to the Tree Commission. He stated that he has had that opportunity to work with them on a few of the Commissions projects, such as the tree plantings at Cranberry Station Elementary School for Arbor Week and the annual Tree Workshop. Mrs. Albert moved to approve the recommendations. Dr. Wack seconded and the motion passed unanimously.

Pamela Zappardino, chairperson of the Arts and Culture Task Force, presented a final report to the Mayor and Common Council. She stated that the Task Force was brought together in the Fall to figure out how to build and arts and culture presence in Westminster, specifically the Tri-Street neighborhood. She explained that they adopted the mission aimed to build stability and prosperity in the Tri-Street Area by integrating arts and culture into the fabric of the neighborhood life, supporting arts facilities, businesses, resources and programs as key cultural assets, and showcasing the community as a tourism destination.

She informed the Mayor and Common Council that the Task Force developed a recommended Ordinance that would create the Art District Overlay Zone. She explained that the Ordinance looks at how some permitted uses in that area would promote the development of owner-occupied spaces by artists, who then are able to have a small studio in that space and possibly sell from that location. She noted that the owner or long-term tenant of the premise must prepare individually-crafted artistic work, not bought and resold. She continued by saying that they want to encourage property owners to develop and improve their lands and buildings within this district and promote the use of those lands and buildings by artists. She emphasized that more than 50% of the total square-footage of the dwelling unit must be residential. She stated that to ensure that the district was not abused in any way, the Ordinance clearly defines terms such as work space, artist, artistic work, and artisan workshop and/or gallery requirements. She explained that signage restrictions are also included in the Ordinance.

Ms. Zappardino summarized that the second half of the report takes a look at the other objectives in the mission of the Arts and Culture Task Force. She stated that the first objective was to promote and connect the arts and culture neighborhood, with the anchors being the Carroll Arts Center and McDaniel College, and how they would be able to promote the resident artist concept, and make the art district known within the City and County and as a destination. The second objective was to integrate the downtown business district with the arts and culture district. She reported that the Task Force was able to come up with an extensive list of ideas to accomplish those two objectives within the City. She explained that they looked at the list and prioritized them by which could be done quickly, easily, and without cost. They wanted people to feel a sense of accomplishment and they did not want to add anymore financial stress on the City at this point. Ms. Zappardino listed the top three priorities as:

1. Develop a program to place local artwork in vacant store windows. She stated

that they have spoken to some of the owners and they have been amenable to having local artists display their work in their windows.

2. Promote friendly competition and tourism with the “Paint the Town Purple” contest. She explained that is something that is already being discussed in the City with the businesses in the downtown area decorating for the Baltimore Raven’s training camp.
3. Create links on local arts and culture websites to connect other arts and culture sectors of the community. She added that this would also to City offices and businesses as well.

She stated that the recommendations in the report are listed by priority within the Task Force, but they recognize that the finances and time involved might require some of those priorities be reordered.

Mrs. Albert reported that working on the Arts and Culture Task Force was a great exercise, but a lot of hard work.

Ms. Zappardino informed the Mayor and Common Council that the Task Force has agreed to stay on and possibly meet a couple of times a year to serve as a resource to the City and to monitor the process of implementing the recommendations.

Mr. Chiavacci thanked the Task Force for their great recommendations. He questioned whether they had received any feedback on the window display plan and if so, how the artist will be connected with the landlords. He also asked about any landlord hang ups in terms of liability.

Ms. Zappardino responded by saying that they have talked about connecting artist and landlord in conjunction with Carroll Arts Center. She explained that they have a tremendous listing of local artists. She also explained that because many artists show their work on galleries, they know the need to carry their own insurance on their work.

Dr. Wack stated that he is glad to hear that the Task Force is staying together since it is important for them to monitor the follow-through of the recommendations. He informed Ms. Zappardino that some of their suggestions, such as the window displays, do not need the assistance of the City; therefore, he suggested that they move forward with those tasks.

Mayor Utz asked Ms. Zappardino how soon they would like to see the Council act on the Overlay Ordinance.

Ms. Zappardino stated that they know it will take some time to get the overlay district understood in the community and with the rate in which the properties turn around, they feel they would like to move on it as soon as possible. She added that they expect that it is going to be five to ten years to truly get the district in place.

President Halstad questioned whether there were any controversial components among the committee members.

Ms. Zappardino responded that there were a lot of concerns raised, especially regarding code enforcement in the City. She explained that people were more comfortable recognizing that the overlay does not constitute as a change in the zoning of that area and that it is still zoned residential. She expanded by saying that someone cannot own a building, rent it out to five artists, and have five different studios.

Committee member Lou Chang added that she feels the general consensus is that bringing more arts to the community in any way is a positive thing. She continued in saying that she thinks controversy may come with trying to maintain the integrity of the neighborhood and to not have it get out of control, too commercialized. She explained that there are some commercial spaces available and it would be great if they could move forward and find people to fill those spaces so that there is a very viable downtown district, as well as moving into an arts and culture community within the residential area. She stated that the City needs to respect that fact that it is a neighborhood community as well.

President Halstad stated that the Task Force did an excellent job with the specifics in their report. He continued by saying that he feels that the City of Westminster staff has always done a terrific job incrementally implementing these types of recommendations. He encouraged the Task Force to use the staff to help out on some of these issues with which the City can be of assistance. He concluded by saying that he thinks the Common Council should move on the district as soon as possible.

MINUTES:

Upon motion of Mrs. Albert, seconded by Mr. Chiavacci and unanimously passed, the minutes of the meetings of May 10, 2010 and May 24, 2010 were approved.

CONSENT CALENDAR:

Mr. Chiavacci moved to approve the Consent Calendar, which consisted of the approval of the Memorandum of Understanding between Maryland State Police and Maryland Red Light Camera Technology User Agency, the final approval of Charter Amendment, and the approval of the April Departmental Operating Reports. Dr. Wack seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz announced that June 14, 2010 is the United States Army's 235th birthday. He also reported that he attended the Torch Run event on June 9th. He reported that the event was very well done and very emotional. He explained that cadets ran from Sykesville to Westminster in the rain.

REPORTS FROM STANDING COMMITTEES:

Mr. Chiavacci reported on his attendance at the Torch Run. He stated that it was a great event and great to see all the kids that it is helping and all the cadets from the Maryland State Police Academy coming running in. He recognized the Chief for work put the event together and bringing it to the City of Westminster. He stated the he was proud that he was a part of the event. Mr. Chiavacci then announced that Command Sergeant Major Thomas Beyard, the City of Westminster's Director of Planning, Zoning, and Development, was recently awarded the State of Maryland Distinguished Service Cross, Maryland's highest military award. He reported that it is very rare that this medal is given. CSM Beyard received the award for service beyond the normal call of duty. He stated that the City is very proud to have someone received an award of this nature and rarity. He thanked Mr. Beyard for his service to the country and congratulated him for his award.

BIDS:

Mr. Ehlers explained that the RFP process for an external auditor began in the beginning over April, with two firms responding, McGladrey & Pullen and Lindsey + Associates. He stated that both firms came in on June 3rd so that the Finance Committee could review the proposals with them and hear their presentation on why they should be selected as the external auditor for the City of Westminster. He defined the general criteria that the Committee was looking for as the scope of services they could provide, the responsiveness in their proposal on how well they would meet the requirements of the audit, their audit plan techniques and methodology, experience and professional qualifications, and cost. He stated that the Committee felt confident that either firm could do the external audit; however McGladrey & Pullen, as a national network of firms, had more resources available to the City. He explained that one of the biggest concerns the Committee had was if anything went wrong with the audit and delays are encountered, that the filing date will not be missed and they felt that McGladrey & Pullen could do that.

He reported that the proposals were for three years of contract commitment and two years as an option to extend. McGladrey & Pullen proposed 328 hours of annual audit services with 106 hours of Partner and Manager focus, whereas Lindsey + Associates proposed 240 hours of services with 40 hours of comparable focus. He explained that the City's experience with the Financial Audit and the Single Audit for Federal funds is going to require the additional hours. He reported that the Single Audit for this year will include not only the HUD Audit, but the American Recovery and Reinvestment Act funds for the water meter project and it will be the first time the City will go through this extensive audit relative to that funding.

Mr. Ehlers explained that the Finance Committee recommends that McGladrey & Pullen be approved as the external auditor for the next three years, with options to extend annually for two more years, and that the Mayor be granted approval to enter in to contract on behalf of the City with the selected firm.

Dr. Wack added that both bids were significantly under what the City budgeted, so that even going with the higher of the two, the City will still be saving a considerable amount of money. He continued to say that when looking at the hours that both proposals projected and creating an hourly rate for the services, the two proposals are a lot closer than they would initially appear in the dollar amounts. Finally, Dr. Wack explained that the City was not unhappy with the current auditor and they served the City well for many years, but the City has also been relying on them for other services and it became clear that the auditor needed to be an entity that is completely outside of the operations. He made clear that the City decided to hire an outside auditor so that they can continue the productive relationship with the prior auditor in terms of supporting other aspect of the finance and accounting department.

Dr. Wack motioned to approve the recommendations of the Finance Committee to approve McGladrey & Pullen as the external auditor for the next three years, with options to extend annually for two more years and authorize the Mayor to enter in to contract on behalf of the City with the selected firm. Mr. Chiavacci seconded the motion and it passed unanimously.

Mr. Glass summarized that an RFP was put out to complete the final phase of the storm water pipeline replacement that traverses Old New Windsor Road near its intersection with Fitzhugh Avenue. He explained that up until recently, the project had been undertaken, in phases, by the City's own forces, but due to the existing hiring freeze and the upcoming annual street overlay project, it was decided to obtain proposals from outside contractors to replace the last section. He stated that three firms submitted bids, Thomas, Bennett & Hunter, Inc. (TBH), White Pine Construction Corporation, and Stambaugh's, Inc. He added that all responding companies have done quality work for the City of Westminster in the past. Mr. Glass stated that staff reviewed and evaluated the TBH proposal in the total of \$14,035. He explained that this money is in the current year's budget and would have been money the City would have spent should the project stay in-house. Mr. Glass recommended that the Mayor and Common Council approve the proposal of \$14,035 by Thomas, Bennett & Hunter, Inc. Mr. Chiavacci motioned to approve the recommendation. Dr. Wack seconded the motion and the proposal passed unanimously.

NEW BUSINESS:

Due to prior engagements of the Mayor and numerous Council members, President Halstad recommended the cancellation of the June 28th Mayor and Common Council meeting. Mrs. Albert motioned to approve the recommendation. Dr. Wack seconded the motion and the motion passed unanimously.

DEPARTMENT REPORTS:

First Vice President of the Westminster Fire Engine and Hose Company No. 1 Todd Whitson introduced Bob Ruby, Treasurer of the Westminster Fire Department. He

explained that Mr. Ruby was in attendance strictly to observe. Mr. Whitson then reported that for the month of May, the department responded to 407 EMS calls, 182 in the City, and 129 fire calls, 63 in the City.

Mr. Glass reported that mosquito surveillance will begin in June. He explained that the City is contracted with the Department of Agriculture and every year they will go around to storm water management ponds and lower-lying areas to assess for mosquitoes. He continued to say that if those areas meet a certain threshold, then they would begin spraying. Dr. Wack questioned why, with all precipitation lately, there are not more mosquitoes. Mr. Glass explained that in the last five years, the City has hit the threshold only one time causing the Department of Agriculture to spray. He stated that there are certain breeds of mosquitoes that cause more problems than others. Next, Mr. Glass announced that the City has possibly reached an agreement with the State on the enhanced nutrient removal (ENR) project at the City of Westminster Wastewater Treatment Plant. He explained that there is also a possibility that the State will increase their share of the \$25M project from \$6M to \$17M. Finally, Mr. Glass reported that the City submitted figures of \$128K to FEMA for reimbursements for snow removal and equipment repair from the two blizzards. He stated that the City expects to be reimbursed at most \$96K since FEMA will only reimburse 75%.

Mr. Schroers announced that the 16th Annual Summer Concert Series: A Month of Sundays begins in July. He stated that there is a free concert at the City Park every Sunday in July at 6:45. He informed the Mayor and Common Council that although the concerts are free, it is encouraged that the public bring a personal care item to donate to the Human Services Programs of Carroll County. He then reported that the City has begun the ADA upgrade to the City Park and Dutterer's Family Park. He explained that the upgrades include swing seats and ramps-in. He announced that on July 7th they will be opening the bids received for the replacement of Bishops Garth Park. Next, Mr. Schroers reported that in May, the Family Center had over 6,200 visits recorded and 24 pavilion and building rentals. He stated that the Municipal Pool has sold 245 passes, which is over last year's number, and for the Memorial Day, they collected over \$2,000 in gate fees. Finally, he also reported the Summer Day Camps started.

Chief Spaulding reported that Cadet Shelly Jones will be leaving on June 21st to begin her police academy training in Baltimore County. He explained that she will be there for 26 weeks of training, and then she will return to Westminster for an additional 14 weeks of field training. Chief Spaulding announced that the department will be very soon initiating a new program called the Tip 411 System. He explained that this is a web-based system that allows citizens to provide completely anonymous tips to the police department on a 24/7 basis using text messaging. He stated that other departments around the country are using this system and have found it to be a very cost effective way to generate tips about crime occurring in the community. He stated that the department will be receiving their administrator training in the coming week and then will follow-up it up with a public awareness campaign.

Mr. Beyard reported that they are planning on filing the Comprehensive Rezoning Plan

in the coming week. He explained that most of the current land use is correct, but there are seven properties that are being recommended for changes. He stated that once those changes are adopted, then the zoning of the remainder of the properties in the City can be reaffirmed. Mr. Beyard noted that compared to last year, the City has seen a lot of commercial activity happening. He explained that in May, the Planning & Zoning Commission approved Walgreens, IHOP, and New York J&P Pizza as tenants at The Shoppes at Meadow Creek. He reported on the redevelopment of the Lonestar Steakhouse site. He explained that the plans are to demolish the current structure and build a Chipotle Mexican Grill and Vitamin Shoppe. He also reported that Wal-Mart is looking to expand its current location to add a grocery department. He informed the Mayor and Common Council that they are working on balancing the water at locations such as the Lonestar site where the new users will use less water. They are working on a process on how to give credit for one place and not the other so that water will not get away without putting it to its fullest use. Finally, Mr. Beyard reported that Code Enforcement's top code issue that they are dealing with is high grass and weeds. He stated that this time of year the City receives a tremendous number of complaints. He noted that six inches is the standard and people are very vigilant about it.

Ms. Wolf reported on the addition of the four new townhomes that have gone up over the past week on Union Street. She added that everyone has done an amazing job getting the homes built and everyone helped getting the units from the Longwell parking lot down to Union Street. She stated that they getting them ready to sell so that they can be occupied by the end of August. She continued to say that once they are sold, then the construction of the next five townhomes can begin on 39th Street. Finally, Ms. Wolf reminded the Mayor and Common Council that as of July 1st, the City will be implementing the Client Services system where all the service requests for the City will come to one location. She explained that citizens can be kept up to date on their call status. She concluded by saying that citizens can also go to the City of Westminster website at any time and fill out a request.

CITIZEN COMMENTS:

Chris Schmidt, a representative of LaRouche Political Action Committee, presented the Mayor and Common Council with a Resolution in favor of the re-adoption, by the U.S. Congress and Senate, of the Glass-Steagall principle. Mr. Halstad requested that Mr. Schmidt leave the informational material the Council and they would make a decision as whether or not they want to be involved. Chiavacci voice his opinion to Mr. Schmidt in that he would not support the Resolution.

Lyndi McNulty of 195 West Main Street reported to the Mayor and Common Council that the Garden Club and The Kiwanis Club of Greater Westminster have donated \$400 towards planting roses on the west-end of town. She stated that the plantings will be done in sections since most of the plants are drought-resistant, but need to be watered until there completely rooted. She noted that in the larger garden areas they will be placing a small Kiwanis Club decorative sign. She concluded by saying that they are looking for people who are interested in adopting trees and caring for them.

Lori Graham of 118 Pennsylvania Avenue stated that a friend of hers, in response to the Torch Run photo on the front page of the Carroll County Times, stated that it was the perfect photo for the front page because it reminds people that not only are the police out there in the sunny times, but they are out in the not so nice times too. She stated that to see them go the distance and volunteer that day was very emotional for her and she enjoys being included in it, too.

Nicholas Wagman of 153 East Green Street reported to the Mayor and Common Council that he has come across numerous sidewalks in the city that are not in the greatest condition. He explained that he is aware that it is the property owners' responsibility and has contacted the Code Enforcement office.

ADJOURN:

Council President Halstad adjourned the meeting at 8:16 PM.

Respectfully Submitted,

Elizabeth L. Fahey