



# 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

M&CC Regular Meeting

Cumberland City Hall, Council Chambers, 57 N. Liberty Street, Cumberland

DATE: October 06, 2020

### I. CLOSED SESSION

5:45 PM - Convene in open session for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (9) of the Annotated Code of Maryland to discuss negotiations issues pertaining to the AFSCME collective bargaining agreement.

To view the open portion of this meeting live, go to the City's website at [www.ci.cumberland.md.us](http://www.ci.cumberland.md.us) and access the public meetings link under the Government tab or go to Facebook and access the page Cumberland City Hall Livestream.

### II. OPEN SESSION

1. 6:15 PM - Reconvene in Open Session

To view the meeting live, go to the City's website at [www.ci.cumberland.md.us](http://www.ci.cumberland.md.us) and access the public meetings link under the Government tab or go to Facebook and access the page Cumberland City Hall Livestream.

To provide public comment during this video conference, go to <https://zoom.us> and enter the following:

Use Meeting ID (872 6849 4894) Password (800566)

To join by phone dial: (+1 301 715 8592); Meeting ID (872 6849 4894) Password (800566)

Citizens wishing to speak will be placed in a waiting room and will be called upon at the appropriate time.

Written public comment may also be made by emailing the City Clerk at [margie.woording@cumberlandmd.gov](mailto:margie.woording@cumberlandmd.gov). All electronic comments must be submitted by 2 PM on October 6, 2020. Comments received will be acknowledged during the public comment portions of the meeting.

### **III. Roll Call**

#### **PRESENT:**

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

Councilwoman Laurie P. Marchini was absent

**Also Present:** Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk

### **IV. Statement of Closed Meeting**

1. Summary Statements of closed meetings held September 22 and October 6, 2020

Mayor Morriss announced that Closed Sessions had been held on September 22, 2020 at 2:00 p.m. and on October 6, 2020 at 5:45 p.m. and read into the record summaries of those sessions which are 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. Proclamations**

1. Proclaiming October 15, 2020 in the City of Cumberland as "White Cane Awareness Day"

Mayor Morriss read the Proclamation and stated that we all need to be cognizant of our blind citizens and those using a white cane at our street crossings. He presented the proclamation to Chris Myers who sits on the Historic Preservation Commission.

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

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

#### **(A) Engineering**

Engineering Division monthly report for August, 2020

#### **(B) Police**

Police Department monthly reports for June and July, 2020

### **VII. Approval of Minutes**

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

1. Approval of the Work Session and Regular Session Minutes of August 4 and August 18, 2020, and the Regular Session Minutes of September 1, 2020

## VIII. New Business

### (A) Resolutions

Mr. Rhodes provided background on the Resolution and reviewed each project being submitted for funding.

The Resolution was submitted in title only. Motion to approve the Resolution was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0

**Resolution No. R2020-05** approving the application and receipt of financing for six 2020 Community Legacy Projects, developed by the Cumberland Sustainable Communities work group, in the total amount of \$863,514

Mr. Rhodes provided background on the Resolution and reviewed the project being submitted for funding.

The Resolution was submitted in title only. Motion to approve the Resolution was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

**Resolution No. R2020-06** approving the application and receipt of financing for a 2020 Strategic Demolition project, "Cumberland Main Street Sprinkler Tap Installation Project - Phase I", identified by the Cumberland Sustainable Communities work group, in the amount of \$450K

### (B) Ordinances

Mr. Rhodes provided background on the Ordinance and advised that it will clarify the language in the City Code for dealing with these situations.

The Ordinance was submitted 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 4-0.

**Ordinance 3876** (*1st reading*) - to repeal and reenact Section 24-49 of the Code pertaining to service pipes supplying two or more premises with water, for the purpose of clarifying its terms

### (B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to *REMOVE* Consent Agenda item Order 26,720 was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 4-0. Motion to approve Consent Agenda items Orders 26,716 – 26,723, *EXCLUDING* Order 26,720 was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0

**Order 26,716** - authorizing the Chief of Police to accept an MHSO FY21 Maryland Highway Safety Office Traffic Safety Grant in the amount of \$3,000.00 for police overtime support concentrating on DUI enforcement and occupant protection for the project period 10/1/20 through 9/30/21

**Order 26,717** - authorizing the Sole Source purchase of Engineering Programming and three (3) Ammonium Analyzers for the John D. DiFonzo Water Reclamation Facility's Bio-Reactors from Aerzen USA Corporation in the amount not to exceed \$30,187.00

**Order 26,718** - authorizing execution of a contract with Cumberland Housing Alliance, Inc. (CHA), regarding the use of \$149,000 in MD Community Parks and Playground grant funding for upgrades to the playground located at 635 East First Street and owned by CHA

**Order 26,719** - appointing individuals to vacant or expired seats on the Downtown Development Commission, Administrative Appeals Board, and Historic Preservation Commission

**Order 26,720** - authorizing the Mayor to sign a letter of support for the City's application to the MD Heritage Areas Emergency Capital Fund for critically needed work at the George Washington's Headquarters Cabin

Mr. Rhodes advised that Order No. 26,720 was being set aside for the time being to make sure the application is not in any way binding.

**Order 26,721** - authorizing execution of an Easement Agreement with Cumberland Manor Associates LP whereby Cumberland Manor grants a permanent easement to the City for the purpose of laying, constructing, replacing, etc., the water line running through Cumberland Manor's property

**Order 26,722** - declaring a 2005 Caterpillar 924G Loader to be surplus and authorizing it for trade-in

**Order 26,723** - authorizing execution of an Amendment to Collective Bargaining Agreement with the UFCW Local 1994, pertaining to the current agreement effective July 1, 2018 - June 30, 2021, to provide for an amended pay schedule to be effective retroactive to July 1, 2020, and to provide for a one-time \$1,000 stipend payable for the year commencing July 1, 2020

## **IX. Public Comments**

Mr. Jerry Gerstein asked to speak regarding the permit application for a 195-foot communications tower to be located at Knox Street and Henderson Avenue. He advised that he is owner and resident at 301 Henderson Avenue which is directly across from the proposed location of the tower, and voiced his concerns about the location and the setbacks, which he said had originally caused the project to be denied. He stated that the City should explore other sites for the structure.

Mayor Morriss thanked Mr. Gerstein for his comments, and advised that the issue has gone back to Planning and Zoning. He stated that he will make sure Mr. Gerstein knows the date of the next Planning and Zoning Committee meeting so he can attend and make his statements, and added that it's critical that the City take in comments from residents in the area. Mr. Gerstein advised

that he was very concerned that there didn't seem to be a mechanism for considering alternatives for such a large structure. Mayor Morriss stated that the City will review that process as well.

There was more discussion with Council and the City Solicitor regarding the setback and fall-zone allowances needed, with Mayor Morriss saying they would discuss this with Planning and Zoning before their next meeting.

All public comments are limited to 5 minutes per person

**X. Adjournment**

With no further business at hand, the meeting adjourned at 6:55 p.m.

Minutes approved on November 4, 2020

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk