



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

MINUTES

M&CC Regular Meeting
Video Conference

DATE: May 19, 2020

I. OPEN SESSION – 6:15 p.m. – Convene in Open Session

II. Pledge of Allegiance

III. Roll Call

PRESENT:

Councilman Seth Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini
President Raymond M. Morriss

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Kenneth Tressler, Director of Administrative Services

IV. Statement of Closed Meeting

1. Summary Statement of the Closed Meeting of May 12, 2020

Mayor Morriss announced that a Closed Session had been held on May 12, 2020 at 5:45 p.m. 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.

V. Director's Reports

Motion to approve the reports was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0

(A) Administrative Services

Administrative Services monthly report for March, 2020

(B) Public Works

Maintenance Division monthly reports for March & April, 2020

(C) Fire

Fire Department monthly report for April, 2020

(D) Utilities - Flood, Water, Sewer

Utilities Division F/W/S monthly report for April 2020

VI. Approval of Minutes

Motion to approve the minutes was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 5-0.

1. Approval of the Work and Regular Session Minutes of April 21, 2020

VII. Public Hearings

1. Constant Yield Public Hearing - to receive comment on the City's intent to not reduce real property tax rates enough to fully offset increasing assessments. The City proposes to keep its current real property tax rate of \$1,0595 per \$100 of assessment. This tax rate is 1.21% higher than the constant yield rate and will generate \$114,154 in additional property tax revenues. To provide public comment during the video conference: <https://us02web.zoom.us/j/85672002454?pwd=R3dRMGRXNEIvNUc3L3VMO DNScHZKdz09> and use Meeting ID (856 7200 2454) Password (804210). To join by phone: (+1 301 715 8592) US; Meeting ID: (856 7200 2454) Password: (804210)

Public Comment may also be made by emailing the City Clerk at margie.woodring@cumberlandmd.gov. All electronic comments must be submitted by 2 PM on May 19, 2020. Comments received will be read by City staff during the public comment portion of the meeting.

The Hearing convened at 6:22 p.m.

Mr. Rhodes provided background on the State of Maryland's requirement that the City notify the public if the City's assessable base goes up, and stated that the City proposes to keep the current real property tax rate. He explained that the tax rate itself is not increasing, but if the value of your property has gone up you may see an increase in your tax bill; alternately, if your value has gone down, you may see a decrease in your tax bill.

Mayor Morriss called for questions or comments. With no one being signed up online, the Hearing adjourned at 6:28 p.m.

VIII. Unfinished Business

(A) Ordinances

1. Ordinance 3861 (*2nd and 3rd readings*) - to enact Article V of Chapter 15 of the City Code (sections 15-80 to 15-90, inclusive) pertaining to parades and special events. This Ordinance was tabled upon its second reading on November 19, 2019, to allow for further modification to the provisions.

Mr. Rhodes reviewed the Ordinance that was tabled in November 2019, and stated that it will modify provisions for parades and special events in the City. Solicitor Cohen added that the Ordinance sets forth a permitting process and sets up uniform standards, procedures, and protocols, and recapture of certain overtime costs for police and fire.

SECOND READING: The Ordinance was presented in title only for its Second Reading. On a motion made by Councilman Frazier and seconded by Councilman Cioni, the Second Reading was passed on a vote of 5-0.

Mayor Morriss called for questions or comments. With no one being signed up online, the Hearing adjourned at 6:28 p.m.

THIRD READING: The Ordinance was presented in title only for its Third Reading and was passed on a vote of 5-0.

IX. New Business

(A) Charter Amendment Resolutions

Charter Amendment Resolution 148 (*1st reading*) - amending Section 73A of the City Charter to empower the City Administrator to declare emergencies in certain events and pass temporary administrative orders necessary for the preservation of the public health, safety and/or welfare, and to empower the Mayor and City Council to pass executive orders in emergencies

Mr. Rhodes reviewed the Resolution that will amend a section of the City Charter to empower the City Administrator to declare emergencies in special events. He added that the current pandemic had brought this to light about how effective the City's measures were to declare emergencies to protect public safety and health to a greater degree. Solicitor Cohen added that this allows for the passage of Orders in the interim period between the emergency and the date that the next meeting can be held.

The Charter Amendment Resolution was presented in title only for its First Reading. Motion to approve the reading and table for two weeks was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 5-0.

(A) Ordinances

Ordinance 3865 (*1st reading*)- providing for the closure of two (2) portions of a street known as Park Alley, in the vicinity of Williams Street and Cecelia Street, as requested by Cumberland Gateway Real Estate LLC, and authorizing conveyance of the closed portions to Cumberland Real Estate LLC, as adjoining property owner, with certain easements, reservations and restrictions incorporated into the deed

Mr. Rhodes reviewed the Ordinance which will provide for the closure of two portions of Park Alley, and will authorize conveyance of the closed portions to Cumberland Gateway Real Estate LLC. He explained that this will be closing a little less than ½ of the northern portion of Park Alley between Emily and Cecilia Streets, and the entire length of Park Alley from Cecelia to Williams Streets.

The Ordinance was presented in title only for its First Reading. Motion to approve the First Reading and table until next meeting was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve all Consent Agenda items was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Order 26,641 - authorizing the execution of Change Order 1 to City Project 9-18-BR, "Replacement of Bridge No. A-C-06 - Balt. St. Over Wills Creek" to authorize payment to AC Government for Final Design Services with the County paying MDOT directly and seeking reimbursement from the City for its cost-share portion of 20% of the estimated total Final Design cost of \$427,391.05 which will be a total estimated amount of \$85,478.21

Order 26,642 authorizing the execution of C.O. No. 1 to the current contract with Excavating Assoc., City project 27-19-M, "Bellevue St. Sidewalk Upgrades" in the increased lump sum price of \$22,125.95, bringing the new contract sum to \$103,375.95, to be fully funded through the CDBG program

Order 26,643 - approved the submission of a Draft Citizen Participation Plan and Draft 2020 Consolidated Five Year Plan for the City's Community Development Block Grant (CDBG) Program to HUD and approving program funding recommendations for the 2020 program year in the total amount of \$809,542

Order 26,644 - authorizing execution of an Easement Agreement with MC Broadband Cooperative, Inc., regarding a MOU effective February 13, 2019, to allow MD Broadband the right to use the City's rights-of-ways and easements to install, operate and maintain fiber, subject to certain conditions defined in the agreement

Order 26,645 - authorizing execution of a Subordination Agreement with CG Enterprises, LLC to subordinate the lien position of the Upper Story Redevelopment Five Year Forgivable Loan pertaining to 66-72 Pershing Street, recorded on June 1, 2018 (Liber 2386, folio 221), for the purpose of refinancing a loan to assist with the purchase of additional real estate

Order 26,646 - authorizing execution of a Settlement Agreement and Consent Order (WMA Case No. CO-20-2652) with the MD Department of the Environment, to define interim performance standards for the John J. DiFonzo Water Reclamation Facility (Waste Water Treatment Plant) through October 1, 2020, during the installation and start-up of the Aeration Blower Replacement Project (23-18-WWTP)

Mayor Morriss advised that the Baltimore Street project may be delayed due to engineering issues, which he said may be a good thing by allowing businesses to operate through the holiday season, and help them to financially survive the effects of the Covid-19 pandemic. He added that the Mayor and City Council are still committed to the redevelopment of Baltimore Street, and that this will be just a slight delay over the winter.

Councilwoman Marchini advised on the recent DDC meeting saying there was lots of positive energy and good ideas coming from business owners.

Mayor Morriss advised there had been discussion about the hiring of a new Executive Director for the DDC, saying they will be moving forward on that. He added that they are looking for a good person to help work through the construction phase and the revitalization of all businesses downtown.

X. Public Comments

No Comments

All public comments are limited to 5 minutes per person

XI. Adjournment

With no further business at hand, the meeting adjourned at 6:46 p.m.

Minutes approved on June 16, 2020

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk