



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
Via Video Conference

DATE: July 21, 2020

I. CLOSED SESSION

1. 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 negotiation issues pertaining to the UFCW Local 1994 representing members of the Cumberland Police Department.

II. OPEN SESSION

1. 6:15 PM - Convene in Open Session

The public meeting will be held remotely as a videoconference.

To view the meeting live, go to the City's website at 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, citizens must go to the following webpage on Zoom Meeting and sign into the meeting:

<https://us02web.zoom.us/j/85208581468?pwd=aW4wZytKV3RlVjVCZlgyYmRWOTVTdz09>

Use Meeting ID (852 0858 1468) Password (470659)

To join by phone dial: (+1 301 715 8592); Meeting ID (852 0858 1468) Password (470659)

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. All electronic comments must be submitted by 2 PM on July 21, 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
Councilwoman Laurie P. Marchini
President Raymond M. Morriss

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

IV. Statement of Closed Meeting

1. Summary Statement of the closed meeting held Tuesday, July 21, 2020

Mayor Morriss announced that a Closed Session had been held on July 21, 2020 at 5:45 p.m. and read into the record a summary of that session which is 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. Director's Reports

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

(A) Administrative Services

Administrative Services monthly report for May, 2020

(B) Public Works

Maintenance Division monthly reports for May & June, 2020

(C) Fire

Fire Department monthly report for June, 2020

(D) Utilities - Flood, Water, Sewer

Utilities Division Flood/Water/Sewer monthly report for June, 2020

VI. 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 Closed Session Minutes of May 12, 2020, the Regular Session Minutes of June, 2, 2020, and the Work Session Minutes of June 9, 2020

VII. Public Hearings

1. Public Hearing - to receive comment on the Draft Analysis of Impediments to Fair Housing Plan presented by Manuel T. Ochoa, AICP, and Lisa Sturtevant, PhD, representatives of LSA Consultants who prepared the Plan

The Public Hearing convened at 6:36 p.m.

Manuel Ochoa of LSA (Lisa Sturtevant & Associates, LLC) reviewed the plan and timeline which is an update from their last meeting, and identifies fair housing issues. He advised that this is being done as part of the City's obligation under the Fair Housing Act for grant funds, and reviewed the Fair Housing rights and obligations. He added that the state of Maryland has additional protections. He also reviewed the great strides and progress the City has made, recommendations, and encouraged Mayor and Council to use impediments found as a tool to think about how to use any funds received.

Lisa Sturtevant reviewed data findings, discussing housing and home ownership rates, rental housing stock, blighted properties, and their demographics. She discussed the findings of limited public transportation, and the demographics related to that issue, as well as the demographics of access-to-employment information from HUD. Ms. Sturtevant also discussed school quality and healthy neighborhoods. Mr. Ochoa advised that final approval and transmission to HUD would be in early August.

Mayor Morriss opened up the floor for questions. There were no questions from Council or the public. The Mayor thanked Mr. Ochoa and Ms. Sturtevant, and stated that the key is looking at the goals and the roadmap for achieving those goals.

The Public Hearing adjourned at 7:15 p.m.

VIII. Unfinished Business

(A) Charter Amendment Resolutions

Mr. Rhodes reviewed the Resolution that will empower the City Administrator to declare emergencies, and the Mayor and City Council to pass executive orders. He stated that the Coronavirus this year really brought into light the need of the City's ability to respond quickly in an emergency situation. Mr. Cohen stated that the Administrative orders will last for a period of 30 days, while the ones passed by Mayor and City Council will last indefinitely or until the emergency ends or are rescinded.

1. **Charter Amendment Resolution 148** (*2nd and 3rd readings*) - amending Section 73A of the City Charter to empower the City Administrator to declare emergencies in certain events and pass temporary administrative orders necessary for the preservation of the public health, safety and/or welfare, and to empower the Mayor and City Council to pass executive orders in emergencies

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

THIRD READING: The Resolution was presented in title only for its Third Reading and was passed on a vote of 5-0.

(B) Ordinances

Mr. Rhodes reviewed the Ordinance that will provide for the closure of a portion of an unnamed alley and a portion of East Street, and gave a brief description of that location. He stated that these parcels lay between City-owned lands that will be sold to Allegany Junction LP, which will allow for the apartment project to move forward.

1. **Ordinance No. 3873** (*2nd and 3rd readings*) - providing for the closure of 1) a portion of an unnamed alley running north from its intersection with East Street, and 2) a portion of East Street between Reynolds Street and Interstate 68. Both parcels lay between lands owned by the Mayor and City Council of Cumberland and the City has agreed to sell the lands to Allegany Junction LP pursuant to the terms of a Purchase Agreement previously executed by both parties

SECOND READING: The Ordinance was presented in title only for its second reading. The reading was interrupted and a motion to suspend the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 5-0.

The Mayor called for questions or comments. Being none, the Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was presented in title only for its Third Reading and was passed on a vote of 5-0.

IX. New Business

(A) Resolutions

Mr. Rhodes provided background on the Resolutions, which provide for property tax credits through legislation by the Annotated Code of Maryland. Motion to approve Resolution No. R2020-01 was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 3-0, with President Morriss and Councilman Frazier abstaining. Motion to approve Resolution No. R2020-02 was made by Councilman Cioni, seconded by Councilman Bernard, and was passed on a vote of 4-0, with President Morriss abstaining.

1. **Resolution No. R2020-01** granting the WMSR Development Corporation a property tax credit for the years 2019-2020 and 2020-2021
2. **Resolution No. R2020-02** granting the Cumberland Outdoor Club, Inc. a property tax credit for FY21

(B) Ordinances

Mr. Rhodes provided background on the Ordinance which pertains to changes in City Code regarding refuse collection and solid waste regulations.

Mr. Cohen explained that when this Ordinance takes effect any garbage other than tree branches and recyclables will have to be bagged, in any kind of bags, as long as there is no loose refuse. He further advised that market-type bags could not be placed on the curb, they must go in a garbage container, and stated that only commercially-produced plastic bags could be left on the curb outside of a container. Mr. Cohen reviewed other changes as well, explaining the changes in what is acceptable for plastic recycling. Mayor Morriss clarified that grass clippings as well have to be bagged. Mr. Rhodes added that these changes will not impact the fall leaf collection.

- 1. Ordinance No. 3874** (*1st reading*) - to repeal and reenact with amendments Section 21-4 (A) pertaining to the placement of refuse for collection, and Section 21-8 pertaining to the enforcement of solid waste regulations

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.

(C) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda Item Nos. 26671-26681 was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Motion to approve Consent Agenda Item No. 26682 only was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0, with Councilwoman Marchini abstaining.

Order 26,671 - granting David Romero, 55 Baltimore St., a Special Taxing District exemption for the tax year 2018-2019 in the amount of \$1,084.71, and for the tax year 2019/2020 in the amount of \$1,094.51

Mr. Rhodes clarified for Councilman Cioni that these exemptions are permitted as relief from the mall tax for a portion of the building used for residential purposes.

Order 26,672 - accepting the proposal from Local Government Insurance Trust (LGIT) to provide FY21 insurance coverage for Police Professional Liability, Property Insurance, General Liability, Excess Liability, and Auto Coverage for the estimated cost of \$243,241.00

Order 26,673 - accepting the State Bid proposal of Hertrich Fleet Services, Inc. for four (4) 2021 Ford Police Interceptor vehicles for the not-to-exceed cost of \$148,232

Order 26,674 - authorizing the Chief of Police to accept a FY21 GOCCP Gun Violence Reduction Grant in the amount of \$6,000 to provide overtime funds for gun related investigations and specialized gun interdiction patrols

Order 26,675 - Declaring twenty (20) unimproved parcels of property owned by the City to be surplus and authorizing them for sale to the general public through a closed bid process

Order 26,676 - authorizing hotel / motel funding allotments to various community groups in the total amount of \$35,697

Order 26,677 - authorizing changes to the monthly permit fees for the George Street Garage, Frederick Street Garage, Lot No. 1, Lot No. 3, and Lot No. 6

Order 26,678 - authorizing payment to Link Computer Corporation for MuniLink utility billing cloud-based software services through FY21 in the amount not to exceed \$38,622

Order 26,679 - authorizing execution of a Lease Agreement with Allegania Restaurant to allow for the use of a certain portion of the public right-of-way adjacent to 129 Baltimore Street for the term of July 1, 2020 through May 31, 2021

Order 26,680 - authorizing the Mayor to execute Employment Agreements with full-time probationary police officers hired during FY21

Order 26,681 - accepting the bid of Cessna Bros. for the 2020 ECWC Watershed Timber Sale (10-20-WFP) in the lump sum amount of \$115,123.00 and rejecting all other bids

Order 26,682 - authorizing payment to CBIZ Insurance Services, Inc. for Public Officials Liability coverage, provided through ACE American Insurance Company, for the period July 1, 2020 through June 30, 2021 in the amount of \$18,968

X. Public Comments

Jeff Hedrick advised that he has a petition with 700 signatures asking the Mayor and Council to publicly support the intent to wear masks in the City, and stated that from what he's gathered each member has given their support. He then thanked the Mayor & Council for all the work they've done, and also for the Mayor's weekly updates, which he stated have been very reassuring and shows that they are concerned about the safety and well-being of the City's residents. He asked Council that if they support putting out a specific referendum or order to enforce mask-wearing & social-distancing, that they keep in mind that one of the issues is education and re-explaining the importance of enforcement of masks to businesses and the public, and making sure that everyone works together to keep everyone safe, with no mixed messages.

Mayor Morriss thanked Mr. Hedrick for his comments, and said he can assure him that the Mayor and Council are all in agreement of mask-wearing being critical to public health and safety to prevent the spread of the virus. He stated that as far as enforcement and violations, the City will enforce all of it – it's not a pick-and-choose of the laws of the state and the country. The Mayor also stated the Cumberland Police Department has been responding each time they've received a call from a citizen reporting an executive order violation, and the City wants to continue that. He recommended that citizens use the number 301-777-1600 to report violations, rather than the 911 dispatcher. He further stated that 1) it's important for citizens to speak up or say something to the owner of the establishment, and 2) to call the police department and they will respond.

Mayor Morriss stated that he had spoken with Chief Ternent today and was assured that they have responded to each call, and said it's critical for everyone to understand mask-wearing is important, and a requirement. Fines can be imposed.

Councilwoman Marchini thanked Mr. Hedrick for putting this issue in front of the Mayor and Council and stated that they have received other letters from people that refute that masks keep people safe and that there isn't any scientific evidence. The Councilwoman made reference to an

article in the Journal of the American Medical Association, where the CDC reviewed the latest science and affirmed that a cloth face covering is a critical tool in the fight against Covid-19, especially when used universally in communities, and read a quote from the article that “face coverings are the greatest line of defense against this deadly disease.” The Councilwoman reminded everyone that we are in fact fighting a war, that already three times the number of people that died in the Vietnam war, have died from this virus, and asked why is there fighting about something that is so easy to do. She also wanted to remind everyone that wearing a mask protects people around you, and is an easy thing to do to potentially save someone’s life.

All of Council commented that everyone needs to get on board and wear masks to protect everyone.

All public comments are limited to 5 minutes per person

XI. Adjournment

With no further business at hand, the meeting adjourned at 7:53 p.m.

Minutes approved on September 15, 2020

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk