

**CITY OF WESTMINSTER, MARYLAND
MAYOR AND COMMON COUNCIL MEETING
NOVEMBER 28, 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 September 26, 2011, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Chiavacci, Frazier, Wack, and Whitson; City Administrator and Acting City Clerk Wolf; Chief of Police Spaulding, Director of Public Works Glass, Interim Director of Planning, Zoning, and Development Horn, and Director of Recreation and Parks Schroers; and City Attorney Levan were present. City Treasurer Ehlers was excused from attending.

MINUTES:

Upon motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously passed, the minutes of the Council meeting of November 14, 2011 were approved.

CONSENT CALENDAR:

Mr. Frazier moved to approve the Consent Calendar, which consisted of the October Departmental Operating Reports. Mr. Chiavacci seconded the motion and it passed unanimously.

REPORT FROM THE MAYOR:

Mayor Utz commented on the increase in activity in Downtown Westminster due to the Holiday Electric Parade the past weekend. He thanked City staff, members of the public and surrounding community for all of their help and he was proud of a job well-done.

REPORTS FROM STANDING COMMITTEES:

Mr. Frazier asked Mr. Glass for an update on the possibility of a grant for recycling bins to be installed alongside trash cans currently on Main Street and in the Downtown Westminster area. Ms. Wolf replied that City staff is currently looking to a Main Street grant to provide funding for the project that may be available in March 2012.

Dr. Wack also commented on the crowd present for the Miracle on Main Street Holiday Electric Parade on November 26th. He was pleased to see Downtown businesses crowded and thanked City staff for the time and effort put forth for the event.

Mr. Chiavacci thanked City staff and reported hearing business owners compliment the event, which helped to drive more business to Downtown Westminster. Mr. Chiavacci also reported on his recent meeting with the Carroll County Recreation and Parks

Director regarding plans to upgrade City Park. He stated that the City's park can work in conjunction with a County park to be mutually beneficial to both the City and the County.

Mr. Whitson reported that the Arts Council meeting that he recently attended went well. He also announced that the Festival of Wreaths at the Carroll County Arts Center begins on November 30th.

Mr. Halstad commented on the parade's success and thanked City staff and resident Lori Graham for all of the efforts to help make the event go smoothly.

BIDS:

Mr. Glass explained that there are funds available for replacing a Wheel Loader and Back Hoe to be utilized at the Street Department for various duties including bulk pick up, road work, excavating and snow plowing, etc. The decision to select John Deere as the manufacturer is consistent with dealer location, existing stocked parts and a history of positive experience and performance. The supplier has bid and secured a contract with the Department of General Services to supply this equipment and as a local government, Westminster is in a position to take advantage of that procurement. The quoted amount of \$86,990 for the 310SJ Back hoe and \$119,578 plus \$12,176 for a plow and attachment for the 524K Wheel Loader includes delivery, set up and training costs; the total cost would be \$218,744. The City has purchased a substantial amount of equipment through Jesco and has been quite satisfied with the responsiveness and service provided by the same.

Mr. Chiavacci asked Mr. Glass if any other contractors were pursued for the equipment, namely Finch Services. Mr. Glass responded that Finch Services does not provide the type of equipment needed in this case.

Mr. Chiavacci moved to accept the bid from Jesco in the amount of \$218,744 and Mr. Whitson seconded, and the motion passed unanimously.

Mr. Glass also presented a bid for a replacement Skid Steer Loader to be utilized at the Street Department for various duties including road work, excavating and snow plowing, etc. The decision to select Bobcat as the manufacturer is consistent with dealer location, interchangeable attachments, existing stocked parts and history of positive experience and performance. The supplier has bid and secured a contract with the State of Maryland to supply this equipment and as a local government, Westminster is in a position to take advantage of that procurement. The quoted amount of \$16,983.20 for a S185 Bobcat includes delivery, set up and training costs. The City has purchased a substantial amount of equipment through Metro Bobcat Sales and has been quite satisfied with the responsiveness and service provided.

Mr. Chiavacci asked how many steer skid loaders the City owns and questioned the need for another. Mr. Glass responded that the City owns two loaders, but one may be traded in for the new one. Mr. Chiavacci asked if it was more economical for the City to

keep all of the loaders for future needs. Mr. Glass answered that the requested amount does not include the trade-in value for an older piece of equipment, so ultimately the City may simply purchase an additional loader.

Mr. Frazier asked if an auction was considered instead of simply trading in the old equipment. Mr. Glass stated that if the trade-in cost was significantly lower than what it could bring at auction, then the City would consider an auction for the older piece of equipment.

Mr. Chiavacci moved to accept the bid from Metro Bobcat Sales in the amount of \$16,983.20 and Dr. Wack seconded, and the motion passed unanimously.

Finally, Mr. Glass presented a bid for a replacement roadway Crack Sealer to be utilized at the Street Department for sealing roadway surface defects, cracks and separations from water permeation. The decision to select Cimline as the manufacturer was based upon dealer location, existing stocked parts and a history of positive experience and performance. The City received three quotes that ranged from \$42,650 to \$39,750 all of which included delivery, set up and training costs. The City has purchased a substantial amount of equipment through Maryland Industrial Trucks, Inc. and has been quite satisfied with the responsiveness and service provided.

Dr. Wack asked how long the crack sealing process would extend the life of a road, and if the process was a standard maintenance procedure or a temporary fix. Mr. Glass explained that the process of crack sealing protects the road and maintains the non-porous surface of the road to postpone future maintenance.

Mr. Frazier asked if new technologies were available for crack sealing and if the new equipment would utilize the newest technology. Mr. Glass explained that the latest technology for melting and applying the sealant is provided with the new equipment, but that a process called microsealing is the most cutting-edge and state-of-the-art technology; the resulting tar chips from microsealing prevent that process from being the most desirable for City streets.

Mr. Whitson moved to accept the bid from Maryland Industrial Trucks, Inc. in the amount of \$39,750 and Dr. Wack seconded, and the motion passed unanimously.

DEPARTMENT REPORTS:

President and C.E.O. of the Westminster Fire and Hose Company No. Bob Cumberland complimented the Mayor and Council on the Miracle on Main Street Holiday parade, saying that he appreciated being able to help with the event.

Mr. Glass reported that the Clifton Avenue Storm Drain Project was going well and should be complete in about two weeks. He also stated that the repairs to the roof of City Hall will begin on November 30th weather permitting.

Mr. Schroers thanked the Miracle on Main Street committee for their hard work in making the event possible. He recognized Lori Graham who was present at the meeting. Mr. Schroers announced that on December 10th, the Recreation and Parks Department will host a Parent's Night Out to provide childcare to parents in an effort to promote Downtown shopping and dining. He also announced the Holiday Camp for kids that will take place from December 27th until December 30th.

Mayor Utz congratulated Mr. Schroers for his staff member for creating the Parent's Night Out event idea.

Chief Spaulding announced the 8th Annual Shop With a Cop event at Wal-Mart, which will host seven additional families and a total of 20 children.

Ms. Wolf presented the Mayor and Council with an article in *Maryland Life* magazine which featured Downtown Westminster. She also presented an article from *Water Environment & Technology* magazine which featured the Westminster Wastewater Treatment Plant and its wastewater treatment processes in its most recent edition, citing Superintendent John Rawlings and Director of Public Works Glass.

CITIZEN COMMENTS:

Lyndi McNulty, 195 W. Main Street, stated that she has come to Council meetings but never issued a complaint. A car from Michigan parks in front of her house every day, and today was parked in between two parking spots. When asked to move he said it was his right to park how he wanted. Ms. McNulty asked the College to intervene and they have been gracious with putting notes on cars saying be a good citizen. She said that when she calls Westminster Police Department, sometimes an officer responds and other times not. The out-of-state person in question is very confrontational. Ms. McNulty rents half of her house to female college students and they have to park a block and half away. She asked for the City to work with College on some kind of solution to the problem, without her getting a petition signed to look like the residents are against McDaniel College. She also gave examples of customers to her shop who had to walk two blocks because someone else was parked in front of her shop instead.

Mr. Chiavacci asked if the people parking in front of Ms. McNulty's home are only college students. Ms. McNulty responded yes, they are students who refuse to purchase campus parking permits. She gave an example from the last snow storm, after which a student cleared a parking spot for himself only and the student's father confronted Ms. McNulty and her husband stating that the car would remain in that spot to prove a point and deliberately upset her. Mr. McNulty was able to discuss the issue with the student's father and have the car moved.

Dr. Wack summarized the enforceable solutions as two choices: parking meters or permit parking. Ms. McNulty asked if residential parking permits enforced by complaint only would be an acceptable solution, allowing the police department to ticket only when there is a complaint. She offered asking McDaniel to include a campus parking permit

with tuition since the College has been active in trying to solve problem, but the City's law is that anyone can park there.

Mr. Frazier asked how the police currently ticket violators without permits or meters. Ms. McNulty stated that chalking tires is the current action, but when police change shifts, the chalk marks are not checked.

Chief Spaulding clarified that there is a municipal statute saying a vehicle cannot park on city street for more than 48hrs non-stop, but there is a burden of proof that needs to be met. The City has to prove the car has been there non-stop and has not simply left and come back to a different spot. The 48 hour time period becomes more complicated with changing shifts. The officer that writes ticket has to testify that car has not moved in 48 hours or the complainant has to be willing to testify in court. Mayor Utz added that the citizen could go to district court and get a summons for the same thing to keep the police officer out of the situation. The Westminster Police Department has worked closely with McDaniel College with a Good Neighbor policy: at beginning of school year, City staff works alongside the school staff on city streets where cars with the College emblem are parked and puts flyers on those cars saying that there is a parking problem and do not take up multiple parking spaces.

Mr. Chiavacci clarified that the problem area is limited, encompassing just the west end of Main Street. Students will not park too far away from the college, so the problem area seems to be only the block or so closest to college including Union Street and Pennsylvania Avenue.

Chief Spaulding stated that there are off-campus resident students who also need to park there and Mayor Utz reminded everyone that if a student is renting an off-campus residence, then they have same rights as a non-student resident even though they are a student.

Dr. Wack asked if there were currently any residential streets with permit parking. Chief Spaulding responded that there were none. He then asked Ms. Levan if an ordinance was required to apply permit parking in an area. Ms. Levan responded that the issue can be handled without an ordinance and simply by request. A majority rule would be necessary to do permit parking only in problem areas.

Mr. Halstad stated that if the Council were to pursue the permit parking issue, it should go to the Public Works Committee to discuss the options. The committee option has been used in the past with a stop sign issue. He also stated that it is a big step to change infrastructure of the area.

Mr. Frazier asked how other college towns handle similar issues. Dr. Wack responded that in Fredericksburg, VA at Mary Washington College they have the same issues, but worse; so the City experiences universal issues.

Mr. Chiavacci commented that permit parking seemed to be the only solution. Dr. Wack

stated that that solution would create a problem in that there was no way to reverse it and it would change the character of the town. People park wherever they want to now, and permits would be less welcoming and unfriendly to visitors.

Lori Graham, 118 Pennsylvania Avenue, added to the conversation that in certain parking zones in City, such as HC resident spaces, there are different time frames set for parking. She asked the City to employ a 7 hour parking limit so that one officer can track a car. The time limit would apply to everyone, however, including residents.

Ms. McNulty stated again that the solution must exclude residents, otherwise it will not work. Ms. Graham argued that excluding residents causes the solution to lose effectiveness. Alternately, signage works because it deters people from parking there for lengthened period of time.

Mr. Halstad summarized the two issues that need to go to the Public Works Committee: does the problem arise to a level where the City needs to be involved and, if so, what is the solution.

Ms. Graham requested the Mayor and Council research the percentage of use of recycling bins on Main Street to determine if they are necessary elsewhere in the Downtown area. She also complimented the trees along Main Street, saying that the lights are beautiful, and recognized Street Department employees Danny Shaffer, Jr. and Shawn Lockard for their hard work in going the extra mile to make sure the parade route was ready on time.

Dr. Wack added that he also received several compliments from parade-goers regarding the lights. He asked if the lights might stay up all year and requested a plan to put the idea into action.

Ms. Graham reported that Midnight Madness – The Holiday Edition event went very well as the first of its kind in November. In addition, she was honored to work with City staff on the parade event and was happy to see the crowd gathered. She recommended the mobile command center used during the parade also be used as a training opportunity that could benefit the evacuation plan. She finished by thanking City staff, specifically the Street Department for setting up the parade route and maintain spectator safety.

Mayor Utz asked that the next task for City staff was to help decide what object to drop at the New Year's Eve event in December.

Ms. Graham added that she was disappointed by the lack of coverage on the Holiday Electric Parade in local newspapers. Mayor Utz responded that although the *Carroll County Times* refused to feature the parade, the *Westminster Advocate* featured the event on the front page.

Ms. Wolf announced that she and Mayor Utz would be meeting with the editor of the *Carroll County Times* newspaper to discuss the lack of coverage of Westminster

activities. She stated that the Town of Sykesville received more coverage per inch in that paper than Westminster over a span of two weeks.

Mayor Utz complimented WestminsterPatch.com for its coverage of the parade and the photos of each float.

Ms. Graham stated that the Westminster Holiday Electric Parade was featured in a Gettysburg newspaper because the Gettysburg parade was cancelled. There were four entries from Gettysburg that were included in the Westminster parade because of it, and also two entries from Annapolis as well.

ADJOURN:

President Halstad adjourned the meeting at 8:05 PM.

Respectfully Submitted,

Samantha H. Parthree