



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 Public Meeting
Video Conference

DATE: May 18, 2021

I. OPEN SESSION

II. Roll Call

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; Marjorie A. Woodring, City Clerk; Ken Tressler, Director of Administrative Services; Mark Gandolfi, City Comptroller; Robert Smith, City Engineer; Kathy McKenney, Community Development Program Manager

III. Statement of Closed Meeting

1. Summary Statement of the closed meeting held May 11, 2021

Mayor Morriss announce that a Closed Session had been held on May 11, 2021 at 5:15 p.m. and read into the record a summary of that meeting 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.

IV. Director's Reports

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

(A) Public Works

1. Maintenance Division monthly report for April, 2021

(B) Fire

1. Fire Department monthly report for April, 2021

(C) Police

1. Police Department monthly report for April, 2021

(D) Utilities - Treatment Plants

1. Utilities Division-Treatment Plants monthly report for March, 2021

(E) Utilities - Flood, Water, Sewer

1. Utilities Division F/W/S monthly report for April, 2021

V. Approval of Minutes

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

1. Approval of the Work and Closed Session Minutes of April 13, 2021, and the Regular Session Minutes of April 20, 2021

VI. New Business

(A) Ordinances

1. **Ordinance 3886** (*1st reading*) - providing for the closure of a portion of a street known as Riverside Avenue, as requested by Northbranch Properties, LLC

Mr. Rhodes provided background Ordinance No. 3886, saying this a proposed road closure to accommodate the Grow West (Northbranch Properties, LLC) expansion, and advised that property on either side of the proposed closure is owned by either Allegany County or Grow West, and both sides are in agreement, and affected property owners have been notified. Mr. Rhodes provided map images of the area.

FIRST READING: The ordinance was presented in title only for its first reading.

Motion to approve the reading and table until next meeting was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 5-0.

2. **Ordinance No. 3887** (*1st reading*) - providing for the City Tax Levy for FY22. Real Estate tax rate to remain at \$1.0595 per \$100 of assessed value. Personal Property tax rate to remain at \$2.648 per \$100 of assessed value.

~PowerPoint slides for the budget were available and presented online during the video-conference~

Mr. Rhodes provided background on the Ordinance and said this ordinance will set the tax rate for the upcoming year.

FIRST READING: The ordinance was presented in title only for its first reading.

Motion to approve the reading and table until next meeting was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

3. **Ordinance No. 3888** (*1st reading*) - providing for the annual appropriation for the FY22 General Fund.

Mr. Rhodes provided background on the Ordinance, and advised that the GF appropriation budget is approximately \$28M. Mr. Tressler wanted to remind everyone that this information was reviewed in two previous work sessions, and advised that the City is basically at a break-even budget, with \$1K surplus in unassigned fund balance.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to approve the reading and table until next meeting was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0.

4. **Ordinance No. 3889** (*1st reading*) - providing for an appropriation for the FY22 Water Fund.

Mr. Rhodes provided background on the ordinance, and Mr. Tressler added a reminder that the water service is holding at the same rate as last year, as well as sewer and trash rates.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to approve the reading and table until next meeting was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 5-0.

5. **Ordinance No. 3890** (*1st reading*) - providing for an appropriation for the FY22 Sewer Fund.

Mr. Rhodes provided background on the ordinance, and advised that the budget is approximately \$30M. Mr. Tressler advised that Capital Expenditures is primarily associated with the \$50M 78" Pipeline project, which will be spread over three and a half (3½) years. He added a reminder that the City has just completed the \$30M CSO project, and advised that they did receive almost 88% of the cost in grant funding for both of those projects.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to approve the reading and table until next meeting was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 5-0.

6. **Ordinance No. 3891** (*1st reading*) - providing for the annual appropriations for the FY22 Special Purpose Funds.

Mr. Rhodes reviewed the ordinance and said there were a number of small funds. Mr. Tressler advised that for the Housing Assistance, that's a straight pass-through, as the City gets the money from the State and passes it on to HRDC. He advised that for Capital Expenditures, the Baltimore Street Access project is expected to start up, along with the Carver Center, and several recreation projects as well.

FIRST READING: The ordinance was presented in title only for its first reading. **Motion** to approve the reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed all Consent Agenda items, and Mayor Morriss called for questions or comments. **Motion** to approve Consent Agenda Order Nos. 26,790 – 26,799 was made by Councilman Bernard, seconded by Councilwoman Marchini, and was passed on a vote of 5-0. **Motion** to approve Consent Agenda Order No. 26,800 *only* was made by Councilman Bernard, seconded by Councilwoman Marchini, and was passed on a vote of 4-1, with Councilman Cioni voting No.

Order 26,790 - accepting the bid from Gwin, Dobson & Foreman, Inc. for the "Influent Screening System Upgrade Project" (2-21-WWTP) in the lump sum cost of \$70,000.

Mr. Rhodes advised that this is the engineering work that will screen the front end of the WWTP's operations, catching debris approximately a half inch in diameter, or larger. Mr. Smith stated that as this is just the engineering work, the final solution will be determined during the design phase.

Order 26,791 - authorizing the execution of Change Order No. 5 to the "Residential Mowing Contract" (10-19-M) with Casey Smith, LLC, dba Service Pro, for the added amount of \$700, making the new contract value \$58,685.00. This change order will add and remove properties recently acquired by and sold by the City to the current contract through the end of the fiscal year.

Mr. Rhodes advised that the City was able to eliminate nine properties on the blight program list, but they also picked up 9 new properties which are slightly larger in size, which is the reason for the increase in the mowing contract.

Order 26,792 - authorizing the Chief of Police to accept a FY22 State Aid for Police Protection Fund Grant in the amount of Four Hundred Fifty-Eight Thousand, Seven Hundred Fifteen Dollars (\$458,715.00) to be used exclusively to provide adequate police protection in the City of Cumberland.

Mr. Rhodes advised that this is the annual allocation of State Aid, and is formula-based aid that the CPD receives each year.

Order 26,793 - Authorizing execution of a Joint Use Agreement with Allegany College of Maryland acknowledging that the City is applying for Community Parks and Playground Program funding for the construction of a sand volleyball court for public use that is to be located on land owned by ACM, and outlining the terms for the operation and maintenance of that facility should the funding be granted.

Mr. Rhodes advised that the Joint Use Agreement is necessary because the City is the eligible jurisdiction to receive the funds, but does not own the property. Ms. McKenney advised that the decision is pending, but does look favorable that the funds will be allocated, and said the next stop is with the Board of Public Works at the State.

Order 26,794 - accepting the proposal from Carl Belt, Inc. for the Long Field Upgrades Project /Phase I (12-20-RE) in the estimated unit cost of \$117,758.26 obtained through

NJPA competitive pricing. This project will be funded through Program Open Space with a 10% cash match from the City.

Mr. Rhodes advised that this was bid through the National Joint Powers Alliance which is a purchasing co-op. He said that improvements would be made to concessions for ADA accessibility, as well as improvements to the infield. Mr. Smith advised that replacing the infield will use most of the money, followed by concessions, and then drainage improvements on the field. Councilman Cioni inquired about cost for lighting on the field. Mr. Smith advised that they would base that on the Cavanaugh Field cost, and said that when they go for funding they can buy the lights through the NJPA. He stated it would probably be a \$125K project.

Order 26,795 - authorizing execution of Lease Agreements with Corner Tavern and Cafe LLC, the Embassy Theatre Corporation, Coaches Entertainment Enterprises (Mezzo's), City Lights American Grill & Bar, and the Baltimore Street Grill for the use of the public right-of-way adjacent to each establishment for the purposes of outdoor dining and entertainment for a one-year term, effective June 1, 2021 through May 31, 2022.

Mr. Rhodes advised that these are the City's yearly lease agreements for outdoor dining.

Order 26,796 - declaring a 2011 Honda Accord to be surplus property and authorized for donation to the Allegany County Narcotics Task Force to be sold at Sheriff's auction.

Order 26,797 - authorizing execution of a Copyright Use / Permission Agreement with V. L. Cox to allow the Human Relations Commission to use the concept of her copyrighted "Opening Doors" art installation to create a Fair Housing Act display to be used at various events.

Mr. Rhodes advised that HUD has used this same artwork, and Lee Borrer, Senior Community Development Specialist wanted to use it also. He stated that there is no cost, but it is necessary to obtain the artist's permission.

Order 26,798 - approving a Historic District Tax Incentive Program credit and assessment freeze for property at 66 Pershing Street (Tax No. 04-084171) owned by CG Enterprises LLC, based on total eligible projects costs of \$187,836.32 Property Tax Credit = \$18,783.63 valid for 5 years, Property Tax Assessment Freeze - 7 years, Special Taxing District Tax Assessment Freeze - 7 years.

Mr. Rhodes advised that these credits and assessments freezes are based on the amount of investment, and stated that if the credits aren't used in 5 years they do expire.

Order 26,799 - accepting the proposal from Turnbull Hoover & Kahl, P.A., to provide an audit of the City's financial statements for the year ended June 30, 2021, for the amount not to exceed \$111,200.

Mr. Rhodes advised that normally on these audits they typically see the cost coming in under the "not-to-exceed" amount. Councilman Cioni inquired if the cost for the audit each year has remained pretty stable, considering all the grants.

Mr. Gandolfi advised that it has remained relatively stable with \$108K - \$109K the last two years. Mr. Tressler advised that there is a single audit that audits federal grant programs.

Order 26,800 - Accepting the proposal from The Mercer Group, Inc. to provide services and support in the search for a city administrator for the amount of \$21,500 for professional services and expenses not to exceed \$6,500.

VII. Public Comments

Mayor Morriss spoke on Mr. Rhodes' career at the City, and advised that although he will be in the next Work Session, tonight is his last M&CC meeting after 23 years of service, with the last 10 years as City Administrator. The Mayor stated that Mr. Rhodes has had an exceptional career working for the City, and said looking back when he started as City Administrator the City had just gone through a recession and was looking at serious financial issues – almost on the verge of bankruptcy. He stated that Mr. Rhodes will be leaving the City in good financial shape, as Mr. Gandolfi and Mr. Tressler explained during the FY22 budget reviews, which showed a non-restricted fund balance of over \$3.7M, which he said was a fantastic turn-around during Mr. Rhodes' tenure. He added that Mr. Rhodes' leadership definitely helped the entire team. The Mayor said that Mr. Rhodes was able to do his job as a man known to be very honest and having the highest level of integrity, and did a wonderful job handling issues with the public and the City. Mayor Morriss advised that Mr. Rhodes had planned to retire at his current age of 62, and said he was leaving on a high note. He added that Mr. Rhodes has already found other work, as a guest speaker at this year's MML Summer Conference.

The Mayor thanked Mr. Rhodes for his many years of dedicated service, and stated that the previous Mayor, Brian Grim, had said the best decision he ever made was making Mr. Rhodes the City Administrator for Cumberland, and Mayor Morriss said that's one thing they can agree upon – the selection of Mr. Rhodes was an excellent decision. He wished him well going forward.

Mr. Rhodes said he appreciated all the support he's had at the City, and wished all the staff and M&CC the very best.

Councilman Bernard stated that Mr. Rhodes is one of the most knowledgeable people when it comes to the City, and he always got an answer. He said that a lot of positive changes have occurred in the City, and without Mr. Rhodes' hands on the wheel, they wouldn't have come as far as they have today. He added that regardless of differences of opinion, he has never questioned Mr. Rhodes' commitment to the overall vision they all share which is making the City a better place to live.

Councilman Marchini wished Mr. Rhodes the best of luck on his retirement and everything else he does moving forward. She said she's sure they will all be asking him tons of questions after he's gone, and thanked him for all of his service to the community.

Councilman Frazier stated that Mr. Rhodes has helped him out immensely, and said he always answered his questions, and always got back to him about anything he inquired about. The Councilman spoke on how well Mr. Rhodes has dealt with the public and

with every administration he has worked with, and wished Mr. Rhodes well in all of his endeavors.

Councilman Cioni thanked Mr. Rhodes, and spoke about him, with staff's help, pulling the City through its bad financial shape, which was very tenuous at the time. He stated that under Mr. Rhodes' leadership the City got back on track financially. The Councilman also thanked Mr. Rhodes for leading them through the process of hiring a new chief of police, said that he always appreciated Mr. Rhodes' "open-door" policy, and wished him well on his retirement.

Mr. Rhodes thanked everyone for the well-wishes, and said that looking around the video-conference screen and seeing the staff, he knows the City is in good hands. Mr. Rhodes mentioned Kathy McKenney, saying she has been there as long as he has, and stated that she is the best grant writer in the business, and added that the community has done well thanks to her efforts.

All public comments are limited to 5 minutes per person

VIII. Adjournment

With no further business at hand, the meeting adjourned at 6:58 p.m.

Minutes approved on July 6, 2021

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk