



# 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  
57 N. Liberty Street, City Hall, Cumberland, MD

DATE: June 18, 2019

### **I. Open Session**

1. 6:15 p.m. – Convene into Open Session

### **II. Pledge of Allegiance**

Motion was made by Councilman Frazier to appoint Councilman Cioni as Acting Mayor. It was seconded by Councilwoman Marchini, and was passed on a vote of 3-0.

### **III. Roll Call**

#### **PRESENT**

Councilman Richard J. Cioni  
Councilman Eugene Frazier  
Councilwoman Laurie Marchini (by phone)

#### **ABSENT**

Mayor Ray Morriss  
Councilman Seth Bernard

#### **ALSO PRESENT**

Jeffrey D. Rhodes, City Administrator; Marjorie Woodring, City Clerk; Police Chief Charles Hinnant; Fire Chief Donald Dunn

### **IV. Statement of Closed Meeting**

1. Summary Statement of the closed meeting of June 11, 2019

Acting Mayor Cioni announced that a Closed Session had been held on June 11, 2019 at 6:05 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**

**(A) Administrative Services**

1. Administrative Services monthly report for May, 2019

**(B) Engineering**

1. Engineering Department monthly report for May, 2019

**(C) Police**

1. Police Department monthly report for May, 2019

**(D) Public Works**

1. Maintenance Division monthly report for May, 2019

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

1. Utilities Division - Flood/Water/Sewer monthly report for May, 2019

Motion to approve the Reports was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 3-0.

**V. Approval of Minutes**

**VI.**

1. Approval of the Executive Session Minutes of May 1, 2019, and the Regular Session Minutes of May 21, 2019

Motion to approve the Minutes was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 3-0.

**VI. New Business**

**(A) Orders (Consent Agenda)**

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Acting Mayor Cioni called for questions or comments. (Comments are shown under their respective Order numbers.) Motion to approve Consent Agenda Items 1-6 and 8-11 and vote on No. 7 separately was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 3-0. Motion to approve Consent Agenda Item No. 7 was made by Councilwoman Marchini, seconded by Acting Mayor Cioni, and was passed on a vote of 2-0, with Councilman Frazier abstaining.

1. **Order 26,460** - adopting a revised Family and Medical Leave Policy (FMLA) to be effective this date
2. **Order 26,461** - accepting the bid of Casey Smith LLC dba Service Pro for FY2019 Non-Residential Grass Mowing Services in the estimated unit price of \$38,400 with the option to renew for one (1) additional year upon mutual consent

Kenneth Wilmot questioned who cuts the grass at Willowbrook and I-68, saying it has only been cut twice this year and is a driving hazard. Mr. Rhodes advised that area is SHA jurisdiction.

3. **Order 26,462** - accepting the bid of Casey Smith LLC dba Service Pro for the FY2019 Residential Grass Mowing Services in the estimated total unit price of \$45,460 with the option to renew for one (1) additional year upon mutual consent
4. **Order No. 26,463** - authorizing the Chief of Police to execute a Project Agreement with the MD Highway Safety Office (SHA) to accept a FY20 Pedestrian Safety Grant for \$2,000 for police overtime support for the period July 1, 2019 – June 30, 2020
5. **Order 26,464** - accepting the sole source proposal from Carl Belt, Inc., in the total estimated unit price of \$91,005 to construct upgrades to the Marbles Court at Constitution Park, funded by a Community Parks and Playground Grant

Mr. Rhodes advised that this work is 100% grant-funded by the State of MD, and includes improvements to the bathroom facility and pavilion near the Duck Pond, and adding six new marble rings, with two being under a roof structure, and one of those two being handicap accessible.

At Councilwoman Marchini's request, Kathy McKenney advised that the Community Parks and Playgrounds program is administered by the MD Dept. of Natural Resources, and is available once per year, with a deadline between July and August. She added that in preparation for submittal, the projects are brought to the attention of staff or the Parks and Rec. Board and are discussed and evaluated for consideration. Councilwoman Marchini asked what other projects have used this type of grant, with Ms. McKenney replying that there has been a variety funded at Constitution Park in past years, as well as projects at Canal Place and Allegany College.

6. **Order 26,465** extending the contract with EBA Engineering, Inc., to December 31, 2019 (currently authorized through June 30, 2019), to provide ESRI Workforce Software services with no additional cost to the City and with no other aspects of the contract being changed
7. **Order 26,466** - authorizing the donation of \$22,500 to the Western Maryland Scenic Railroad

Paul Mullen had questions about the Scenic Railroad, the start dates for the new steam engine, and County and City donations to the Railroad. He commented that it leads to a lack of confidence as to whether or not they know what they are doing. Councilman Frazier advised that to his understanding the City's donation was for replacement of ties, and said that was all he was commenting on right now.

There was a question as to what steps Council was taking to attract more people into the downtown, specifically when getting off the train. Acting Mayor Cioni advised that the CEDC is working feverishly with tourism, tying in with the Baltimore St. Redevelopment Project. Councilman Frazier stated that the CPPDA is working to get the River Walk project underway to attract more tourists, as well.

8. **Order 26,467** - authorizing payment to Allegany County Government for invoices pertaining to the Replacement of Bridge No. A-C-06 on Baltimore Street over Wills Creek Project, as Allegany County will be paying the Maryland Department of Transportation directly and seeking reimbursement from the City for its cost share portion estimated at \$34,276.39, which is 20% of the total estimated project cost of \$171,381.95

Greg Larry of the Times-News asked for a Baltimore Street bridge update. Mr. Rhodes advised that this order authorizes part of a payment associated with preliminary engineering. He added that temporary improvements would be made and one lane of Baltimore Street would be closed to accommodate that. Mr. Rhodes also advised that the project is still in the preliminary design stage.

9. **Order 26,468** - authorizing the City Solicitor to register the City's official trade name as "City of Cumberland" with the State Department of Assessments and Taxation
10. **Order 26,469** - lifting provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the downtown mall on Sunday, July 14, 2019 from 11 a.m. until 5 p.m. to accommodate the Cumberland Pride Festival; notwithstanding that open glass containers shall not be permitted
11. **Order 26,470** - lifting the provisions of Section 11-113 of the City Code entitled "Open Containers of Alcohol" on the top level of the George Street Garage on Wednesday, June 19, 2019 from 7:00 - 10:00 p.m. to accommodate the Wednesday Night Welcome Party of the Lambda Car Club International Grand Invitational; notwithstanding that open glass containers shall not be allowed

## VII. Public Comments

All public comments are limited to 5 minutes per person

**Rick Lomus, 714 Dale Ave.**, suggested that a phone message be put on the City Hall recording stating that M&CC meetings are the 1<sup>st</sup> and 3<sup>rd</sup> Tuesdays, at 6:15 p.m. He also suggested signage for Cumberland St. near the HRDC that specifies 30 minute parking, Monday – Friday from 6-8 p.m. when busses are not parking there. Mr. Lomus also spoke regarding the Cumberland St. Bridge being shut down, stating that it didn't need to be shut completely down just for repairs. Mr. Rhodes advised that the reports the City received didn't say the bridge had to be shut down, but that it was an Engineering decision to close it due to the unsafe condition of the bridge. Mr. Lomus asked to see the engineering report that deemed it unsafe to remain open. Mr. Rhodes advised Mr. Lomus to file a Public Information Request.

**Kenneth Wilmot, 513 Fort Ave.**, wanted to thank whoever put in motion the cleaning of the subway on Virginia Ave. He also wanted to express his concern about the recent fatality in front of Kline's Restaurant, and suggested the speed limit be changed to 15 MPH. Mr. Rhodes advised

that he will reach out to his counterpart at the County and let him know of the concern, since that area is outside of the City limits.

**Terry Murphy, 706 Washington St.**, said she saw a Times-News article that the Non-disclosure Agreement regarding the bridges engineering study was signed, and asked if there was a meeting planned with CSX. Mr. Rhodes advised that a meeting was hoped to be scheduled in July; the City has the reports and they are being reviewed by Engineering, but the redacted version is not yet available. Ms. Murphy asked if a meeting was scheduled with City, State, and County in terms of goal-setting, prior to the CSX meeting. Mr. Rhodes advised that there was none planned, and that the next prudent step would be to talk with CSX since the City now has the reports. He added that if a lot of others were brought to the table he's not sure if the City would get to the details they need to get to. Acting Mayor Cioni asked if dates can start to be discussed, with Mr. Rhodes replying that timelines are talked about now, but there are a lot of "what if's." Ms. Murphy asked if CSX would be asked to pay for the Washington Street Bridge since they damaged it, and what the fastest path would be to open the infrastructure. Mr. Rhodes advised that CSX is contributing to costs and is matching funding on the Cumberland Street Bridge, which allows access to Federal funds. He stated that as it stands now, CSX would foot the bill for the Fayette Street Bridge, but the main issue is the Washington Street Bridge because the design features are a lot more complex. He added that the City is trying to speed the processes along and had received news today that the State has completed their review of the Cumberland Street Bridge. Mr. Rhodes advised that repairs to the Baltimore Street Bridge would be completed sometime in 2020 if all goes well, and Cumberland Street was expected to be completed in 2021. Ms. Murphy mentioned the City's interest in hiring a PR firm, and stated that in her opinion, the City doesn't need a PR firm.

**Nick Gelles, 317 Pear Street**, provided the M&CC with a petition asking for removal of parking on the right side of Pine Avenue as well as photos of the area in question, and requested to be put on the agenda for the next two sessions. He stated that people on Pine Avenue are hostile due to the placing of the stop signs. Mr. Rhodes advised that he did receive feedback from the Traffic Group, and questioned Mr. Gelles about details of the petition. He stated that the feedback he's gotten at this point will probably be counter to what Mr. Gelles wants to see, and provided details of what the proposed plan is. He added that he recommended to the M&CC that they take it under advisement until they've had a chance to look at the situation themselves, and said that there is a concern about the natural street alignment and view where traffic should go. Councilman Frazier added that he grew up on Pine Avenue and talked about how parking used to be, and said he essentially likes the plan the Traffic Group came up with and is on board with it.

**Leslie Willing, 604 W. Industrial Blvd.**, property manager for Twigg Realty, said she agreed with hiring a PR person, especially with the situation she has discussed before about water bills. She said had there been better communication regarding the installation of the new water meters, a lot of maintenance could have been avoided and they could have been pro-active with repairs. She stated they are seeing problems with the new backflow preventer on the meters and the faucets and hot water heaters are now leaking, and toilets are running, causing higher water bills and gas bills. Ms. Murphy stated that out-of-town homeowners are invested in the City, pay property taxes, pay rental property fees, and are responsible for maintenance on their houses.

Mr. Rhodes advised that the City has received some complaints about the back-flow meters and explained that they are required by the State of MD. He added that the City does provide notice of installation, but the notice may not mention water pressure issues. He stated he would look into that and will communicate that better if that is the case. He further advised that owner-occupied structures are held to the same standard, but that the City doesn't go out and inspect them.

**Jose Taylor of Western MD Property Management** said he agreed with Ms. Willing. He also questioned where the City stood with regard to his request regarding parking in the 100 block of N. Mechanic St. Mr. Rhodes stated he would look into it and get back with Mr. Taylor. Acting Mayor Cioni inquired how many spaces were needed, with Mr. Taylor replying that there is no residential parking at 140-146 N. Mechanic – 2 commercial buildings there, 6 units that he currently manages, and advised that over the last year tenants have been hit hard with ticketing at that property. He stated that he doesn't want to lose tenants, and cannot attract new tenants due to there being no parking. Mr. Taylor commented there were some parking spaces on Centre Street that had been designated for residential parking, but Chief Hinnant disagreed. Mr. Rhodes noted that if a home is renovated into new units, parking is required, but existing units were grandfathered in, meaning you didn't have to create any parking.

**Carey Walker** spoke regarding the new water meters, stating that he ran a new water line to his house today due to the two meters now being moved out to the street from inside. He said he received no advance notice, and agreed with Ms. Willing and Mr. Taylor, saying he never received a letter. Mr. Rhodes advised that he had spoken with others that had received letters and said he has no idea why that area wouldn't receive them. Mr. Walker said he could have scheduled his work sooner if he had had proper notice. Mr. Rhodes explained that the meters were being moved outside so the required backflow prevention could be put on them. He advised that water meters have been required to be outside at the street since 1979, but there was more emphasis recently because of the newly requirements for the backflow prevention.

Mr. Walker also discussed paving Grand Avenue, saying that he was told it would be expensive to pave because it would be done over brick; however, Shriver Avenue was brick and it was just paved over by Columbia Gas. Mr. Rhodes stated that he wasn't sure if it was the cost issue, or the length of Grand Avenue that was the issue, and explained about the fabric they make now that bonds to the streets.

Acting Mayor Cioni stated that the Mayor and Council are committed to better communication and hiring a public relations firm was a step in that direction.

## **VIII. Adjournment**

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

Minutes approved on September 3, 2019

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk