



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 Meeting
City Hall, Cumberland

DATE: August 13, 2019

I. CLOSED SESSION

1. 5:30 p.m. - Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305(b)(4) of the General Provisions Article of the Annotated Code of Maryland to discuss development proposals for the East Side School site.

Motion to move into Closed Session was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

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 Richard Cioni
Councilman Eugene Frazier
Councilwoman Laurie Marchini

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Police Captain Chuck Ternent; Fire Marshall Shannon Adams

V. Statement of Closed Meeting

1. Summary Statement of Closed Meetings

Mayor Morriss announced that Closed Meetings had been held on July 30, 2019 at 5:36 p.m., and August 13, 2019 at 5:30 p.m. and read into the record a summary for each 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.

VI. Presentations

1. Certificate of Recognition presented to Kyle Blake, Chairperson of the 2019 Lambda Car Club International Grand Invitational, expressing appreciation for bringing the collector car national event to Cumberland.

Mayor Morriss provided background on the week-long LCCI event that once again Mr. Blake has brought to Cumberland, and presented a Certificate of Recognition from the Mayor and City Council commending him for his hard work in bringing the event to our area.

VII. Director's Reports

(A) Engineering

1. Engineering Department monthly report for July, 2019

(B) Public Works

1. Maintenance Division monthly reports for June & July, 2019

(C) Fire

1. Fire Department monthly report for July, 2019

(D) Utilities - Treatment Plants

1. Utilities-Treatment Plants & Central Services monthly reports for June, 2019

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

VIII. Approval of Minutes

1. Approval of the Work Session Minutes of May 29, 2019, the Closed Session Minutes of June 4, 2019, and the Special Public Meeting Minutes of June 11, 2019

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

IX. Unfinished Business

(A) Ordinances

1. Ordinance 3856 (*2nd and 3rd readings*) - to repeal and reenact Section 13-105 of the City Code pertaining to the parking of trucks, trailers and other similar vehicles and equipment on public streets.

Mr. Rhodes provided background on the Ordinance that would ban the parking on public streets of trucks, trailers, and other large vehicles. He then asked Mr. Cohen to clarify the details, who advised that while parking of the larger trucks and similar vehicles is prohibited on public streets, loading and unloading is allowed.

SECOND READING: The Ordinance was presented in title only for its Second Reading. A motion to accept the Second Reading was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0. Mayor Morriss called for questions or comments. A question was asked about exceptions to the Ordinance. Mr. Cohen advised that this Ordinance provides an exception to the general rule that parking is allowed on public streets. In response to another question, Mr. Cohen advised that larger vehicles, such as motorhomes, could be parked in a parking lot, or in the driveway of the owner, adding that these larger vehicles parked on public streets are not fair to everyone else, and can pose a traffic safety hazard by obstruction of view. He further added that the size of the vehicle is defined in the Ordinance.

THIRD READING: The Ordinance was presented in title only for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 5-0.

2. Ordinance 3857 (*2nd and 3rd readings*) - amending the official Zoning Map in Section 25-1 of the City Code (ZMA #12-04) to rezone five properties located at 701-713 Elm Street from R-U (Urban Residential) to B-C (Business Commercial)

Mr. Rhodes provided background on the Ordinance which would amend the City's Zoning Map in Section 25-1 of the City Code to re-zone five properties from residential to commercial, adding that the properties were adjacent to the Martin's Food Store, and will be consistent with the zoning there.

SECOND READING: The Ordinance was presented in title only for its Second Reading, and Mayor Morriss called for questions or comments. Being none, a motion to accept the Second Reading was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0, and the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was presented in title only for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 5-0.

X. New Business

(A) Resolutions

1. Resolution No. R2019-03 - granting the Cumberland Outdoor Club a property tax credit for the 2019-2020 tax year.

Mr. Rhodes reviewed the Resolution which grants a property tax credit, provided for by the Annotated Code of Maryland.

The Resolution was presented in title only. Motion was made by Councilman Cioni to approve the Resolution, seconded by Councilman Frazier, and the Resolution was passed on a vote of 5-0.

2. Resolution No. R2019-04 - granting the Allegany County Animal Shelter Management Foundation a property tax credit for the tax years 2016-2017 through 2019-2020.

Mr. Rhodes reviewed the Resolution which grants a property tax credit, provided for by the Annotated Code of Maryland.

The Resolution was presented in title only. Motion was made by Councilman Cioni to approve the Resolution, seconded by Councilman Frazier, and the Resolution was passed on a vote of 5-0.

(B) Ordinances

1. Ordinance 3858 (*1st reading*) - providing for the issuance and sale of an aggregate principal amount not to exceed \$3,800,000 in General Obligation Bonds, to be known as the "Mayor and City Council of Cumberland Infrastructure Bonds, 2019 Series B," through the Community Development Administration (CDA), to be used for financing or refinancing costs of Projects defined in the Bond, funding a portion of a capital reserve fund and/or other reserves required by the Administration, and/or paying issuance and other costs related to the Bonds

Mr. Rhodes reviewed the proposed Ordinance which will provide for the issuance and sale of General Obligation Bonds for various funding throughout the year, including a chassis for the International 2011 ambulance "box", a new aerial ladder truck to replace the current one that is now 27 years old, various paving projects, City Hall HVAC improvements, a utility truck, and a 5-ton dump truck.

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 Bernard, and was passed on a vote of 5-0.

(C) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approved Consent Agenda Items 1 – 21 was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 5-0.

1. Order No. 26,488 - authorizing a Special Taxing District tax exemption for 15 South Liberty Street in the amount of \$520.30 for the 2018-2019 tax years.

2. Order No. 26,489 - adopting a revised Employee Handbook for Full-Time Non-Union Employees
3. Order No. 26,490 - appointing Robert Godfrey to the Board of Commissioners for the Housing Authority for the City of Cumberland for a five year term, effective November 1, 2019 through October 31, 2024
4. Order No. 26,491 - authorizing the abatement of taxes and utilities owed on City-owned property at 607 Maryland Ave.
5. Order No. 26,492 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Robert L. and Shiela S. Metz, pertaining to 13 Pennsylvania Avenue has been fully paid and satisfied
6. Order No. 26,493- authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Dollie Catherine Derlan, pertaining to 304 Virginia Avenue has been fully paid and satisfied
7. Order No. 26,494 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Gregory and Shawnee L. McElfish pertaining to 114-116 Oak Street has been fully paid and satisfied
8. Order No. 26,495 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Shirley L. McDonald pertaining to 128 Springdale Street has been fully paid and satisfied
9. Order No. 26,496 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Larry and Samantha Moon pertaining to 208-210 Virginia Avenue has been fully paid and satisfied
10. Order No. 26,497 - authorizing a Special Taxing District exemption of \$832.50 for 27 N. Centre Street for the 2019/2020 Tax year
11. Order No. 26,498 - authorizing the abatement of 2019/2020 taxes for City-owned properties at Bishop Walsh Rd., Eleanor Terr., and Seneca Ave (cell tower properties)
12. Order No. 26,499 - authorizing the abatement of taxes for the 2019 tax year for various City-owned properties
13. Order No. 26,500 - authorizing the sole source purchase of two (2) Reciprocating Skimmer Systems for the Water Filtration Plant, in the amount of \$41,233.00, from Xylem Water Solutions USA, Inc.
14. Order No. 26,501 - authorizing the sole source purchase of nine (9) Peristaltic Chemical Metering Pumps for the Water Filtration Plant in the total amount of \$29,545.00, from the T.E. Byerly Company, Inc.
15. Order No. 26,502 - authorizing the waiver of permit fees for CDBG improvement projects at the Riverside and Baltimore Avenue YMCA facilities
16. Order No. 26,503 - authorizing the waiver of permit fees for CDBG sidewalk improvements around Fort Cumberland Homes by the Cumberland Housing Group

17. Order No. 26,504 - declaring a 2004 Ford Crown Victoria (VIN No. 2FAFP71W64X13543) as surplus and authorizing its disposal
18. Order No. 26,505 - authorizing execution of a Letter of Agreement with Leonard S. Fiore, Inc. (LSF) pertaining to the CSO Storage Facility at the WWTP Project (1-10-WWTP), setting forth terms by which the City shall grant LSF a 102 working day extension of the substantial completion date under terms of the original contract
19. Order No. 26,506 - authorizing Change Order No. 1 to the contract with The EADS Group for additional engineering design services to address an additional scope of work for the New Baltimore Street Town Center Project (12-16-M) in the increased amount of \$311,450, bringing the total contract amount to \$626,246.00

Greg Larry, Cumberland Times-News, asked if the additional amount was for underground utility work, and if it adds to the last total of \$8.7M. Mr. Rhodes advised that this is just the engineering phase, and this Change Order will add \$311K to that; it isn't just utilities, it's the result of the study of the Cochran Group that was seen as favorable to be implemented. Mr. Rhodes added that the \$8.7M was a construction estimate, and this Change Order would bump that up as well. Councilwoman Marchini wanted to clarify to Mr. Larry that the figures are still estimates, and Mr. Rhodes added that the CEDC is working to acquire grant funds to underwrite the costs as much as possible.

20. Order No. 26,507 - authorizing Change Order No. 5 to the contract with Leonard S. Fiore, Inc. for the Phase 1 CSO Storage Facility at WWTP Project (01-10-WWTP) for an increased amount of \$2,820.83 and 102 additional non-compensable working days, bringing the new total contract amount to \$26,364,856.88
21. Order No. 26,508 - rescinding Order No. 26,426 authorizing execution of a Cooperation Agreement pertaining to River Bend Court, LP and authorizing execution of Cooperation Agreements with The Housing Authority for the City of Cumberland to update and standardize the terms of public housing development agreements for Banneker Gardens, River Bend Court, LP, Wills Creek View, LP, Fort Cumberland Homes, John F. Kennedy Homes, Jane Frazier Village, Queen City Tower, and Willow Valley Apartments

Mr. Cohen advised that these are PILOT agreements for housing projects, adding that the old agreements didn't have uniform terms. He stated that the only variations would be the sharing of funds raised under the PILOT agreements; otherwise, they are largely identical.

XI. Letters / Petitions

1. Letter from Terri Ann Lowery requesting permission to hold the 2019 Great Allegheny Run (GAR) on Saturday, October 5, 2019
2. Letter from Bonita Austin on behalf of the Carver Community Center Board of Directors requesting a property tax waiver for the 2019-2020 tax year for property owned by Carver Community Center at 340 Frederick Street

3. Letter from Sean and Kristie Thomas requesting to hold the 70th Annual South Cumberland Halloween Parade on Wednesday, October 30, 2019 at 7:00 p.m.

The Mayor and City Council provided a consensus for the events.

XII. Public Comments

No Public Comments

All public comments are limited to 5 minutes per person

XIII. Adjournment

With no further business at hand, the meeting adjourned at 6:59 p.m.

Minutes approved on October 15, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk