



MINUTES

Mayor and Council Meeting

Thursday, March 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, March 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
Kevin Grove, Commissioner of Public Safety
Nina Forsythe, Commissioner of Water, Parks, and Recreation
W. Robert Flanigan, Mayor

EXCUSED: Donny Carter, Commissioner of Finance

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 Nina Forsythe, seconded by Commissioner of Public Safety Kevin Grove.

6 APPROVAL OF THE MINUTES

a) Minutes from the February Council Meeting.

5 - 10

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 February Council Meeting.

Carried

[Mayor and Council Meeting Minutes 2-16-23](#)

7 SPECIAL PRESENTATIONS AND REQUESTS

a) Proclamation: Americorps Week

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

*Motion and Second to Postpone Hearing for Ordinance 2023-01 to April 20,
2023; PUBLIC COMMENT; Vote of the Mayor and City Council.*

Carried

11 NEW BUSINESS

- a) Presentation of the Draft FY 23/24 Budget. Elaine Jones, CPA, Director of
Finance
- b) **ORDINANCE 2023-02** Amending the City Code regarding Tax Payments.
Elaine Jones, CPA, Director of Finance.

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
April 20, 2023 Council Meeting as an advertised Public Hearing; PUBLIC
COMMENT; Vote of the Mayor and City Council.*

Carried

- c) **RESOLUTION 2023-12** Accept a proposal for Auditing services for a 3-year period. Elaine Jones, CPA, Director of Finance 11 - 16

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

*Motion and Second to Approve Resolution 2023-12; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

[Res. 2023-12 Auditing Services Proposal](#)

- d) **RESOLUTION 2023-13** Reappoint a member to the Board of Zoning Appeals. Elizabeth Stahlman, City Administrator 17

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

*Motion and Second to Approve Resolution 2023-13; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

[Res. 2023-13 Member BOZA](#)

- e) **RESOLUTION 2023-14** Approve American Rescue Plan Act Projects/Programs. Elizabeth Stahlman, City Administrator. 18

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

*Motion and Second to Approve Resolution 2023-14; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

[Res. 2023-14 ARPA Programs](#)

- f) **RESOLUTION 2023-15** Authorize increased cost for the purchase of the Police Department for in-car ruggedized laptops and mounts, due to the cost of the touchscreen option. Nicholas Costello, Chief of Police 19

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

*Motion and Second to Approve Resolution 2023-15; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

[Res. 2023-15 Amend Police Purchase-Laptops](#)

12 REPORT OF THE FROSTBURG POLICE DEPARTMENT

Chief Nicholas Costello

13 OPEN PUBLIC COMMENT

14 ADJOURNMENT

There being no further business the meeting was adjourned at 7:22 pm

Mayor

City Administrator



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 Concil 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

RESOLUTION 2023-12

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND ACCEPTING A PROPOSAL FOR AUDITING SERVICES FOR FISCAL YEARS 23, 24, AND 25.

WHEREAS, the City of Frostburg's financial statements are required to be audited by an independent auditor on an annual basis; and,

WHEREAS, the City has used the local Certified Public Accounting firm Huber, Michaels, and Company for several years and staff have recommended continuing the relationship with them based on quality of work for a reasonable cost.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of the City of Frostburg hereby accept a proposal by Huber, Michaels and Company dated February 2, 2023 for fiscal years 23, 24, and 25 in the amounts of \$55,000, \$58,000, and \$61,000, respectively, with additional fees for single audit, additional single audit programs, and examination engagement as outlined on Attachment A, attached hereto.

ADOPTED this 16th day of March, 2023.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

CITY OF FROSTBURG, MARYLAND

**COST PROPOSAL FOR PROFESSIONAL
AUDITING SERVICES**

HUBER, MICHAELS & COMPANY

Keith C. Brode, CPA

110 S. Centre Street
Cumberland, MD 21502
Telephone: (301) 722-4455

February 2, 2023



Certified Public Accountants

110 S. Centre Street, Cumberland, MD 21502 • PH (301)722-4455 • FAX (301)722-5004 • www.hmccpa.com

February 2, 2023

To the Director of Finance
City of Frostburg, Maryland
37 S Broadway Street, P.O. Box 440
Frostburg, MD 21532

Dear Mrs. Jones:

Huber, Michaels & Company appreciates the opportunity to submit this proposal.

Our firm has been and continues to be dedicated to preserving the highest of standards within our profession. Huber, Michaels & Company has a long association with the American Institute of Certified Public Accountants, the Maryland Association of Certified Public Accountants, and the West Virginia Society of Certified Public Accountants. We are confident that the attached detailed information will confirm our dedication to quality.

I am the individual authorized to make representations for the Firm and can be contacted at the above address or telephone number.

Respectfully submitted,

HUBER, MICHAELS & CO.

A handwritten signature in dark ink, appearing to read 'Keith C. Brode', is written over a horizontal line.

Keith C. Brode, CPA

PROPOSAL

Our audit of the City of Frostburg, Maryland's financial statements would be conducted in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform our audit to obtain reasonable assurance about whether the financial statements are free of material misstatement or instances of non-compliance. If, during the course of our audit, any information would come to our attention which would require us to issue an opinion other than an unmodified opinion, the nature of the change and the reasons therefore would be discussed with you prior to submission of our report.

In addition to expressing our opinion on the financial statements, we would obtain an understanding of your internal controls sufficient to assess the risks of material misstatement of the financial statements and to design the nature, timing, and extent of further audit procedures. Important weaknesses in internal control or significant ideas are reported periodically during our work to allow action to be taken when necessary or desirable. In addition, these weaknesses will be reported to you in writing at the completion of our audit.

In order to achieve an efficient performance of our audit, we would require assistance from your personnel. Included in this area would be locating and submitting documents and records, performing certain reconciliations and listings, accumulation of data for financial reporting purposes, preparation of managements' discussion and analysis and the accumulation of information to prepare financial statement footnotes.

An audit includes examining, on a test basis, evidence supporting the amounts and disclosures in the financial statements; therefore, our audit would involve judgment about the number of transactions to be examined and the areas to be tested. We would plan and perform the audit to obtain reasonable rather than absolute assurance about whether the financial statements are free of material misstatement, whether from errors, fraudulent financial reporting, misappropriation of assets, or violations of laws or governmental regulations that are attributable to the entity or to acts by management or employees acting on behalf of the entity. Because the determination of abuse is subjective, *Government Auditing Standards* do not expect auditors to provide reasonable assurance of detecting abuse.

Because an audit is designed to provide reasonable, but not absolute assurance and because we will not perform a detailed examination of all transactions, there is a risk that material misstatements may exist and not be detected by us. In addition, an audit is not designed to detect immaterial misstatements or violations of laws or governmental regulations that do not have a direct and material effect on the financial statements. However, we will inform you of any material errors and any fraudulent financial reporting or misappropriations of assets that come to our attention. We will also inform you of any violations of laws or governmental regulations that come to our attention, unless clearly inconsequential. Our responsibility as auditors is limited to the period covered by our audit and does not extend to later periods for which we are not engaged as auditors.

Our proposed fees for completion of the audited financial statements for the next three years are in Attachment A, Audit Work Cost Proposal Form. The cost proposal form is based on current auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States as of the date of this proposal. In the event that new standards must be adopted within the period covered by this proposal that requires significant additional work, we reserve the right to negotiate a new fee. The new fee will be discussed with you prior to the start of the additional required work. When possible, you will be notified of changes in fees prior to the start of the audit work for that year or earlier if practical.

Any additional requests for special reports or testing outside the scope of the "Technical Proposal for Professional Auditing Services" would be billed at the standard hourly rates of the individuals responsible for completing such additional requests. The current ranges of our hourly rates by position are also included in Attachment A.

Our invoices for these services will be rendered as work progresses and are payable upon presentation. In accordance with firm policies, work may be suspended if your account becomes 60 days or more overdue and may not be resumed until your account is paid in full. If we elect to terminate our services for nonpayment, our engagement will be deemed to have been completed upon written notification of termination, even if we have not completed our reports. You will be obligated to compensate us for all time expended and to reimburse us for all out-of-pocket costs through the date of termination.

If you agree to the terms of this proposal, please indicate by signing this document and returning one copy to us.

ACKNOWLEDGED:

Name: Rigoberto Stamen

Title: City Administrator

Date: 3/17/23

Attachment A

AUDIT WORK COST PROPOSAL FORM

<u>Service</u>	<u>FY23</u>	<u>FY24</u>	<u>FY25</u>
City Audit and Related Reports	\$ 55,000	\$ 58,000	\$ 61,000
Single Audit and Related Reports (with one major program)	\$ 10,000	\$ 10,750	\$ 11,500
Each additional program	\$ 4,000	\$ 4,300	\$ 4,600
Examination Engagement	\$ 7,000	\$ 7,500	\$ 8,000

Schedule of Professional Fees as of February 2, 2023:

	<u>Hourly Rates</u>
Partners	\$275 - \$295
Managers	\$130 - \$185
Professional Staff	\$75 - \$110
Administrative Staff	\$60

RESOLUTION 2023-13

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND APPOINTING A MEMBER TO THE FROSTBURG BOARD OF ZONING APPEALS.

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 Board of Zoning Appeals; 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 approve reappointing Ms. Catherine Davis to the Board of Zoning Appeals for a 3 year term expiring March 16, 2026.

ADOPTED this 16th day of March, 2023.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-14

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:

- Construction of a salt storage facility at the Frostburg Street Department
- Construction of a Parking Lot at 28-34 W. Mechanic Streets

ADOPTED this 16th day of March, 2023.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2023-15

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

WHEREAS, the Mayor and City Council previously approved Resolution 2023-07 authorizing equipment purchases for the Police Department including the purchase of ruggedized laptop computers for use in the patrol vehicles; and,

WHEREAS, the quote previously approved in the amount of \$30,637.76 did not include touchscreen functionality, an important feature for in-car laptops, as many of the law enforcement applications have touch-screen friendly user interfaces.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and City Council of Frostburg, Maryland, hereby approves the updated quote for the purchase 10 ruggedized Dell Laptops through the City's IT Service provider, Allegany Computers in the amount of \$33,582.00, This purchase will be funded by the American Rescue Plan Act funds.

ADOPTED this 16th day of March, 2023.

Frostburg Mayor and Council

BY 
W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator