

MAYOR AND CITY COUNCIL OF FROSTBURG



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

AGENDA

MAYOR AND COUNCIL WORK SESSION

Thursday, January 13, 2022 at 3:00 PM

Frostburg Municipal Center Meeting Room - 37 Broadway

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1. CALL TO ORDER	
2. ROLL CALL	
3. COUNCIL MEETING TOPICS	
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FINAL Sec.8-4 B&Bs and Short Term Vacation Rental Text Amendment - REDLINE VERSION	
FINAL REDLINE - Sec. 4.1 HP Historic Preservation Overlay District.v2-MSC - redline	
3.2. Mid-Year Budget Amendments. Elaine Jones, CPA, Director of Finance	
3.3. Town Gown Ordinance Amendment and removal of sunset provision. Elizabeth Stahlman, City Administrator	11 - 14
Ordinance 2022-01 Town Gown	
3.4. Property Acquisition. Elizabeth Stahlman, City Administrator.	
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REMINDERS	
UPCOMING MEETINGS AND EVENTS	

Sec. 8.4. Bed and breakfasts and Short Term Vacation Rentals.

A. ~~See definition, Section 2.1.~~

- a. *Bed and Breakfast*: A private owner-occupied, single-family detached residential dwelling containing as the primary use, an aggregate of lodging rooms offered for rent with breakfast service to transient guests within a setting reflecting a residential rather than commercial character.
- b. *Short Term Vacation Rental*: A furnished dwelling unit in which the entire unit or separate portions thereof is available for rent for periods of less than forty-five (45) consecutive days to transient guests. A short term vacation rental shall conform to all applicable requirements set forth in the short term vacation rental regulations proposed in Section 8.4 of the Zoning Ordinance.

B. General Provisions

- a. Bed and Breakfasts are permitted by type and by district, as specified in the table below

Zoning District	R1	R2	R2-A	R3	R4	RO	C1	C2	C3	C4	T-LI
Bed and Breakfast		¥	¥	¥	¥	◆	◆	◆	◆		
Short-Term Vacation Rental		¥	o	o	¥	o	o	o	o		

Key:

- ◆ Principal permitted use, Commercial Use & Occupancy permit required
- o Short-Term Vacation Rental License is required
- ¥ Special Exception by Board of Zoning Appeals required, and Zoning Occupancy Permit required

- b. Property owners who rent their property, or part of their property, for bed and breakfast or short-term vacation rental lodging are responsible for collecting and remitting Lodging Tax to the Allegany County Finance Office, in accordance with the Annotated Code of Maryland, Division IV. Local Finance, Title 20. Taxes and Development Impact Fees, Subtitle 4. Hotel Rental Taxes, Part I. County Hotel Rental Taxes.
- c. No bed and breakfast or short-term vacation rental shall contain more than five (5) sleeping rooms.
- d. Only designated rooms shall be used for sleeping.
- e. No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom ~~in a bed and breakfast.~~

C. Traditional bed and breakfasts shall meet the following standards:

- a. ~~No bed and breakfast shall contain more than six (6) sleeping rooms.~~

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- b. ~~Only designated rooms shall be used for sleeping.~~
 - c. A minimum of one (1) full lavatory, toilet and shower or tub or combination thereof shall be available for every two (2) guestrooms as well as one (1) for the owner occupant.
 - d. No guestroom shall contain more than two (2) beds.
 - e. No cooking facilities shall be permitted in any guestroom.
 - f. Upon conversion of an existing dwelling to a bed and breakfast, no additional entrance shall be permitted in the front facade.
 - g. No guest shall be permitted to stay in a bed and breakfast for more than ~~ten (10)~~ fourteen (14) consecutive nights.
 - h. ~~No more than four (4) adult persons shall simultaneously occupy any one (1) guestroom in a bed and breakfast.~~
 - i. An owner or full-time manager must live in the bed and breakfast.
 - j. There shall be no more than two (2) nonresident employees in or about the bed and breakfast.
 - k. Signs shall comply with the regulations applicable to home occupation signs. See Section 7.5E.
 - l. Meal service shall be limited to overnight guests.
 - m. ~~A sidewalk shall be placed connecting the parking area to the main building.~~
 - n. The bed and breakfast shall not be used as a gathering place, meeting hall or dining facility.
- D. Short-Term Vacation Rentals
- a. Short-Term Vacation Rental License Required
 - i. Short-Term Vacation Rentals must be licensed as such. These licenses are issued by the Community Development Director and/or their designees pursuant to the requirements set forth in this chapter and any applicable requirements set forth in the Rental Housing Ordinance. As part of this license, a Short-Term Vacation Rental host must:
 - 1. Provide documentation and a signed declaration of compliance attesting to compliance with subsections (2) through (8);
 - 2. Comply with all applicable City, State, and federal laws;
 - 3. Ensure that all dwelling units have approved working smoke alarms and carbon monoxide alarms in every bedroom and/or on every level of the dwelling unit as required by the Rental Housing Ordinance;
 - 4. Post the following information in a conspicuous place within each dwelling unit or part thereof used as a Short-Term Vacation Rental:
 - a. Emergency contact information;
 - b. Contact information for the Short-Term Vacation Rental host and/or designated Owner's Agent;
 - c. Street address;
 - d. Floor plan indicating fire exits and escape routes;
 - e. The owner rules and regulations;
 - f. Community Development Department contact information; and

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- g. City of Frostburg rules regarding parking, noise, and trash;
 - 5. Maintain and keep readily available for inspection, a guest registry that includes, at a minimum:
 - a. The name of each renter/guest;
 - b. Check in/out dates; and
 - c. Rent paid.
 - 6. Post valid license number on all listings advertising the Short-Term Vacation Rental;
 - 7. Remit all local taxes and required fees; and
 - 8. Submit proof of notification to all neighboring property owners sharing a property line of the intent to apply for a short term vacation rental license.
 - ii. Upon receipt of a properly completed application and the associated license fee, the Community Development Director and/or their designee(s) shall issue a rental housing or short-term vacation rental license and shall cause an inspection to be made of the premises described in the application. The license shall be posted in a conspicuous place on the premises or maintained in the custody of the property owner and/or Owner's Agent
 - b. Short-term vacation rentals must comply with all provisions detailed in the City's Rental Housing Ordinance, as well as all applicable property maintenance, electrical, plumbing, and building codes.
 - c. Properties hosting a short-term vacation rental must have no outstanding taxes or liens, and the property must remain free from code violations.
 - d. Short-term vacation rentals shall be inspected annually.
 - e. No guest shall be permitted to stay in a Short-Term Vacation Rental for more than forty-five (45) consecutive nights.
 - f. Hourly rentals or rentals for less than one overnight stay are prohibited.
 - g. Once a Short-Term Vacation Rental license has been obtained, property owners are required to post their license number on AirBnb or other short-term rental websites along with their listing to rent their home or a room in their home
 - h. The Owner's Agent must reside within 25 miles of the unit and be accessible for the entirety of any contract where the property owner is not present
 - i. The Owner's Agent is responsible for responding within one hour to complaints regarding the condition, operation, or conduct of occupants of the Short-Term Vacation Rental and taking remedial action to resolve any such complaints
 - j. No outdoor advertising signs related to the Short-Term Vacation Rental shall be allowed on the property.

Sec. 4.1. "HP" Historic Preservation Overlay District.

A. Historic District Definitions.

Administrative Approval: An approval granted by Community Development Staff for minor alterations, as defined by the Administrative Approval Guidelines developed by the Historic District Commission, to noncontributing resources, in accordance with Zoning Ordinance Section 4.1.J.4. [M1]

Alley: A public way that primarily provides a means of access or travel between abutting properties and which has a maximum right-of-way of less than twenty (20) feet.

Alteration: Any exterior change that would affect the historic, archeological, or architectural significance of a designated site or structure, any portion of which is visible or intended to be visible from a public ~~way~~ street, including, but not limited to, construction, reconstruction, moving or demolition.

Certificate of Appropriateness: A certificate issued by Community Development Staff on behalf of the Historic District Commission showing approval of plans for construction, alteration, demolition, or relocation of structures that would affect a designated historic structure, landmark, or district.

Commission: For the purposes of Section 4.1, shall mean the Historic District Commission of the City of Frostburg, Allegany County, Maryland.

Contributing Resource: Structures or physical features within a site or district which help to define the historic significance or architectural character of that site or district and may be associated with events that have made a significant contribution to the broad patterns of local, State, or national history, or may be associated with the lives of persons significant in the City's past.

Demolition: Any willful neglect in maintenance and repair of a structure that does not result from financial inability to maintain and repair the structure and that threatens to result in any substantial deterioration of the exterior features of the structure.

Demolition by Neglect: Improper maintenance or lack of maintenance of any property in a historic district, or any historic landmark or landmark site, which results in substantial deterioration of such a property and threatens its continued stability and preservation.

Historic District: A designated area with a significant concentration, linkage or continuity of sites, structures or objects united historically or aesthetically by plan or physical development.

Noncontributing Resource: Structures or physical features that may exist within a historic site or district, but are not of historic significance per se; however, the relationship of these structures with the surrounding contributing structures may be important in the preservation of the site or district.

Replacement In Kind: A process of rehabilitation utilized in which deteriorated materials or features are repaired in a manner that matches [M2] the original in design, materials, color, texture, and other visible qualities or any combination of the foregoing, [M3] through a process based on physical evidence of essential form and detailing of historic materials, or features in-situ (in context), or through photographic documentation [M4].

Routine Maintenance: Work that does not alter the exterior fabric or features of a site or structure and has no material effect on the historic, archeological or architectural significance of the historical site or structure.

Site: The location of an event of historic significance or a structure, whether ruined or standing, which possesses historic or architectural significance.

Street, Public: A street that is, or will be at the conclusion of construction, a City of Frostburg right-of-way, in which the street is, or will be, maintained by the City, dedicated for the public use and accepted by the City for that purpose. a City of Frostburg right-of-way, in which the street is, or will be, maintained by the City.

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Structure: A combination of materials to form a construction that is stable, including, but not limited to, buildings, communications towers, water tanks, paving, sheds, shelters, fences and display signs visible or intended to be visible from a street. The term shall be construed as if followed by the words "or part thereof".

- B. *Purpose.* It is the intent hereof to provide as authorized by Title 8 of the Maryland Land Use Article of the Annotated Code of Maryland, for the preservation of structures in the City of Frostburg which have historic value and/or significance together with their appurtenances and environmental settings in order to:
- (1) Safeguard the heritage of the City by preserving the sites, structures or district(s) therein which reflect elements of its cultural, social, economic, political, or architectural history
 - (2) Stabilize and improve property values of such sites, structures and district(s);
 - (3) Foster civic beauty;
 - (4) Strengthen the local economy; and
 - (5) Promote the preservation and appreciation of the sites, structures and district(s) for the education and welfare of the residents of the City.
- C. *Power to Establish Districts.* For the purposes of this section, the Mayor and Council may designate boundaries for sites, structures or districts which are deemed to be of historic, archeological or architectural significance, following the procedures which are set forth in Section 1.9 of this Ordinance for the reclassification of zoning. Such districts may include structures, lots, and tracts of land, as well as portions thereof.
- D. *Provisions are in Addition to Other District Provisions.* The provisions of this Part relative to the HP district are in addition to the district regulations set forth in the other portions of this Ordinance. In all cases of conflicting requirements, the provision which represents the greater restriction upon the property or higher standard shall govern.
- E. *Membership of Historic District Commission.* The Historic District Commission shall have either five (5) or seven (7) members, appointed by the Mayor and Council.
- (1) *Qualifications.* Each member appointed after the adoption of this Ordinance shall possess a demonstrated special interest, specific knowledge or professional or academic training in such fields as history, architecture, architectural history, planning, archaeology, anthropology, curation, conservation, landscape architecture, historic preservation, urban design or related disciplines.
 - (a) The requirement for Commission membership under the category of demonstrated special interest may be satisfied either by formal training in one (1) of the above-listed fields, or active membership in a preservation-related organization, or past or present membership on a Historic District Commission or Planning Commission or City Council or Board of Zoning Appeals, or active participation in activities or proceedings of a Historic District Commission, or active membership in downtown or neighborhood-based community activities and programs.
 - (b) The requirement for membership under the categories of specific knowledge or professional or academic training may be satisfied by post-secondary education, employment and/or practical experience in one (1) or more of the above-listed fields.
 - (2) *Residency.* A majority of the members of the Commission shall be residents of the City of Frostburg. The City may grant preference in membership to residents of the City.
 - (3) *Compensation.* The members shall serve without compensation.
 - (4) *Terms.* The Commission members shall be appointed for staggered terms of three (3) years each, with existing terms of office being continued. Members of the Historic District Commission shall be eligible for reappointment. Any vacancy on the Historic District Commission shall be filled by the Mayor and

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Council for the unexpired term of the particular position. The Mayor and Council may consult private societies, agencies, or organizations to request the names of possible members to serve on the Historic District Commission.

- (5) *Finances.* The Historic District Commission shall have the right to accept and use grants and gifts from whatever source for the exercise of its functions. The Mayor and Council will have final approval of the Historic District Commission's budget.

F. *Powers and Duties.* The Historic District Commission shall have the following powers and duties:

- (1) To direct studies, reports, and surveys to identify historical, archeological, or architecturally significant sites, structures, and districts that exemplify the cultural, social, economic, political, or architectural history of the City of Frostburg;
- (2) Consistent with the City's Charter, ordinances, resolutions, local public law, policies and procedures regarding the acceptance and use of gifts by public officials, to accept and use gifts for the exercise of its functions;
- (3) To prescribe appropriate rules and regulations for transaction of its business;
- (4) To recommend for adoption by the Mayor and Council rehabilitation and new construction design guidelines and criteria for construction, alteration, reconstruction, moving, and demolition of designated landmarks, sites, structures, and districts which are consistent with the Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68). Guidelines may include design characteristics intended to meet the needs of particular types of sites, structures, and districts, and may identify categories of changes that, because they are minimal in nature do not affect historic, archeological, or architectural significance, do not require review by the Commission. These guidelines shall be used in the Commission's review of applications.
- (5) Consistent with the City's Charter, ordinances, resolutions, local public law, policies and procedures governing the acquisition of easements, to accept or otherwise acquire historic preservation easements on designated landmarks, structures, or sites and, when deemed appropriate by the Commission, sites or structures located in, or adjacent to, a designated district; and to undertake any other action or activity necessary or appropriate to the implementation of its powers and duties or the implementation of the purpose of this article.

G. *Report by Maryland Historical Trust.* The Maryland Historical Trust may be designated by the Historic District Commission to make an analysis of and recommendation concerning the preservation of structures of historic and architectural value/significance within the area served by the Historic District Commission. Such report may include proposed boundaries of districts as well as identify and designate particular structures recommended to be preserved and protected.

H. *Architectural Easements.* The Historic District Commission may acquire easements in connection with individual sites or structures located in or adjacent to any historic district. Such easement may grant to the Historic District Commission, the residents of the historic district, and the general public, the perpetual right to ensure that any site or structure and surrounding property upon which it is applied is protected, in perpetuity, from changes which would affect its historic, archeological or architectural significance.

I. *Application for Permission to Alter a Site or Structure.* Before the construction, alteration, reconstruction, or demolition of any site or structure or portion thereof as defined in Section 4.1A, including additions to or moving of an existing structure, is begun within the Historic Preservation Overlay District, if any changes are involved which would affect the exterior appearance of said site or structure that are visible or intended to be visible from a public street, the person proposing to make the construction or change shall file with the Historic District Commission an application for permission to build, alter, reconstruct, move, demolish, or construct the addition.

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- (1) Every such application shall be submitted in accordance with the Rules of Procedure of the Historic District Commission. This application shall be accepted or rejected by the Historic District Commission as provided herein.

J. *Factors for Consideration in Reviewing Plans for Construction or Alteration.*

- (1) In reviewing the plan for any such construction or change, the Historic District Commission shall give consideration to:
 - (a) The historic or architectural significance of the building and its relationship to the historic and architectural significance of the surrounding area
 - (b) The relationship of the exterior architectural features of a building to the remainder of the structure and to the surrounding area;
 - (c) The general compatibility of exterior design, scale, proportion, arrangement, texture, and materials proposed to be used; and
 - (d) The appearance or view of proposed changes from the street.
 - (e) Any other factors including aesthetic factors which the Historic District Commission deems to be pertinent.
- (2) The Historic District Commission shall also consider the following design guidelines and criteria, as applicable:
 - (a) The Secretary of the Interior's Standards for the Treatment of Historic Properties (36 CFR Part 68), as amended, which are hereby incorporated by reference, and accompanying explanatory guidelines and reports, as officially issued by the National Park Service;
 - (b) The proportional relationship between the width and the height of the front of the building;
 - (c) The proportional relationship between the width and the height of windows and location of windows;
 - (d) The maintenance of a rhythm and ratio of solid wall areas and windows and doors;
 - (e) The maintenance of any rhythm of building masses to spaces between them, if such a rhythm exists along a street;
 - (f) The maintenance of a rhythm of entrances and building projections and roof lines;
 - (g) The use of exterior materials that are closely similar in appearance to original materials of significant buildings in the District;
 - (h) The discouragement of the use of colors that are clearly and seriously incompatible;
 - (i) The maintenance and continuance of architectural details, such as cornices, arches, chimneys, porch railings, and other porch details;
 - (j) The use of compatible roof shapes and lines;
 - (k) The continuance of building setbacks from the street that are similar to historic buildings along that block;
 - (l) The continuance of any predominately vertical or horizontal orientation of windows, doors and building shape;
 - (m) The use of units of construction and architectural details that provide a scale related to the size of people; and
 - (n) The avoidance of building walls that have few or no windows or doors along sidewalks.

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- (3) The Commission may establish additional written guidelines and criteria to provide guidance in its decisions.
 - (4) In specific cases, such as where the proposed work involves substantially identical replacement "in kind," or as delegated by the Commission, the staff of the Department, in consultation with the Community Development Director, may determine that an application meets all requirements of these regulations, in which case a historic district ~~C~~ertificate of ~~approval~~ appropriateness may be issued at the administrative level and Commission review and approval shall not be required.
- K. *Limitations on Regulations.*
- (1) The Commission shall not regulate features that are not visible or intended to be visible from a public street or sidewalk, and shall not regulate interior arrangements, but may offer preservation advice in such matters.
 - (2) Features that are only visible from an alley shall not be regulated by this Section 4.1.
 - (3) The Commission may not stipulate colors, but colors shall be chosen from a manufacturer's collection of historic colors, or be a palette approved by the Commission. Use of bright, metallic, or other non-historic colors is generally not acceptable. The Commission shall not disapprove an application except in consideration of some or all of the factors specified in this Section 4.1.
- L. *Strictness and Leniency in Judgment of Plans.* Limiting Architectural Style to one (1) Period: The Historic District Commission shall be strict in its judgment of plans for sites or structures determined by research to be of historic or architectural significance. The Historic District Commission shall be lenient in its judgment of plans for sites or structures of little historic or architectural significance, or for plans involving new construction, unless such plans would seriously impair the historic or architectural significance of surrounding sites or structures. The Historic District Commission is not required to limit construction, reconstruction, or alteration to the architectural style of any one (1) period.
- M. *Application for Changes to Structures of Unusual Importance.*
- (1) If an application under Section 4.1I affects a site or the exterior of a building that the Historic District Commission considers to be of unusual importance to the County or the City or unusual importance to the entire State or nation, the Historic District Commission shall:
 - (a) Attempt with the owner of the building to formulate an economically feasible plan for the preservation of the site or building.
 - (b) Reject the application unless the Commission is satisfied that the proposed construction, alteration or reconstruction will not materially impair the historic or architectural significance of the site or building.
 - (i) In such case, if the application is rejected, the Commission shall file a copy of its rejection with the Community Development Director.
 - (2) For a site or building that the Commission determines to be of unusual importance, if the Historic District Commission concludes that no economically feasible plan can be formulated, the Commission shall have 90 days from the time it so concludes to negotiate further with the owner, and other parties, in an effort to find a means of preserving the site or building.
- N. *Approval under Certain Circumstances.* In the case of a site or building considered to be valuable for its historic or architectural significance, the Historic District Commission may approve the proposed construction, reconstruction, alterations, moving, or demolition despite the provisions of Section 4.1M if:
- (1) The site or structure is a deterrent to a major improvement program which will be of substantial benefit to the City;

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- (2) Retention of the site or structure would cause undue financial hardship to the owner, and the level of rehabilitation required is so extensive and costly that it could be construed as a "taking." Financial hardship is not related to the income or wealth of the applicant, nor is it applicable when a property owner has willfully neglected his or her property; or
 - (3) The retention of the site or structure would not be to the best interest of a majority of persons in the City as determined through an advertised public hearing. .
 - O. *Commission Meetings.* The Commission shall adopt such rules and regulations as may be necessary for the proper transaction of its business. Any interested person or a person's representative is entitled to appear and be heard at any public hearing conducted by the Commission.
 - P. *Certificate of ~~Approval Appropriateness~~.* Modification or Rejection of Application and Plans. The Historic District Commission shall file with the Community Development Director a certificate of its approval, modification or rejection of applications and plans submitted to it for review. Work shall not be commenced on any such change project until such a ~~C~~ertificate of ~~approval Appropriateness~~ has been filed, and no building permit for such change or construction shall be issued unless and until such a ~~C~~ertificate of ~~approval Appropriateness~~ has been received.
 - (1) The failure of the Historic District Commission to act upon a completed application within forty-five (45) days from the date the completed application was filed shall be deemed to constitute automatic approval of the proposed change unless an extension of this forty-five (45)-day period is agreed upon mutually by the applicant and the Historic District Commission.
 - (2) The Commission may request that the Community Development Director institute any of the remedies and penalties provided by law for any violation of this Section 4.1.
 - Q. *Limit on Approval Period.*
 - (1) Certificate of ~~Approval Appropriateness~~ shall only be valid for a period of twenty-four (24) months.
 - (a) Extension. A Certificate of ~~Approval Appropriateness~~ may be extended for no more than one (1) additional six (6)-month period for a good cause as determined by the Development Staff.
 - (2) If a permit is required, the permit shall be obtained prior to the expiration of the Certificate of ~~Approval Appropriateness~~.
 - R. *Routine Maintenance Not Affected. Completion of Work Under Prior Permit.*

Nothing in this Section 4.1 shall be taken or construed to prevent "routine maintenance" (as defined below), customary farming operations or landscaping which will have no material effect on the historic or architectural significance of a designated site, structure or district. Nothing in this Section 4.1 affects the right to complete any work covered by a permit issued prior to the date upon which such historic district(s) or designation(s) was established.
 - S. *Appeals.* An applicant may appeal a decision from the Historic District Commission to the Board of Zoning Appeals on the sole grounds of alleged "hardship." Any other appeal of a decision from the Historic District Commission or any decision regarding "hardship" by the Board of Zoning Appeals may be appealed to the courts in the same manner as any other appeal of a decision by the Board of Zoning Appeals.
 - T. *Violations.*
 - (1) Any willful violation of the provisions of this article, by willfully performing or allowing any work to be performed without first obtaining a Certificate of Appropriateness, or for failing to comply with a Final Notice issued pursuant to this article, or disregarding a decision of the Commission will be in violation of this Ordinance. Violations are subject to the penalties defined in Section 1.21.

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ORDINANCE 2022-01

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG ENTITLED “AN ORDINANCE TO REPEAL AND REENACT ARTICLE 13 OF THE FROSTBURG CODE (2018 EDITION) PERTAINING TO THE CREATION, COMPOSITION, APPOINTMENT, TERMS, AND DUTIES OF THE TOWN AND GOWN COMMITTEE.”

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 V, Section 502(9) of the City Charter empowers the Mayor and City Council to appoint such boards, commissions and committees as may be necessary for the health, welfare and safety of City residents;

WHEREAS, as is set forth in Article 13 of the Frostburg Code, the Mayor and City Council created a Town and Gown Committee to consider programs and policies to foster harmonious relations between City residents and the Frostburg State University community; and

WHEREAS, the purpose of this Ordinance is to amend provisions pertaining to the scope of its duties, the individuals who will serve as its members, the applicability of the Maryland Open Meetings Act, and the removal of restrictions on the duration of its existence.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FROSTBURG, MARYLAND, that Article 13 of the Frostburg Code is hereby repealed and reenacted to read as follows:

Article 13

TOWN AND GOWN COMMITTEE

Sec. 13-1. *Creation of Town and Gown Committee; purposes, duties.*

A Town and Gown Committee (referred to in this article as the “Committee”) is hereby established for the purpose of advising the Mayor and City Council on matters concerning the relationship between the City and Frostburg State University. In carrying out its purpose, the Committee may make recommendations to the Mayor and City Council regarding:

- (i) Programs and policies to improve the relations between City residents and the University community;
- (ii) Projects or programs to enhance the community of Frostburg; and

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- (iii) Other tasks consistent with the purpose of the Committee.

Sec. 13-2. *Composition; rules of procedure.*

(a) *Composition.* The Committee shall consist of five (5) members: the Mayor, the Chief of the Police Department or the Chief's designee, the President of Frostburg State University or the President's designee, a representative from the Frostburg State University Student Government Association, and a representative from the Frostburg Community Coalition.

(b) *Rules of procedure.* The Committee may establish its own rules of procedure. At each meeting, or less frequently if its rules allow, the Committee shall select a chairperson from its membership to preside over the meeting.

Sec. 13-3. Meetings.

The Committee shall hold meetings in March and October of each year. It may schedule additional meetings upon the agreement of a majority of its members. The meetings are open meetings, subject to the terms of the Maryland Open Meetings Act, including, but not limited to, those applicable to advance notice of such meetings and the conduct thereof.

Introduced: _____
Public Hearing: _____
Adopted: _____
Effective: _____

MAYOR AND CITY COUNCIL OF
FROSTBURG

By: _____
W. Robert Flanigan, Mayor

ATTEST:

Elizabeth Stahlman, City Administrator

FOR INFORMATION PURPOSES ONLY FORMER VERSION OF ARTICLE 13

Article 13 TOWN AND GOWN COMMITTEE

Sec. 13-1. Creation of Town and Gown Committee; purposes, duties.

A Town and Gown committee (referred to in this article as the "Committee") is hereby established for the purpose of advising the Mayor and City Council on matters concerning the relationship between the City and Frostburg State University. In carrying out its purpose, the Committee may make recommendations to the Mayor and City Council regarding:

- (1) Programs and policies to limit the impact of off-campus student housing on non-student residents;
- (2) Programs and policies to improve the relations between City residents and the university community;
- (3) Other projects and tasks consistent with the purpose of the Committee.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-2. Composition; terms; rules of procedure.

- (a) *Composition.* The Committee shall consist of five (5) members. A representative from the Mayor and City Council shall serve on the Committee. The Chief of the Police Department shall appoint a police officer to serve on the Committee. The President of Frostburg State University, the Frostburg State University Student Government Association, and the Frostburg Community Coalition shall each appoint one (1) member to represent the interests of their respective organizations.
- (b) *Terms.* The initial members of the Committee shall serve from the date of their appointment (as soon as practicable following the effective date of this article) through May 15, 2019. Thereafter, the members shall serve for one-year terms. In the case of a vacancy, an appointment to fill the unexpired term shall be made as soon as practicable.
- (c) *Rules of procedure.* The Committee may establish its own rules of procedure. At each meeting, or less frequently if its rules allow, the Committee shall select a chairperson from its membership to preside over the meeting.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-3. Meetings.

The Committee shall hold meetings in March and October of each year. It may schedule additional meetings upon the agreement of a majority of its members.

(Ord. No. 2018-06, § 1, 1-17-2019)

Sec. 13-4. Sunset.

Three (3) years from the date of the approval of this article, the Mayor and City Council shall review the activities of the Committee in order to ascertain whether to retain this article as a part of the Code. Subsequent reviews shall occur every three (3) years thereafter.

(Ord. No. 2018-06, § 1, 1-17-2019

Statement Regarding Compliance with the Coronavirus State and Local Fiscal Recovery Funds Interim Final Rule and Final Rule

U.S. Department of the Treasury

On January 6, 2022, the U.S. Department of the Treasury (Treasury) adopted a final rule implementing the Coronavirus State and Local Fiscal Recovery Funds (SLFRF). The final rule responds to comments received on the interim final rule and will take effect on April 1, 2022. Until that time, the interim final rule remains in effect. This statement clarifies the transition from compliance with the interim final rule to compliance with the final rule. Recipients should also review the final rule for additional information.

State, territorial, local, and Tribal governments (together, recipients) must comply with the final rule beginning on April 1, 2022, when the final rule takes effect. Prior to April 1, 2022, recipients may take actions and use funds in a manner consistent with the final rule, and Treasury will not take action to enforce the interim final rule if a use of funds is consistent with the terms of the final rule, regardless of when the SLFRF funds were used.¹

This includes, but is not limited to, the following uses of SLFRF funds:

- Responses to the Negative Economic Impacts of the Public Health Emergency. The final rule expands the enumerated list of eligible uses of SLFRF funds in this category, including health insurance subsidies and paid sick and family leave, as well as making affordable housing development, childcare, early learning services, and services to address learning loss available to any impacted household.
- Responses to the Disproportionate Public Health and Economic Impacts of the Pandemic in Certain Communities. The final rule expands the list of enumerated eligible uses of SLFRF funds for disproportionately impacted communities, including for investments in neighborhoods that promote improved health and safety outcomes, services to address vacant or abandoned properties, and expanded assistance to small businesses.
- Capital Expenditures to Respond to the Public Health and Negative Economic Impacts of the Pandemic. The final rule clarifies that capital expenditures can be eligible in this category, when meeting certain standards, and provides an enumerated list of eligible capital expenditures.
- Responses to Restore and Bolster Government Employment. The final rule expands the uses of funds available to restore and bolster government employment, including restoring employment by hiring up to 7.5% above a recipient's pre-pandemic baseline employment level, funding for employees that experienced pay reductions or were furloughed, maintaining current compensation levels to prevent layoffs, and worker retention incentives.

¹ This means that Treasury will not take action to enforce uses of the interim final rule to the extent that the recipient wishes to change its planned uses of SLFRF funds in a manner consistent with the final rule.

- Government Services to the Extent of Revenue Loss. The interim final rule and final rule both permit recipients to use SLFRF funds for government services in an amount equal to revenue lost due to the pandemic. As discussed in the final rule, Treasury is permitting recipients to determine the amount of revenue lost due to the pandemic either according to a formula or by claiming a standard allowance of up to \$10 million, not to exceed their total award allocation. A recipient that plans to use the standard allowance will make a one-time election and report it to Treasury through regular programmatic reporting. In advance of making this election, a recipient may begin to use up to \$10 million of SLFRF funds for government services.

Furthermore, the final rule adjusts the revenue loss calculation formula to (i) permit recipients to calculate revenue loss on a calendar year or fiscal year basis so long as the recipient employs a consistent methodology throughout the period of performance and (ii) include revenue from certain utilities. Treasury will update reporting guidance to clarify how recipients electing to use a fiscal year basis will adjust prior calculations, and a recipient may adjust its prior calculations to reflect these changes prior to April 1, 2022.

- Investments in Broadband Infrastructure. The final rule expands eligible areas for investment in broadband infrastructure to include locations where the recipient has identified need for additional broadband investment. Further, the final rule allows for modernization of cybersecurity for existing and new broadband infrastructure, regardless of their speed delivery standards.
- Investments in Water and Sewer Infrastructure. The final rule expands the list of eligible water and sewer infrastructure projects to include a broader set of project types, including certain dam and reservoir rehabilitation projects, additional stormwater projects, private well projects, and a broader range of projects that remediate lead in water.

Prior to April 1, 2022, the interim final rule remains in effect. Accordingly, recipients may obligate and expend funds in a manner consistent with the interim final rule prior to April 1, 2022.

In addition, Treasury recognizes that recipients have taken steps to use SLFRF funds for projects in a manner consistent with the interim final rule. To the extent that a recipient has taken significant steps toward obligating SLFRF funds in a manner consistent with the interim final rule prior to January 6, 2022, Treasury will generally not take action to enforce provisions contained in the final rule, to the extent that they are more restrictive than those in the interim final rule. Such significant steps include initiation of procurement or grantmaking actions, detailed planning of projects or programs, appropriation of funds, and other significant planning steps. Consistent with this approach, Treasury is providing specific guidance with respect to compliance with the following aspects of the final rule:

- State Unemployment Insurance Trust Funds. Under the interim final rule, a recipient may use SLFRF funds to make deposits into its state account of the Unemployment Insurance Trust Fund established under section 904 of the Social Security Act (42 U.S.C. 1104) up to the level needed to restore the pre-pandemic balance of such account as of January 27, 2020 or to pay back advances received under Title XII of the Social Security Act (42 U.S.C. 1321) for the payment of benefits between January 27, 2020 and May 17, 2021. Under the final rule, a recipient that uses SLFRF funds to make a deposit into its Unemployment Insurance Trust Fund may not take action to reduce average weekly benefit amounts or reduce the number of weeks of benefits payable (i.e., the maximum benefit entitlements).² If a recipient (i) has taken significant steps toward making a deposit into its Unemployment Trust Fund prior to January 6, 2022 or (ii) has made a deposit into its Unemployment Trust Fund prior to April 1, 2022, the recipient will not be subject to limitations on reduction of benefits included in the final rule.³
- Definition of Low-Income and Moderate-Income Households. Under the interim final rule, a “low- and moderate-income” standard was used to determine presumptive eligibility for certain services. In response to comments requesting additional clarification as to what constitutes low income and moderate income, the final rule includes a definition of low-income household and a definition of moderate-income household.
 - For any program, service, or project available to low- and moderate-income households, the recipient may continue to use eligibility criteria for low-income and moderate-income households that they developed consistent with the interim final rule if the recipient (i) has taken significant steps toward obligating SLFRF funds for that program, service, or project prior to January 6, 2022 or (ii) has obligated funds for that program, service, or project prior to April 1, 2022. Recipients that have not taken significant steps toward obligating SLFRF funds prior to January 6, 2022 should either change eligibility criteria to reflect the definition of low-income households and/or moderate-income households included in the final rule or be able to determine that the class of households they seek to serve experienced a negative economic impact resulting from the pandemic.
 - Treasury will consider a reasonable definition of low- and moderate-income developed by the recipient to be consistent with the interim final rule; this includes reasonable definitions that are higher than the definition contained in the final rule. As with all provisions under the interim final rule, recipients should be able to support their determination of how to define low- and moderate-income under the interim final rule.

² See final rule section 35.6(b)(3)(ii)(A)(10).

³ See final rule for additional information.

- Capital Expenditures. The final rule includes a framework for determining whether a capital expenditure would be eligible as a response to the public health emergency or its negative economic impacts, which includes a requirement to prepare a written justification for projects with actual or expected capital expenditures of \$1 million or more. A recipient is not required to prepare or submit a written justification as required under the final rule if the recipient (i) has taken significant steps toward obligating SLFRF funds for that project prior to January 6, 2022 or (ii) has obligated funds for such project prior to April 1, 2022.
- Broadband Infrastructure. The final rule includes a requirement that recipients must require service providers for a broadband project that provides service to households either to participate in the Federal Communications Commission’s Affordable Connectivity Program (ACP) or provide access to a broad-based affordability program to low-income consumers in the proposed service area of the broadband infrastructure that provides benefits to households commensurate with those provided under the ACP. If a recipient (i) has taken significant steps toward obligating SLFRF funds for a broadband infrastructure project prior to January 6, 2022 or (ii) has obligated funds for a broadband infrastructure project prior to April 1, 2022, the recipient will not be subject to this requirement.
- Government Services to the Extent of Revenue Loss. In addition to the changes discussed above, the final rule requires recipients to exclude the effects of tax changes adopted after January 6, 2022 from the calculation of revenue lost due to the COVID-19 public health emergency, if using the full revenue loss formula rather than the standard allowance. These changes affect the calculation of revenue loss for calculation dates after the April 1, 2022 effective date, regardless of when SLFRF funds are obligated for government services.

The final rule includes additional information regarding these and other transitions. Please contact SLFRP@treasury.gov with additional questions.

City of Frostburg
Fiscal Year 2022-23
Budget Preparation Schedule

January 13, 2022	Work Session <ul style="list-style-type: none">• Presentation of Budget Preparation Schedule• Discussion of Council's Budget Priorities
January __, 2022	Monthly City Council Meeting <ul style="list-style-type: none">• Announcement of Budget Process Schedule
February 4, 2022	Staff Budget Process <ul style="list-style-type: none">• Departmental Requests Due; Requests must be prepared in consultation with Commissioners
February 10, 2022	Work Session <ul style="list-style-type: none">• Presentation of Requests from Departments/Commissioners• Continued Discussion of Council's Budget Priorities• Council Discussion on Tax and Utility Rates
February 17, 2022	Monthly City Council Meeting <ul style="list-style-type: none">• Hotel/Motel Tax Revenue requests
March 10, 2022	Work Session <ul style="list-style-type: none">• Council Review and Discussion on Draft Budget• Council Discussion on Setting the Tax Rate• Council Discussion on Setting Utility Rates and Other Fees
March 17, 2022	Monthly City Council Meeting <ul style="list-style-type: none">• Special Presentation on Tax and Utility Rates• Presentation of Draft Budget• Public Comment on Draft Budget
April 14, 2022	Work Session <ul style="list-style-type: none">• Council Review and Discussion of Budget Ordinance
April 21, 2022	Monthly City Council Meeting <ul style="list-style-type: none">• Constant Yield Tax Rate Public Hearing (<i>If required</i>)• Introduction of Budget Ordinance – Public Comment
May 12, 2022	Work Session <ul style="list-style-type: none">• Final Review of Budget Ordinance• Discussion of any Proposed Amendments
May 19, 2022	Monthly City Council Meeting <ul style="list-style-type: none">• Public Hearing on the Budget Ordinance - Advertised• Second Reading, Public Comment and Vote to Approve; Ordinance becomes effective in 20 Days