

City of Brunswick
Mayor and Council Meeting Minutes
January 11, 2022

The January 11, 2022 City of Brunswick Mayor and Council Meeting was convened via Zoom at 6:00 P.M. by Mayor Nathan Brown. The following members and staff were present: Nathan Brown, Mayor; John Dayton, Vaughn Ripley, Brian Sandusky, Andy St. John, Chris Vigliotti, and Angel White, Council Members; Dave Dunn, City Administrator; Jeremy Mose, Assistant City Administrator of Public Facilities; Carrie Myers, Director of Administration; John Gerstner, Director of Public Works; Kevin Grunwell, Chief of Police; Matt Campbell, Director of Utilities; and Bruce Dell, Director of Planning.

Mayor's Remarks

- Mayor Brown read the following statement:

The Brunswick City Council met in closed session on December 14, 2021 at 6:56pm to consider the acquisition of real property. The authority to close this meeting is found in Section 3-305(b) of the Annotated Code of Maryland. Mr. St. John made a motion to close the session. Ms. White seconded the motion, which passed 6-0. Mayor Brown; Council Members Dayton, St. John, White, Vigliotti, Sandusky, and Ripley were present. City Administrator Dave Dunn, Director of Administration Carrie Myers, and Justin Ausherman, AushCo Realty were present. The Council discussed settlement of an upcoming property purchase and leases associated with that property.

- Mayor Brown read the following statement:

The City of Brunswick considers open and transparent government to be a critical priority. We believe that the foundation of good government occurs when the public has the opportunity and participates in the process. However, recently, a complaint was made against the City of Brunswick to the Open Meetings Compliance Board regarding a Closed Meeting held on August 17, 2021, where the discussion topic was a proposal for a business to locate in the City. The City had been diligently working with a business about the potential of locating in Brunswick. We were working towards beginning the public discussions and process. We regret that due to issues with this business and other government agencies (beyond the City of Brunswick), all discussions have now ceased. The Compliance Board found that the City violated §§ 3-301 and 3-302 by failing to make clear in the meeting notice that the Council would meet in open session before closing the meeting, § 3-305(d) by failing to provide the public an opportunity to object to the closure, and § 3-306(c)(2) by failing to provide a proper citation to the statutory authority for the closed session and by failing to refer, at least generally, to all individuals present during the closed session. The City believes these to be technical violations surrounding how the closed meeting was announced and summarized. While the same procedures and processes were followed for this meeting that have been followed by the City for all other closed meetings for many years, we understand the Board's findings and interpretations, and will immediately make necessary adjustments to our process and procedures going forward. Under Section 3-305(b)(4) of the Open Meetings Act, a public body is allowed to close a meeting to "consider a matter that concerns the proposal for a business or industrial organization to locate, expand or remain in the State". This is allowed based on the "understanding that some businesses might be deterred from making proposals about a potential relocation, expansion or retention of an existing facility if all such discussions were open to the public view". While there were several other allegations raised in the complaint regarding the topic and allowability of conducting such a meeting in closed session, they were unfounded by the Compliance Board. The overall purpose of the closed meeting and the discussion within the meeting was appropriate for closed session under the law. Businesses

frequently approach the City in confidence, initially, as they determine the feasibility of potentially locating to our area. As part of the City's continued efforts to attract business and employers to Brunswick, we frequently try to initially honor a business request to have these discussions in confidence, while also understanding the need for public transparency. It is also important to note that while initial feasibility discussions for a business can occur during a closed meeting, formal Council actions and decisions are conducted during open meetings after public input opportunities. No decisions or formal actions were taken by the Mayor or Council during the August 17, 2021 closed meeting.

- Mayor Brown gave an update on the current COVID situation including vaccine and testing clinics, at-home test availability, etc.
- Mayor Brown discussed an upcoming joint workshop with the Planning Commission to discuss the Railroad Square project, the opening of the City Park trails, and a recent visit from Congressman Trone to discuss infrastructure needs.

Approval of Minutes

- Mayor & Council – December 14, 2021
- Closed Meeting – December 14, 2021

Mr. Sandusky made a motion to approve the minutes. Ms. White seconded the motion, which passed 6-0.

- Frederick County Police Accountability Board Proposed Legislation

This item was moved from New Business so as to allow Frederick County staff to exit the meeting when their discussion was complete.

Joy Schaefer, Government Affairs Director and Jen Keefer, Assistant County Attorney for Frederick County presented this item. State law now requires each County to develop a Police Accountability Board that Brunswick will be covered by. Ms. Keefer presented the draft legislation from Frederick County, and the Mayor stated the City had already been included in discussions for input. The Mayor stated he would draft a letter of any necessary suggestions and the Council could vote to send the letter to the County at their next Council Meeting.

Citizens' Forum

- Wayne Allgaier, West C Street – invited all to attend the luminaries at Park Heights Cemetery.

Staff Reports

Department Heads provided monthly reports.

Consent Agenda

- Purchase Order Approval - Ready 2 Go Restroom Trailers Sales – Sports Complex Trailer - \$85,000
- Change Order Approval – Gabe's Service Inc. – I&I Re-Lining - \$138,445.95
- Letter of Credit Reduction – Brunswick Crossing Phase IIA Mass Grading

Ms. White made a motion to approve the consent agenda. Mr. Sandusky seconded the motion, which passed 6-0.

Unfinished Business

- Downtown Parking Permit Program Update

Ms. Myers discussed this item. She stated numerous issues arose with the parking permit program from applicants have difficulty signing up and paying through the vendor's portal to a cumbersome ticketing system. She stated Mayor Brown halted the program on January 1st, and the City issued refunds to all in the program currently. Signage was removed and staff would re-visit possible program amendments in the future. Ms. Myers stated meters were still being enforced.

New Business

- Employee COVID Vaccine/Booster Incentive Program

Mayor Brown stated he wasn't in favor of vaccine mandates, but strongly urged employees to vaccinate.

Ms. Myers discussed the proposed incentive program which was developed to provide \$1,000 payments to employees vaccinated and boosted by September 2022. Part time employees were to be provided with 50% of the benefit. She also stated that these incentives would be considered "bonuses" and would be taxed at roughly 40%. She asked if Council would be interested in increasing the gross amount of the incentive so that employees would net as close to \$1,000 as their tax status allowed.

The Mayor stated he wished to remove the language about part time employees and give all employees the same incentive.

Mr. Ripley made a motion to approve the program as written, removing the language about part time employees only receiving 50%, and increasing the gross amount of the incentive to net as close to \$1,000 as possible. Ms. White seconded the motion, which passed 6-0.

Adjournment

The meeting adjourned at 7:20 pm.

Submitted by: Carrie Myers

Approved By: [Signature]
Mayor Date

Witnessed By: [Signature]
City Administrator Date