



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
Video Conference

DATE: July 07, 2020

I. CLOSED SESSION

5:45 PM - Convene in open session for the purpose of closing the meeting for an execution session pursuant to Section 3-305 (b) (9) to discuss negotiation issues with AFSCME Local #553

II. OPEN SESSION

6:15 PM - Reconvene into Open Session

This 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.

To provide public comment during this video conference, citizens must go to the following webpage on Zoom Meeting:

<https://us02web.zoom.us/j/83126134941?pwd=R0VaVnlEQ0R3bHcxSmlyUDBwWmQ2dz09>

and use Meeting ID (831 2613 4941) Password (194130)

To join by phone dial: (+1 301 715 8592); Meeting ID (831 2613 4941) Password (194130)

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 7, 2020. Comments received will be read 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 closed meeting held July 7, 2020

Mayor Morriss announced that a Closed Session had been held on July 7, 2020 at 5:42 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. 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 Minutes of March 31, 2020 and April 7, 2020, and the Regular Session Minutes of June 16, 2020

VI. Public Hearings

1. Public Hearing - to receive comment on the proposed Charter Amendment Resolution (C.A.R.) No. 148 to amend 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.

To provide comment during the Public Hearing, please refer to the instructions noted under Open Session above.

The Public Hearing convened at 6:26 p.m.

Mr. Rhodes provided background on the proposed Charter Amendment Resolution, saying that the COVID-19 pandemic had put this in the forefront, and stated there has been a provision in the City Charter for a while for declaration of emergencies, but only affected certain employees. He added that this is about in the time of an emergency, creating the greatest latitude from an internal aspect. Mr. Rhodes went on to say that this isn't about declaring curfews, etc., this is about how we operate the organization, and having the latitude to do so in an emergency situation, where all types of things can come into play.

City Solicitor Cohen outlined the Charter Amendment Resolution, saying that emergencies are rare and extreme:

- C.A.R provides that the City Administrator can declare that an emergency exists.
- The City Administrator can pass administrative orders that affect suspension or modification of provisions of the City Code
- Administrative orders are temporary in nature – 30 days
- Mayor and City Council (M&CC) can also pass executive orders – but unlike administrative orders, these are unlimited in duration.
- The City Administrator and M&CC can suspend City policies and terms of collective bargaining agreements and amendments entered into after the date that this C.A.R. is adopted.

Mr. Rhodes said, as an example, this pandemic would have been something under the proposed legislation that the M&CC would have been advised to take that action, because it wouldn't have been expected to have been taken care of in 30 days, as opposed to a large utility failure.

Mayor Morriss announced that there was a comment received via email from Chris Allison, 218 Carroll Street, and read that comment that stated he was in opposition to empowering City leaders because of his perceived displeasure of their capabilities, as well as his displeasure with the City Police Dept. Mayor Morriss thanked him for his comments, but respectfully disagreed with them, stating that he has found the leadership of this City, staff and Council, to be mature, thoughtful in analysis of issues and concerns, and they always work to develop a meaningful plan.

The Mayor added that he has great trust in those he works with, and said that regarding the City Police, he is very proud of the Cumberland Police Department. He stated that he believes they are well-trained, and they have been supervised well for many years. Council stated that they have never heard comments such as this about the Police Department.

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

VII. New Business

(A) Ordinances

Mr. Rhodes reviewed the Ordinance stating that the unnamed alley and the portion of East Street, both owned by M&CC, are essentially the East Side School site, and the loop road in front of where the school was.

Ordinance 3873 (*1st Reading*) - 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.

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 Councilman Frazier, 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. Motion to approve Consent Agenda Item Nos. 26,653 – 26,661 and 26,663 – 26,670 was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0. Motion to approve Consent Agenda Item No. 26,662 only was made by Councilman Cioni, seconded by Councilman Frazier, and was passed on a vote of 4-0, with Councilwoman Marchini abstaining.

Order 26,653 - authorizing the Chief of Police to accept a FY21 NIBRS Implementation Byrne-Justice Assistance Grant (BJAG) in the amount of \$45,000 to be used to further prepare for the Cumberland Police Department's (CPD) migration from the existing Uniform Crime Reporting (UCR) format to the new National Incident Based Reporting System (NIBRS) format by January 2021. Funds will be applied toward developing a computer training lab within the CPD and will pay for instructors and students to attend this specialized training.

Order 26,654 - authorizing the Chief of Police to accept a GOCCP FY21 Sex Offender Compliance Grant in the amount of \$20,427 for overtime support for the Cumberland Police Department and Allegany County Sheriff's Office to perform home-visit compliance checks of registered sex offenders to confirm residency

Order 26,655 - authorizing the Chief of Police to accept a State Aid for Police Protection Grant for FY21 in the amount of \$478,883 to be used exclusively to provide adequate police protection in the City of Cumberland, MD

Order 26,656 - authorizing the Chief of Police to enter into a Memorandum of Understanding with the Allegany County Health Dept. to conduct six drug interdiction events between now and June 7, 2021, partnering with the Sheriff's Office, Frostburg Police Dept., and the MD State Police, as appropriate, in an attempt to reduce the illicit supply of opioids in Allegany County. Grant money in the amount of \$10,000 has been appropriated by the Health Dept. through the Opioid Operational Command Center for these initiatives and to cover meals for one officer to attend Drug Recognition Expert training.

Order 26,657 - authorizing execution of a Joint Use Agreement with The Housing Authority of the City of Cumberland, MD and the Department of Natural Resources to accept \$149,000 in Community Parks and Playgrounds Program funding for playground improvements at 635 East First Street (Jane Frazier Village) and to provide contingencies for use of the funds

Kathy McKenney, Community Development Program Manager explained that this particular document is only required when funds are utilized on a location that is not owned by the local government.

Order 26,658 - accepting the bid of Harbel, Inc. for "ADA Improvements at 218 Washington Street Project (19-18-M)" in the estimated unit cost of \$37,339.40, which also includes construction phase support, and rejecting all other bids

Councilwoman Marchini asked if there were going to be issues with the bricks during these repairs. Ms. McKenney stated that the intention is for the bricks to be removed and re-installed, and added that conceptually the project has already been present to the Historic Preservation Commission (HPC), so she doesn't anticipate any issues with the bricks.

Order 26,659 - authorizing execution of a Concession License Agreement with Joyce Wormack for the operation of the concession area on the second floor of the Casino Building at the Constitution Park Pool from June 1, 2020, through September 30, 2020, for a license fee of \$900

Order 26,660 - authorizing execution of an Employment Agreement with John Charles Ternent for the position of Police Chief for a three (3) year term to be effective retroactive to April 7, 2020, and extending through January 1, 2023, with provisions for automatic renewals

Order 26,661 - accepting the proposal from PMA Companies to provide Workers Compensation Insurance for the period July 1, 2020, through July 1, 2021, in the estimated amount of \$1,085,492 (Premium \$272,812 / Cash Collateral Fund \$790,000 / Claims Service Fund \$22,680) and authorizing execution of documents to effect the coverage

Order 26,662 - authorizing payment to CBIZ Insurance Services, Inc. for FY21 Risk Management Services for the period July 1, 2020, through June 30, 2021, in the amount not to exceed \$32,500

Order 26,663 - authorizing execution of a Memorandum of Agreement with the MD Department of Housing and Community Development for the administration of the federally funded Section 8 Housing Choice Voucher Program for the term retroactive to July 1, 2020, and through June 30, 2023

Order 26,664 - authorizing execution of an Amendment to the Purchase Agreement with Allegany Junction Limited Partnership dated April 7, 2020, pertaining to the sale of a certain parcel of land located at 100 Reynolds Street, to allow Allegany Junction LP to add an additional two (2) 30-day Closing Extensions to allow for the closing of all necessary public rights of ways

Order 26,665 - authorizing the execution of Change Order No. 7 to the existing contract with Leonard S. Fiore, Inc. for City Project "CSO Storage Facility at WWTP" (1-10-WWTP), increasing calendar days by 90 for substantial completion, and by 45 for final completion, with no increase to the current contract price of \$26,364,856.88. This Change Order is contingent upon approval from the MD Dept. of the Environment

Order 26,666 - authorizing the execution of Change Order No.1 to the current contract with Casey Smith, LLC dba Service Pro for the "Non-Residential Grass Mowing Contract (11-19-M)" to add City-owned property on Baker Street to the contract for the increased amount of \$1,760, bringing the current contract total to \$40,160

Order 26,667 - authorizing the execution of Change Order No 3 to the current contract with Casey Smith LLC dba Service Pro for the "Residential Grass Mowing Contract (10-19-M)" to add eight (8) recently acquired properties to the contract for the increased amount of \$4,800 for FY20, bringing the current yearly contract amount to \$56,710

Order 26,668 - authorizing the City Administrator to execute FY21 Employment Agreements for part-time employees for the City of Cumberland

Order 26,669 - authorizing the City Administrator to execute all Employment Agreements for seasonal employees entered into during the 2020 spring/summer season; notwithstanding that said agreements shall not exceed six (6) months from the date of execution

Order 26,670 - approving funding changes to various Community Legacy Central Business District Leasehold Improvement Projects that were previously approved by Order Nos. 26,402 and 26,432. Total amount of the awards remains \$75,000

Kathy McKenney, Community Development Program Manager, provided information on the Leasehold Improvement Projects, saying that within those 2 M&CC Orders, there were six projects approved. The owner of the 206 and 208 N. Centre Street asked for the funding allocated to those two projects to be adjusted because one of the projects has had the ability to move forward more quickly.

VIII. Public Comments

Mr. Rhodes advised that there was a question on the live feed about fixing the bridge at The Kensington, and stated that will be the first bridge replaced. Mr. Rhodes also advised that a representative from the Times-News asked about the Police Protection Grant, with Mr. Rhodes explaining that the funds were not specific, and will be used for general operation of the Cumberland Police Department.

All public comments are limited to 5 minutes per person

IX. Adjournment

With no further business at hand, the meeting adjourned at 6:56 p.m.

Minutes approved on August 4, 2020

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Wooding, City Clerk