

September 5, 2013
7:00 p.m.
City Hall

I. Mayor McClement presided. Present were Alderwomen Shelley Aloï, Carol Krimm and Kelly Russell, and Alderman Michael O'Connor. Also present were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane. Alderwoman Young joined the meeting at 7:45 p.m. She was delayed due to the observance of a religious holiday.

II. The Mayor led the Pledge of Allegiance.

III. In lieu of an invocation, the Mayor requested a moment of silence to honor those patriots who served us on September 11, as well as those who continue to serve us today.

The Mayor issued a proclamation designating the month of September 15, 2013 through October 15, 2013 National Hispanic Heritage Month.

IV. Mayor McClement announced that bills paid July 31, 2013 through August 21, 2013 totaled \$3,981,059.21; bills paid since July 1, 2013 totaled \$13,494,426.99.

V. The minutes of the August 15, 2013 Public Meeting and the July 31, 2013 Closed Session were previously distributed. On a motion made by Alderwoman Krimm and seconded by Alderwoman Russell the Board approved 4-0 the minutes of the August 15, 2013 Public Meeting. On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board approved 4-0 the minutes of the July 31, 2013 Closed Session.

VI. Mayor McClement announced that a Closed Session had been held on August 28, 2013 and read into the record a summary of that session, which is attached hereto and made a part of these minutes, as required under Section 10-509 of the State Government Article of the Annotated Code of Maryland.

VII. The Mayor stated a major water main break had occurred on East Street, causing the street to be closed. He indicated City crews are hard at work repairing the break. The Mayor went on to announce the Frederick County Board of County Commissioners has approved a Housing Initiative Fund for Sheltering Services in the amount of \$75,000.00 to be awarded to the Frederick Community Action Agency.

VIII. During Aldermanic comments Alderwoman Aloï noted that Alderwoman Young was observing Rosh Hashanah and that this is a time of cleansing and forgiveness at the beginning of a new year. She referred to a Rabbi from New York City who has studied the history of the United States and who writes that George Washington took the oath of office in New York City at the site of the World Trade Center and 9/11 tragedy. She went on to state that we can learn from our history and from all cultures, stating she would like to acknowledge today the Jewish culture and this time of forgiveness. Alderwoman Krimm indicated she had attended a meeting of the Fort Detrick Restoration Advisory Board and that she feels it is important that information regarding the cleanup of the Superfund Site be made

available to the residents of the City. She stated the Army would like to establish communication with the City and was hopeful we could meet them halfway in that effort. Alderman O'Connor reminded everyone that the City Primary Election will be held next Tuesday and noted residents can visit the City's website to find their polling place. He encouraged everyone to come out and vote. Alderwoman Russell indicated she had participated in an auction at Harry Grove Stadium during the Art in the Park fundraising event to benefit the Frederick Arts Council and displayed the custom decorated Keys Jersey on which she had successfully bid. She went on to announce the Grand Fondo National Championship, a bicycling event that will culminate in Frederick on September 22, 2013.

IX. On a motion made by Alderwoman Krimm and seconded by Alderwoman Aloï the Board approved 4-0 Consent Agenda Item A.1, Agreements Between the City and Developers. The approved item is:

1. Approval to release Cash Funds in the amount of \$16,020 posted by Frederick Shopping Center, LLC, to guarantee completion of SEC and Water Meter improvements to their site, further described in PWA dated September 10, 2004.

On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board approved 4-0 Consent Agenda Items B.1 and B.2, Grants. The approved items are:

1. Approval of a \$6,750.00 Making Homes Affordable Grant from the Maryland Department of Housing and Community Development.
2. Approval of a Memorandum of Agreement with Healthy Howard, Inc. to perform outreach, education, and enrollment activities related to the implementation and operation of the Patient Protection and Affordable Care Act.

On a motion made by Alderman O'Connor and seconded by Alderwoman Krimm the Board approved 4-0 Consent Agenda Item C.1, C.2, C.3, C.4, C.5 and C.6, Purchases. The approved items are:

1. Approval and issuance of a Purchase Order to Hertrich Fleet Services, Inc. in the amount of \$48,812.00 for the purchase of two police vehicles.
2. Approval and issuance of a Purchase Order to Mid-Atlantic Tennis Courts and Supplies in the amount of \$73,100.00 for repairs to the tennis courts at Amber Meadows Park.
3. Approval and issuance of a Purchase Order to Mid-Atlantic Tennis Courts and Supplies in the amount of \$74,301.95 for repairs to tennis courts at Max Kehne Park.

4. Approval and issuance of a Purchase Order to Musco Sports Lighting, LLC in the amount of \$172,292.00 for replacement of the softball sport field lighting at Max Kehne Park.
5. Approval and issuance of a Purchase Order to Mid-Atlantic Tennis Courts and Supplies in the amount of \$32,878.80 for repairs to the tennis courts at Monocacy Village and Overlook Parks and the basketball court at Wetherburne Park.
6. Approval and issuance of a Purchase Order to Mid-Atlantic Tennis Courts and Supplies in the amount of \$44,769.50 for repairs to the basketball court at Mullinex Park.

On a motion made by Alderwoman Krimm and seconded by Alderwoman Russell the Board voted 3-0-1, with Alderwoman Aloï abstaining, to approve Consent Agenda item D.1, Resolutions. The continued item is:

1. Approval of Resolution 13-29 supporting a \$500,000 Smart Growth Impact Fund Grant Application to the Maryland Department of Housing and Community Development for the Downtown Frederick Hotel and Meeting Space Project.

X.1 A properly advertised public hearing was held regarding the Consolidated Annual Performance and Evaluation Report for the 2012 Grant Year, July 1, 2012 – June 30, 2013. There were no public comments.

X.2 The Board considered a bid protest by Morgan-Keller Construction, Inc. for Bid Number 12-4, Carroll Creek Shared Use Path, Carroll Creek Park Phase II. On a motion made by Alderwoman Russell and seconded by Alderman O'Connor the Board voted 4-1, with Alderwoman Aloï opposed, to uphold the decision of the Purchasing Manager to deny the bid protest. Michael Scholert spoke representing Morgan-Keller Construction, Inc. Danny O'Connor spoke representing Waynesboro Construction Co. There were no other public comments.

X.3 On a motion made by Alderwoman Aloï and seconded by Alderwoman Young the Board unanimously approved 5-0 Ordinance G-13-20 to add to the Frederick City Code Chapter 12.5, Article II, entitled "Receivership". There were no public comments.

X.4 On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 a First Amendment to Lease Agreement with New Cingular Wireless PCS, LLC (a successor-in-interest to AT&T Wireless Services, Inc.) to add three additional antennas to the South Carroll Street water tower. There were no public comments.

X.5 On a motion made by Alderwoman Krimm and seconded by Alderwoman Russell the Board unanimously approved 5-0 a First Amendment to Lease Agreement with New Cingular

Wireless PCS, LLC (a successor-in-interest to AT&T Wireless Services, Inc.) to add three additional antennas to the Butterfly Lane water tower. There were no public comments.

X.6 On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 Resolution 13-30 to revise the policy established by Resolution 07-19 concerning the use of the Max Kehne Park Little League Field with the following addition: "Be it further resolved the attached policy shall be reviewed annually by the Parks and Recreation Commission." Public comments were received.

X.7 On a motion made by Alderwoman Aloï and seconded by Alderwoman Russell the Board unanimously approved 5-0 an Agreement with McLaren Engineering Group and issuance of a Purchase Order in the amount of \$84,000.00 for Permitting and Design Phases I-V to complete a 100% design project for the shared use path connection of Baker and Waterford Parks and issuance of a Purchase Order in the not to exceed amount of \$50,000.00 for Phase VI Construction Services (RFP #13-K CIP #380001) Public comments were received.

X.8 On a motion made by Alderwoman Young and seconded by Alderwoman Aloï the Board unanimously approved 5-0 retitling of an open position of Medical Assistant (Grade 2) to the position of Outreach Worker (Grade 2). There were no public comments.

X.9 On a motion made by Alderwoman Aloï and seconded by Alderwoman Young the Board unanimously approved 5-0 a request to downgrade an open Outreach Worker II position (Grade 3) to Outreach Worker (Grade 2). There were no public comments.

X.10 On a motion made by Alderwoman Aloï and seconded by Alderman O'Connor the Board unanimously approved 5-0 dual water services to remain at the Frederick Arts Council Building at 15 West Patrick Street/15 North Market Street. There were no public comments.

X.11 On a motion made by Alderwoman Young and seconded by Alderwoman Russell the Board unanimously approved 5-0 Ordinance G-13-21 for the purpose of establishing a new chapter of the City Code and transferring into that chapter the existing article relating to stormwater management; establishing a stormwater management fund; adopting a stormwater management utility fee; providing for certain exemptions and credits; and generally pertaining to stormwater management utility fees. There were no public comments.

X.12 On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 Ordinance G-13-22 to amend the FY 2014 Fee Schedule to add the Stormwater Management Utility Fee Unit Rate. There were no public comments.

X.13 On a motion made by Alderwoman Aloï and seconded by Alderman O'Connor the Board unanimously approved 5-0 a contract with the Board of County Commissioners of Frederick County to purchase from the County the property located at 7516 Hayward Road, Frederick, Maryland for the purchase price of \$430,000.00. There were no public comments.

X.14 On a motion made by Alderwoman Krimm and seconded by Alderman O'Connor the Board approved 4-1-0, with Alderwoman Aloï opposed, Special Ordinance S-13-13 to amend

the budget for the purchase of a Wayfinding sign for the western end of the City. There were no public comments.

XI. On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the appointment of John K. Molesworth, D.O. to the Board of Directors for the Weinberg Center for the Arts, Inc. for a term of September 6, 2013 to June 30, 2015.

On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the appointment of Dr. Paula Whetsel-Ribeau to the Board of Directors of the Weinberg Center for the Arts, Inc, for a term of September 6, 2013 to June 30, 2015.

On a motion made by Alderwoman Russell and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the appointment of James A. Sears, Jr. to the Board of Directors of the Weinberg Center for the Arts, Inc, for a term of September 6, 2013 to June 30, 2015.

On a motion made by Alderman O'Connor and seconded by Alderwoman Aloï the Board unanimously approved 5-0 the appointment of David Weaver to the Recreation and Parks Commission for a three year term of September 6, 2013 to September 5, 2016.

On a motion made by Alderwoman Krimm and seconded by Alderwoman Russell the Board approved 4-0-1, with Alderwoman Young abstaining, the appointment of Annette Stephens to the Board of Supervisors of Elections for the term of September 6, 2013 to May 31, 2014.

On a motion made by Alderman O'Connor and seconded by Alderwoman Russell the Board approved 4-0-1, with Alderwoman Aloï abstaining, the reappointment of Gary Baker to the Building Code of Appeals Board for a three year term of September 6, 2013 to September 5, 2016.

On a motion made by Alderwoman Aloï and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the reappointment of Rick Stumpf to the Electric Board for a three year term of September 6, 2013 to September 5, 2016.

On a motion made by Alderman O'Connor and seconded by Alderwoman Russell the Board unanimously approved 5-0 the reappointment of Robert Jones to the Historic Preservation Commission for a three year term of September 6, 2013 to September 5, 2016.

On a motion made by Alderwoman Young and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the reappointment of Wendell Poindexter to the Public Art Commission for a three year term of September 6, 2013 to September 5, 2013.

On a motion made by Alderwoman Young and seconded by Alderwoman Krimm the Board unanimously approved 5-0 the reappointment of Allison Cain to the Public Art Commission for a three year term of September 6, 2013 to September 5, 2013.

XII. During Aldermanic business/comments and new business, Alderwoman Young requested the Board revisit the policy of meeting once a month during certain months of the

year in order to better address the strategic goals of the City government. She went on to appeal to everyone to vote in the upcoming City primary. Alderwoman Young also noted that her late arrival was due to the observance of a religious holy day. Alderwoman Russell stated that a Naturalization Ceremony will be held September 28 at Tuscarora High School, hosted by the Human Relations Commission of Frederick County, and encouraged everyone to attend and experience this moving event. Alderwoman Aloï also spoke regarding the naturalization ceremony, commenting on her own family's history and stating the exciting thing about people coming to this country is the new gifts, talents and ideas from other cultures they bring with them. She also reminded everyone that this Saturday is First Saturday in Downtown Frederick. Alderwoman Krimm announced she will be starting work on two new Boards: the MML Board Structure and Evaluation Work Group and the Governor's Transportation Funding Task Force. She went on to note a recent initiative by the Frederick City Police Department, "Focus on Four," which focuses on the crimes of robbery, burglary, theft from cars and theft of cars and which encourages everyone to keep their cars locked. Alderman O'Connor noted that the upcoming First Saturday will be the "Dog Days of September" event.

XIII. The Mayor echoed earlier comments in encouraging everyone to vote in the Primary.

XIV. There were no Committee reports.

XV. There were no Director's reports.

XVI. There were no general public comments.

There being no further official business, the meeting was adjourned at 10:33 p.m.

Submitted in action format,

Phyllis Hane
Legislative Clerk

MAYOR AND BOARD OF ALDERMEN
Closed Session Summary
Wednesday, August 28, 2013 2:15 p.m.
Office of the Mayor, City Hall

On a motion made by Alderwoman Krimm and seconded by Alderwoman Young the Board voted 4-0 to convene in Closed Session in the Mayor's Office at City Hall for the purpose of discussing the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom it has jurisdiction pursuant to Section 10-508(a)(1)(i) of the State Government Article, Maryland Annotated Code.

Present were Mayor Randy McClement, Alderwomen Young, Krimm and Russell and Alderman O'Connor. Alderwoman Aloï joined the meeting at 2:28 p.m.

Others present were City Attorney Sandra Nickols, Legislative Clerk Phyllis Hane and Chief of Police Thomas Ledwell. Chief Ledwell left the meeting at 2:32 p.m.

On a motion made by Alderwoman Russell and seconded by Alderwoman Young the Board unanimously approved 5-0 an Employment Agreement Chief of Police Thomas Ledwell.

The meeting was adjourned at 2:43 p.m.

Respectfully submitted,
Phyllis Hane
Legislative Clerk