



# 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

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## MINUTES

Regular Meeting  
City Hall Council Chambers

DATE: May 21, 2019

**I. 6:15 P.M. - Convene in Open Session**

**II. Pledge of Allegiance**

**III. Roll Call**

**PRESENT**

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

**ALSO PRESENT:** Jeffrey D. Rhodes, City Administrator; Marjorie Woodring, City Clerk;  
Police Lieutenant Rocky Reed; Fire Chief Donald Dunn

**IV. Statement of Closed Meeting**

1. Summary Statement of Closed Meeting held May 14, 2019

Mayor Morriss announced that a Closed Session had been held on May 14, 2019 at 4:30 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. Presentations**

1. Comments to be received from Burgmeier's Hauling on the City's trash and recycling program.

Due to unforeseen circumstances, Burgmeier's Hauling will reschedule their Mayor and City Council Meeting discussion at a later date.

## **VI. Director's Reports**

### **A. Administrative Services**

1. Administrative Services monthly report for April, 2019

### **B. Engineering**

1. Engineering Division monthly report for April, 2019

### **C. Fire**

1. Fire Department monthly report for April, 2019

### **D. Utilities - Flood, Water, Sewer**

1. Utilities Division (water / flood / sewer) monthly report for April, 2019

Motion to approve the reports was made by Councilman Bernard, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

## **VII. Approval of Minutes**

1. Approval of the Regular Session Minutes of March 5, April 2, and April 16, 2019

Motion made by Councilman Cioni, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

## **VIII. Public Hearings**

1. Public Hearing to receive comment regarding the City's intent to not adopt the State's recommended Constant Yield Tax Rate and instead hold to the City's current real property tax rate of \$1.0595 per \$100 of assessed value

Convened: 6:21 p.m.

Mr. Rhodes provided background on the yearly Constant Yield Rate Hearing and discussed the City's decision to hold to the current real property tax rate and not adopt the State's recommended rate. He advised that the City is not changing the tax rate, but there is a projection that they may see more revenue because of it.

Mayor Morriss opened up the floor for comments. Greg Larry, Cumberland Times-News, asked if the rate was suggested by the State. Rhodes confirmed, saying it was an estimate based on the assessed value.

Mayor Morriss noted that some people will see their taxes go up, or down, as their assessment goes up or down.

Adjourned: 6:24 p.m.

2. Public Hearing to receive comment on the proposed Zoning Map Amendment (ZMA #12-04) requested by First Peoples Community FCU to rezone six (6) parcels of land at the intersection of Elm Street and Spring Street from Urban Residential (R-U) to Business Commercial (B-C) to allow for the construction of a free-standing, single story credit union building with drive through

Convened: 6:24 p.m.

Mr. Rhodes provided background on First Peoples FCU's rezoning request and provided an aerial snapshot of the area, adding that the Planning Commission has already heard the request and had recommended approval to the Mayor and Council. He added that First Peoples had acquired the land and done their own demolition, and said that in response to some concern over increased traffic in the area, it will be monitored and any adjustments needed will be made.

Mayor Morriss opened up the floor for questions. Being none, the Hearing was closed.

Adjourned: 6:28 p.m.

## **IX. New Business**

### **(A) Resolutions**

**Resolution No. R2019-02** - approving the application and receipt of financing for 2019 Community Legacy Projects

Mr. Rhodes reviewed the projects presented by Community Development Program Manager Kathy McKenney at the last Mayor and Council meeting.

- Centre City Parking Garage Improvements
- YMCA De-humidification Project
- Neighborhoods Matter Program in the Historic Districts

Motion made by Councilwoman Marchini, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

### **(B) Ordinances**

Mr. Rhodes reviewed each Ordinance prior to vote, and Mayor Morriss noted that several work sessions had been held prior to this meeting and the Mayor and Council had reviewed and discussed these numbers thoroughly.

**Ordinance No. 3848 (1st reading)** - providing for the City Tax Levy for FY20 (Real Estate 1.0595 per \$100 of assessed value / Personal Property 2.648 per \$100 of assessed value)

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilman Frazier.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3849** (*1st reading*) - providing for the annual appropriation for the General Fund for FY20

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3850** (*1st reading*) - providing for the annual appropriation for the Water Fund for FY20

The Ordinance was presented in title only for its first reading.

Mr. Rhodes answered questions about the Decatur Street water line study, saying it concluded that the water line deterioration was due to age, stress and strain on the line, and it needs replaced. He added that due to pressure problems new valves have been put in prior to the line replacement.

Motion made by Councilman Cioni, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3851** (*1st reading*) - providing for the annual appropriation for the FY20 Sewer Fund

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Bernard, Seconded by Councilman Cioni.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3852** (*1st reading*) - providing for the annual appropriation for the Special Purpose Funds for FY20

The Ordinance was presented in title only for its first reading.

Motion made by Councilman Frazier, Seconded by Councilwoman Marchini.

Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3853 (1st reading)** - to repeal and reenact, with amendments, Section 24-86 of the City Code to provide for a water rate increase, effective July 1, 2019

The Ordinance was presented in title only for its first reading.

Mr. Rhodes explained that this is the 2nd year of the was agreed to last year, which was three 5% increases over the next three years rather than one large increase, and provided comparisons of rates in surrounding communities.

Motion made by Councilman Cioni, Seconded by Councilman Frazier.  
Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3854(1st reading)** - to repeal and reenact Section 21-8.1(a) of the City Code to provide new rates for refuse collection effective July 1, 2019

The Ordinance was presented in title only for its first reading.

Mr. Rhodes advised that the trash service for the City was recently bid out, with Burgmeier's Hauling being selected again this year. He advised that there is a cost increase of \$4.02 per month, which is fixed for 3 years, and provided comparisons with other communities.

Motion made by Councilman Cioni, Seconded by Councilman Bernard.  
Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Ordinance No. 3855 (1st reading)** - to repeal and reenact with amendments Section 17-26 and 17-27 of the City Code regarding establishment of the Planning and Zoning Commission to correct references to the Annotated Code, clarify the role of the members, provide for an alternate member, include a residency requirement, and incorporate statutory provisions regarding removal of members

The Ordinance was presented in title only for its first reading.

Mr. Rhodes advised that other than the fact that they the change is providing for an alternate voting member at the request of the Planning Commission, this is a housekeeping matter to make it read the way the State Code reads.

Motion made by Councilman Frazier, Seconded by Councilwoman Marchini.  
Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

### **(C) Orders (Consent Agenda)**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Morriss called for questions or comments.

Motion made by Councilwoman Marchini, Seconded by Councilman Frazier.  
Voting Yea: Mayor Morriss, Councilman Bernard, Councilman Frazier, Councilwoman Marchini, Councilman Cioni

**Order No. 26,450** - accepting the sole source proposal from Gwin Dobson & Foreman to provide construction phase engineering services associated with the Water Reclamation Facility Aeration Blower Replacement Project (23-18-WWTP) for the estimated lump sum fee of \$38,950

**Order No. 26,451** - authorizing execution of a Cellular Tower Ground Lease Agreement with Shenandoah Mobile, LLC regarding their use of a parcel of land in Constitution Park and granting certain easements for the installation of a communications tower for an initial term of five (5) years, subject to four (4) renewal periods of five (5) years each; yearly rent of \$12,000 subject to annual adjustments; and being contingent upon approval of the Board of Zoning Appeals and obtaining necessary building permits and other government approvals

Mr. Rhodes answered questions regarding the revenue generated by the cell tower, stating that it possibly could be directed to Parks and Recreation improvements, and adding that if the Mayor and Council wanted to consider that, they didn't have to answer right now.

**Order No. 26,452** - authorizing execution of a Donation Agreement with Millard D. Robertson (Donor) regarding property at 101 North Cedar Street (Tax Acct. No. 04-006852 / Allegany County Land Records Book 548, page 539), authorizing acceptance of the deed, allowing for the extension of the closing date if necessary, and authorizing the City Administrator and City Solicitor to sign documents necessary for the transfer

**Order No. 26,453** - reappointing Thomas Farrell to the Zoning Board of Appeals for a three-year term that will be effective retroactive to January 15, 2019 and continuing through January 15, 2022

**Order No. 26,454** - authorizing the Chief of Police to accept a State Aid for Police Protection (SAPP) Fund Grant for FY20 in the amount of \$493,136 for the period 7/1/19 – 6/30/20 to be used to provide adequate police protection in the city of Cumberland

**Order No. 26,455** - lifting the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," in Constitution Park from 5 PM until 10PM on Wednesday, May 22, 2019 to accommodate the Pre Del-Fest event in the park; notwithstanding that open glass containers shall not be permitted

Kenneth Wilmot expressed his disagreement with having alcohol allowed in Constitution Park. The Mayor and Council explained that it was only one day from 5:00 pm to 10:00 pm, and there will be police presence.

**X. Letters / Petitions**

1. Letter from the City Clerk advising that the petition period for Charter Amendment Resolution Nos. 145, 146, and 147 have passed and no petitions for referendum were filed, therefore each Charter Amendment became effective the 24th day of April, 2019

The Mayor and Council provided a consensus.

2. Letter from the South Cumberland Library requesting permission to close a portion of First Street in front of the Library's main entrance and parking lot from 4 PM - 8 PM on June 20, 2019 for a community block party. The Police, Fire, and Public Works Departments have reviewed this request and have expressed no concerns with regard to the event.

The Mayor and Council provided a consensus for the event.

**XI Public Comments**

All public comments are limited to 5 minutes per person.

Nick Gelles, 317 Pearl Street, expressed his displeasure and concern with the ongoing situation on Pine Avenue.

Terry Murphy, 706 Washington Street, asked for an update on the West Side bridges issue. Mayor Morriss advised that the City is waiting for engineering reports and will get in touch with the Washington Street Association when they are available to be reviewed.

Mr. Rhodes expressed his thanks to City Comptroller Ken Tressler for his efforts on the budget, saying his work is instrumental in putting the numbers together and evaluating the City's alternatives. Mayor Morriss offered his appreciation of Ken's clear explanation of the budget process.

**XII. Adjournment**

With no further business at hand, the meeting adjourned at 7:06 p.m.

Minutes approved on June 18, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk