



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 M&CC Public Meeting
Via Video-conference

DATE: April 06, 2021

I. CLOSED SESSION

1. 5:00 PM - Convene in open session for the purpose of closing the meeting to discuss issues pertaining to negotiations with the UFCW Local 1994 representing members of the Cumberland Police Department, pursuant to Section 3-305(b)(9) of the General Provisions Article of the Annotated Code of Maryland
2. Closed session

II. OPEN SESSION - 6:15 PM

1. 6:15 PM - Reconvene into open session

III. Roll Call

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

Councilman Bernard was Absent

Also Present: Jeffrey D. Rhodes, City Administrator; Marjorie A. Woodring, City Clerk; Robert Smith, City Engineer; Lee Borrer, Community Development Specialist; Melinda Kelleher, Downtown Manager; Renee Kniseley, Human Relations Commission; Renee Mason, Allegany County Library

IV. Statement of Closed Meeting

1. Statement of closed meetings held March 23 and April 6, 2021

Mayor Morriss announced that Closed Sessions had been held on March 23, 2021 at 4:40 p.m., and on April 6, 2021 at 5:00 p.m. and read into the record summaries of those

sessions, which are 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. Proclamations

1. Proclaiming the month of April as Fair Housing Month in Cumberland

Mayor Morriss read the Proclamation, and presented it (virtually) to Renee Kniseley, Human Relations Commission member. Ms. Kniseley thanked M&CC for acknowledging Fair Housing Month.

2. Proclaiming April 8, 2021 as Day of Civility in the City of Cumberland, with the proclamation being accepted by Renee Mason from the Allegany County Library

Mayor Morriss read the Proclamation and presented it (virtually) to Renee Mason of the Allegany County Library. Ms. Mason thanked M&CC on behalf of Choose Civility of Allegany County, and advised that this will be their 4th Annual Day of Civility. She said that their success in keeping the chapter alive is due to their partnerships in the community, and talked about some of the events for Day of Civility on the library's website, including Food for Fines; gifts of cards, treat-bags and cookie trays to the City's Police & Fire Department officers and 911 dispatchers; Braver Angels Debate, and a Choose Civility podcast coming up on April 8th.

VI. Director's Reports

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

(A) Administrative Services

1. Administrative Services monthly report for February, 2021

(B) Engineering

1. Engineering Division monthly report for March, 2021

VII. Approval of Minutes

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

1. Approval of the Work Session and Regular Session Minutes of March 16, 2021

VIII. Public Hearings

1. Public Hearing - presentation of the Community Development Block Grant (CDBG) 2021 Annual Action Plan proposed projects for funding and proposed changes for the FY 2019 CDBG Annual Action Plan.

Hearing Convened: 6:47 p.m.

Ms. Borrer shared a PowerPoint presentation, provided background on Community Development Block Grants and reviewed the 2021 application process, involving

three different types of funding this year, totaling \$957,280, which includes \$119,910 in funding from the CARES Act. She reviewed the 5-Year Plan, which the process for CDBG funding falls under, and advised that there are 18 projects recommended for funding this year, which include housing, public facilities/infrastructure, and public services. Ms. Borrer provided a breakdown of the projects per funding category, and reviewed the Amendment process involving surplus allocations. She also provided information on the different comment periods for each funding.

- CARES Act Funding: AYEPS Youth Center, \$113,150; YMCA Transitional Homeless Shelter Sanitation Equip., \$6,750
- CDBG Surplus Allocations: 2020 S. Penn playground, \$37,500; FCH Sidewalk project, \$73,237.67 (Order considered at this meeting)
- Public Facilities (bulk): Balt. St. Redesign, \$232,721; Constitution Park Imps., \$76,000; YMCA Riverside Rehab. De-humid System, \$200,368; YMCA Gilcrist Facility Rehab. HVAC Ph. 2, \$48,520
- Public Services: Allegany Co. Health Right Dental, \$4,000; Assoc. Charities, \$9,000; CPD Foot & Bike Patrols, \$3,961; Abuse Prevention, \$9,500; Jane's Place, Inc.- Abused Children Services, \$4,000; YMCA Food-Transitional Housing, \$5,000

Ms. Borrer advised that more information was available on the City's website at www.cumberlandmd.gov Mayor and Council thanked Ms. Borrer for all the hard work put into CDBG funding, stated that this program is a valuable asset to the community, and added that all the projects were viable and worthy of funding. Ms. Borrer advised that they would not be able to do this without the participation from community partners. She also advised of the two proposed projects at Constitution Park, which includes a splash pad, and improvements to signage and to other existing sites within the park.

Hearing Adjourned: 6:59 p.m.

IX. New Business

(A) Resolutions

1. **Resolution R2021-03** (*one reading only*) - to authorize the City to issue (i) a tax-exempt series of general obligation bonds in order to finance or reimburse the costs of projects authorized for debt funding in the FY 2021 budget and to refinance an outstanding general obligation bond issued to Community Development Administration ("CDA") in 2011, and (ii) a taxable series of general obligation bonds in order to refinance certain outstanding general obligation bonds issued to CDA in 2012 and 2014 and certain City general obligation bonds issued in 2013, together with related costs; and providing that any such general obligation bonds will be sold by negotiated underwriting

Mr. Rhodes reviewed the Resolution, saying that this is basically a financing resolution, which allows the City to borrow debt for this fiscal budget and refinance past debt issues. He added that this will save the City approximately \$1.5M.

READING: The resolution was presented in title only for the reading. **Motion** to approve the Resolution was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 4-0.

(B) Ordinances

1. **Ordinance No. 3885** (*1st reading*) - granting Shenandoah Cable Television, LLC the non-exclusive right to use the city's public rights-of-way for the delivery of high-speed internet service to Frostburg State University.

Mr. Rhodes provided background on the ordinance, and said this will allow Shenandoah Cable to use our rights-of-way to get fiber to FSU. Mr. Smith advised on the route that the fiber will take to get to Frostburg, and said that in exchange, Shenandoah Cable is giving the City of Cumberland access to 12 strands of fiber, which will be used for traffic control and cameras for the CPD.

FIRST READING: 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 Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 4-0.

(C) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **Motion** to approve all items was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 4-0.

Order 26,768 - accepting the bid from Carl Belt, Inc. for Koon Dam Concrete Repairs (11-20-WFP) in the estimated lump sum cost of \$571,330.00, for necessary repairs at the Koon Dam structure to include patching large spalls on the spillway and replacing approx. 5,000 sq. ft. of deteriorated sidewalk along the bridge.

Mr. Smith advised that the dam is an old structure, and well beyond the need for some care. He stated that it's inspected with the Federal Bridge Program through the state of PA, with repairs done on the City's dime. He advised that they've had to do 3 phases of emergency sidewalk repair, and said this will replace the remainder of the sidewalk and part of the dam structure, which will extend the useful life of this asset.

Order 26,769 - accepting the bid from Carl Belt, Inc. for the "Flood Control System Concrete Repairs Project" (01-13-FPM) in the estimated lump sum cost of \$148,650.00 for repairing or replacing existing concrete structures related to the Flood Control System in Cumberland and Ridgeley, with the work occurring across 6 locations of the City, requiring separate mobilizations.

Mr. Smith advised that the system is in need of some repairs, and stated that they received a grant for \$188K, with a 25% match required. He advised that these repairs will be in 2 phases, with this being the first, and the second occurring in Ridgeley at the scenic railroad yard. Mr. Smith added that they have had

discussions with MDE to do additional work to exhaust the grant funds, and stated that the work will probably begin around July of this year.

Order 26,770 - authorizing the City Administrator to execute a letter of agreement with Verizon Maryland, LLC acknowledging Verizon's intent to renew for one (1) year its lease of 3 (three) parking spaces in the George St. Parking Garage for a cost of \$75/each per month, and granting the option to renew for one additional year under the same terms and conditions.

Mr. Rhodes advised that this is an ongoing year-to-year parking lease with Verizon.

Order 26,771 - approving an amendment to the 2020 CDBG Annual Plan to allocate CDBG CARES Act Funds in the amount of \$113,160 to the Allegany Youth Enrichment Program and \$6,750 to the YMCA Transitional Homeless Sanitizer Project.

Ms. Borrer advised that this Order approves 2 projects, and said the comment period will end on April 6th, with no comments being received to date. She said she will notify M&CC when those funds are to be allocated to those agencies.

Order 26,772 - authorizing the Mayor's execution of a letter of engagement with Saxton & Stump and the Evitts Creek Water Company outlining terms for the provision of professional legal services in connection with compliance with the laws and regulations of the PA Public Utilities Commission and the PA Department of Environmental Protection relative to the operations of the Evitts Creek Water Company.

Mr. Cohen advised that an important part of the City's water resources are located in PA, and said this law firm has helped in the past with regulatory matters, and is willing to continue to help the City and the ECWC in the future.

Order 26,773 - authorizing the execution of Change Order No. 8 with Leonard S. Fiore, Inc. for City Project "Phase I CSO Storage Facility - WWTP" in the decreased amount of (\$7,240.00) due to unused contingent items, bringing the current contract price to \$26,357,616.88.

Mr. Smith explained that this is really just an administrative item, and said that the way the MDE works their contracts, you can't have unused items at the end of it.

Order 26,774 - accepting the sole source proposal from Robinson Pipe Cleaning to clean the Evitts Creek sewer main at a cost not-to-exceed \$50,000.

Mr. Smith advised that this job is primarily to address the Linderville Outfall, which is the sewer line that run along Willowbrook Road and run parallel with Messick Road. He stated that this is an area with tree root intrusion into the lines, and said the Sewer Department had been working with finding other providers of this service, when it finally became an emergency with more backup that goes to the Evitts Creek Pump Station. He added that the not-to-exceed cost is based on the charge per foot of pipe that is cleaned out.

Order 26,775 - authorizing execution of a Facility Encroachment Agreement with CSX Transportation, Inc. for an area near the Gene Mason Sports Complex, relative to the project to install a 78" Parallel Pipeline from Mill Race to CSO Storage Tank (19-16-S).

Order 26,776 - authorizing execution of a Facility Encroachment Agreement with CSX Transportation, Inc. for an area near the CSX Bridge near the Western MD Scenic Railroad, relative to the project to install a 78" Parallel Pipeline from Mill Race to the CSO Storage Tank (19-16-S).

Mr. Smith said both of these orders (Order 26,755 & 26,776) are essentially the same, and stated that they permit the City to locate the pipeline in property controlled by CSX. He added that this type of agreement is very typical when going underneath the railroad with pipeline.

Order 26,777 - authorizing execution of a grant agreement between the Downtown Development Commission and the MD Department of Housing and Community Development for the receipt of \$55,461 through the DHCD Maryland Strong Economic Recovery Initiative to be used to award downtown businesses with Covid economic relief funds.

Mr. Rhodes advised that the DDC pursued this funding which will be used to help 25 businesses downtown with grants, and added that the money can be spent on rent, mortgage, utilities, payroll, and any other Covid-related matters. Ms. Kelleher advised that the grant agreement for \$55,461 for awards for 25 businesses downtown. She said she's hoping they receive the money by the end of the week, and said she will hand-deliver the checks.

Order 26,778 - authorizing the execution of an Arts and Entertainment Districts Operating Support Letter of Agreement for the period July 1, 2021 - June 30, 2022, defining the City's role and estimated in-kind support of \$500 for the Cumberland Arts and Entertainment District.

Mr. Rhodes advised that this is something the City does from time to time, that lets the state know that the City is on board with the Arts & Entertainment district and is supportive of that effort.

X. Public Comments

No public comments

All public comments are limited to 5 minutes per person.

XI. Adjournment

With no further business at hand, the meeting adjourned at 7:24 p.m.

Minutes approved on May 4, 2021

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk