



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 Public Meeting
City Hall Council Chambers

DATE: June 04, 2019

I. Closed Session - 5:45 P.M.

1. Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305 (b) (1) of the General Provisions Article of the Annotated Code of Maryland to discuss an employee resignation

Motion to move into Closed Session was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

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 Eugene T. Frazier
Councilman Richard J. "Rock" Cioni

ABSENT

Councilwoman Laurie P. Marchini

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Police Chief; Donald Dunn, Fire Chief; Marjorie Woodring, City Clerk

V. Statement of Closed Meeting

1. Summary Statement of Executive Session

Mayor Morriss announced that a Closed Session had been held on June 4, 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. Presentations

1. Presentation from Western Maryland Delegate Michael McKay of the 90-Day Legislative Report

Delegate Mike McKay advised that the 2019 Session of the General Assembly has concluded, and discussed his 90-day Legislative Report for District 1C, which contains the status of legislation he either sponsored or co-sponsored in Annapolis, and how he voted on each bill and its results. He added that the information was also posted on social media, provided a copy to each council member, and offered to provide a copy to any resident if requested. Delegate McKay encouraged all citizens to contribute and weigh in on issues that are important to the residents of the City, and passed out a newsletter to those in attendance.

VII. Director's Reports

A. Public Works

1. Maintenance Division monthly report for April, 2019

B. Police

1. Police Department monthly report for April, 2019

C. Utilities - Treatment Plants

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

Motion to approve the Reports was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

VIII. Approval of Minutes

1. Approval of the Budget Work Session Minutes of April 16, the Work Session Minutes of May 1, and the Regular Session Minutes of May 7, 2019

Motion to approve the Minutes was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

IX. Unfinished Business

(A) Ordinances

Mr. Rhodes reviewed details of each Ordinance prior to vote.

Ordinance No. 3848 (*2nd & 3rd Readings*) - providing for the City Tax Levy for FY20 (Real Estate 1.0595 per \$100 of assessed value/Personal Property 2.648 per \$100 of assessed value)

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion approve 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 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3849 (*2nd & 3rd Readings*) - providing for the annual appropriation for the General Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0...

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3850 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Water Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second

Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3851 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Sewer Fund for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve the Second Reading and move to the Third after comment was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3852 (*2nd & 3rd Readings*) - providing for the annual appropriation for the Special Purpose Funds for FY20

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve 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 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3853 (*2nd & 3rd Readings*) - to repeal and reenact, with amendments, Section 24-86 of the City Code to provide for a water rate increase, effective July 1, 2019

Mr. Rhodes explained that this is the 2nd year of what was agreed to last year, which was three 5% increases over the next three years rather than one large increase, and provided comparisons of rates in surrounding communities.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve 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 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3854 (*2nd & 3rd Readings*) - to repeal and reenact Section 21-8.1 (a) of the City Code to provide for new rates for refuse collection effective July 1, 2019

Mr. Rhodes advised that the trash service for the City was recently bid out, with Burgmeier's Hauling being selected again this year. He advised that there is a cost increase of \$4.02 per month, which is fixed for 3 years, and provided comparisons with other communities.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve 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 4-0.

Mayor Morriss called for questions or comments.

A question was asked if property owners could decide on who they themselves want for their trash service. Mayor Morriss replied that was not an option in the City.

The Ordinance moved to its Third Reading.

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

Ordinance No. 3855 (*2nd & 3rd Readings*) - to repeal and reenact with amendments Section 17-26 and 17-27 of the City Code regarding establishment of the Planning and Zoning Commission to correct references to the Annotated Code, clarify the role of the members, provide for an alternate member, include a residency requirement, and incorporate statutory provisions regarding removal of members

Mr. Rhodes advised that other than the fact that they the change is providing for an alternate voting member at the request of the Planning Commission, this is a housekeeping matter to make it read the way the State Code reads.

SECOND READING: The Ordinance was presented in title only for its Second Reading. The Second Reading was suspended and a motion to approve 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 4-0.

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

THIRD READING: The Ordinance was read in its entirety for its Third Reading. Mayor and Council were polled individually and the Ordinance was approved by all on a vote of 4-0.

X. 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 items 1-3 was made by Councilman Bernard, seconded by Councilman Frazier, and was passed on a vote of 4-0.

- 1. Order No. 26,456** - authorizing the Chief of Police to accept funds from the Allegany County Board of Education received through the FY19 School Safety Evaluation grant in the amount of \$3,036.75 to provide overtime funding to be used conducting school safety evaluations.
- 2. Order No. 26,457** - accepting the sole source purchase of a used 2009 GMC C5500 Aerial Lift Truck from Utility Auto Sales/Utility Lifts & Equipment for an amount not to exceed \$52,500.00
- 3. Order No. 26,458** - authorizing the City Administrator to execute all FY20 Employment Agreements for part-time employees of the City of Cumberland

A question was asked as to how many part-time employees the City was hiring for the summer. Jeff deferred to City Comptroller Ken Tressler, who advised that there are 18 part-time and 45 seasonal positions budgeted.

XI. Letters / Petitions

1. Letter from Lambda Car Club International requesting use of the top two levels of the George St. Parking Garage from June 18 through June 23, 2019, and to close a portion of Baltimore Street between George St. and Queen City Drive on Saturday, June 22, between the hours of 8 a.m. - 5 p.m., to host the 2019 Lambda Car Club International Grand Invitational.

Mayor and Council provided a consensus for the event.

XII. Public Comments

Jim Brant, property owner (126, 128, 130 Bedford Street) in the City for 30 years, stated that he was told by the Water Department he has to spend \$1,000 to have his water meters put outside on the street, and added at his age he doesn't think he can even borrow the money to get that done. He explained that this property is a rental unit, and spoke about the water bills for the apartments. Mr. Rhodes discussed the reasons why the City is required to have the meters outside – one important one being a state law about backflow – and how moving the meters makes reading them more accessible. He also discussed what the City's responsibilities are for a leak versus when it is the owner's responsibility. He added that the City has been required to do this for the last couple decades, the ordinance was passed in 1979, and has involved about 14K meters, but he told Mr. Brant he could certainly check and see if there is anything unique about that property's billing. City Comptroller Ken Tressler added that there is an amount in the budget every year to move meters, for individual private residences, with commercial residences such as Mr. Brant's being the responsibility of the owner. A question was asked to clarify the City's responsibilities for water lines and leaks. Mr. Rhodes replied that the responsibility is harder to control when the meter is in the house, but added that the water line running through the property owner's yard is their responsibility, regardless of where the meter is located. He further explained that if there's a leak in the line in the middle of somebody's yard, it's that property owner's responsibility – starting from where their line taps into the main, which runs down the street. There was discussion regarding false information that a property owner was given about responsibility and meters, which Mayor Morriss and Mr. Rhodes clarified.

Mrs. Brant, 126, 128, and 130 Bedford Street, wanted to expand on their water situation, saying they have always let the City Water Department in to read the meters, for 30 years, and doesn't understand why now the meters have to move. She added that they are paying too much for water, with one residence occupied, and stated that the City is "pushing them out". Mrs. Brant also spoke on the Constant Yield tax rate issue, how most people don't understand it, and told Council they are deceiving people by telling them the tax rate isn't changing from last year. She went on to explain about assessable tax rates and how it correlates to the constant yield. She added that people's taxes are going up. Mrs. Brant spoke on the population in the City. She mentioned that schools and hospitals have closed because the City is losing people, that the City is on a downward cycle, and asked why would anyone want to move to Cumberland? Councilman Frazier commented that he built a new house in Cumberland six years ago because he loves Cumberland, loves the water service, Police and Fire Department and EMS protection services, and added that he could have built anywhere he wanted. He stated that the services Cumberland has do cost, but if you want these services, you're going to have to pay a little more, otherwise, they'll go away, and then the City would lose people faster.

Ed Mullaney, 213 Fayette Street, asked Andrea Rafferty to hand out a brochure for LBC that would address what he was going to talk about. Mr. Mullaney stated he is a very

proud resident of the West Side of Cumberland, in the vicinity of the three closed bridges, and has invested in properties in that area. He spoke about the poor streets and overgrown weeds in the area, and pointed out the photos in the hand-out of the three closed bridges, adding that they create fire and safety hazards as emergency personnel have to circumvent around them, causing delays. Mr. Mullaney also mentioned the economic impact of the bridge closures, and he further stated that the Bridge Closed signs are a glaring disruption to the unity of the neighborhoods. He said he appreciates the City's efforts, but the City needs to work together with the people, have more communication and be more positive. Mayor Morriss replied that the City appreciates everything Mr. Mullaney does, and that he had brought up some good points. He agreed the City needs to do a better job of communicating the issues. Mayor Morriss also stated that right now it's a matter of waiting on the engineering reports from Wilson T. Ballard, and his understanding is that they have been turned over to CSX for review and the City should be hearing something shortly. He assured Mr. Mullaney that they are all as frustrated as him, and the City will do a better job of communicating.

Terry Murphy, 706 Washington Street, also spoke on the West Side bridges issue, asking where things are since the last meeting she spoke at. Mayor Morriss again stated that the reports are in CSX's hands and the City is hoping to get them back quickly. Solicitor Cohen stated that he had more information, saying that the reports were ready, and the City needed to negotiate terms of a non-disclosure agreement because a lot of the information for the study came from CSX, that was proprietary information. He added that the terms of the agreement were finalized and will be on the agenda for the next Mayor and Council meeting. After staff has reviewed the report they can chart a path on how best to proceed with the Fayette Street bridge, which will certainly be rebuilt, and to look at the issues presented by the Washington Street bridge. A question was asked if there was a possibility that all three bridges could be worked on at the same time. Cohen advised that it is unlikely that Washington Street would be worked on at the same time, but it's his expectation that Cumberland and Fayette Street bridges will be.

Jose Taylor, 4 Chetwood Drive, read a letter written by one of his property owners voicing concerns about public parking available for residents living in the 100 Block of N. Mechanic Street. The letter stated that there used to be public parking in the Kennedy Towers lot which has been changed to commercial. The letter asked that a compromise be reached with the City. Mr. Taylor advised that this property owner manages a 4-unit building at 140-146 N. Mechanic Street, and has received three parking tickets in one month. He added that the man has had to park his vehicle at Rose's Plaza to avoid more tickets. Mr. Taylor added that it's very hard to rent at that apartment because of no parking. He said they are asking that some spaces be made residential for housing in the area. Mr. Taylor then spoke on a tree at 306 Decatur Street, which has limbs growing out over the building. He said he contacted Paul Eriksson, City Arborist, who advised him the tree was on the radar to address. Mr. Rhodes replied that he will look into the issue. Mayor Morriss thanked Mr. Taylor for bringing the issue of parking to their attention, adding that they would review it and look for options. Mr. Mullaney advised that there was a free City lot up by the Viaduct that is a little further away, but seldom used.

All public comments are limited to 5 minutes per person.

XIII. Adjournment

With no further business at hand, the meeting adjourned at 7:27 p.m.

Minutes approved on July 2, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk