

September 17, 2015
7:00 p.m.
City Hall

I. Mayor Randy McClement presided. Present were Aldermen Kelly Russell, Michael O'Connor, Phil Dacey and 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. There was no invocation.

IV. The Mayor presented a proclamation for International Week of the Deaf. The proclamation was received by Keith Nolan, a former student and current teacher at Maryland School for the Deaf.

Chuck Bean, Executive Director of the Metropolitan Washington Council of Governments, gave a presentation regarding the Council and its relationship with The City of Frederick.

V. Minutes of the August 20, 2015 Public Meeting 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 August 20, 2015 Public Meeting.

VI. There were no closed meetings to report.

VII. The Mayor remarked on the opening earlier in the afternoon of the East West Fountain, part of Phase 2 of the Carroll Creek Project and encouraged everyone to see it. He expressed his thanks to Dr. Peter Kremers for his work to bring the water lilies to the creek and also to Waynesboro Construction for their work on the project. Finally, the Mayor noted it had been a busy evening in downtown Frederick, illustrating how vibrant our city is.

VIII. During Aldermanic comments, Alderman O'Connor had no comments.

Alderwoman Kuzemchak had no comments.

Alderman Dacey had no comments.

Alderman Bokee had no comments.

Alderman Russell had no comments.

IX. Public comments were received.

X. On a motion made Alderwoman Kuzemchak and seconded by Alderman Russell the Board unanimously approved 5-0 Consent Agenda item A.1, Grants. The approved item is:

Grant Award Agreement with Mid Atlantic Arts Foundation in the amount of \$3,500.00.

XI. Public Hearing

1. A properly advertised public hearing was held regarding the Consolidated Action Performance and Evaluation Report for the 2014 grant year. There were no public comments.
2. On a motion made by Alderman O'Connor and seconded by Alderwoman Kuzemchak the Board unanimously approved 5-0 a land lease agreement with CSX Transportation, Inc. for the property located at 9450 Gambrell Park Road, Lot #2. There were no public comments.
3. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board unanimously approved 5-0 a contract and line item pricing with HMF Paving Contractors, Inc. for Bid FY16-F Paving Repair Program. There were no public comments.
4. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board unanimously approved 5-0 an amendment to Purchase Order 16-000074, issued to Altec Industries, Inc. for the purchase of an AC18 Crane Truck, to include an additional \$19,935.00. There were no public comments.
5. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board unanimously approved 5-0 a contract in the amount of \$1,726,647.10 and issuance of a purchase order for FY 16 in the amount of \$1,670,628.10 to General Concrete, Inc. for Bid #16-3 Shared Use Path Connection US 15 (CIP #380001). There were no public comments.
6. On a motion made by Alderman O'Connor and seconded by Alderwoman Kuzemchak the Board unanimously approved 5-0 a contract of sale with Flying Dog Brewery, LLLP for the property known as Bowman Farm (Lot 15). There were no public comments.
7. On a motion made by Alderman Russell and seconded by Alderman Bokee the Board approved 4-1-0, with Alderwoman Kuzemchak opposed, a road improvement funding agreement with MedImmune, LLC. There were no public comments.
8. On a motion made by Alderman Bokee and seconded by Alderman Russell the Board approved 4-0-1, with Alderman Dacey abstaining, a memorandum of understanding with the State Highway Administration regarding design and construction funding for Solarex Court widening, There were no public comments.
9. On a motion made by Alderman O'Connor and seconded by Alderman Bokee the Board unanimously approved 5-0 an agreement regarding road widening and access with MedImmune, LLC and FWB Management and Development, LLC. There were no public comments.
10. On a motion made by Alderman Bokee and seconded by Alderman Dacey the Board approved 4-1-0, with Alderwoman Kuzemchak opposed, a business expansion and economic investment agreement with MedImmune, LLC. Tom Dubel of Altus Group, consultant to MedImmune, provided comment. There were no public comments.

11. On a motion made by Alderman O'Connor and seconded by Alderman Bokee the Board unanimously approved 5-0 a conditional loan agreement for business development funds with MedImmune, LLC and Frederick County, Maryland. There were no public comments.
12. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board approved 4-0-1, with Alderman Dacey abstaining, Amendment I to the Letter of Agreement with Maryland State Highway Administration and the Board of County Commissioners of Frederick County, Maryland regarding widening of MD 180 and MD 351. There were no public comments.

On a motion made by Alderman O'Connor and seconded by Alderman Russell the Board voted 5-0 to take a brief recess and reconvene at 9:05 p.m.

13. On a motion made by Alderman Russell and seconded by Alderwoman Kuzemchak the Board unanimously approved 5-0 the following conditions for rezoning of the property located at 1705 North Market Street from Neighborhood Commercial (NC) to Mixed Use (MU-2) Floating Zone:
 1. The Applicant constructs the Rails with Trails section parallel to the eastern property line.
 2. The exterior façade of the primary structure, situated adjacent to N. Market Street, shall be retained in substantial accordance with Master Plan PC14-1041MU and those plans and details submitted for review and record in connection with the Board of Aldermen's consideration of this rezoning request.

The Board discussed master plan application PC14-1041MU and an associated request for a waiver of the requirement to dedicate parkland. No action was taken on these matters.

Chris Smariga of Harris Smariga & Associates and Andrew DiPasquale provided comment on behalf of the applicant, Catocin Overlook, LLC. Public comments were received.

14. On a motion made by Alderwoman Kuzemchak and seconded by Alderman Russell the Board unanimously approved 5-0 the following conditions of rezoning of the Renn Property, located along East Church Street, Monocacy Boulevard and Hughes Ford Road from Light Industrial (M1) to Mixed Use (MU-2) Floating Zone:
 1. The Applicant shall dedicate the entire area delineated as floodplain on the preliminary subdivision plat to the City.
 - a. Applicant shall have the right to plant required Forest Conservation Ordinance plantings in the dedicated area, in accordance with the prescribed process and necessary approvals.
 - b. Applicant shall have the right to construct stormwater management facilities in the dedicated area, in accordance with the prescribed process and necessary approvals.

2. The Applicant will fully construct the Share Use Path from Monocacy Boulevard to Highland Street, including the portion running adjacent to Husky Park, as depicted on the Master Plan and will enter into all easements/agreements necessary for its completion.
3. All afforestation shall be required onsite due to the amount that is deemed priority area with afforestation within any required public parkland dedication subject to Board of Aldermen approval.
4. The Applicant shall enter into an agreement with the City for the completion of the necessary widening and reconfiguration of Monocacy Boulevard between the southern property line and E. Patrick St. The agreement will need to address issues such as right of way acquisition, maintenance and financing.
5. The area shown on the master plan in the northern most portion of the “regional open space” that coincides with the Runway Inner Safety Zone shall not be improved, developed or disturbed in any manner which creates either a passive or active area where people will congregate. In addition, any stormwater management facilities in this area shall be located underground and there shall be no plantings of any kind. The specific area in the Runway Protection Zone (RPZ) shall not be used for afforestation/forest conservation requirements.
6. Residential uses are prohibited on the parcel located east of Monocacy Boulevard as depicted on the master plan as neighborhood center.
7. No portion of any residential structure or residential accessory structure shall be permitted within one quarter (1/4) mile of the runways at FDK as measured from the nearest portion of the runway to the exterior of the closest residential structure. This restriction does not prohibit construction or location of infrastructure in compliance with Section 419 that supports residential uses such as parking lots, ESD, forests and other uses that are not dwelling units.

The Board discussed master plan application PC14-913MU. No action was taken on this matter.

Rand Weinberg of Miles & Stockbridge, Chris Smariga of Harris Smariga & Associates and Jo Renn provided comment on behalf of the applicants Renn Family Investments, LLLP/Renn Family Investments, LLC and Matan Acquisitions, Inc. Public comments were received.

On a motion made by Alderman Russell and seconded by Alderman Dacey the Board voted 5-0 to suspend the Rules of Procedure to extend the meeting time beyond 11:00 p.m. to conclude item XI.14. Members of the Board were in agreement to continue item XI.15, approval of a resolution to amend the Board of Alderman Rules of Procedure to provide for remote participation in work session, to the next public meeting.

XII. There were no appointments.

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

Alderwoman Kuzemchak had no comments.

Alderman O'Connor had no comments.

Alderman Russell had no comments.

Alderman Bokee stated he had circulated among the members of the Board proposed amendments to the City's anti-graffiti fund to allow residential property owners to participate in the fund and to provide an opportunity for the City, upon request, to remove or obscure graffiti appearing on a residential property prior to any enforcement process. He noted he looks forward to future discussion of these proposed amendments.

XIV. The Mayor had no additional comments.

XV. There were no Committee Reports.

XVI. There were no Director Reports.

XVII. There were no additional public comments.

There being no further official business, the meeting was adjourned at 11:45 p.m.

Submitted in action format,

Phyllis Hane
Legislative Clerk