



Planning Commission Meeting Agenda

Monday, March 08, 2021 at 4:15 PM
Zoom

CALL TO ORDER / ROLL CALL

PLEDGE OF ALLEGIANCE

APPROVE MEETING AGENDA

CHAIRMAN'S COMMENTS / COMMISSION MEMBER COMMENTS

CITIZEN'S COMMENTS

ADOPTION OF MINUTES

1. Approval of the Regular Meeting Minutes of February 8, 2021

CONSENT ITEMS

PUBLIC HEARINGS / MEETINGS

DISCUSSION / ACTION ITEMS

2. Review updates to the Cumberland Planning Commission Bylaws
3. Proposed amended Schedule for the 2021 Calendar Year

BRIEFINGS

CITY PLANNER'S REPORT

None

ADJOURN

Municipal Planning and Zoning Commission
Virtual Zoom Meeting
February 8, 2021

The regular meeting of the Municipal Planning and Zoning Commission for the City of Cumberland, Maryland, was held on Monday, February 8, 2021, via a virtual zoom meeting at 4:30 p.m. at City Hall. Members present were Vice Chairman John Jacobs, Mr. Vic Rezendes, Ms. Ally Litten and Mr. Aaron Henderickson.

Others attending the meeting were Ms. Morgan Alban, Engineering, and Mrs. Debbie Helmstetter, Codes Technician.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Vice Chairman John Jacobs.

MEETING AGENDA:

Agenda was approved as presented. Mr. Vic Rezendes made the motion for approval; seconded by Ms. Ally Litten. All members were in favor.

ADOPTION OF MINUTES:

Mr. Vic Rezendes made the motion to approve the minutes for the September 14, 2020 as read. The motion was seconded Ms. Ally Litten. All members were in favor; motion approved.

CHAIRMAN COMMENTS

No Comments.

DISCUSSION/ACTION ITEMS:

Proposed Schedule for the 2021 Calendar Year – Ms. Morgan Alban stated the following schedule specifies when a previously submitted application or resubmission must be deemed ready or complete by staff for placement on the corresponding Planning Commission meeting agenda.

Mr. Vic Rezendes suggested having the meeting set on another day of the week; due to his conflict with the time on Mondays. He explained he may have to resign; if it cannot be changed. Ms. Morgan Alban is going to check with Ms. Margie Woodring to see if it can be moved at all. Mrs. Helmstetter reminded Ms. Alban that the Planning Commission has the seconded and the fourth Mondays of the month to have a meeting. She will be checking with Ms. Woodring to see if there is a possibility to move the meeting to the fourth Mondays of the month.

Mr. Vic Rezendes was wondering whether we should update the 2013 Comprehensive Plan in the near future. Ms. Alban stated it was not essentially an importance at the moment unless things began to pick up in the future or a more desirable need for change comes to light.

CITY PLANNERS REPORT

Election of Officers needs to be held for the current year once Ms. Alban finds out what Chairman Wolters intentions are. There was no other report from the City Planner.

ADJOURNMENT

Motion was made by Vice Chairman John Jacobs to close the virtual zoom meeting. All members were in favor. Meeting adjourned.

Respectfully,

Mr. Aaron Hendrickson, Secretary
February 10, 2020

CITY OF CUMBERLAND, MARYLAND

MUNICIPAL PLANNING & ZONING COMMISSION BYLAWS

ARTICLE I PREAMBLE

Section 1.1. Creation. A Municipal Planning and Zoning Commission for the City of Cumberland shall be hereby established in accordance with Article 28, Sections 2-101-2-105 (inclusive) of the Land Use Articles of the Annotated Code of Maryland, as amended, and vested with all of the powers and duties thereby conferred by Article 28, the Cumberland Zoning Ordinance, and the Cumberland Subdivision Regulations.

Section 1.2. Short title. The City of Cumberland Municipal Planning and Zoning Commission also shall be known and referred to as the **Cumberland Planning Commission**.

Section 1.3. Composition. The Planning Commission shall be comprised of five (5) voting members and one (1) ex-officio (non-voting) member, who shall be a member of the Mayor and Council, appointed by the Mayor and Council. All regular members of the Planning Commission shall be residents of the City of Cumberland.

Section 1.4. Term of membership. In accordance with Article 28, Section 2-102 (c) of the Land Use Articles of the Annotated Code of Maryland, as amended, the term of each voting member shall be five (5) years with staggered appointments. The term of the ex-officio Mayor and Council member shall coincide with that member’s term of elected office.

Section 1.5. Removal from membership. In accordance with Article 28, Section 2-102 (d) of the Land Use Articles of the Annotated Code of Maryland, as amended, members of the Planning Commission may, after a public hearing, be removed by the Mayor and Council for inefficiency, neglect of duty, or malfeasance in office. Once a decision to remove a member has been made, the Mayor and City Council, shall file a written statement of the reasons for said removal, which shall be made a part of the official minutes of the meeting.

Section 1.6. Vacancies. In accordance with Article 28, Section 2-102 (e) of the Land Use Articles of the Annotated Code of Maryland, as amended, vacancies occurring other than through the expiration of term shall be filled for the unexpired term by the appointing authority specified in Article I, Section 1.3 of these Bylaws.

Section 1.7. Alternate Members. In accordance with Article 28, Section 2-102 (f) of the Land Use Articles of the Annotated Code of Maryland, as amended, the Mayor and Council may appoint one (1) alternate member of the Planning Commission, who may sit on the Commission in the absence of any regular member. The alternate member shall be a resident of the City of Cumberland. When the alternate member is required to fill a regular member’s position on the Commission or is otherwise unable to attend

meetings for an extended period of time, the Mayor and Council may designate a temporary alternate to sit on the Commission.

Section 1.8. Consistency with Article 28. Whenever a conflict or discrepancy is determined to exist between the wording in these Bylaws and the applicable governing Section of Article 28 of the Land Use Articles of the Maryland Annotated Code, as may be amended, is found to exist, then the effective provisions of the Maryland Annotated Code shall govern and supersede the specific wording of these Bylaws, until such time as the conflict or discrepancy is eliminated. Where such conflicts are discovered to exist, the Planning Commission shall proceed to update and amend the Bylaws to eliminate said conflict or discrepancy at its earliest convenience.

**ARTICLE II
OFFICERS**

The officers of the Planning Commission shall consist of a Chairman, a Vice-Chairman, and a Secretary. All officers shall be members of the Planning Commission.

Section 2.1. Chairman. The Chairman shall preside at all meetings of the Planning Commission and at other meetings and public hearings called by the Planning Commission.

- a. The Chairman shall decide all points of order or procedure and perform any duties required by law, ordinances, these rules, or the Planning Commission.
- b. The Chairman shall call special meetings of the Planning Commission when required and shall transmit reports, plans, and recommendations of the Planning Commission to the City Council, and, in general, shall act as spokesman for the Planning Commission.
- c. The Chairman shall be one of the five (5) appointed voting members of the Planning Commission. The Chairman shall have the privilege of discussing all matters before the Planning Commission, but shall vote only when necessary to break a tie-vote or when a vote of all members is required by these Bylaws or Article 66B of the Maryland Annotated Code.
- d. The Chairman may, at his/her discretion, establish any special committee consisting of member of the Planning Commission and (if deemed necessary) City support staff to fulfill a responsibility or charge of the Planning Commission.

Section 2.2. Vice-Chairman. The Vice-Chairman shall serve as Chairman in the absence or the disability of the Chairman.

- a. In the event of the death, removal, or resignation of the Chairman, the Vice-Chairman shall perform the Chairman’s duties until such time as the Planning Commission shall elect a new Chairman and/or Vice-Chairman, as the case may be.
- b. The Vice-Chairman shall be an appointed regular member of the Planning Commission.

Section 2.3. Secretary. The Planning Commission shall designate one of its members to act as Secretary of the Commission.

- a. The Secretary shall assist the Chairman in the preparation of an agenda for Planning Commission meetings, shall prepare and send out notices for regular and special meetings, shall prepare and distribute minutes of Commission meetings, and shall establish and maintain the Planning Commission's files.
- b. The Secretary shall also arrange for proper and legal notice of public hearings, attend to correspondence of the Planning Commission, and shall carry out such other duties as are normally the responsibility of a Secretary.
- c. The Secretary may direct the services of the City Planner or his/her designee to perform the routine administrative responsibilities of the Secretary's office.

**ARTICLE III
ELECTION OF OFFICERS**

Annually, at a regular meeting of the Planning Commission held in the month of January, the Commission shall elect a Chairman, a Vice-Chairman and a Secretary. The officers may succeed themselves. However, the maximum number of consecutive terms that may be served by an officer shall not exceed two for the Chairman or Vice-Chairman or three for the Secretary.

Section 3.1. Nomination of officers. Nomination of officers shall be made from the floor, and the election shall follow immediately thereafter.

Section 3.2. Election vote. A candidate receiving a majority vote of the entire membership (including the sitting Chairman) of the Planning Commission shall be declared elected and shall serve for one year or until a successor shall take office.

Section 3.3. Vacancies. Vacancies in offices shall be filled immediately by the regular election procedures specified in this Article.

**ARTICLE IV
MEETINGS**

Section 4.1. Regular meetings. Regular meetings of the Planning Commission shall be scheduled at 4:30 p.m. on the fourth Monday of each month in the Mayor and Council Chambers on the second floor of City Hall in Cumberland. If a regular meeting date falls on a Holiday observed by the City, the regular meeting shall be scheduled on the third Monday of the month at the same time and location. A regular meeting may be canceled due to a lack of substantive agenda items to be addressed, meeting location scheduling conflicts, emergency conditions, inclement weather, or other acts of nature beyond the City's control. In the event that a scheduled meeting is canceled, the Chairman may schedule a special meeting

following the procedures specified in Section 4.6 of these Bylaws or the items scheduled to be conducted at the canceled meeting shall be deferred until the next regular meeting.

Section 4.2. Attendance. Each member of the Commission is obligated to attend every meeting. At the request of a member of the Planning Commission, the Chairman may make provisions for not more than two (2) members of the Commission to **participate in a meeting via a conference call or other telecommunication device**. Attendance via teleconference shall not be considered an absence, and the participating member shall be considered part of the quorum for the matter at hand. However, any subsequent consecutive request for meeting participation by telecommunication shall be counted as an “absence” solely for determining meeting attendance and participation under this Section. However, **attendance via virtual video platform is permissible, as it is far more interactive than participation via a conference call or audio-only device**. Should any voting or alternate member appointed by the Mayor and Council **fail to attend three or more consecutive meetings** without cause acceptable to the Planning Commission, the membership of the Planning Commission may, by majority vote, petition the Mayor and Council to appoint a replacement, due to inefficiency of the absent member. Once the Planning Commission has petitioned the Mayor and Council for removal of a voting or alternate member, the Mayor and Council shall consider the petition in accordance with the procedures specified in Section 1.5 of these Bylaws.

Section 4.3. Quorum. A quorum necessary for the transaction of business shall consist of three (3) voting members of the Planning Commission (including the Chairman, even though he/she will vote only in the event of a tie). Unless specifically provided otherwise by Maryland Law, ordinance, or these Bylaws, the business of the Planning Commission shall be transacted by a majority vote of members present, after a quorum has been established. Members abstaining from voting on a motion before the Planning Commission shall be counted in the determination of a quorum, but shall not be counted as a vote in favor of or in opposition on the specific motion at hand.

Section 4.4. Actions (voting) by the Planning Commission. An official action or decision by the Planning Commission shall require an affirmative majority vote of the members present, as specified above in Section 4.3 of these Bylaws. The Chairman may request a **roll call vote** on any motion to determine an accurate accounting of the votes. When a roll call vote is requested by the Chairman, the vote of each member on the motion shall be recorded in the official minutes of the meeting. Each action by the Planning Commission shall be **initiated by a motion**, followed by a second of the motion by different voting members of the Commission. Discussion of the motion shall be undertaken only after it has been seconded. If a motion fails to receive a second upon the call of the Chairman, the motion shall be rejected without a vote. **A motion may be revised** during the discussion session and prior to the official vote only with the consent of both the member who made the motion and the member who seconded it. A voting member of the Planning Commission also may move for an **amendment to the original motion** during the discussion session, which must receive a second by another voting member prior to discussion and action by the Planning Commission. When a motion has been amended in this manner, the Planning Commission shall first vote on the amendment or amendments in reverse order of motion, prior to voting on the original motion. No motions shall be made to take **final action on an issue subject to a public hearing** *until after* the hearing has been closed by the Chairman *and* any extended open record approved by the Planning Commission during the open public hearing has expired. The Planning Commission may take action on one or more **consent items** under a single motion for approval, provided that there is no request for discussion on said items. If any member of the Planning Commission

requests discussion on an item scheduled for consent approval, then that item shall be removed from the consent action list and subjected to a separate vote, after discussion. Voting procedures and issues not otherwise addressed in this section shall be governed by **Robert's Rules Of Order**.

Section 4.5. Order of business. The order of business at regular meetings shall be:

1. call to order and roll call,
2. chairman’s comments (or announcements),
3. citizen comments (regarding any matter *not* on the meeting agenda),
4. reading and approval of minutes of previous meeting(s),
5. consent items,
6. public hearings or meetings (continued hearings shall be conducted first),
7. other discussion items (discussions continued from previous meetings shall be coconducted first),
8. briefings (and special presentations),
9. City Planner’s report
10. communications and miscellaneous new business, and
11. adjournment.

Section 4.6. Special meetings. Special meetings of the Planning Commission shall be held upon call of the Chairman, and at such other times as the Planning Commission may determine by majority vote, provided that at least five (5) days advance notice is given in writing (which shall include e-mail) to each member. The Planning Commission may, by majority vote conducted at a regular meeting, establish a special meeting date, time, and location that will require no advance written notice to the members of the Planning Commission. No formal vote or public hearing shall be conducted at a special meeting which has not been subject to the public notification procedures specified in Section 4.8 of these Bylaws.

Section 4.7. Open to the public. All meetings and hearings of the Planning Commission (with the sole exception of an Executive Session) shall be open to the public. All Executive Sessions shall be conducted in accordance with the Maryland Open Meetings Act (Maryland Annotated Code, State Government Article, Title 10 Subtitle 5, as amended).

Section 4.8. Notification. Public notice of all **meetings** of the Planning Commission shall be provided through the posting of a notice in a public place within Cumberland City Hall at least five (5) days prior to the scheduled date of the meeting. Such notice shall state the date, time, and location of the meeting and the actions to be taken by the Planning Commission. Public notices for all **public hearings** before the Planning Commission shall be provided in the form and manner prescribed by the applicable governing statute or local code and shall be in addition to the public notice for the regular meeting at which the hearing(s) will be conducted. If no specific public notification procedures are prescribed for a matter that Planning Commission determines to conduct a public hearing, then the hearing shall be notified by the one-time publication of a legal ad in a newspaper of local circulation within the City not less than fourteen (14) nor more than thirty (30) days prior to the date of the hearing. Such legal ad shall specify the time, date, and location of the meeting and provide a general description of the matter to be heard.

Section 4.9. Special rules for Public Hearings. All persons wishing to testify at a public hearing before the Planning Commission shall place their names on an **attendance list** provided by the City at the hearing site, which shall be maintained as part of the official record of the hearing. **Oral public testimonies** shall not be received *before* the public hearing has been opened by the Chairman or *after* the Chairman has closed the public hearing. The Chairman may, at his/her discretion, establish **time limitations on personal comments** and such other special rules on public conduct as may be necessary to

ensure adequate opportunity for complete and balanced public input on issues before the Planning Commission. Time limitations on individual testimonies may be imposed when the total number of persons wishing to speak exceeds ten (10) and may be restricted to three (3) or five (5) minutes, at the Chairman’s discretion, depending upon the total number of potential testimonies. Whenever a time limit for oral testimonies at a public hearing is established by the Chairman, then the Planning Commission shall provide an **extended open record** for written comments prior to closing the hearing and participants at the hearing shall be informed at the hearing of their opportunity to submit written comments to the record in addition to or in lieu of their oral testimonies at the hearing. An extended open record for written comments shall be an *option* for the Planning Commission at any public hearing where no time limits on oral testimonies are needed. Any extended open record shall be established by the Planning Commission prior to the close of the hearing, along with a time-and date-specific deadline for the receipt of written comments and directions on where and how (e-mail, parcel post, and/or hand-delivery) they may be submitted. The Chairman also may, at his/her discretion and after providing a verbal warning, **request the removal of any citizen** who repeatedly disrupts the proceeding by interrupting speakers who have the floor (speaking out of turn), makes offensive remarks (such as insults, catcalls, or actively incites support or opposition from other citizens at the hearing), or acts in a hostile, combative, confrontational, or potentially threatening manner.

**ARTICLE V
RECORDS**

Section 5.1. Duty of the Secretary. The Secretary shall take or arrange for the taking of minutes covering the proceedings of each meeting of the Planning Commission, documenting the actual vote on each question.

Section 5.2. Official minutes. The minutes of a Planning Commission meeting shall not become an official record of the Planning Commission until they have been adopted by majority vote of the Planning Commission. The official minutes and all records of the Planning Commission shall constitute public records, and the Planning Commission shall arrange with the Mayor and City Council to provide for the safe keeping of those records.

Section 5.3. Permanent files. In addition to the minutes of the Planning Commission, the Secretary shall keep a permanent file of all official minutes, plats, maps, charts, reports, notices, resolutions, correspondence and applications filed with and issued by the Planning Commission.

**ARTICLE VI
EMPLOYEES, CONTRACTS, AND FINANCES**

Section 6.1. Employees of the Planning Commission. The Planning Commission may request the Mayor and Council to designate municipal employees to assist in the work of the Planning Commission; and the Planning Commission may also recommend that the City contract with consulting and regional planners, engineers, architects and other professionals for such services as may be required.

Section 6.2. Expenditures. The expenditures of the Planning Commission, exclusive of gifts, shall be within the amounts appropriated for the purpose by the Mayor and Council.

Section 6.3. Custody of funds. The Secretary shall take custody of any and all funds coming into the possession of the Planning Commission, shall deposit those funds in a manner approved by the Planning Commission, and shall establish and maintain the Planning Commission's books of account. Under the Planning Commission's direction and upon its authorization, the Secretary shall sign all orders, invoices, and purchase orders for the payment of money and shall pay out and disburse Commission funds.

**ARTICLE VII
COMMUNICATIONS WITH THE PUBLIC**

Until such time as the Planning Commission has adopted official minutes of a meeting, the Chairman shall serve as the **official and exclusive spokesperson for all communications** with the public and the media regarding the actions taken at a meeting. If a meeting was chaired by the Vice-Chairman, then the Vice-Chairman shall serve as the official and exclusive spokesperson for all communications with the public and the media regarding the actions taken at the meeting, until such time as the Planning Commission has adopted official minutes for said meeting. The Chairman or Vice-Chairman, serving in this capacity, may (at his/her discretion) refer or defer specific questions or inquiries from the public or media regarding meeting issues to the City’s Attorney or the City Planner, in accordance with applicable City policies and procedures. All **official written letters and recommendations** from the Planning Commission (representing the Planning Commission as a body) shall be issued only after approval of the Planning Commission.

**ARTICLE VIII
AMENDMENTS TO THE BYLAWS**

The Planning Commission may from time to time amend any part or parts of these rules and regulations so long as such amendments are in accordance with the laws of the State and ordinances of the City of Cumberland; such amendments shall require the affirmative majority vote of Planning Commission members present.

Adopted this ____ day of _____, 2021 by an affirmative vote of ____ to _____, with _____ members abstaining or absent.

ATTEST:

Chairman

Secretary

2021 Planning Commission Meeting & Application Scheduling Dates

Approved by the Cumberland Planning Commission on February 8, 2021

NOTE: All meetings begin at **4:30 PM** on Zoom

Meeting and agenda packets for all Planning Commission meetings are mailed to the members one week prior to the scheduled meeting date. In order for an application to be placed on the agenda for an upcoming Planning Commission meeting, additional lead time is necessary for staff review of applications/resubmissions and the preparation and publishing of any applicable public hearing notifications. **The following schedule specifies when a previously submitted application or resubmission must be deemed ready or complete by staff for placement on the corresponding Planning Commission meeting agenda.** Please be advised that any applications submitted for review ***less than one week prior to*** the applicable date below (depending upon the complexity of the application and the nature of staff comments raised) may be deferred to a subsequent Planning Commission meeting date. Also, please be advised that multiple City holidays or City Hall closings within the staff review and scheduling time frames prior to a Planning Commission meeting may affect the meeting date upon which the application can be scheduled.

January 11, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	December 11 (2020)
Major Site Plan Submissions/Resubmissions –	December 18 (2020)
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	December 18 (2020)
Preliminary Plat -	December 18 (2020)
Final Plat –	December 21 (2020)

February 8, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	January 8
Major Site Plan Submissions/Resubmissions –	January 15
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	January 15
Preliminary Plat -	January 15
Final Plat –	January 19

March 22, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	February 22
Major Site Plan Submissions/Resubmissions –	February 22
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	February 22
Preliminary Plat -	February 22
Final Plat –	February 22

April 26, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	March 26
Major Site Plan Submissions/Resubmissions –	March 26
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	March 26
Preliminary Plat -	March 26
Final Plat –	March 26

May 24, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	April 23
Major Site Plan Submissions/Resubmissions –	April 23
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	April 23
Preliminary Plat -	April 23
Final Plat –	April 23

June 28, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	May 28
Major Site Plan Submissions/Resubmissions –	May 28
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	May 28
Preliminary Plat -	May 28
Final Plat –	May 28

July 26, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	June 25
Major Site Plan Submissions/Resubmissions –	June 25
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	June 25
Preliminary Plat -	June 25
Final Plat –	June 25

August 23, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	July 23
Major Site Plan Submissions/Resubmissions –	July 23
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	July 23
Preliminary Plat -	July 23
Final Plat –	July 23

September 27, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	August 27
Major Site Plan Submissions/Resubmissions –	August 27
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	August 27
Preliminary Plat -	August 27
Final Plat –	August 27

October 25, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	September 24
Major Site Plan Submissions/Resubmissions –	September 24
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	September 24
Preliminary Plat -	September 24
Final Plat –	September 24

November 22, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	October 22
Major Site Plan Submissions/Resubmissions –	October 22
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	October 22
Preliminary Plat -	October 22
Final Plat –	October 22

December 27, 2021 Planning Commission Meeting:

Zoning Map/Text Amendment Petitions -	November 24
Major Site Plan Submissions/Resubmissions –	November 24
Major Subdivision Submissions/Resubmissions:	
Sketch Plan -	November 24
Preliminary Plat -	November 24
Final Plat –	November 24

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