



# 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, 57 North Liberty Street

DATE: October 15, 2019

### **I. CLOSED SESSION - 5:30 p.m.**

1. Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305(b) (3) and (7) of the General Provisions Article of the Annotated Code of Maryland to consider the acquisition and disposition of the former Brunswick Hotel site, and to consult with legal counsel regarding certain other issues pertaining to that property.

Mayor Morriss convened the meeting in open public session. Motion to move into closed session was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 3-0, with Councilwoman Marchini being absent at time of vote.

2. Executive Session

### **II. OPEN SESSION**

1. 6:15 p.m. – Reconvene into Open Session

Mayor Morriss reconvened the meeting in open session at 6:15 p.m.

### **III. Pledge of Allegiance**

### **IV. Roll Call**

PRESENT:

Mayor Raymond M. Morriss  
Councilman Seth Bernard  
Councilman Eugene T. Frazier  
Councilwoman Laurie P. Marchini

ABSENT: Councilman Richard J. Cioni

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Police Chief Charles Hinnant; Fire Chief Donald Dunn

## **V. Statement of Closed Meeting**

### 1. Summary Statement of closed meeting held October 8, 2019

Mayor Morriss announced that a Closed Meeting had been held on October 15, 2019 at 5:30 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.

## **VI. Presentation**

### 1. Recognition of Police Chief Charles H. Hinnant upon his retirement from the Cumberland Police Department

Mr. Rhodes provided background on Chief Hinnant's 48 total years in law enforcement across the state, with 13 years in the City of Cumberland, and commented on his work with the City Police Department.

Sheriff Craig Robertson commented on how well the County and City Police Departments worked together, expressed his appreciation of the Chief's work with the Sheriff's office, and presented the Chief with a gift.

Lt. Buskirk from the City of Frostburg commented on Chief Hinnant's career and said he would always have a friend in Frostburg.

State's Attorney Michael Twigg commented on his years of knowing Chief Hinnant and noted that as a young prosecutor he sought a lot of counsel from the Chief.

Captain Ternent read a note of from State Police Lt. Martz who was unable to attend, stating that it had been a privilege and an honor to serve with Chief Hinnant for almost ten years. The Chief was given a gift of a recognition plaque from the Cumberland barracks. The Captain expressed appreciation from the Police Department staff for the many years of mentorship and leadership that was given them and Chief Hinnant was presented with a U.S. flag that was flown over the Police Department on September 11, 2019.

Chief Hinnant expressed his appreciation and thanks to everyone and commented on his years of serving in law enforcement. He stated that public service is a calling, saying he has been blessed to have had a fantastic career and to have been associated with so many wonderful people along the way. He also recognized those in attendance who had supported him throughout the years.

The Mayor, Council, and Staff all commented on the Chief's tireless work in the community and with the City Police Department, thanked him for his many years of service, and wished him a long and wonderful retirement. Chief Hinnant was presented with a retirement cake and a personalized gift from the City.

## **VII. Proclamations**

1. Proclaiming the month of October in the City of Cumberland as Domestic Violence Awareness Month. Sarah Kaiser, Executive Director of the Family Crisis Resource Center will be accepting.

Mayor Morriss read the Proclamation and presented it to Sarah Kaiser, Executive Director of the Family Crisis Center.

## **VIII. Director's Reports**

### **(A) Engineering**

1. Engineering Division monthly report for September, 2019

### **(B) Public Works**

1. Maintenance Division monthly report for September 2019

### **(C) Fire**

1. Fire Department monthly report for September, 2019

### **(D) Police**

1. Police Department monthly report for September, 2019

### **(E) Utilities - Flood, Water, Sewer**

1. Utilities Division Flood/Water/Sewer Department monthly report for September, 2019

Motion to approve the reports was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

## **IX. Approval of Minutes**

1. Approval of the Executive Session Minutes of July 30, 2019, and the Work Session and Regular Session Minutes of August 13, 2019

Motion to approve the minutes was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

## **X. Unfinished Business**

### **(A) Ordinances**

1. Ordinance 3860 (*2nd & 3rd Readings*) - to amend Chapter 25 of the City Code to include regulations pertaining to small cell technology in public rights-of-way and to amend the Use Regulations Table accordingly.

Mr. Rhodes provided background on the Ordinance and Mr. Cohen stated that the FCC has issued a mandate for this Ordinance that helps with the rollout of the 5G communications network.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The reading was interrupted and motion to suspend the Second Reading and move to the third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

The Mayor opened the floor for comments. Being none, the Ordinance moved to its third reading.

THIRD READING: The Ordinance was presented in title only for its Third Reading and was passed on a vote of 4-0.

## **XI. New Business**

### **(A) Orders (Consent Agenda)**

Mr. Rhodes reviewed the each item on the Consent Agenda prior to vote and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda items Orders 26,542 through 26,545, and 26,547 through 26,549 was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 4-0. Motion to approve Consent Agenda item Order 26,545 was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 3-0, with Councilman Bernard abstaining.

**Order 26,542** - authorizing the Chief of Police to accept a FY19 Bureau of Justice Assistance Award in the amount of \$5,136.39, requiring a 50% match from the City, for the replacement of outdated body armor vests

**Order 26,543**- authorizing the Chief of Police to accept a FY19 Edward Byrne Memorial Justice Assistance Grant (BJAG) in the amount of \$12,278.00 for the purchase of additional less-lethal equipment in the form of Tasers or conducted electrical weapons, to be utilized by the Cumberland Police Department and the Allegany County Sheriff's Office

**Order 26,544** - accepting the Final Design and Bidding Services-60% to Bid Ready Agreement with Whitman, Requardt and Associates, LLP for City Project 78" Pipeline From Mill Race to CSO Storage Facility (19-16-S) in the amount of \$947,527.00 to include additional coordination, permitting, field investigation, and finalization of plans and specs through bid ready

**Order 26,545**- to approve an Amended and Restated Promissory Note related to a loan originally awarded on April 23, 2003 to David F. Romero and Margaret A. Romero for the acquisition and rehabilitation of real property located at 55 Baltimore Street

**Order 26,546** - to approve the allocation of \$46,061.68 to assist in accessibility improvements at 218 Washington Street, known as the Gordon Roberts House. The awarded funds will be derived from the proceeds of the former Cumberland Neighborhood Housing Services Revitalized Home Program, originally funded by the Maryland Community Legacy Program in 2002.

**Order 26,547** - authorizing Program Amendments to the Community Development Block Grant Program, effective October 25, 2019

**Order 26,548** - authorizing the execution of a First Amendment to the Cellular Tower Ground Lease Agreement with Shenandoah Mobile, LLC regarding their desire to modify the agreement to remove the existing 178 +/- foot self-supporting tower from the land space due to pre-existing environmental hygiene conditions

**Order 26,549** - accepting the proposal of First Fruits Excavating, Inc. for the installation of a modular block retaining wall, and other related items, along Cumberland Street near the intersection with Johnson and Market Streets (City Project 24-18-M) in the estimated not-to-exceed price of \$119,250.00, which will be funded through CDBG program funding

## **XII. Public Comments**

Nick Gelles, 317 Pearl Street, asked for an update of what has been happening on Pine Avenue. Mayor Morriss advised that the Traffic Group has reviewed all parking issues on Pine Avenue and stated he could give Mr. Gelles a list of all changes being made.

All public comments are limited to 5 minutes per person

## **XIII. Adjournment**

With no further business at hand, the meeting adjourned at 7:09 p.m.

Minutes approved on December 3, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk