



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

Regular Meeting
City Hall Council Chambers

DATE: October 01, 2019

I. 6:15 p.m. – Convene in Open Session

II. Pledge of Allegiance

III. Roll Call

PRESENT

Mayor Raymond M. Morriss
Councilman Seth Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

ALSO PRESENT: Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Police Captain Chuck Ternent

IV. Mayor and Council Update

1. Update from Mayor Morriss on the status of the West Side Bridges

Mayor Morriss gave an update on the West Side Bridges. He advised that a CSX meeting had been held recently, and there is some good news. CSX has agreed to put the Fayette Street Bridge back in service as a one-lane bridge, on the South side of the bridge, and work should begin in 2-3 weeks. He advised that it should be back as one-lane by Christmas or the first part of 2020, and stated that this is Phase I for the Fayette Street Bridge. The Mayor also advised that it will have a weight restriction but will be able to handle ambulance service.

The Mayor advised that they are in the final stages of preparing paperwork for the Cumberland Street Bridge, and said there should be a final agreement with CSX very soon. He added that the notice to proceed from the state should be ready in 7-10 days, which will start the Federal process. Mayor Morriss went over the timeline for

investigation, engineering, and bid processes, and advised that construction should begin fall of 2020, with a summer/fall of 2022 completion, meeting full Federal standards.

The Mayor then advised regarding the Fayette Street Bridge's Phase II, saying that CSX will put in a bridge on Fayette, and the details are still being worked out. He added that the City won't be going through the Federal process to get this bridge completed, although it will meet most of the Federal standards. The Mayor stated that the construction process will be around 4 months, beginning immediately upon completion of the Cumberland Street Bridge, and said if everything works out, by the end of 2022 both sides of the Fayette Street Bridge will be totally back in service.

The Mayor then moved on to the Washington Street Bridge, and advised that the City is still thoroughly committed to getting a bridge there. He added that the City is still in negotiations with CSX, there is no agreement yet, but they are looking at all the options. The Mayor advised on CSX's height requirement of 21 ft. 9 in. for that bridge, and said the City is going to work on all design options pertaining to the height requirement.

Mayor Morriss provided some news on the Baltimore Street Bridge, saying it was going through the Federal process. He added that drawings on that bridge should be completed by September of 2020, construction beginning spring of 2021, with completion in the fall of 2021.

The Mayor agreed that the time frames for completion are long due to working through the Federal requirements, and advised on the details of the CSX agreement and Federal funding for the Cumberland Street Bridge. He added that the process gets a bridge of the highest standards built at little cost to the City, and upon completion the City will take ownership. He also added that at any time he is willing to sit down and speak with citizens regarding this issue.

Kenneth Wilmot, 513 Fort Ave., voiced his opinion on the damage to the bridges by CSX.

In answer to questions from Greg Larry, Cumberland Times-News, Mayor Morriss advised that the repairs in Phase I of the Fayette Street Bridge will be done to the existing structure with CSX taking care of the bulk of that cost, and added the City doesn't own that bridge at this time. The Mayor further advised that all bridges will be at the 21 ft. 9 in. height.

V. Director's Reports

(A) Public Works

1. Central Services monthly report for August, 2019

(B) Police

1. Police Department monthly report for August, 2019

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

VI. Approval of Minutes

1. Approval of the Work Session and Executive Session Minutes of July 9, 2019

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

VII. Unfinished Business

(A) Ordinances

1. **Ordinance 3859** (*2nd and 3rd readings*) - authorizing terms for the conveyance of 349 Davidson Street to Venus Starr and authorizing execution of a deed to effect the transfer

Ms. Woodring reviewed the proposed Ordinance that will transfer the prior surplus property of 349 Davidson Street to Ms. Starr for \$500.

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 Frazier, seconded by Councilman Bernard, 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

VIII. New Business

(A) Ordinances

1. **Ordinance 3860** (*1st reading*) - to amend Chapter 25 of the City Code to include regulations pertaining to small cell technology in public rights-of-way and to amend the Use Regulations Table accordingly

Ms. Woodring reviewed the proposed Ordinance that is now a requirement of local governments pertaining to FCC regulations, and advised that a public hearing on this issue was held recently.

FIRST READING: The Ordinance was presented in title only for its first reading. Motion to approve the reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Bernard, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Ms. Woodring reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda items Order 26,532 through Order 26,540 was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Order 26,532 - authorizing the Chief of Police to accept a FY20 MCSS School Safety Traffic Safety Grant in the amount of \$10,640 to support police overtime in monitoring school bus routes and deterring unsafe traffic behavior

Order 26,533 - authorizing the Chief of Police to accept a FY20 Maryland Highway Safety Office (MHSO) Traffic Safety Grant in the amount of \$3000 for police overtime support concentrating on distracted driving and DUI enforcement for the project period 10/1/19 - 9/30/20

Order 26,534 - accepting the proposal of FESCO Emergency Sales, provided through the H-GAC Cooperative Purchasing Program (Bid No. AM10-18), to remount the 2011 Horton Model 603 Ambulance on a 2020 Ford F-550 4x4 Cab and Chassis per Selected Feature List 15174 dated September 23, 2019, for a total delivered price of \$178,375

Order 26,535 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Ruth Clark pertaining to 308 Woodside Drive has been fully paid and satisfied

Order 26,536 - authorizing Special Taxing District residential exemptions for the 2019/2020 tax year for properties 49-59 North Centre Street (\$964.33) and 101 South Centre Street (\$171.34)

Order 26,537 - accepting the proposal from McNees Wallace & Nurick LLC to provide legal services to the City to address matters before the PA Public Utility Commission and the PA Department of Environmental Protection, and authorizing execution of documentation to formalize acceptance of the proposal

In response to a question regarding this proposed Order, Mr. Cohen advised that there is a gentleman that wants the Evitts Creek Water Co. to supply water off a 36" transmission main but it would be tapping into it indirectly, which would be creating a public water system at that vicinity, and would impose certain PA requirements. He also stated that there are approximately 50 homeowners in the Pine Ridge area, and the Public Utility Commission is deeming what the Evitts Creek Water Co. is doing in that area constitutes a water company, and the City doesn't want to be considered a water company at that location because of a number of costs and obligations. Mr. Cohen added further that there is a matter of rate setting that extends to all Evitts Creek Water Co. PA customers. He stated that the City would like to increase water rates, but there are procedures and protocols that need to be followed.

Order 26,538 - amending Order No. 26,425 to increase the time frame and designated area to be subject to Section 11-113 of the City Code, entitled "Open Containers of Alcohol," to accommodate events in the downtown, notwithstanding that open glass containers shall not be permitted; the extended area shall include an additional portion of Baltimore Street and an additional portion of Centre Street, and the time frame shall be from 11:00 AM through 9:00 PM

Order 26,539 - lifting the provisions of Section 11-113 of the Code, entitled "Open Containers of Alcohol," on Saturday, October 5, 2019, from 4 PM until 2 AM, on Pershing Street from Mechanic Street to the parking lot at Merchants Alley, to

accommodate the 10th year anniversary celebration for Niner's Canal Pub, notwithstanding that open glass containers shall not be permitted

Order 26,540 - accepting the sole source proposal from Safe Slide Restoration to resurface the large blue slide at Constitution Park with Gel Coat in the amount not to exceed \$25,400

Order 26,541 - accepting the sole source proposal from Flowbird Urban Intelligence to provide four (4) parking kiosks for the Center City and Frederick St. Parking Garages and one (1) "Pay & Display" parking meter for Lot No. 1 in the amount not to exceed \$35,351.60

IX. Public Comments

Kenneth Wilmot, 513 Fort Avenue, voiced his opinion on the condition of Fort Avenue after trucks had been hauling dirt on that street. He also spoke about the bird population and voiced his opinion on feral cats and on the Allegany County Animal Shelter.

John Taube, 31 Washington Street, of the Allegany County Library System, advised Mayor and Council on the start of the South Cumberland Library After-School Program, 3pm – 5pm Monday through Saturday, said they are looking for partnerships with other agencies, and invited M&CC to stop by.

Jim Crowder, 295 Thornton Drive, of Potomac Edison advised Mayor and Council about the Cumberland Regional Airport expansion work that will be going on and provided details on where they will be working close to on the MD side and a timeline of the work being done. Mayor Morriss referred Mr. Crowder to City Engineer Robert Smith to review the documents he brought.

Paul Notarianni, 817 Fayette Street, inquired if there was any update as to the meeting that was held with American Water. Councilman Bernard advised that their lobbyist had reached out to him to see if the City had any further questions, and Mayor Morris said there has been no change since the last meeting. Councilman Cioni stated that he had emailed the mayor of McKeesport, PA, where the water is privatized to get their take on it, but has not gotten any specifics.

All public comments are limited to 5 minutes per person

X. Adjournment

With no further business at hand, Mayor Morriss adjourned the meeting at 7:01 p.m.

Minutes approved on November 19, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk