



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

Regular Meeting
57 North Liberty Street, City Hall Council Chambers

DATE: September 17, 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 Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

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

IV. Presentations

1. Presentation of the 2019 Historic Preservation Award to HRB Ventures, LLC by Suzanne Wright, Chairperson of the Historic Preservation Commission

Suzanne Wright, HPC Committee Chair, gave a background on the history of the award and details on qualifications. She spoke about the award recipient, The Corner Tavern, owned by HRB Ventures, LLC, noted its improvements, and stated that not only was this a façade project, this is a successful business and is a revitalization of a corner of our community. Mayor Morriss presented the award plaque to owners Wes and Greg (proprietor) Bender of HRB Ventures, LLC, who thanked the M&CC for their support.

V. Director's Reports

(A) Administrative Services

1. Administrative Services monthly report for August, 2019

(B) Public Works

1. Maintenance Division monthly report for August, 2019

(C) Fire

1. Fire Department monthly report for August, 2019

(D) Utilities - Flood, Water, Sewer

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

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

VI. Approval of Minutes

1. Approval of the Closed Session Minutes of June 11, 2019, and the Regular Session Minutes of July 2 & 16, 2019

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

VII Public Hearings

1. Public Hearing - to receive comment on a proposed Zoning Text Amendment (ZTA #12-08) to add Sections 25-501 through 25-512 to the current Zoning Code for the purpose of regulating Small Cell Technology in public rights-of-way.

Mayor Morriss convened the Public Hearing at 6:26 p.m.

Mr. Cohen advised that this Amendment is now under consideration because of FCC legislation relative to small cell structure, which is a piece of equipment that can attach to street lights or other utility poles that enable wireless communications as part of the 5G network. He added that once the Ordinance is passed, the City will have complied with the FCC order.

There being no public comments, Mayor Morriss adjourned the Public Hearing at 6:29 p.m.

2. Public Hearing - to receive comment on the 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the City's Community Development Block Grant Program

Mayor Morriss convened the Public Hearing at 6:29 p.m.

Lee Borrer, Community Development Specialist, provided background on the CAPER Report for CDBG funds, and reviewed 2018 accomplishments, which totaled \$774,663, with a Program income of \$16,224. She added that 1,740 people were directly served by various CDBG funded programs. Mayor Morriss and Councilwoman Marchini both commented on the quality and benefits of these programs.

There being no public comments, Mayor Morriss adjourned the Public Hearing at 6:36 p.m.

VIII. New Business

(A) Ordinances

1. Ordinance No. 3859 (*1st Reading*) - authorizing terms for the conveyance of 349 Davidson Street to Venus Starr and to authorize execution of a deed to effect the conveyance.

Mr. Rhodes reviewed the proposed Ordinance that would convey 349 Davidson Street to Venus Starr, and added that it was a former blighted property that Ms. Starr helps to maintain.

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

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments, which are noted below.

Motion to approve Orders 26,524 – 26,531 was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Order No. 26,524 - approving the award of Historic District Tax Incentives to Daniel and James Rhee and Sam J. Lee, owners of 45 North Centre Street equaling a property tax credit of \$15,206.08 to be used within 5 years and a property tax assessment freeze for 4 years

Order No. 26,525 - authorizing the execution of a 3-year Small Enterprise License Agreement with ESRI (Environmental Systems Research Institute, Inc.) for sufficient seats within the system for water, sewer, and engineering departments at a cost of \$25,000 each for years 2 & 3, and \$19,301.63 for year 1 due to a credit in the annual maintenance already being paid for that year

Order No. 26,526 - authorizing the execution of an Employee Assistance Program Service Agreement with the Western Maryland Health System Corp. to provide

assistance to City employees, their spouses, and dependents for a term of 3 years at a rate of \$27 per employee per year

Order No. 26,527 - Authorizing acceptance of a Certified Local Government Sub-grant from the MD Historical Trust in the amount of \$23,846 to be used for the purpose of evaluating the economic impacts of Historic Preservation in Cumberland

Order No. 26,528 authorizing the City Engineer to execute a letter of interest to the U.S. Army Corps of Engineers (USACE) to allow a Decision Document to be generated for the Canal Re-watering Project (28-19-FPM), which will in turn allow federal funds to be allocated for this project.

Order No. 26,529 - authorizing payment to Allegany County for invoices pertaining to the Replacement of Bridge No. A-C-09 on Cumberland Street over CSXT Railway Project, as Allegany County will be paying the MD Department of Transportation directly and seeking reimbursement from the City for its cost share portion estimated at \$98,970, which is 20% of the total estimated project cost of \$494,854

Order No. 26,530 - declaring City-owned property at 307-309 Arch Street to be surplus and stating the City's intent to donate the property to the Cumberland Housing Alliance, Inc.

Order No. 26,531 - adopting the 2019 Destination by Design Civic Master Plan for the City of Cumberland

Mayor Morriss commented that this plan is an aspirational design for the City, going forward, and noted that many members of the community were involved in vetting this plan. He added that although it's a very comprehensive plan, it's flexible as well, and modifications can be made along the way of this 10-15 year plan.

IX. Letters / Petitions

X. Public Comments

Paul Natoriani, 819 Fayette Street, questioned if there were any plans to sell the City's water to a private company. Mayor Morriss advised that Council recently had a meeting with American Water and said the City is still looking at it. He added there's a lot of work that would have to go into it to make it a viable consideration. He stated that because of the law being changed in Maryland, it was something the City wanted to explore and discuss, but it may only ever be a discussion. The Mayor further advised that if the discussion ever progressed, there would definitely be Public Hearings.

Nick Gelles, 217 Pearl Street, inquired when something was going to be done on Pine Avenue. Mayor Morriss advised that the Traffic Group has come up with a report, but said it probably didn't address Mr. Gelles's concern. He added that the M&CC will discuss it and let him know what they decide to do.

Paul Mullen, WCBC Operations Manager, asked to poll Mayor and Council separately as to whether or not eminent domain, with regard to the Rolling Mill area, had been taken off the table, or whether it still remained a consideration.

Mayor Morriss stated that it had not been taken off the table and would be considered if necessary. Councilmen Bernard and Cioni, along with Councilwoman Marchini, agreed with the

Mayor. Councilman Frazier did not agree, saying he does not believe in using eminent domain for commercial purposes, but definitely wants to see development happen in that area. Mr. Mullen asked if the CEDC or Cumberland Gateway had asked Council for consideration or use of eminent domain to this point. Mayor Morriss stated that they have not, with Councilman Frazier saying that Mr. Kelly had mentioned eminent domain to him on one occasion.

Mr. Mullen then asked Mayor and Council if they all felt the same way about doing a full-build as opposed to a build-around. Mayor Morriss stated he is in favor of a full-build, to best increase the tax base for the City, but advised that if a build-around is possible, it would be considered. Councilman Frazier agreed that a full-build would be better, but stated the developer has said that he can do a build-around.

Mr. Mullen inquired if there have been any substantial negotiations with property owners. Mayor Morriss advised that the negotiations are now between the property owners and the developer, and stated that the developer had indicated to him that he had acquired some of the properties. He said he would encourage both sides to be open-minded, look at the options, and act in the best manner for the community.

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, Mayor Morriss adjourned the meeting at 7:12 p.m.

Minutes approved on November 19, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk