



MINUTES

Mayor and Council Meeting

Thursday, February 16, 2023 - 7:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

The Mayor and Council Meeting of the City of Frostburg was called to order on Thursday, February 16, 2023, at 7:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

PRESENT:

Adam Ritchey, Commissioner of Public Works
Donny Carter, Commissioner of Finance
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED:

Page

1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

4 ROLL CALL

5 APPROVAL OF THE AGENDA

Moved by Commissioner of Water, Parks and Recreation Nin Forsythe, seconded by Commissioner of Public Safety Kevin Grove.

6 APPROVAL OF THE MINUTES

a) Minutes from the December Council Meeting and January Special Meeting

7 - 11

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve the Minutes for the December Council Meeting and January Special Meeting

Carried

[Mayor and Council Meeting Minutes 12-20-22](#)

- b) Sealed Minutes and Summary of Closed Meeting on December 8, 2022 and February 9, 2023

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Sealed Minutes and Summary of Closed Meeting on December 8, 2022 and February 9, 2023

Carried

7 SPECIAL PRESENTATIONS AND REQUESTS

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Monthly Reports of the City Departments; Vote of the Mayor and City Council.

Carried

9 PUBLIC HEARINGS

- a) **ORDINANCE 2022-08** Amending City Code Article II, Section II (The City of Frostburg Ethics Law)
- b) **ORDINANCE 2022-09** Amending the City Code to Provide for the Adoption of Regulations Pertaining to Solicitors and Mobile Business Vehicles
- c) Combined Sewer Overflow Monthly Public Hearing

Director of Public Works Hayden Lindsey gave the monthly CSO Report as required by law.

10 OLD BUSINESS

- a) **ORDINANCE 2022-08** Amending City Code Article II, Section II (The City of Frostburg Ethics Law)

12 - 25

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve the Ordinance on Second Reading; Vote of the Mayor and City Council.

Carried

[Ord. 2022-08 Amend-Ethics Laws](#)

- b) **ORDINANCE 2022-09** Amending the City Code to Provide for the Adoption of Regulations Pertaining to Solicitors and Mobile Business Vehicles 26 - 27

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Public Works Adam Ritchey

Motion and Second to Approve the Ordinance on Second Reading; Vote of the Mayor and City Council.

Carried

[Ord. 2022-09 Mobil Business Vehicles](#)

11 NEW BUSINESS

- a) Budget Process Schedule for Fiscal Year 2024
- b) **ORDINANCE 2023-01** Amending the City's Zoning Ordinance to Add Restaurants as Special Exception Uses in the T-LI (Technology/Light Industrial) Zoning District, subject to specified conditions.

Moved by Commissioner of Public Works Adam Ritchey, seconded by
Commissioner of Public Safety Kevin Grove

Motion and Second to Approve the Ordinance on First Reading, and set the March 16, 2023 Council Meeting as an advertised Public Hearing; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

- c) **RESOLUTION 2023-02** Approve American Rescue Plan Act Projects/Programs. 28

Moved by Commissioner of Public Works Adam Ritchey, seconded by
Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2023-02; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-02 Projects-Programs ARPA Funds](#)

- d) **RESOLUTION 2023-03** Approve mid-year Budget Amendments. Elaine Jones, CPA, Director of Finance 29

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2023-03; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-03 Amend FY 2022-23 budget](#)

- e) **RESOLUTION 2023-04** Approve a Contract with SPECS, Inc. for the engineering and design of Phase X-B and X-C of the Combined Sewer Overflow Separation Projects. Hayden Lindsey, Director of Public Works 30

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2023-04; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-04 CSO-Contract Specs](#)

- f) **RESOLUTION 2023-05** Approve a Contract for with Bennett, Brewer, and Associates for the engineering and design of the Mechanic Street Downtown Parking Lot. Hayden Lindsey, Director of Public Works 31

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2023-05; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-05 Design Childcare Facility](#)

- g) **RESOLUTION 2023-06** Approve various Change Orders for 3 projects: CSO Separation Phase IX-C; Street Department Roof Replacement; Bulk Storage Tank at WTP Replacement. Hayden Lindsey, Director of Public Works 32

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2023-02; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-06 Change Orders-CSO](#)

- h) **RESOLUTION 2023-07** Authorize purchases for the Police Department to include Tasers and in-car ruggedized laptops and mounts. Nicholas Costello, Chief of Police 33

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2023-07; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-07 Equipment-ARPA Funds](#)

- i) **RESOLUTION 2023-08** Authorize Frostburg Fire Department and allied agencies to use various residential acquired structures owned by the City for training purposes and further authorize the City Administrator to enter into Hold Harmless Agreements related to these properties. Elizabeth Stahlman, City Administrator. 34

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2023-08; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-08 Hold Harmless FFD](#)

- j) **RESOLUTION 2023-09** Appoint members to the Planning Commission and Recreation Commission. Elizabeth Stahlman, City Administrator 35

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2023-09; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-09 Members-Commissions](#)

- k) **RESOLUTION 2023-10** Adopt City policies pertaining to mileage reimbursement, per diem meal costs, and credit card issuance. Elizabeth Stahlman, City Administrator 36

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe,
seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2023-10; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-10 Policy Travel-Credit Card Expenses](#)

- l) **RESOLUTION 2023-11** Approve a new personnel position to address current staffing needs, a full-time position to work part-time as Permits Clerk and Code Enforcement Officer and part-time as an MEO in the Parks and Recreation Department. Elizabeth Stahlman, City Administrator 37

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe,
seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve Resolution 2023-11; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2023-11 Employee-City Hall Staff](#)

12 REPORT OF THE FROSTBURG POLICE DEPARTMENT
Chief Nicholas Costello

13 OPEN PUBLIC COMMENT
a. Carl Dreese, 104 Braddock Rd. asked how the City can allow a business to open up that sells Delta 8 tobacco close to a school.

14 ADJOURNMENT
There being no further business the meeting was adjourned at 7:49 p.m.

Mayor

City Administrator



MINUTES

Mayor and Council Meeting

Tuesday, December 20, 2022 - 7:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

The Mayor and Council Meeting of the City of Frostburg was called to order on Tuesday, December 20, 2022, at 7:00 PM, at the Frostburg Municipal Center, 37 Broadway, with the following members present:

PRESENT: Adam Ritchey, Commissioner of Public Works
Donny Carter, Commissioner of Finance
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED:

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1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

4 ROLL CALL

5 APPROVAL OF THE AGENDA

Moved by Commissioner of Water, Parks and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove.

6 APPROVAL OF THE MINUTES

a) Minutes from the November Council Meeting.

6 - 8

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve the Minutes for the November Council Meeting.

Carried

Mayor and Council Meeting Minutes 11-17-22

7 SPECIAL PRESENTATIONS AND REQUESTS

a) Spirit of Frostburg Award Presentation to Dr. Kara Rogers-Thomas

b) Certificate of Appreciation Presentation to Allegany County Tourism

- c) Certificate of Appreciation to Western Maryland Scenic Railroad for a successful 2022 PEx Operation
- d) Police Department Introductions
 - Officer Tyler Davis
 - Officer Joshua Delaney
 - Officer Wesley Miller
 - Cadet Avery Painter
 - Appointment of Police Dept. Chaplain - Pastor Kristin Beeman, Trinity Assembly of God Midlothian
- e) Police Department Awards/Recognition
 - Sergeant Matthew Beeman - Outstanding Leadership and Service, MPTC Instructor of the Year
 - Corporal Jordan Cook - Life Saver & Outstanding Service (Two Recognitions)
 - Sergeant Nathan Curry - Recognition for MADD DWI/DUI Enforcement Award
 - Corporal Brooke McCarty - Recognition for Cumberland Valley Optimist Club LE Award
 - Sergeant Christopher Mullaney - Outstanding Leadership and Service
 - PCO II Mary Gracie - PCO of the Year 2022
 - Benito Reyes - Outstanding Community Member of the Year 2022

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Small Town Christmas with Megan Alexander in Frostburg on UPtv: Watch again on Thursday at 10:30 am on UPtv. Where to watch:
<https://uptv.com/episodes/frostburg-md/>

- b) Monthly Reports of the City Departments

Moved by Commissioner of Public Safety Kevin Grove, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Monthly Reports of the City Departments; Vote
of the Mayor and City Council.*

Carried

9 PUBLIC HEARINGS

- a) Combined Sewer Overflow Monthly Public Hearing

10 OLD BUSINESS

11 NEW BUSINESS

- a) **ORDINANCE 2022-08** Amending City Code Article II, Section II (The City of Frostburg Ethics Law)

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove

Motion and Second to Approve the Ordinance on First Reading, and set the February 15, 2023 Council Meeting as an advertised Public Hearing; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

- b) **ORDINANCE 2022-09** Amending the City Code to Provide for the Adoption of Regulations Pertaining to Solicitors and Mobile Business Vehicles

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve the Ordinance on First Reading, and set the February 15, 2023 Council Meeting as an advertised Public Hearing; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

- c) **RESOLUTION 2022-55** Appoint member to the Board of Zoning Appeals. Elizabeth Stahlman, City Administrator

9

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2022-55; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-55 Member Planning Commission

- d) **RESOLUTION 2022-56** Approve American Rescue Plan Act Projects/Programs. Nick Costello, Chief of Police and Elizabeth Stahlman, City Administrator 10
- Police Livescan Fingerprinting Hardware/Software
 - Disc Golf Course equipment for installation at Hoffman Park
 - Frostburg Fire Department - Ladder Truck Grant for \$500,000 subject to agreement between City and FFD

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-56; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-56 ARPA Funds-Projects

- e) **RESOLUTION 2022-57** Approve 51 LED Light Kits for Street Lights from Tri-State Electric. 11

Moved by Commissioner of Public Safety Kevin Grove, seconded by Commissioner of Public Works Adam Ritchey

Motion and Second to Approve Resolution 2022-57; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-57 LED Light Kits for Street Lights

- f) **RESOLUTION 2022-58** Authorize the Purchase of 34 W. Mechanic Street as part of a downtown Municipal Parking Lot project. Elizabeth Stahlman, City Administrator 12

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Water, Parks, and Recreation Nina Forsythe

Motion and Second to Approve Resolution 2022-58; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-58 W. Mechanic St. Parking Lot

- g) **RESOLUTION 2022-59** Certify businesses to participate in the Enterprise Zone Program. Elizabeth Stahlman, City Administrator 13 - 14

Moved by Commissioner of Water, Parks, and Recreation Nina Forsythe,
seconded by Commissioner of Public Safety Kevin Grove

*Motion and Second to Approve Resolution 2022-59; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

Res. 2022-59 Enterprise Zone Certificate List

- 12 **REPORT OF THE FROSTBURG POLICE DEPARTMENT**
Chief Nicholas Costello
- 13 **OPEN PUBLIC COMMENT**
Fire Department Chief Nick Green gave the Monthly Report.
- 14 **ADJOURNMENT**
There being no further business the meeting was adjourned at 8:00 pm



Mayor



City Administrator

ORDINANCE 2022-08

AN ORDINANCE TO AMEND THE CITY CODE ARTICLE II, SECTION II (THE CITY OF FROSTBURG ETHICS LAW)

WHEREAS, The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a Charter adopted in accordance with Article XI-E of the Constitution of Maryland and the Local Government Article of the Annotated Code of Maryland, as amended from time to time;

WHEREAS, Article II, Section II of the City Code of The City of Frostburg establishes the Frostburg Ethics Commission and sets forth rules and regulations relative to public ethics;

WHEREAS, from the Maryland General Assembly passed legislation effective October 1, 2011 (Md. State Govt. Code Ann. §§ 15-804(b) & 15-805(b)(2) requiring that local governments enact public ethics regulations for elected local officials relative to conflicts of interest and financial disclosure that are equivalent to or exceed State law standards;

WHEREAS, from time to time, the Maryland General Assembly passes legislation mandating changes to public ethics laws consistent with the standards set in the aforesaid 2011 enactments;

WHEREAS, in accordance with the regulations promulgated pursuant to the State law enactments, the City provided the State Ethics Commission with a draft of the revisions to the City of Frostburg's Ethics Code for its review and approval;

WHEREAS, by correspondence dated September 21, 2018, the State Ethics Commission notified the City Attorney that it reviewed the aforesaid revisions to the and determined that they comply with applicable State law provisions; and

WHEREAS, the City Code has been rewritten and recodified and, upon the passage of an ordinance adopting the City Code as rewritten and recodified, the City of Frostburg Ethics Law will appear in the City Code as Section 3.2. That is why the reenacted provisions are referred to as Section 3.2 rather than Article II, Section 2.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND, that Article 3, Section 3-2 is repealed and re-enacted with amendments and shall read as follows:

Sec. 3-2. - City of Frostburg Ethics Code.

(a) *Short title/applicability.*

(1) This section may be cited as the City of Frostburg Public Ethics Law.

- (2) The provisions of this section apply to all City elected officials, employees, and appointees to boards and commissions of the City.
- (b) *Definitions.*
- (1) *Designated second home* means:
- If an individual owns one (1) second home, the individual's second home; or
 - If an individual owns more than one (1) second home, any one (1) second home the individual identifies to the Commission as the individual's designated second home.
- (2) *Home address* means the address of an individual's:
- Principal home; and
 - Designated second home, if any.
- (3) *Interest* means a legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- For purposes of this section, interest includes any interest held at any time during the reporting period.
 - Interest does not include:
 - An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - An interest in a time or demand deposit in a financial institution;
 - An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than twenty-five (25) participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - A college savings plan under the Internal Revenue Code; or
 - A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.
- (4) *Principal home* means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.
- (5) *Qualified relative* means a spouse, parent, child, brother, or sister.
- (6) *Quasi-governmental entity* means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.
- (7) *Second home* means a residential property that:
- An individual occupies for some portion of the filing year; and
 - Is not a rental property or a time share.
- (c) *The Ethics Commission.*
- (1) There is a Frostburg Ethics Commission (the "Commission") that consists of five (5) members appointed by the Mayor and City Council. The Commission shall be the advisory body

responsible for interpreting this section and advising persons subject to this section as to its application.

- (2) The Commission shall:
 - a. Devise, receive and maintain all forms required by this section;
 - b. Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this section as to the applicability of the provisions of this section to them;
 - c. Develop procedures and policies for the processing of complaints and make appropriate determinations regarding complaints filed by any person alleging violations of this section;
 - d. Conduct a public information program regarding the purposes and application of this section;
 - e. Determine if changes to this Section are required to be in compliance with the requirements of General Provisions Article, Title 5, Subtitle 8, Annotated Code of Maryland, and forward any recommended amendments to the City Council; and
 - f. Certify to the State Ethics Commission on or before October 1 of each year that the City is in compliance with the requirements of Ann. Code of Md., General Provisions Article, Title 5, Subtitle 8, for elected officials.
 - (3) The City attorney shall advise the Commission.
 - (4) The Commission may adopt other policies and procedures to assist in the implementation of its programs established in this section.
- (d) *Conflicts of interest.*
- (1) *[Applicability.]* This subsection applies to all City elected officials, officials appointed to boards and commissions, and employees.
 - (2) *Participation prohibitions.* Except as permitted by Commission regulation or opinion, a City official or employee may not participate, except in a ministerial or administrative capacity that does not affect the disposition of the matter, in any matter in which:
 - a. To the knowledge of the official or employee, the official or employee or a qualified relative of the official or employee has an interest.
 - b. Any of the following is a party:
 - 1. A business entity in which the official or employee has a direct financial interest of which he or she may reasonably be expected to know;
 - 2. A business entity of which the official, employee, or qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - 3. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has made any arrangement regarding prospective employment;
 - 4. A business entity that is a party to an existing contract with the official or employee or, to the knowledge of the official or employee, a qualified relative, to the extent that the contract could reasonably be expected to create a conflict between the private interests and official duties of the official or employee;
 - 5. An entity doing business with the City, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee could reasonably be expected to know of both direct financial interests; or

6. A business entity that the official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value and that is in a position to directly and substantially affect the interest of the official or employee or qualified relative.
- c. An official or employee who is disqualified from participation pursuant to paragraphs a or b of this subsection shall disclose the nature of the conflict and may participate or act if:
 1. The disqualification leaves a body with less than a quorum capable of acting;
 2. The disqualified official or employee is required by law to act; or
 3. The disqualified official or employee is the only person authorized to act.
 - d. A former regulated lobbyist who is or becomes subject to this section as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one (1) calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- (3) *Employment and financial interest restrictions.*
- a. Except as permitted by regulation of the Commission when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 1. Be employed by or have a financial interest in any entity:
 - A. Subject to the authority of the official or employee or the City agency, board, commission with which the official or employee is affiliated; or
 - B. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; or
 2. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
 3. Hold any outside employment that impairs the employee's ability to perform or availability for the performance of the employee's job duties with the City,
 4. Wear the uniform of another employer or any other clothing with the name, logo or any other reference to the other employer.
 5. Solicit work for the employee's outside employer.
 - b. The prohibitions of paragraph a of this subsection do not apply to:
 1. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 2. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the Commission;
 3. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the Commission; or
 4. Employment or financial interests allowed by regulation of the Commission if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.

- (4) *Post-employment limitations and restrictions.*
- a. A former official or employee may not assist or represent any party other than the City for compensation in a contract, case, or other matter involving the City if that matter is one in which the former official or employee significantly participated as an official or employee.
 - b. A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one (1) calendar year after the elected official leaves office.
- (5) *Contingent compensation.* Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the City.
- (6) *Use of prestige of office.* Except for the performance of usual and customary constituent services by an elected official without additional compensation:
- a. An official or employee may not intentionally use the prestige of office or public position for the private gain of himself or herself or the private gain of another, or to influence the award of a state or local contract to a specific person.
 - b. An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
 - c. An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
 - d. An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- (7) *Solicitation and acceptance of gifts.*
- a. An official or employee may not solicit any gift.
 - b. An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
 - c. An official or employee may not knowingly accept a gift, directly or indirectly, from a person who the official or employee knows or has reason to know:
 1. Is doing business with or seeking to do business with the City office, agency, board, or commission with which the official or employee is affiliated;
 2. Has financial interests that may be substantially and materially affected, in a way distinguishable from the general public, by the performance or nonperformance of the duties of the official or employee;
 3. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit;
 4. Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 5. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
 - d. Paragraph e of this subsection does not apply to a gift:
 1. That would tend to impair the impartiality and independence of judgment of the official or employee receiving the gift;
 2. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or

3. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- e. Notwithstanding paragraph c of this subsection, an official or employee may accept the following:
1. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 2. Unsolicited gifts of nominal value, not exceeding \$20.00 in cost or trivial items of informational value;
 3. Ceremonial gifts or awards with insignificant monetary value;
 4. Reasonable expenses for food, travel, lodging, and scheduled entertainment given in return for the participation of the official or employee in a panel or speaking engagement;
 5. Free tickets or admission to a charitable, cultural, or political event extended as a courtesy to an elected official's office;
 6. A specific gift or class of gifts exempted by the Commission upon a written finding that the gift or class of gifts is purely personal and private in nature and that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the City;
 7. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 8. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is not related in any way to the official's or employee's official position.
- (8) *Disclosure of confidential information.* Other than in the discharge of official duties, an official or employee or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position or former public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (9) *Participation in procurement.* An individual or a person that employs an individual who assists a City agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement. The Commission may establish exemptions from the requirements of this paragraph for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.
- (10) *Retaliation prohibited.* An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.
- (e) *Financial disclosure—Elected officials and candidates to be elected officials.*
- (1) *Applicability/financial disclosure statements.*
- a. This subsection applies to all local elected officials and candidates to be local elected officials.
 - b. A local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 1. On a form provided by the City Administrator;
 2. Under oath or affirmation; and

3. With the City Administrator, who shall forward a copy of the financial statement to the Commission.

(2) *Deadlines for filing statements.*

- a. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
- b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
- c. An individual who, other than by reason of death, leaves an office for which a statement is required shall, within sixty (60) days after leaving the office, file a statement that covers the calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and the portion of the current calendar year during which the individual held the office.

(3) *Candidates to be local elected officials.*

- a. Except for an official who has filed a financial disclosure statement under another provision of this subsection for the reporting period, a candidate to be an elected local official shall file a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- b. The statement shall be filed:
 1. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 2. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 3. In all other years for which a statement is required, on or before April 30.
- c. A candidate to be an elected official shall file the statement required under paragraph (3) of this subsection with the City Administrator.
- d. If a statement required to be filed by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the City Administrator, the candidate shall be deemed to have withdrawn the candidacy.
- e. The City Administrator may not accept any certificate of candidacy unless a statement has been filed in proper form.
- f. Within thirty (30) days of the receipt of a statement required under this section, the City Administrator shall forward the statement to the Commission.

(4) *Public record.*

- a. The City Administrator shall maintain all financial disclosure statements filed under this section.
- b. Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the City.
- c. If an individual other than a Commission member examines or copies a financial disclosure statement, the City Administrator shall record:
 1. The name and home address of the individual reviewing or copying the statement; and
 2. The name of the person whose financial disclosure statement was examined or copied.

- d. Upon request by the official or employee whose financial disclosure statement was examined or copied, the City Administrator shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- e. For statements filed after January 1, 2019, the City Administrator may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- f. The City Administrator shall not provide public access to information related to consideration received from:
 - 1. The University of Maryland Medical System;
 - 2. A governmental entity of the State or a local government in the State; or
 - 3. A quasi-governmental entity of the State or local government in the State.
- g. Retention requirements. The City Administrator shall retain financial disclosure statements for four (4) years from the date of receipt.
- h. An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

(5) *Contents of Statement.*

- a. *Interests in real property.* A statement filed under this section shall include a schedule of all interests in real property wherever located. For each interest in real property, the schedule shall include:
 - 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6. The identity of any other person with an interest in the property.
- b. *Interests in corporations and partnerships.* A statement filed under this subsection shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the City. For each interest reported under this paragraph, the schedule shall include:
 - 1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation.
 - 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest.
 - 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the

consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred.

4. With respect to any interest acquired during the reporting period, the date when, the manner in which, and the identity of the person from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 5. An individual may satisfy the requirement to report the amount of the interest held under item (b)(ii) of this paragraph by reporting, for an equity interest in a corporation, the number of shares held, and unless the corporation's stock is publicly traded, the percentage of equity interest held; or for an equity interest in a partnership, the percentage of equity interest held.
- c. *Interests in business entities doing business with the City.* A statement filed under this subsection shall include a schedule of all interests in any business entity that does business with the City, other than interests reported under paragraph b of this subsection. For each interest reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period; when, how, and from whom the interest was acquired; and the nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- d. *Gifts.* A statement filed under this section shall include a schedule of each gift in excess of \$20.00 in value or a series of gifts totaling \$100.00 or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the City or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. For each gift reported, the schedule shall include:
1. A description of the nature and value of the gift; and
 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- e. *Employment with or interests in entities doing business with the City.* A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the City. For each position reported under this paragraph, the schedule shall include:
1. The name and address of the principal office of the business entity;
 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. The name of each City agency with which the entity is involved.
- f. *Indebtedness to entities doing business with or regulated by the individual's City unit or department.* A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with or regulated by

the individual's City unit or department owed at any time during the reporting period by the individual or by a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability. For each liability reported under this paragraph, the schedule shall include:

1. The identity of the person to whom the liability was owed and the date the liability was incurred;
 2. The amount of the liability owed as of the end of the reporting period;
 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 4. The security given, if any, for the liability.
- g. *Employment of immediate family members.* A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the City in any capacity at any time during the reporting period.
- h. *Sources of earned income.* A statement filed under this section shall include:
1. A schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 2. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 3. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the City, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- i. *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
1. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 - (i) The University of Maryland Medical System;
 - (ii) A governmental entity of the State or a local government in the State; or
 - (iii) A quasi-governmental entity of the State or local government in the State.
 2. For each financial or contractual relationship reported, the schedule shall include:
 - (i) A description of the relationship;
 - (ii) The subject matter of the relationship; and
 - (iii) The consideration.
- j. *[Additional interests disclosure.]* A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.
- k. *[Interests of individual for consideration.]* For the purposes of subsection (E)(5)(a), (b), and (c), of this section, the following interests are considered to be the interests of the individual making the statement:

1. An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 2. An interest held, at any time during the applicable period, by:
 - (i) A business entity in which the individual held a 10% or greater interest;
 - (ii) A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
 - (iii) A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and
 - (iv) A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.
 3. An interest held by a trust or an estate in which, at any time during the reporting period, the individual held a reversionary interest or was a beneficiary; or, if a revocable trust, the individual was a settlor.
- (6) *Compliance.*
- a. The City Administrator shall review the financial disclosure statements submitted under this subsection for compliance with the provisions of this subsection and shall notify an individual submitting the statement of any omissions or deficiencies.
 - b. The City Administrator or the Commission may take appropriate enforcement action to ensure compliance with this subsection.
- (f) *Financial disclosure—Employees and appointed officials.*
- (1) This subsection applies only to the following appointed officials and employees:
 - a. City Administrator.
 - b. Director of Community Development.
 - c. Chief of Police.
 - d. Director of Finance.
 - e. Director of Public Works.
 - (2) A statement filed under this section shall be filed with the Commission under oath or affirmation.
 - (3) On or before April 30 of each year during which an official or employee holds office, an official or employee shall file a statement disclosing gifts received during the preceding calendar year from any person that contracts with or is regulated by the City, including the name of the donor of the gift and the approximate retail value at the time of receipt.
 - (4) An official or employee shall disclose employment and interests that raise conflicts of interest or potential conflicts of interest in connection with a specific proposed action by the employee or official sufficiently in advance of the action to provide adequate disclosure to the public.
 - (5) The Commission shall maintain all disclosure statements filed under this subsection as public records available for public inspection and copying as provided in subsection (e)(4) of this section.
- (g) *Lobbying.*
- (1) A person shall file a lobbying registration statement with the Commission if the person:
 - a. Personally appears before a City official or employee with the intent to influence that person in the performance of the official duties of the official or employee; and

- b. In connection with the intent to influence, expends or reasonably expects to expend in a given calendar year in excess of \$200.00 on food, entertainment, or other gifts for officials or employees of the City.
- (2) A person shall file a registration statement required under this section on or before the later of January 15 of the calendar year or within five (5) days after first performing an act that requires registration in the calendar year.
- (3) The registration statement.
 - a. The registration statement shall identify:
 - 1. The registrant;
 - 2. Any other person on whose behalf the registrant acts; and
 - 3. The subject matter on which the registrant proposes to make appearances specified in paragraph (1)a. of this subsection.
 - b. The registration statement shall cover a defined registration period not to exceed one (1) calendar year.
- (4) Within thirty (30) days after the end of any calendar year during which a person was registered under this section, the person shall file a report with the Commission disclosing:
 - a. The value, date, and nature of any food, entertainment, or other gift provided to a City official or employee; and
 - b. If a gift or series of gifts to a single official or employee exceeds \$100.00 in value, the identity of the official or employee.
- (5) The City Administrator shall maintain the registrations and reports filed under this section as public records available for public inspection and copying for four (4) years after receipt by the City Administrator.
- (h) *Exemptions and modifications.* The Commission may grant exemptions and modifications to the provisions of subsections (d) and (f) of this section to employees and to appointed members of City boards and commissions when the Commission finds that an exemption or modification would not be contrary to the purposes of this section, and the application of this section would:
 - (1) Constitute an unreasonable invasion of privacy; and
 - (2) Significantly reduce the availability of qualified persons for public service.
- (i) *Enforcement.*
 - (1) The Commission or the City Administrator may:
 - a. Assess a late fee of \$5.00 per day up to a maximum of \$500.00 for a failure to timely file a financial disclosure statement required under subsection (e) or (f) of this section;
 - b. Assess a late fee of \$10.00 per day up to a maximum of \$1,000.00 for a failure to file a timely lobbyist registration or lobbyist report required under subsection (g) of this section; and
 - c. Issue a cease and desist order against any person found to be in violation of this section.
 - (2) Upon a finding of a violation of any provision of this section, the Commission or City Administrator may:
 - a. Issue an order of compliance directing the respondent to cease and desist from the violation;
 - b. Issue a reprimand; or
 - c. Recommend to the appropriate authority other appropriate discipline of the respondent, including censure or removal if that discipline is authorized by law.

- (3) If the Commission or City Administrator finds that a respondent has violated subsection (f) of this section, the Commission or City Administrator may:
 - a. Require a respondent who is a registered lobbyist to file any additional reports or information that is reasonably related to the information that is required under subsection G of this section;
 - b. Impose a fine not exceeding \$5,000.00 for each violation; and
 - c. Suspend the registration of an individual registered lobbyist if the Commission or City Administrator finds that the lobbyist has knowingly and willfully violated subsection (g) of this section or has been convicted of a criminal offense arising from lobbying activities.
- (4) Upon request by the Commission or City Administrator, the City Attorney may file a petition for injunctive or other relief in the Circuit Court for Allegany County, Maryland, or in any other court having proper venue for the purpose of requiring compliance with the provisions of this section.
 - a. The court may:
 - 1. Issue an order to cease and desist from the violation;
 - 2. Except as provided in subparagraph b. of this paragraph, void an official action taken by an official or employee with a conflict of interest prohibited by this section when the action arises from or concerns the subject matter of the conflict and if the legal action is brought within ninety (90) days of the occurrence of the official action, if the court deems voiding the action to be in the best interest of the public; or
 - 3. Impose a fine of up to \$5,000.00 for any violation of the provisions of this section, with each day upon which the violation occurs constituting a separate offense.
 - b. A court may not void any official action appropriating public funds, levying taxes, or providing for the issuance of bonds, notes, or other evidences of public obligations.
- (5) In addition to any other enforcement provisions in this section, a person who the Commission, the City Administrator or a court finds has violated this section:
 - a. Is subject to termination or other disciplinary action; and
 - b. May be suspended from receiving payment of salary or other compensation pending full compliance with the terms of an order of the Commission, City Administrator or a court.
- (6) A City official or employee found to have violated this section is subject to disciplinary or other appropriate personnel action, including removal from office, disciplinary action, suspension of salary, or other sanction.
- (7) Violation of subsection (g) of this section shall be a misdemeanor subject to a fine of up to \$10,000.00 or imprisonment of up to one (1) year.
- (8) A finding of a violation of this section by the Commission or the City Administrator is public information.

[NOTE: A document showing the text changes to the City of Frostburg Ethics Code effected by this Ordinance is attached hereto for reference purposes]


SECTION 2: AND BE IT FURTHER ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND, that this Ordinance shall take effect from the date of its passage.

Introduced: December 20, 2022
Second Hearing: February 16, 2023
Adopted: February 16, 2023
Effective: February 16, 2023

FROSTBURG MAYOR AND CITY COUNCIL

By: 
W. Robert Flanigan, Mayor

ATTEST:


Elizabeth Stahlman, City Administrator

ORDINANCE 2022-09

AN ORDINANCE TO AMEND THE CITY CODE OF FROSTBURG TO PROVIDE FOR THE ADOPTION OF REGULATIONS PERTAINING TO SOLICITORS AND MOBILE BUSINESS VEHICLES.

WHEREAS: The City of Frostburg is a municipal corporation of the State of Maryland, organized and operating under a charter ("Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23-A of the Annotated Code of Maryland, as amended; and,

WHEREAS: Article VI, Section I of the City Code contains antiquated regulations regarding food and beverage sales upon or above any sidewalks; and,

WHEREAS: The Mayor and City Council have indicated their desire to change the way door-to-door solicitors are regulated by changing the authorization process from permit issuance to registration, increasing the amount of information acquired from solicitors, and enhancing the penalties for persons who violate these provisions on more than two (2) occasions, all for the purpose of protecting the public.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of Frostburg, in consideration of the foregoing do hereby amend the City Code of the City of Frostburg by repealing Subsections (a)(c)(d) and (e) of Section 7-1 in their entirety and reenacting them to read as follows:

(a) *Solicitor registration.*

(1) *Activities regulated.* Before engaging in the following activities, persons must register with the City:

- (i) Door-to-door solicitation or canvassing of orders for any goods, wares or merchandise, for subscriptions to magazines or periodicals, or for the rendition of any service;
- (ii) Door-to-door purchase and/or sale of goods, wares or merchandise; and
- (iii) Door-to-door solicitation of business or contributions, monetary or non-monetary, for any cause or purpose, charitable or non-charitable, but excluding religious purposes or fundraising solicitations by school age children.

(2) *Information to be provided.* At the time of registration, a registrant must fill out a form that requires the production of the following information:

- (i) The registrant's name, home address, home and cell phone numbers, and all email addresses, whether personal or work-related;
- (ii) If the registrant plans to engage in solicitations on behalf of an organization or employer, the organization's name, address, telephone number and website address and the name, telephone number and email address of the solicitor's employer; and
- (iii) A registrant must produce a copy of the registrant's driver's license or age of majority card for copying.

(3) *Annual registration.* Registrations are effective from the date of registration through the balance of the calendar year.

....

- (c) *Permit fees.* The fees for the permits and registrations described in this section shall be established in the Schedule of Municipal Fees in the annual budget ordinance.
- (d) *Compliance with other laws.* Permit holders and registrants under this section are required to comply with all applicable local, State and federal laws and regulations applicable to their businesses. Registration or issuance of a permit under this section shall not constitute or be deemed to be evidence of such compliance.
- (e) *Violations.* Any person who violates the provisions of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code. Additionally, any person failing to register under subsection (a) on more than two (2) occasions shall be banned from engaging in door-to-door solicitation for the balance of the then-current calendar year and for the entire following calendar year and such persons shall be guilty of a misdemeanor punishable by ten (10) days incarceration and a five hundred (\$500.00) fine for each day solicitation activities are conducted without registration. These penalties are in addition to any civil or criminal penalties which may be imposed under other laws.


Introduced: December 20, 2022
Public Hearing: February 16, 2023
Adopted: February 16, 2023
Effective: February 16, 2023

MAYOR AND CITY COUNCIL OF FROSTBURG

by


W. Robert Flanigan, Mayor

ATTEST


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-02

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING CERTAIN PROJECTS AND PROGRAMS TO BE IMPLEMENTED USING THE AMERICAN RESCUE PLAN ACT FUNDS.

WHEREAS, The City of Frostburg has been allocated \$8.379 M through the State and Local Coronavirus Relief Funds as part of the American Rescue Plan Act; and,

WHEREAS, The City is to spend these funds in accordance with the Final Rule and supplementary guidelines issued by the U.S. Treasury; and,

WHEREAS, the Council will review projects and approve staff to proceed with project or program implementation in order to obligate the entirety of the funds by December 31, 2024.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Frostburg approves the use of American Rescue Plan Act funds for the following programs and projects:

- Rescind approval of Savage Well Rehab
- Rescind approval of Rental Housing Relief Program
- Coal Miner Memorial Park
- Welcome Sign
- City Smoke Testing and Mapping
- Design for Mechanic Street Parking Lot
- Centennial Street Water Line Replacement
- Police Taser Upgrade
- Police Incar Computer Upgrade
- CSO Elimination Phase X-A
- Childcare Center Construction

ADOPTED this 16th day of February, 2023.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-03

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPROVING AN AMENDMENT TO THE FISCAL YEAR 2022-2023 BUDGET.

WHEREAS, The Mayor and Council approved the Operating Budget for Fiscal Year 2022-2023 in May 2023; and,

WHEREAS, During the course of the first half of Fiscal Year 2022/2023 certain revenues and expenses occurred, are expected to occur, or will not occur as predicted at the time the budget was developed and approved; and,

WHEREAS, The Director of Finance has presented a proposed Budget Amendment that details the changes known as of the mid-point of the budget year to the Council for consideration.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor & City Council do hereby approve a Budget Amendment to the Fiscal 2022/2023 Operating Budget, which Amendment is attached hereto and made a part hereof this Resolution.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY



W. Robert Flanigan, Mayor

Attest:



Elizabeth Stahlman, City Administrator

RESOLUTION 2023-04

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING A CONTRACT FOR DESIGN SERVICES FOR CSO PROJECT PHASES X-B AND X-C.

WHEREAS, the City of Frostburg undertaken a 20 year, \$25 million commitment to reduce Combined Sewer Overflows, as required by Court Order; and

WHEREAS, the City's has assembled funding packages through the Maryland Department of the Environment to include low-interest loan, loan principal forgiveness, and grant funding for both projects; and,

WHEREAS, the SPECS Consulting Engineers has been providing Design Services for the City's CSO Projects and has significant familiarity with the City and these projects and has provided a proposal Phase X-B and X-C.

NOW, THEREFORE, be it resolved that the Council of the City of Frostburg hereby approves a contract with SPECS Consulting Engineers and Surveyors for CSO Phase X-B at a cost for Design and Bidding Services of \$136,820.00 as detailed in the proposal dated February 13, 2023 and CSO Phase X-C at a cost for Design and Bidding Services of \$159,000 as detailed in the proposal dated February 13, 2023.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-05

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING A CONTRACT FOR DESIGN SERVICES FOR A CHILDCARE FACILITY TO BE LOCATED IN THE COMMUNITY PARK.

WHEREAS, The City of Frostburg has been allocated \$8.379 M through the State and Local Coronavirus Relief Funds as part of the American Rescue Plan Act; and,

WHEREAS, the City seeks to use a portion of those funds to develop a parking lot in downtown Frostburg to serve City employees, Senior Center patrons, visitors to City buildings, the general community and provide for overnight parking for downtown residents without off-street parking; and,

WHEREAS, environmental testing needs to be completed on the existing buildings acquired by the City before they are razed and design services are needed to engineer and design a functional parking lot with lighting, green space, etc.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Frostburg hereby approves a professional services agreement with Bennett, Brewer, and Associates for the environmental testing, engineering and landscape design services, and construction documentation preparation for a child care facility in the amount not to exceed \$50,000.00

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-06

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING CHANGE ORDERS FOR VARIOUS PUBLIC WORKS PROJECTS.

WHEREAS, the City of Frostburg manages various construction projects and at one time, and occasionally there are changes to the scope of work occur during construction projects due to discovering previous unknowns or identifying areas for improvement during the execution of the contract; and,

WHEREAS, the Director of Public Works has recommends several change orders to address issues during the CSO Phase IX-B Project, Street Department Roof Replacement, and Chlorine tank replacement at the Water Treatment Plant.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Frostburg hereby approve the following change orders in the respective amounts:

CSO Phase IX-B

Lashley Construction Co. Inc.

Change Order 2	\$67,677.00
Change Order 3	(\$1,279.07)

Street Department Roof

Vertex Roofing Contractors Inc.

Change Order 1	\$2,800.00
Change Order 2	\$39,500.00

Chlorine Tank Replacement at WTP

COM-BRO Contracting Inc.

Change Order 1	\$4,425.00
Change Order 2	\$24,235.00
Change Order 3	not to exceed \$39,110 (to add treatment capacity)

ADOPTED this 16th day of February, 2023.

Frostburg Mayor and Council

BY 

W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-07

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, AUTHORIZING THE PURCHASE OF EQUIPMENT.

WHEREAS, the City recognizes the need to replace equipment and/or purchase equipment from time to time; and,

WHEREAS, the City's Police Department has equipment that has exceeded its useful life, which needs replaced.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Frostburg, Maryland, hereby approves the purchase 10 ruggedized Dell Laptops through the City's IT Service provider, Allegany Computers in the amount of \$30,637.76, and the purchase of 15 Tasers and related accessories and training certifications from Axon Enterprise, Inc. in the amount of \$63,369.00. These purchases will be funded by the American Rescue Plan Act funds.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-08

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING A HOLD HARMLESS AGREEMENTS BETWEEN THE CITY OF FROSTBURG AND THE FROSTBURG FIRE DEPARTMENT FOR THE PURPOSE OF TRAINING EXERCISES IN CITY OWNED ACQUIRED STRUCTURES.

WHEREAS, The City of Frostburg has acquired various residential structures to be razed for infrastructure projects; and,

WHEREAS, the Frostburg Fire Department seeks training opportunities in acquired structures; and,

WHEREAS, to limit the City's liability and provide for various hands-on training opportunities, the City seeks to enter into a hold harmless agreement with the FFD to allow training in multiple buildings.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Frostburg hereby authorizes the Mayor to sign hold harmless and release agreements for 167 Bowery Street and 28-32 W. Mechanic Street.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY 

W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-09

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPOINTING A MEMBER TO THE FROSTBURG PLANNING COMMISSION AND MEMBERS TO THE RECREATION COMMISSION

WHEREAS, the City of Frostburg has a number of Boards and Commissions established for specific purposes; and,

WHEREAS, certain vacancies and expired terms have been identified on the Frostburg Planning Commission and Recreation Commission; and,

WHEREAS, staff have verified the interest of certain residents or, where appropriate, technical specialists, for appointment to these Boards and Commissions.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor & City Council do hereby appoint:

Planning Commission

- Eric Stevens for a 5 year term to expire February 16, 2028

Recreation Commission

- Mark Roque for a 2 year term to expire February 16, 2025.
- Dottie Turner for a 2 year term to expire February 16, 2025.
- Sean White for a 2 year term to expire February 16, 2025.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-10

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPROVING POLICIES RELATED TO TRAVEL EXPENSES AND CREDIT CARDS

WHEREAS, the City of Frostburg's employees travel from time to time and incur various costs related to meals and mileage on personal vehicles; and,

WHEREAS, the City seeks to authorize additional supervisors and members of the Council to possess City credit cards to reduce confusion and increase accountability; and,

WHEREAS, policies related to these matters have been prepared for the Mayor and Council's consideration.

NOW, THEREFORE BE IT RESOLVED that the Frostburg Mayor & City Council do hereby approve a per diem policy, a mileage reimbursement policy, and a credit card issuance policy effective March 1, 2023.

ADOPTED this 16th day of February 2023.

Frostburg Mayor and Council

BY


W. Robert Flanagan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-11

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING THE ADDITION OF AN EMPLOYEE TO CITY HALL STAFF.

WHEREAS, from time to time the City has the opportunity to evaluate positions and work load which may demonstrate areas where improvement are needed; and,

WHEREAS, the City Administrator has provided a recommendation to the Council for a staffing change to meet the current workload and that employee has been working on a contractual basis for several months.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of the City of Frostburg hereby approves a full-time, permanent position in which the employee works part time for the Community Development Department as the Code Enforcement Officer/Permits Clerk and part time for the Parks and Recreation Department as an MEO.

ADOPTED this 16th day of February, 2023.

Frostburg Mayor and Council

BY



W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator