



# 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

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

DATE: January 21, 2020

### **I. CLOSED SESSION**

1. 5:00 p.m. - Convene in open session for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (1) and (7) or the General Provisions Article of the Annotated Code of Maryland to 1) discuss board and commission appointments; 2) to receive legal advice regarding certain issues pertaining to regulatory requirements of the Department of Environmental Protection and the PA Public Utility Commission; 3) to receive legal advice regarding pending liability claims; and 4) to receive legal advice regarding several items of proposed legislation.
2. Executive Session

### **II. OPEN SESSION**

1. 6:15 p.m. - Reconvene into Open Session

### **III. Pledge of Allegiance**

### **IV. Roll Call**

#### **PRESENT**

Councilman Bernard  
Councilman Cioni  
Councilman Frazier  
Councilwoman Marchini  
President Morriss

#### **ALSO PRESENT**

Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Captain Chuck Ternent, Interim Chief of Police; Donald Dunn, Fire Chief; Bobby Smith, City Engineer

## **V. Statement of Closed Meeting**

### **1. Summary Statement of closed meetings held January 14 and January 21, 2020**

Mayor Morriss announced that Closed Session had been held on January 14, 2020 at 4:30 p.m., and a Closed Session had been held on January 21, 2020 at 5:00 p.m., and read into the record a summary 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. Census update provided by Mark Widmyer, Governor's Office, Western Maryland Representative.**

Mr. Widmyer spoke on the upcoming Census, which is taken every 10 years. He discussed how the information will be collected, saying the hope was to collect 90% of the information online and that the survey takes about 15 minutes to complete. He added that the state is making arrangements to bring computers into nursing and assisted living homes, and they will also be provided in libraries. He stressed the importance of participating, and urged all to get involved as federal funding for municipalities directly corresponds to information gathered from the census. Mr. Rhodes added that the City will be rolling out some signage that can be used at various locations around the community, and reiterated what Mr. Widmyer spoke about, saying that this is critical for a community like Cumberland.

### **2. Carver Community Center Overview provided by Kathy McKenney, Community Development Programs Manager.**

Mr. Rhodes provided background on the Carver School Community Center's history and went through a PowerPoint presentation put together by Kathy McKenney, City Historian, about the history of the Carver School, then the Carver Community Center project, including grants, funding sources, remodeling and ribbon cutting in 2004. He advised on their board of directors, and the job training the center provided. He stated that when program funding began to wane, there was no way to sustain the center, but it did operate for a few years in the remodeled building. Mr. Rhodes added that the only part of the building that was remodeled was the original portion – not the hallway or gymnasium.

Ms. McKenney advised that the City did process all the permits and handled the bid documents, and had great cooperation with the Carver Board and had met with them regularly throughout the project. Mr. Rhodes advised that the final report of Community Legacy funding is available to anyone who wants a copy. He added that the City has requested a copy of the EDA report, which he believes is in storage, so Ms. McKenney has reached out to EDA to provide a copy. He stated that the State and Federal government has not approached the City for anything so it's the City's belief that the project did what it was intended to at the time.

## **VII. Director's Reports**

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

### **(A) Administrative Services**

Administrative Services monthly report for November, 2019

### **(B) Engineering**

Engineering Division monthly report for November, 2019

### **(C) Public Works**

Maintenance Division monthly report for December, 2019

### **(D) Fire**

Fire Department monthly report for December, 2019

### **(E) Police**

Police Department monthly report for December, 2019

### **(F) Utilities - Treatment Plants**

Utilities - Treatment Plants monthly report for November 2019

### **(G) Utilities - Flood, Water, Sewer**

Utilities Division-Flood/Water/Sewer monthly report for December, 2019

## **VIII. 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 Executive Session and Work Session Minutes of October 8, 2019, the Work Session and Special Public Meeting Minutes of October 22, 2019, and the Executive, Regular and Work Session Minutes of November 5, 2019

## **IX. New Business**

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

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda Orders 26,584 – 26,597 & 26,599 was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 5-0. Motion to approve Consent Agenda Order 26,598 was made by Councilwoman Marchini, seconded by Councilman Bernard, and was passed on a vote of 4-0, with Councilman Frazier voting No.

**Order 26,584** - authorizing execution of Change Order No.1 with First Fruits Excavating, Inc. for City project "Cumberland Street Retaining Wall (24-18-M)" in the increased value of

\$33,280, bringing the new contract value to \$152,530 and providing an additional 60 calendar days on the project timeline

**Order 26,585** - authorizing the City Administrator to execute Change Order No. 1 with Miracle/Taylor Sports and Recreation to incorporate Prevailing Wage Rates for an increased amount of \$4,616.91 bringing the total contract amount to \$52,655.91

**Order 26,586** - accepting the bid of Harbel, Inc. for City project "Koon Dam Sidewalk Repairs – Phase 3" (38-19-BR) in the estimated unit cost of \$82,637.00, to provide for the replacement of overhang and enclosed sidewalk on the Koon Dam Bridge

**Order 26,587** - declaring a 2011 International Ambulance (VIN: 3HAMNAAL5BL408030) as surplus equipment and authorizing it for sale or trade-in

**Order 26,588** - authorizing Acting Chief of Police Chuck Ternent to accept a FY20 GOCCP Police Recruitment & Retention Grant in the amount of \$24,000 for the purchase of recruitment media, pay incentives to officers for successful candidate referrals, and signing bonuses for successful academy trainees

**Order 26,589** - accepting the bids for purchase of one new mid-size SUV from Thomas Hyundai (\$27,797), and one 1/2 ton pickup truck (\$33,594) and one 1/2 ton work truck (\$30,939.60) from Diehl's Ford Sales

**Order 26,590** - accepting the Sole Source proposal of Marshall Ruby and Sons for repair of the rotating mechanical screens at Evitts Creek Pumping Station, in the amount of \$48,000

**Order 26,591** - accepting the Sole Source bid of CAMCO, Inc. for the repair of twenty-five (25) High Voltage Breakers at the JJD Water Reclamation Facility in the not-to-exceed cost of \$125,000

**Order 26,592** - appointing Anita Simmons, Natural Resource Technician for the City of Cumberland, to the Evitts Creek Steering Committee as City Appointee I, to fill the seat vacated by Paul Eriksson

**Order 26,593** - declaring a 2007 Chrysler Aspen (VIN #1A8HW58287F586936) to be surplus and authorizing it for sale or trade in

**Order 26,594** - adopting a revised Investment Policy effective this date, to govern the investment of public funds while meeting daily cash flow demands

**Order 26,595** - declaring certain parcels of property at 400 N. Mechanic Street to be surplus and authorizing the transfer of the properties to the Cumberland Economic Development Commission after the passage of twenty (20) days from the date of this Order and the passage of an Ordinance to effect the transfer

**Order 26,596** - approving Amendment #7 to the Community Development Block Grant (CDBG) program funding pertaining to the Dental Access Program

**Order 26,597** - authorizing execution of a Bill of Sale with MD Broadband Cooperative, Inc. to sell, assign and deliver certain assets to MD Broadband relative to the MOU pertaining to the construction of fiber optic infrastructure in the area of downtown Cumberland

**Order 26,598** - authorizing execution of a Memorandum of Understanding between the City, the Cumberland Economic Development Commission, and the Allegany County Commissioners regarding the centralization of an economic development program for the City and the County

Mayor Morriss led a discussion on Order 26,598, saying that the City has been moving in this direction for quite some time. He advised that last week the County has already accepted the M.O.U, and stated that although it's not a perfect document, it does lead the City towards a unified economic development plan. Councilman Frazier stated that his vote would be NO, not because he's against the idea, but because he had several questions that were not addressed at the last meeting. Councilwoman Marchini agreed it's not a perfect document, but that it is one of those things that is subject to being updated, and Council will be revisiting it. Councilman Cioni stated that during his campaign he heard a lot of questions about more collaboration, and the time is here.

**Order 26,599** - authorizing execution of an Amendment to the 2017 MHAA Grant - Canal Place Heritage Area Partnership Programming (FY17) pertaining to several revised financial documentation policies for awarded grants

## **X. Public Comments**

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

Mayor Morriss advised that he had received many emails and texts about the HGTV program called Hometown Takeover, and reached out to the community, which put together a really good group of volunteers that have agreed to help the City get in their application and presentation in time. He added that he believes the City fits in really well with the theme of the show, since we are a historical community in need of a makeover.

Lisa Bocelli, 64 Baltimore Street (business address), advised that as of last night her business had been vandalized 3 times, with robbery occurring 2 of those times, and stated that there needs to be surveillance downtown. She stated that the CPD has been wonderful, and has tried to follow up on things, but this has hurt her income due to being boarded up for another 4 weeks. She asked M&CC for a solution. Mayor Morriss advised that the IT Dept. is working to help install cameras downtown, the City is working towards better lighting, and the CPD is working towards acquiring a full police force so that a dedicated officer can be assigned to the downtown area.

Richard Beckwith, re: Carver Community Center, spoke on his concerns regarding the building and renovation. He asked Mr. Rhodes if he had something in writing pertaining to the historical designation of Carver, with Mr. Rhodes replying yes. Mr. Beckwith also asked for details on how the 1.5M was spent. He stated that he had emailed the Mayor asking if the City's legal department had thought about using eminent domain to get the building back and said he had also asked Mayor Morriss if he had reached out to anyone in the community who wants to be part of the renovation process. He asked how the City is moving to re-acquire the property, and rehabilitation.

Nick Gelles, 317 Pearl Street, inquired about what was going to be done about Pine Avenue, stating it needs to be wide enough for two cars.

Mark Larson, 80 Greene Street, No. 3, spoke about safety issues with the intersections at Greene St., Washington St., Baltimore St., and Cumberland St. He also mentioned debris where Potomac Edison put in new light poles. Mayor Morriss advised that they will notify the Traffic Group to ask if anything needs to be modified, and will have someone look at the debris around the light poles.

**XI. Adjournment**

With no further business at hand, the meeting adjourned at 7:20 p.m.

Minutes approved on April 7, 2020

Mayor Raymond M. Morriss

ATTEST: Marjorie A. Woodring, City Clerk