



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

DATE: November 19, 2019

### **I. CLOSED SESSION**

1. 5:45 p.m. - Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305 (b) (7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding obtaining an easement and the retention of outside counsel for a particular matter.

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

2. Executive Session

### **II. OPEN SESSION**

1. 6:15 p.m. - Reconvene in 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; Interim Chief of Police, Capt. Chuck Ternent; Donald Dunn, Fire Chief

**V. Statement of Closed Meeting**

1. Summary Statement of the Closed Meeting held November 19, 2019

Mayor Morriss announced that a Closed Meeting had been held on November 19, 2019 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.

**VI. Director's Reports**

**(A) Administrative Services**

Administrative Services monthly report for September, 2019

**(B) Engineering**

Engineering Division monthly report for October, 2019

**(C) Public Works**

Maintenance Division monthly report for October, 2019

**(D) Fire**

Fire Department monthly report for October, 2019

**(E) Police**

Police Department monthly report for October, 2019

**(F) Utilities - Treatment Plants**

Utilities Division - Treatment Plants monthly report for October, 2019

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

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

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

**VII. Approval of Minutes**

1. Approval of the Work and Regular Session Minutes of September 17, 2019, and the Regular Session Minutes of October 1, 2019

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

**VIII. Unfinished Business**

1. Ordinance 3861 (*2nd & 3rd Readings*) - to enact Article V of Chapter 15 of the Code to set forth protocols and procedures relative to parades and special events

Mayor Morriss advised that the Ordinance would be tabled until modifications can be made to it. Motion to table the Ordinance was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

2. Ordinance 3862 (*2nd & 3rd Readings*) – authorizing the terms for conveyance of 301-303,305, and 307-309 Arch Street to the Cumberland Housing Alliance, Inc. and authorizing execution of a deed to effect the transfer

Mr. Rhodes provided background on the proposed Ordinance and stated that this ordinance will effect the conveyance of properties missed on the original ordinance, and that the CHA will be using the properties to build a new residential home.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The reading was interrupted and 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 opened the floor for 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) Orders (Consent Agenda)**

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

**Order 26,561** - accepting the "Alternate Bid I" of Excavating Associates for City Project "Bellevue Street Sidewalk Upgrades" (27-19-M) in the estimated total cost of \$81,250

**Order 26,562** - accepting the sole source proposal of Shaffer Construction to perform paving work, with a cost share between the City and Columbia Gas, on Bedford Street from Schlund Avenue to Lowell Avenue, and various streets on the West Side including Allegany, Fayette, and Cumberland Streets in the estimated unit price of \$98,000

Mr. Rhodes advised that this is a cooperative cost-share paving effort with Columbia Gas to piggy-back on their work, and added that it saves the City money as we don't have to mobilize equipment.

**Order 26,563** - authorizing the execution of Change Order 1 to the current contract with Safe Slide Restoration, Project 33-19-RE "Constitution Park Pool Slide Restoration" in the increased amount of \$11,200 for repairing 17 seams in the slide to provide a safer and smoother surface, bringing the new contract total to \$36,600

**Order 26,564** - authorizing the execution of Change Order No. 1 to the current contract with Service Pro for the City Project "2019 Residential Grass Mowing" (10-19-M) in the increased amount of \$975.00 to add City properties 101 N. Cedar St. and 400 N. Mechanic St. and allow mowing through the end of FY20

**Order No. 26,565** - authorizing execution of Change Order No. 1 to the current contract with Hoyman Painting for City Project 21-18-WWTP "Repaint Primary Clarifiers" in the increased amount of \$25,305.26, bringing the new contract total to \$142,033.26, for emergency concrete repairs to cracks found during painting

**Order 26,566** - approving program amendments to the Community Development Block Grant Program (CDBG) effective November 20, 2019

**Order 26,567** - declaring 6 copiers and 40 Smartphones to be surplus equipment and authorizing them for sale or trade-in

**Order 26,568** - authorizing execution of a Settlement Agreement and Roadway Easement Agreement with Michael E. Taccino regarding a City easement running through his property on Knobley Mountain, West Virginia, and addressing matters involving a suit filed by Taccino in District Court seeking damages for the City's alleged unauthorized use of the easement; and authorizing payment of \$5,000 for a one-year easement period and the option to extend the easement for unlimited duration for the sum of \$7,800

**Order 26,569** – authorizing execution of Amendment No. 1 to Use of Public Ways Agreement with Level 3 Communications, LLC to extend the term of the original Use Agreement dated November 9, 1999 granting Level 3 the non-exclusive right to lay telecommunications cables and associated facilities under and over the City roads, for an additional 60-day period to allow for negotiations for a new agreement

**Order 26,570** - appointing Dan Bowser and Rhiannon Morgret to the Downtown Development Commission for the term of 7/31/19 - 7/31/22; and Cindi Bolyard to the Human Relations Commission for a term of 11/15/19 - 11/15/22

## **X. Public Comments**

Nick Gelles, 317 Pearl Street, advised that Pine Avenue hasn't been cleaned up yet, but noted that the RV is now off the road, which made a big difference. He added that the junk cars and trucks just get moved around and never taken off the street. Mayor Morriss advised that as explained in the past, the cars are legally licensed and insured and there is no obligation for them to be removed from the Taccino property. Interim Police Chief Chuck Ternent advised the same, adding that Mr. Taccino starts the cars up for him when requested, and is aware they have to be moved every 14 days.

Mick Bloom, 4 Parkside Blvd, LaVale, passed out a proposal to M&CC, and stated that although he is not a resident of the City, he has lived in Allegany County all his life. He advised that he has met with the County Commissioners, and will meet with other municipalities with his proposal to try to do something to incentivize people to buy old houses in the City and rehabilitate them; fix structural problems and get them up to building code. He suggested giving incentives to retirees to help revitalize the economy. Mayor Morriss advised that they would look at and review the proposal.

All public comments are limited to 5 minutes per person

**XI. Adjournment**

With no further business at hand, the meeting adjourned at 6:50 p.m.

Minutes approved on February 4, 2020

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk