

CITY OF WESTMINSTER, MARYLAND
Mayor and Common Council Meeting of September 14, 2009

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 14, 2009, at 7:00 P.M. Mayor Utz; Council President Halstad; Council Members Albert, Wack, and Chiavacci; City Administrator Wolf; Director of Public Works Glass, Chief of Police Spaulding, Director of Planning, Zoning, and Development Review Beyard, Director of Recreation and Parks Schroers, and Acting City Treasurer Ehlers; City Attorney Walsh; and City Clerk Taylor were present. Council Member Pecoraro was excused from attending.

Mayor Utz announced his reappointment of Mr. Greg Goodell to the Historic District Commission. The Common Council unanimously confirmed the reappointment.

Mayor Utz read a Proclamation making the week of September 17, 2009 National Constitution Week.

Mayor Utz read a Proclamation making September 20, 2009 National Neighborhood Day.

MINUTES:

Upon Motion of Mrs. Albert, seconded by Mr. Chiavacci and unanimously passed, the minutes of the meeting of August 24, 2009 were approved.

CONSENT CALENDAR:

Mrs. Albert moved to approve the Consent Calendar, which consisted of approval of the CapWIN Agreement, approval of a uniformed police services detail agreement with Town Mall, approval of a vehicle maintenance and service

agreement with the County Commissioners, acceptance of a deed for infrastructure at the Ridge Terrace Subdivision, and approval of the appointment of outside legal counsel. Mr. Chiavacci seconded and the Motion passed unanimously.

BIDS:

Chief Spaulding summarized bids received for the purchase and equipping of a new vehicle for the D.A.R.E. program. The funding was received by the Department as a donation from Water Depot, Inc. Upon Motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously approved, the low bid in the amount of \$25,818.35 from Crouse Ford was accepted.

REPORTS FROM THE MAYOR:

Mayor Utz reported on recent meetings with department directors, the Finance Committee, and representatives of the Governor concerning recent, significant budget cuts in funding from the State to local governments.

REPORTS FROM STANDING COMMITTEES:

Dr. Wack also reported on recent meetings concerning State budget cuts to local governments. He advised that the State will likely impose two more such cuts this fiscal year and even more cuts for fiscal year 2011. He noted that a City tax increase is quite possible for fiscal year 2011.

ORDINANCES AND RESOLUTIONS:

Chief Spaulding summarized proposed Ordinance No. 808, which would specifically prohibit and set penalties for urination and defecation in public places other than designated facilities. Mr. Chiavacci moved to suspend the Rules of Order and Procedure in order to introduce and adopt the Ordinance. Dr. Wack seconded and the Motion passed unanimously. Upon Motion of Dr. Wack,

seconded by Mrs. Albert and unanimously passed, Ordinance No. 808 was adopted.

NEW BUSINESS:

Mr. Beyard summarized a proposed Agreement by the City with the Maryland Department of Housing and Community Development and the Maryland Historical Trust. The Agreement provides that, in order for the City to demolish the existing buildings at 57-59 Union Street in preparation for the Union Crossing affordable housing project, the City will document the existing buildings for inclusion in the Maryland Inventory of Historic Properties. Dr. Wack moved to approve the draft Agreement. Mr. Chiavacci seconded and the Motion passed unanimously.

Mr. Beyard next summarized a proposed \$76,000.00 zero interest loan to the City from the Jane E. Lawton Conservation Loan Program of the Maryland Energy Administration. The loan would enable the City to implement improvements recommended by the energy audit of City facilities that is now underway. The repayments by the City would not begin for thirteen months and would occur over a seven-year period. Mr. Beyard noted that he was requesting the Common Council to approve execution of the loan documents by the Mayor, with the approval of the City Administrator and City Attorney, but that the approval would not obligate consummation of the loan and that Mr. Beyard would not recommend finalizing the loan until he received more concrete information. Ms. Wolf noted that preliminary assessments show the loan payments would be offset by savings in energy costs.. Mrs. Albert expressed her disapproval of the City entering into new financial obligations in the current economic environment. Dr. Wack moved to authorize approval of the loan by the Mayor. Mr. Chiavacci seconded, and the Motion passed 2-1, with Mrs. Albert voting “Nay.”

Mr. Beyard lastly summarized a proposed quit claim deed by the State Highway Administration of a portion of Old Westminster Road (also known as Buck Cash Drive) to the City. A conveyance from the State to the County Commissioners was approved in 1955 but never recorded. The City has since annexed the road and has maintained it for many years. Upon Motion of Mr. Chiavacci, seconded by Dr. Wack and unanimously approved, the conveyance was approved.

Mr. Glass summarized a proposed amendment to an agreement with Stearns and Wheler under which the latter will design the radon removal and brine storage phase of City Well No. 8. The current water budget contains \$350,000 for design and completion of the project. Stearns and Wheler will charge \$36,737.44 for its portion of the project. Upon Motion of Dr. Wack, seconded by Mr. Chiavacci and unanimously passed, the contract amendment was approved.

Mr. Glass summarized a proposed Maryland Mutual Aid and Assistance Agreement for Intrastate Water/Wastewater Agency Response Network ("MD WARN"). The Agreement covers response procedures, reimbursable expenses, insurance and indemnification where various utilities work together on an emergency. The Agreement authorizes participants to decide whether or not to assist other jurisdictions on a case-by-case basis. Dr. Wack moved to approve the Agreement. Mr. Chiavacci seconded and the Motion passed unanimously.

DEPARTMENT REPORTS:

Fire Company President and C.E.O. Brehm reported on calls during the preceding month and noted that Fire Prevention Week would take place from October 4 – October 10, 2009.

Mr. Beyard reported that a State Block Grant, the final source of funding for the Union Crossing housing project, had been approved earlier that day. Mr. Beyard further reported that the Planning and Zoning Commission would hold a Public Hearing on the 2009 Comprehensive Plan on September 22 and that the Mayor and Common Council would hold a Public Hearing on the Plan on September 28, 2009.

Mr. Glass reported that Streets Manager Larry Bloom received a Certificate of Appreciation for participating in a truck event at Saint Benjamin's Lutheran School the preceding Saturday.

Mr. Schroers reported on recent events and awards presented by the Carroll County Times.

Mr. Ehlers reported on the status of the annual financial audits.

Chief Spaulding announced that a sobriety checkpoint operation would take place during the upcoming weekend and invited the Mayor and Council Members to participate.

Ms. Wolf reported that a budget amendment proposal adjusting for the State budget cuts would be presented in the near future. She added that the sole legislative priority for the Maryland Municipal League for the 2010 General Assembly is funding, and that the League and Maryland Association of Counties will work together on the project. Finally, Ms. Wolf gave an update on preparations for the upcoming influenza season.

CITIZEN COMMENTS:

City property owners Jeff and Cindy Lewis expressed concerns about public misconduct and intoxication on West Main Street. They noted their support of an increase in the budget for the Westminster Police Department. Dr.

Wack and Mr. Chiavacci commended the Lewises for working with various City and County agencies to alleviate the problems.

Bella Vita residents Joe Connelly and Gordon Coyle expressed disagreement with State property assessments and the increase in City water sprinkler rates.

Council President Halstad welcomed Second Class Scout Robert Coe of Westminster. Mr. Coe offered to recommend various volunteer Scout projects within the City to his Troop.

City businesswoman Lori Graham gave updates on the Holiday Parade and other special events.

Council President Halstad adjourned the meeting at 8:25 P.M.

Laurell E. Taylor
City Clerk