



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* James L. Furstenberg  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael Scott Cohen  
City Clerk Allison K. Layton

---

## MINUTES

M&CC Public Meeting  
City Hall

DATE: May 02, 2023

### I. OPEN SESSION – 6:15 p.m.

### II. Pledge of Allegiance

### III. Roll Call

#### PRESENT:

Council Member Richard J. "Rock" Cioni  
Council Member Eugene T. Frazier  
Council Member James L. Furstenberg  
President Raymond M. Morriss

Council Member Laurie P. Marchini was absent

**Also Present:** Jeffrey F. Silka, City Administrator; Allison K. Layton, City Administrator;  
Michael S. Cohen, City Solicitor; Mark Gandolfi, City Comptroller

### IV. Approval of Minutes

**Motion** to approve the Minutes was made by Council Member Frazier, seconded by Council Member Cioni, and was passed on a vote of 4-0.

1. Approval of the Closed Session Minutes of December 20th, 2022, February 7th, March 7th and 21st(B), and April 4th, 2023. The Work Session Minutes of April 11th, and the Work and Regular Session Minutes of April 18, 2023

### V. Public Hearings

1. **Public Hearing** - on a Resolution (Annexation Resolution 2023-01 ANNEX) introduced for the purpose of enlarging the corporate boundaries of Mayor and City Council of Cumberland to include land located on the south side of Maryland Route 144 in Allegany County, MD, Election District No. 22, consisting of 8.848 acres +/- and owned by the Ali Ghan Club, Inc.

Mr. Silka explained that this site is next to Love's Travel Stop located by the Ali Ghan Country Club, and said Burgmeier's Hauling wants to develop a transfer station at the site. He said the annexation plan was accepted March 21<sup>st</sup> and had its first reading. It was submitted to the required departments and he received word there were no issues. Mr. Silka advised that this site is located entirely in Allegany County, will be re-zoned as IG, and is currently served by water and sewer from the City.

Convened: 6:18 p.m.

Adjourned: 6:19 p.m.

2. **Public Hearing** - to receive comment on the City's intent to not adopt the 2023 Constant Yield Tax Rate and to readopt the current real property tax rate of \$1.0595 per \$100 of assessment

Mr. Gandolfi explained the 2023 Constant Yield Rate and advised that the City plans to maintain the existing tax rate that has been in effect for several years.

Convened: 6:19 p.m.

Adjourned: 6:25 p.m.

## **VI. Public Comments**

David Biser, Long Drive, Cumberland, spoke about his home improvements of \$50K, and asked M&CC to go with the lower rate of 1.03 instead of keeping it at 1.05 so that owners who keep their properties up don't get penalized.

Mayor Morriss explained that in the City as a whole, the assessments are too low. He said if homes were at a true market value, the rate the City charges would go down.

*All public comments are limited to 5 minutes per person*

## **VII. Unfinished Business**

### **(A) Ordinances**

1. **Ordinance 3941** (*2nd and 3rd readings*) - authorizing the transfer of 471 Goethe Street to Justin Lamp for the purchase price of \$250.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Furstenberg, seconded by Council Member Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its second reading and was approved on a vote of 4-0.

2. **Ordinance 3942** (*2nd and 3rd readings*) - authorizing the transfer of 220 Harrison Street to Linda Deremer for the purchase price of \$5,000.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Frazier, seconded by Council Member Cioni, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its second reading and was approved on a vote of 4-0.

3. **Ordinance 3943** (*2nd and 3rd readings*) - authorizing the transfer of 800 Maryland Avenue to C Corp Leasing for the purchase price of \$100.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Furstenberg, seconded by Council Member Cioni, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its second reading and was approved on a vote of 4-0.

4. **Ordinance 3944** (*2nd and 3rd readings*) - authorizing the transfer of 804 Maryland Avenue to C Corp Leasing for the purchase price of \$100.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Frazier, seconded by Council Member Furstenberg, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its second reading and was approved on a vote of 4-0.

5. **Ordinance 3946** (*2nd and 3rd readings*) - authorizing the transfer of 124 Columbia Street to Michael Bennett for the purchase price of \$2,000.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Cioni, seconded by Council Member Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its second reading and was approved on a vote of 4-0.

## **(B) Resolutions**

1. **Annexation Resolution R2023-01 ANNEX** (*2nd and 3rd readings*) - to annex land located on the south side of Maryland Route 144 in Allegany County, MD, Election District No. 22, consisting of 8.848 acres +/- and owned by the Ali Ghan Club, Inc.

**SECOND READING:** The resolution was submitted in title only for its second reading. **Motion** to accept the reading and move to the third after comment, was made by Council Member Furstenberg, seconded by Council Member Frazier, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its third reading and was approved on a vote of 4-0.

## **VIII. New Business**

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

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **Motion** to approve all items was made by Council Member Frazier, seconded by Council Member Cioni, and was passed on a vote of 4-0.

**Order 27,223** - authorizing the execution of Outdoor Dining Lease Agreements with Ristorante Ottaviani, Culinary Innovation Associates (Mise En Place) and Azad's of Cumberland for the use of the public right of way immediately in front of and adjacent to each property for outside cafe dining for a one (1) year term effective May 1, 2023 through May 31, 2024.

**Order 27,224** - authorizing the execution of an Outdoor Dining Lease Agreement with Coach's Entertainment Enterprises, LLC (Mezzo's) for the use of the public right of way immediately in front of and adjacent to the property for outside cafe dining for a one (1) year term effective June 1, 2023 through May 31, 2024.

**Order 27,225** - declaring 102-04-06 Altamont Terrace to be surplus property to offer for sale.

**Order 27,226** - declaring vehicles and equipment to be surplus and authorizing them for sale, trade in or scrap.

**Order 27,227** - accepting certain bids received for the "2023 Sale of Surplus Vehicles and Equipment on "GovDeals" and rejecting all other bids.

Mr. Silka advised that with all the bids received on "GovDeals," there was an increase in prices bid.

**Order 27,228** - authorizing the execution of a First Amendment to the Memorandum of Understanding with the Cumberland Economic Development Corporation (CEDC).

Mr. Silka advised that the annual allocation is increasing from \$350K to \$400K per year.

**Order 27,229** - approving the 2023 Annual Action Plan projects for the Community Development Block Grant Program.

**Order 27,230** - approving amendment #5 3102023 to the Community Development Block Grant (CDBG) 2021 Annual Action Plan projects and 2020 Community Development Block Grant CARES ACT funds.

**Order 27,231** - authorizing the execution of Change Order No. 2 with Carl Belt, Inc. for the WWTP Influent Screening System Upgrades Project (City Project 2-21-WWTP) increasing the final contract price by an amount not to exceed \$3,505.03.

**Order 27,232** - accepting the proposal from Kone, Inc. to modernize the elevator in City Hall to bring it into compliance with ASME 2019 standards in an amount not to exceed \$230,000.

Mr. Silka advised that also included in the proposal is an upgrade to restrict access to the 2<sup>nd</sup> Floor of City Hall to only employees using the key card.

**Order 27,233** - approving Change Order No. 1 for the Constitution Park Pool Improvements Contract (City Project 14-21-RE) to relocate the conduit, electric and waterline, bringing the contract price not to exceed \$510,227.52.

**Order 27,234** - authorizing execution of Change Order No. 3 to the Residential Grass Mowing Project (14-22-M) with Casey Smith, LLC dba/ServicePro, for the decreased amount of \$860; bringing the total contract down to an amount not to exceed \$60,830.

Mr. Silka stated that this takes off properties that the City doesn't own, and adds properties that it does own.

**Order 27,235** - authorizing the acceptance of a FY23 Local Parks and Playgrounds Infrastructure Grant, administered by the Maryland Department of Natural Resources Board of Public Works in the amount of \$122,492 with a City match of \$6447 for picnic tables and grills at Constitution Park.

**Order 27,236** - accepting the proposal from Grainger for new picnic tables for Constitution Park in an amount not to exceed \$75,789.

## **IX. Public Comments**

Julia Miltenberger, 203 Grand Avenue, Cumberland, wanted to thank M&CC for the grant money to put a roof on her house. She said she knew when she retired she was going to have to replace the roof, and now with help from the City she is worry-free for 20 years, which she explained was priceless to her.

Mayor Morriss stated that the Community Development staff is working hard to create programs to help our residents.

All public comments are limited to 5 minutes per person

**X. Adjournment**

With no further business at hand, the meeting adjourned at 6:48 p.m.

Minutes approved on May 16, 2023

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk