



MINUTES

Mayor and Council Meeting

Thursday, March 17, 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 Thursday, March 17, 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:

Page

1 **CALL TO ORDER**

2 **PLEDGE OF ALLEGIANCE**

3 **FROSTBURG BLESSING**

4 **ROLL CALL**

5 **APPROVAL OF THE AGENDA**

6 **APPROVAL OF THE MINUTES**

a) Minutes from the February Council Meeting.

5 - 8

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

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

Carried

[Mayor and Council Meeting Minutes 2-17-22](#)

- b) Sealed Minutes and Summary of Closed Meeting held on February 28, 2022

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve the Sealed Minutes and Summary of the
Closed Meeting held on February 28, 2022.*

Carried

7 SPECIAL PRESENTATIONS AND REQUESTS

- a) Frostburg Police Department Retirement Recognition: Lt. Irvin A. Buskirk
b) American Red Cross Month Proclamation presented to American Red Cross
Volunteer, Steve Finger

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

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

*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 - Hayden Lindsey, Director
of Public Works, gave the report on the CSO projects - Phase 9B, 9C, 10A,
and 10B are on winter shutdown.

10 NEW BUSINESS

- a) Presentation of the Draft FY 22/23 Budget. Elaine Jones, CPA, Director of
Finance
b) **RESOLUTION 2022-06** Authorize transfer of property at 59 E. Main Street
(former City Hall) to Frostburg State University as a donation. Elizabeth
Stahlman, City Administrator

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Resolution 2022-06; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

- c) **RESOLUTION 2022-07** Approve American Rescue Plan Act Projects/Programs. Elizabeth Stahlman, City Administrator. 9

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

Motion and Second to Approve Resolution 2022-07; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-07 ARPA Funds](#)

- d) **RESOLUTION 2022-08** Authorize the City Administrator to execute Reimbursement Agreements with employees that are required to attend Entry-Level Driver Training as a pre-requisite to obtaining their CDL License. Elizabeth Stahlman, City Administrator. 10 - 13

Moved by Commissioner of Public Works Adam Ritchey, seconded by Commissioner of Finance Donny Carter

Motion and Second to Approve Resolution 2022-08; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-08 CDL Agreement](#)

- e) **RESOLUTION 2022-09** Approve Open Container Repeal for the Spring Arts Walk, as requested by FrostburgFirst. 14

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

Motion and Second to Approve Resolution 2022-09; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

[Res. 2022-09 Spring Arts Walk](#)

11 REPORT OF THE FROSTBURG POLICE DEPARTMENT

Chief Nicholas Costello reviewed the report for February 2022. He then mentioned that the Park Mobile app is running and that there were some trouble with the meters.

12 OPEN PUBLIC COMMENT

- a. Lisa Vanhouten, 318 Barnard St., Frostburg - asked about Dunkin Donuts coming to Frostburg.
- b. Terry McKenzie, 351 Allegany St., Frostburg - asked if the City had a plan for Street Repairs.

13 ADJOURNMENT

There being no further business the meeting was adjourned at 7:50 pm.

Mayor

City Administrator



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1 CALL TO ORDER

2 PLEDGE OF ALLEGIANCE

3 FROSTBURG BLESSING

4 ROLL CALL

5 APPROVAL OF THE AGENDA

6 APPROVAL OF THE MINUTES

- a) Minutes from the January Council Meeting.

5 - 8

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

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

Carried

Mayor and Council Meeting Minutes 1-18-22

7 SPECIAL PRESENTATIONS AND REQUESTS

8 MAYOR AND COMMISSIONERS REPORTS & ANNOUNCEMENTS

- a) Monthly Reports of the City Departments

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

*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. Hayden Lindsey, Director
of Public Works
- b) **ORDINANCE 2022-01** Town and Gown Committee: removing sunset
provisions, administrative changes. Elizabeth Stahlman, City Administrator.
- c) **ORDINANCE 2022-02** To amend the Zoning Ordinance to update regulations
for Bed and Breakfasts and include provisions for short-term vacation rentals.
L.J. Bennett, Director of Community Development
- d) **ORDINANCE 2022-03** To amend the Zoning Ordinance to update regulations
for the Historic Preservation Overlay District. L.J. Bennett, Director of
Community Development

10 OLD BUSINESS

- a) **ORDINANCE 2022-01** Town and Gown Committee: removing sunset
provisions, administrative changes. Elizabeth Stahlman, City Administrator.

9 - 11

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Ordinance 2022-01 on second reading; Vote of
the Mayor and City Council.*

Carried

Ord. 2022-01 Town and Gown Committee

- b) **ORDINANCE 2022-02** To amend the Zoning Ordinance to update regulations for Bed and Breakfasts and include provisions for short-term vacation rentals. L.J. Bennett, Director of Community Development 12 - 28

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

Motion and Second to Approve Ordinance 2022-02 on second reading; Vote of the Mayor and City Council.

Carried

Ord. 2022-02 Short Term Vacation Rentals B&Bs Zoning Amendments

- c) **ORDINANCE 2022-03** To amend the Zoning Ordinance to update regulations for the Historic Preservation Overlay District. L.J. Bennett, Director of Community Development 29 - 41

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

Motion and Second to Approve Ordinance 2022-03 on second reading; Vote of the Mayor and City Council.

Carried

Ord. 2022-03 Historic Preservation Overlay District Zoning Amendment

11 NEW BUSINESS

- a) **RESOLUTION 2022-03** Approve Lighting Agreement with Potomac Edison for a term of 10 years, at no additional cost to City. Hayden Lindsey, Director of Public Works 42

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

Motion and Second to Approve Resolution 2022-03; PUBLIC COMMENT; Vote of the Mayor and City Council.

Carried

Res. 2022-03 Potomac Edison Lighting Agreement

- b) **RESOLUTION 2022-04** Appoint member to the Frostburg Housing Authority 43

Moved by Commissioner of Finance Donny Carter, seconded by
Commissioner of Public Works Adam Ritchey

*Motion and Second to Approve Resolution 2022-04; PUBLIC COMMENT;
Kevin Grove recused himself from the vote. Vote of the Mayor and City
Council.*

Carried

Res. 2022-04 Housing Authority Appt

- c) **RESOLUTION 2022-05** Appoint members to the Frostburg Recreation
Commission. 44

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

*Motion and Second to Approve Resolution 2022-03; PUBLIC COMMENT; Vote
of the Mayor and City Council.*

Carried

Res. 2022-05 Rec. Commission Appt

- 12 **REPORT OF THE FROSTBURG POLICE DEPARTMENT**
Chief Nicholas Costello gave the January 2021 monthly report.

- 13 **OPEN PUBLIC COMMENT**

- 14 **ADJOURNMENT**
There being no further business the meeting was adjourned at 7:20 pm.

- 15 **REMINDER**
Special Work Session to Discuss ARPA Funding: Monday, February 28, 3 pm, 37
Broadway



Mayor



City Administrator

RESOLUTION 2022-07

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:

- Water Treatment Plant System Upgrade
- Street Paving
- Comprehensive Plan
- Vacuum Truck Dry Bed
- Water Department Roof
- Street Department Roof
- Mainstreet Trashcans & Benches
- Utility Rate Consultant
- Salt Dome Design

ADOPTED this 17th day of March, 2022.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

RESOLUTION 2022-08

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND AUTHORIZING THE CITY ADMINISTRATOR TO EXECUTE REPAYMENT AGREEMENTS WITH EMPLOYEES ON BEHALF OF THE CITY.

WHEREAS, new requirements to obtain a Commercial Drivers License (CDL) went into effect in February 2022, requiring new CDL to complete Entry Level Drivers Training which is estimated to cost \$2,500 per person.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of The City of Frostburg hereby authorizes the City Administrator to execute Repayment Agreements with City Employees required to obtain their CDL, in which a template Repayment Agreement is attached hereto.

ADOPTED this 17th day of March 2022.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator

CDL TRAINING REIMBURSEMENT AGREEMENT

THIS CDL TRAINING REIMBURSEMENT AGREEMENT (“Agreement”) is made effective this _____ day of _____, 2022, by and between **The City of Frostburg (the “City”)** and _____ **(the “Employee”)**.

RECITALS

WHEREAS, under law effective February 7, 2022, all applicants for a commercial driver’s license (“CDL”) must complete Entry-Level Driver Training (“ELDT”) by a registered training provider:

WHEREAS, the City is extending an offer of employment to the Employee as a _____;

WHEREAS, the job description requires persons working in this position to hold a CDL;

WHEREAS, the offer of employment is contingent upon the Employee successfully completing ELDT;

WHEREAS, the cost of the ELDT is approximately \$2,500.00; and

WHEREAS, the City will pay the cost of the ELDT for the Employee subject to the terms of this Agreement.

WITNESSETH

NOW, THEREFORE, in consideration of the premises and the stipulations hereinafter set forth, it is mutually covenanted and agreed between the parties hereto, as follows:

1. Recitals. The Recitals set forth hereinbefore are not merely prefatory. They are incorporated by reference herein, it being the intention of the parties hereto that they form a part of this Agreement.

2. Employment. The City has extended an offer of employment to Employee which is contingent upon the Employee completing and passing ELDT and obtaining a CDL. The Employee accepts this employment subject to that contingency.

3. Reimbursement Obligation for ELDT. The City will pay the cost of ELDT on the Employee’s behalf. Except in the event of a Disability Termination (as defined below), the Employee shall reimburse the City for the cost of the ELDT if the Employee (i)

fails to satisfactorily complete the ELDT, (ii) does not obtain a CDL, or (iii) fails to complete three (3) years of employment with the City. A "Disability Termination" is the discontinuance of the Employee's employment due to injury or illness resulting in the Employee's permanent inability to perform his job duties.

4. **Term.** The term of this Agreement shall commence effective the date first written above and it shall continue for three (3) years following the date the Employee successfully completes ELDT and obtains a CDL.

5. **Restrictive Covenant.** The City would not have paid for Employee's ELDT but for his/her commitment to work for it as a _____ for the term of this Agreement. In consideration of the foregoing, except in the event of a Disability Termination, the Employee shall be prohibited from performing work with requires a CDL within thirty (30) miles of the City's municipal boundaries for three (3) years following the date of the Employee obtains a CDL.

6. **Governing Law.** This Agreement shall be governed by and construed in accordance with the laws of the State of Maryland. It is and shall be exclusively enforceable with an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and the Employee agrees to be subject to the jurisdiction of such courts and further waives any claim that any action or proceeding arising out of or relating to this Agreement and commenced in either of such courts is commenced in an inconvenient forum or one that lacks proper venue.

7. **Entire Agreement.** This Agreement contains the entire agreement of the parties and may be amended, waived, changed modified, extended or rescinded only by writing signed by the parties.

8. **Jury Trial Waiver.** THE EMPLOYEE HEREBY WAIVES TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH HE/SHE AND THE CITY MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS AGREEMENT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS AGREEMENT.

9. **Severability.** If any term or provision of this Agreement or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable as to the remainder of this Agreement, then the application of such term or provision to persons, properties and circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

10. Gender/Tense/Conjugation. The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

IN WITNESS WHEREOF, the parties hereto have executed this CDL Training Reimbursement Agreement the date first written above.

WITNESS/ATTEST:

THE CITY OF FROSTBURG

By: _____
Elizabeth Stahlman,
City Administrator

Employee signature

RESOLUTION 2022-09

A RESOLUTION OF THE CITY OF FROSTBURG, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND, APPROVING THE TEMPORARY REPEAL OF THE OPEN CONTAINER LAW

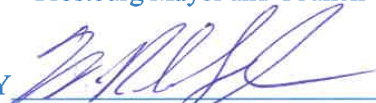
WHEREAS, The Annual Spring Arts Walk is sponsored by FrostburgFirst to showcase local artists and draw residents and visitors to downtown Frostburg, and is scheduled to take place on Saturday, April 30, 2022.

NOW, THEREFORE, BE IT RESOLVED the Mayor and City Council of The City of Frostburg hereby approves the possession and consumption of alcoholic beverages on Main Street, Broadway and Water Streets during the 2022 Spring Arts Walk from 11:00 a.m. until 8:00 p.m. provided that no glass containers be carried on the streets or sidewalks and that all other related alcohol and traffic laws and regulations of the State of Maryland and Allegany County be observed by all participants.


ADOPTED this 17th day of March 2022.

Frostburg Mayor and Council

BY


W. Robert Flanigan, Mayor

Attest:


Elizabeth Stahlman, City Administrator