

October 2, 2014

7:00 p.m.

City Hall

- I. Mayor McClement presided. Present were Aldermen Kelly Russell, Michael O'Connor, Phil Dacey, Josh Bokee and Alderwoman Donna Kuzemchak. Also present were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.
- II. The Mayor led the Pledge of Allegiance.
- III. The Frederick Catoctones provided the invocation and performed two patriotic songs.
- IV. The Mayor presented a proclamation for National Hispanic Heritage month to representatives of Centro Hispano.
- V. Minutes of the September 4, 2014 Public Meeting and September 4, 2014 Closed Session were previously distributed. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board unanimously approved 5-0 the minutes of the September 4, 2014 Public Meeting. On a motion made by Alderman Russell and seconded by Alderman O'Connor the Board unanimously approved 5-0 the minutes of the September 4, 2014 Closed Session.
- VI. Mayor McClement announced that a Closed Session had been held on September 18, 2014 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 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.
- VII. The Mayor expressed his thanks to the Frederick Catoctones for opening the meeting. The Mayor noted the approaching winter season and encouraged everyone to be prepared and accommodate City crews cleaning the streets following snow events. He went on to announce the City will be holding the Snow Roadeo again this year along with Frederick County and some other municipalities to practice operation of snow removal equipment through a friendly competition.
- VIII. During Aldermanic comments, Alderman Bokee expressed his support of the Baltimore Orioles as they begin post-season play.

Alderman Russell also stated she had enjoyed the Catoctones' performance to open the meeting. She went on to read a proclamation from Governor Martin O'Malley declaring October 2, 2014 Orioles Orange Day in the State of Maryland.

Alderman O'Connor had no comments.

Aldерwoman Kuzemchak had no comments.

Alderman Dacey had no comments.

- IX. Public comments were received.
- X. There were no consent agenda items.
- XI. Public Hearing

On a motion made by Aldерwoman Kuzemchak and seconded by Alderman Russell the Board voted unanimously 5-0 to move Item XI.4 to the third spot on the public hearing agenda.

1. On a motion made by Alderman Dacey and seconded by Alderman Bokee the Board unanimously approved 5-0 an Agreement and issuance of a purchase order to Playground Specialists, Inc. in the amount of \$60,000.00 for the purchase and installation of playground equipment at Cannon Bluff Park (RFP 15–H). There were no public comments.
2. On a motion made by Alderman Bokee and seconded by Aldерwoman Kuzemchak the Board unanimously approved 5-0 a four year contract with Concrete Central, LLC for miscellaneous concrete repair and issuance of a purchase order for the first year of the contract in the amount of \$321,940.00 (Bid 15-H). There were no public comments.
4. On a motion made by Alderman O'Connor and seconded by Alderman Russell the Board unanimously approved 5-0 acceptance of Federal Aviation Administration Grant #3-24-0017-039 in the amount of \$252,090.00 for the demolition design for Bailes Lane buildings, Waffle House and three Tulip Hill homes as well as the design of the Washington Gas line relocation and issuance of a purchase order to Delta Airport Consultants in the amount of \$242,644.00 for Task #1 Bailes Lane Demo Buildings Design and Task #2 Relocate Washington Gas Line. There were no public comments.
3. The Board considered items related to the conditional rezoning of 820 Motter Avenue. Noel Manalo of Miles and Stockbridge and Chris Smariga of Harris Smariga provided comment representing the applicant Buckeye Development. Public comments were received.
 - a. On a motion made by Alderman Russell and seconded by Alderman Dacey the Board approved 4-1, with Aldерwoman Kuzemchak opposed, Ordinance G-14-16 to amend Ordinance G-09-8 by amending the conditions of rezoning of 820 Motter Avenue with the following changes:

Condition 1 shall read “The owner of the Property shall work with the adjacent property owners to determine appropriate materials and structures to ensure adequate screening and security of adjoining properties and construct the same.”

Condition 6 shall read “The owner of the Property shall ensure that all facades of the building, including interior walls facing the meditation garden, have building massing, modulation, fenestration, roof types and materials that are compatible with the characteristics of the surrounding neighborhood and that the architecture incorporates multiple residential design features, including but not limited to balconies, bay windows, decorative ornamentation, and planter boxes, as approved through architectural elevations by the Planning Commission at the time of final site plan.”

- b. On a motion made by Alderman Russell and seconded by Alderman Dacey the Board approved 4-1, with Alderwoman Kuzemchak opposed, Resolution 14-17 to approve Master Plan PB14-62MU for 820 Motter Avenue with the following change: the first paragraph following the “whereas” clauses shall read “Now therefore be it resolved by the Board of Aldermen of The City of Frederick that Master Plan PC14-62MU, attached hereto as Exhibit A and inclusive of the conceptual architectural elevations and incorporated herein by this reference, is hereby approved.”
- c. On a motion made by Alderman Bokee and seconded by Alderman Dacey the Board voted 2-3, with Aldermen Bokee and Dacey in favor and Aldermen Russell and O’Connor and Alderwoman Kuzemchak opposed, for approval of a waiver of the requirement to dedicate parkland for the proposed development of 820 Motter Avenue. The waiver is therefore denied.

XII. On a motion made by Alderman O’Connor and seconded by Alderman Bokee the Board approved 4-1 with Alderwoman Kuzemchak not present, the reappointment of Catherine Moreland to the Public Art Commission for a three year term of October 7, 2014 to October 6, 2017.

XIII. During Aldermanic business/comments and new business, Alderman Dacey had no comments.

Alderman O’Connor had no comments.

Alderman Russell had no comments.

Alderman Bokee noted he appreciated the frank discussion of a difficult agenda item.

Alderwoman Kuzemchak had stepped out of the room.

XIV. The Mayor had no additional comments.

XV. There were no Committee Reports.

XVI. There were no Director's Reports.

XVII. There were no public comments.

There being no further official business, the meeting was adjourned at 10:18 p.m.

Submitted in action format,

Phyllis Hane
Legislative Clerk

MAYOR AND BOARD OF ALDERMEN
Closed Session Summary
Thursday, September 18, 2014, 6:30 p.m.
Office of the Mayor, City Hall

On a motion made by Alderman Bokee and seconded by Alderwoman Kuzemchak the Board voted 5-0 to convene in Closed Session in the Mayor's Office at City Hall to consult with counsel to obtain legal advice on a legal matter pursuant to Section 10-508(a)(7) of the State Government Article, Maryland Annotated Code.

Present were Mayor Randy McClement and Aldermen Russell, O'Connor, Dacey and Bokee and Alderwoman Kuzemchak.

Others present were City Attorney Sandra Nickols and Legislative Clerk Phyllis Hane.

On a motion made by Alderman Russell and seconded by Alderman O'Connor the Board voted 5-0 to unseal those portions of the minutes of previous closed sessions that are responsive to a request filed under the Public Information Act.

The meeting was adjourned at 6:41p.m.

Respectfully submitted,
Phyllis Hane
Legislative Clerk