



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

AGENDA

Regular Meeting

City Hall Council Chambers, 57 N. Liberty Street, Cumberland, MD

DATE: December 03, 2019

WORK SESSION

1. 3:45 p.m. - Convene in Open Work Session (Agenda published separately)

CLOSED SESSION

1. 5:30 p.m. - Close the Open Work Session for the purpose of holding an Executive Session pursuant to Section 3-305(b) (7) and (4) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding changes to the proposed Ordinance related to Parades and Special Events, to receive legal advice regarding a pending liability claim, and to discuss proposals for the development of the East Side School site
2. Executive Session

OPEN SESSION

1. 6:15 p.m. - Reconvene into Open Session

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

1. Summary Statement of Closed Meeting held December 3, 2019

Approval of Minutes

1. Approval of the Executive and Regular Session Minutes of October 15, 2019

New Business

(A) Resolutions

Resolution No. R2019-5 granting the Family Junction, Inc. a property tax credit for the tax year 2019/2020

(B) Orders (Consent Agenda)

[Order](#) 26,571 - reappointing Dr. Stephen Gibson to the Historic Preservation Commission for a three year term effective 12/31/19 - 12/31/22

[Order](#) 26,572 - accepting the sole source proposal from CI Thornburg to perform a valve insertion on a 16" water line on Willowbrook Road for the amount not to exceed \$28,473.67

[Order](#) 26,573 - declaring a 1999 Ford F150 Pickup Truck (VIN #2FTRF18L9XCA31907) as surplus equipment and authorizing it for sale or trade-in

[Order](#) 26,574 - authorizing execution of a Release discharging Josh Llewellyn from any liability caused by an accident which occurred March 17, 2019 at the intersection of Queen City Drive and N. Centre Street in consideration of the amount of \$9,705.11

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

Item Attachment Documents:

1. Approval of the Executive and Regular Session Minutes of October 15, 2019



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, 57 North Liberty Street

DATE: October 15, 2019

I. CLOSED SESSION - 5:30 p.m.

1. Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305(b) (3) and (7) of the General Provisions Article of the Annotated Code of Maryland to consider the acquisition and disposition of the former Brunswick Hotel site, and to consult with legal counsel regarding certain other issues pertaining to that property.

Mayor Morriss convened the meeting in open public session. Motion to move into closed session was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 3-0, with Councilwoman Marchini being absent at time of vote.

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
Councilwoman Laurie P. Marchini

ABSENT: Councilman Richard J. Cioni

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

V. Statement of Closed Meeting

1. Summary Statement of closed meetings held October 8 and October 15, 2019

Mayor Morriss announced that Closed Meetings had been held on October 8, 2019 at 5:35 p.m., and October 15, 2019 at 5:30 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.

VI. Presentation

1. Recognition of Police Chief Charles H. Hinnant upon his retirement from the Cumberland Police Department

Mr. Rhodes provided background on Chief Hinnant's 48 total years in law enforcement across the state, with 13 years in the City of Cumberland, and commented on his work with the City Police Department.

Sheriff Craig Robertson commented on how well the County and City Police Departments worked together, expressed his appreciation of the Chief's work with the Sheriff's office, and presented the Chief with a gift.

Lt. Buskirk from the City of Frostburg commented on Chief Hinnant's career and said he would always have a friend in Frostburg.

State's Attorney Michael Twigg commented on his years of knowing Chief Hinnant and noted that as a young prosecutor he sought a lot of counsel from the Chief.

Captain Ternent read a note of from State Police Lt. Martz who was unable to attend, stating that it had been a privilege and an honor to serve with Chief Hinnant for almost ten years. The Chief was given a gift of a recognition plaque from the Cumberland barracks. The Captain expressed appreciation from the Police Department staff for the many years of mentorship and leadership that was given them and Chief Hinnant was presented with a U.S. flag that was flown over the Police Department on September 11, 2019.

Chief Hinnant expressed his appreciation and thanks to everyone and commented on his years of serving in law enforcement. He stated that public service is a calling, saying he has been blessed to have had a fantastic career and to have been associated with so many wonderful people along the way. He also recognized those in attendance who had supported him throughout the years.

The Mayor, Council, and Staff all commented on the Chief's tireless work in the community and with the City Police Department, thanked him for his many years of service, and wished him a long and wonderful retirement. Chief Hinnant was presented with a retirement cake and a personalized gift from the City.

VII. Proclamations

1. Proclaiming the month of October in the City of Cumberland as Domestic Violence Awareness Month. Sarah Kaiser, Executive Director of the Family Crisis Resource Center will be accepting.

Mayor Morris read the Proclamation and presented it to Sarah Kaiser, Executive Director of the Family Crisis Center.

VIII. Director's Reports

(A) Engineering

1. Engineering Division monthly report for September, 2019

(B) Public Works

1. Maintenance Division monthly report for September 2019

(C) Fire

1. Fire Department monthly report for September, 2019

(D) Police

1. Police Department monthly report for September, 2019

(E) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer Department monthly report for September, 2019

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

IX. Approval of Minutes

1. Approval of the Executive Session Minutes of July 30, 2019, and the Work Session and Regular Session Minutes of August 13, 2019

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

X. Unfinished Business

(A) Ordinances

1. Ordinance 3860 (*2nd & 3rd Readings*) - 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.

Mr. Rhodes provided background on the Ordinance and Mr. Cohen stated that the FCC has issued a mandate for this Ordinance that helps with the rollout of the 5G communications network.

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 4-0.

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 4-0.

XI. New Business

(A) Orders (Consent Agenda)

Mr. Rhodes reviewed the each item on the Consent Agenda prior to vote and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda items Orders 26,542 through 26,545, and 26,547 through 26,549 was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 4-0. Motion to approve Consent Agenda item Order 26,545 was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 3-0, with Councilman Bernard abstaining.

Order 26,542 - authorizing the Chief of Police to accept a FY19 Bureau of Justice Assistance Award in the amount of \$5,136.39, requiring a 50% match from the City, for the replacement of outdated body armor vests

Order 26,543- authorizing the Chief of Police to accept a FY19 Edward Byrne Memorial Justice Assistance Grant (BJAG) in the amount of \$12,278.00 for the purchase of additional less-lethal equipment in the form of Tasers or conducted electrical weapons, to be utilized by the Cumberland Police Department and the Allegany County Sheriff's Office

Order 26,544 - accepting the Final Design and Bidding Services-60% to Bid Ready Agreement with Whitman, Requardt and Associates, LLP for City Project 78" Pipeline From Mill Race to CSO Storage Facility (19-16-S) in the amount of \$947,527.00 to include additional coordination, permitting, field investigation, and finalization of plans and specs through bid ready

Order 26,545- to approve an Amended and Restated Promissory Note related to a loan originally awarded on April 23, 2003 to David F. Romero and Margaret A. Romero for the acquisition and rehabilitation of real property located at 55 Baltimore Street

Order 26,546 - to approve the allocation of \$46,061.68 to assist in accessibility improvements at 218 Washington Street, known as the Gordon Roberts House. The awarded funds will be derived from the proceeds of the former Cumberland

Neighborhood Housing Services Revitalized Home Program, originally funded by the Maryland Community Legacy Program in 2002.

Order 26,547 - authorizing Program Amendments to the Community Development Block Grant Program, effective October 25, 2019

Order 26,548 - authorizing the execution of a First Amendment to the Cellular Tower Ground Lease Agreement with Shenandoah Mobile, LLC regarding their desire to modify the agreement to remove the existing 178 +/- foot self-supporting tower from the land space due to pre-existing environmental hygiene conditions

Order 26,549 - accepting the proposal of First Fruits Excavating, Inc. for the installation of a modular block retaining wall, and other related items, along Cumberland Street near the intersection with Johnson and Market Streets (City Project 24-18-M) in the estimated not-to-exceed price of \$119,250.00, which will be funded through CDBG program funding

XII. Public Comments

Nick Gelles, 317 Pearl Street, asked for an update of what has been happening on Pine Avenue. Mayor Morriss advised that the Traffic Group has reviewed all parking issues on Pine Avenue and stated he could give Mr. Gelles a list of all changes being made.

All public comments are limited to 5 minutes per person

XIII. Adjournment

With no further business at hand, the meeting adjourned at 7:09 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Tuesday, October 15, 2019, 5:30 p.m.

The Mayor and City Council convened in open session at 5:30 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (3) and (7) of the General Provisions Article of the Annotated Code of Maryland to consider the acquisition and disposition of the former Brunswick Hotel site, and to consult with legal counsel regarding certain other issues pertaining to that property.

MOTION: Motion to enter into closed session was made by Council Member Frazier, seconded by Council Member Bernard, and was passed on a vote of 3-0, with Council Member Marchini being absent at the time of vote.

PRESENT: Raymond M. Morriss, President; Council Members Seth Bernard, Eugene Frazier, and Laurie Marchini.

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

Item Attachment Documents:

Order 26,571 - reappointing Dr. Stephen Gibson to the Historic Preservation Commission for
a three year term effective 12/31/19 - 12/31/22

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,571

DATE: December 03, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, Dr. Stephen Gibson be and is hereby reappointed to the Historic Preservation Commission for a three (3) year term, effective December 31, 2019 through December 31, 2022.

Raymond M. Morriss, Mayor

Item Attachment Documents:

Order accepting the sole source proposal from CI Thornburg to perform a valve insertion on a 16" water line on Willowbrook Road for the amount not to exceed \$28,473.67

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,572

DATE: December 03, 2019

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the sole source proposal from C I Thornburg Co., Inc., 4936 Benedum Drive, Bridgeport, WV 26330, to perform a valve insertion on a 16" water line on Willowbrook Road be and is hereby accepted in the amount not to exceed Twenty-eight Thousand, Four Hundred Seventy-Three Dollars and Sixty-Seven Cents (\$28,473.67).

Raymond M. Morriss, Mayor

Budget: Water Distribution

Council Agenda Summary

Meeting Date: December 3, 2019

Agenda Item Number: Order 26,572

Key Staff Contact: Robert Rider, Water Department Superintendent

Item Title:

Order accepting the sole source proposal from CI Thornburg to perform a valve insertion on a 16" water line on Willowbrook Road for the amount not to exceed \$28,473.67

Summary:

The current valve on a 16" waterline on Willowbrook Road is broken and needs replaced. The replacement can't happen without shutting down the 36" transmission main, which is inadvisable due to the number of issues that would result.

Certain companies do have the means to perform a valve insertion without shutting down the main transmission line. Only two companies could be found to perform this work and we obtained quotes from both. CI Thornburg quoted a price of \$28,473.67 and Koppl Pipeline Services quoted a price of \$28,450, however they would require a 2" tap to be taken separately before they could perform their work, which would add approximately \$1,500 to the base cost.

We have used Thornburg in the past with success and based on the difference in the pricing, would recommend proceeding with Thornburg.

Jeff Rhodes, City Administrator, approved this work as a sole source proposal due to the technical nature of the work and the limited number of companies available to perform the work.

Issues and Considerations:

Budget: Water Distribution



THE C.I. THORNBURG CO., INC.
4938 BENEDUM DRIVE
BRIDGEPORT, WV 26330
Phone 304-592-3884
Fax 304-592-5779



Quotation

| | |
|--|--------------|
| EXPIRATION DATE | QUOTE NUMBER |
| 12/23/2019 | S100101488 |
| THE C.I. THORNBURG CO., INC. 4938 BENEDUM DRIVE BRIDGEPORT, WV 26330 Phone 304-592-3884 Fax 304-592-5779 | PAGE NO. |
| | 1 of 1 |

QUOTE TO:

SHIP TO:

CITY OF CUMBERLAND
ATTN: FINANCE DEPT
57 N LIBERTY STREET
CUMBERLAND, MD 21502

CITY OF CUMBERLAND
WATER DEPT
215 BOWEN STREET
CUMBERLAND, MD 21501

| CUSTOMER NUMBER | CUSTOMER PO NUMBER | JOB NAME / RELEASE NUMBER | SALESPERSON | | |
|---|--|---------------------------|-------------|-------------|-----------------|
| 1579 | c | | Stephen Gee | | |
| WRITER | | SHIP VIA | TERMS | SHIP DATE | FREIGHT ALLOWED |
| Brian Dangelmaier | | SERVICE DEPT | Net 60 Days | 11/21/2019 | No |
| ORDER QTY | DESCRIPTION | | | UNIT PRICE | EXT PRICE |
| | <div>SHIPPING INSTRUCTIONS</div> <div>CALL BOB 24H BEFORE DEL 301-759-6623 ##### DO NOT SHIP ANY ORDERS UNLESS MATERIALS ARE COMPLETE ON ORDERS OR BOB OR LOREN CLEARS TO SHIP!!!!</div> | | | | |
| 1ea | ^16" HYDRA-STOP 251780250-CS 17.80" INSTA-VALVE BODY, CS FLG, 304 SS HW | | | | |
| 1ea | ^16" HYDRA-STOP 25CARTLH16-250 OL 250 PATRIOT CARTRIDGE | | | | |
| 1ea | CITCO INSTALLED VALVE INSERTION | | | | |
| 270ea | SERVICE TRAVEL CHARGE (PER MILE) | | | | |
| 1ea | MISC SERVICE DEPARTMENT PRODUCT PER DIEM RATE FOR TWO TECHNICIANS FOR ONE NIGHT TO INCLUDE HOTEL, MEALS AND INCIDENTALS | | | | |
| | Subtotal ----- | | | | 28473.67 |
| Extras not listed or spelled out are not included in pricing. We reserve the right to correct clerical errors. | | | | Subtotal | 28473.67 |
| | | | | S&H Charges | 0.00 |
| | | | | Amount Due | 28473.67 |

Item Attachment Documents:

Order 26,573 - declaring a 1999 Ford F150 Pickup Truck (VIN #2FTRF18L9XCA31907) as surplus equipment and authorizing it for sale or trade-in

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,573

DATE: December 03, 2019

WHEREAS, the Mayor and City Council of Cumberland is the record owner of a certain equipment that has been determined to be of no further value to the City; and

WHEREAS, the Mayor and City Council desire to dispose of said equipment;

IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT, the following equipment is hereby declared to be surplus property and authorized for sale or trade in:

1. 1999 Ford F150 Pickup Truck VIN # 2FTRF18L9XCA31907

Raymond M. Morriss, Mayor



Margie Woodring <margie.woodring@cumberlandmd.gov>

DDC 1 Surplus

1 message

Brian Broadwater <brian.broadwater@cumberlandmd.gov>
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

Mon, Nov 18, 2019 at 8:25 AM

Margie,

We are in the process of buying a new truck for the DDC. We need to surplus the current truck so that we can trade it in as soon as possible. The truck information is attached below.

1999 Ford F150 VIN #2FTRF18L9XCA31907

Please let me know when this can be done.

Thanks,
Brian

--
David Brian Broadwater Jr
Fleet Maintenance Coordinator
City of Cumberland, MD
W: (301) 759-6627 | C: (240) 920-2079
[215 Bowen St.](#) | Cumberland, MD 21502

**Cumberland**
Maryland

Item Attachment Documents:

Order 26,573 - authorizing execution of a Release discharging Josh Llewellyn from any liability caused by an accident which occurred March 17, 2019 at the intersection of Queen City Drive and N. Centre Street in consideration of the amount of \$9,705.11

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. 26,574

DATE: December 03, 2019

THAT, the Mayor be and is hereby authorized to execute a Release discharging Josh Llewellyn, his heirs, executors, etc. as described in the Release, from any liability caused by an accident which occurred on or about March 17, 2019, at or near the intersection of Queen City Drive and N. Centre Street, Cumberland, in consideration of the amount of Nine Thousand, Seven Hundred and Five Dollars and Eleven Cents (\$9,705.11) to be paid by Llewellyn.

Raymond M. Morriss, Mayor

Release
(Property Damage Only)

20-8077-L22

For the Sole Consideration of:

NINE THOUSAND SEVEN HUNDRED AND FIVE 11/100 (9,705.11) dollars, the receipt and sufficiency of which is hereby acknowledged, the undersigned hereby and forever discharges Josh Llewellyn, his heirs, executors, administrators, agents and assigns and all other persons, firms or corporations liable, or who may be claimed to be liable, none of whom admit liability to the undersigned, but all expressly deny any liability, from any and all claims, demands or suits of any kind on account of and resulting from damage to property caused by an accident which occurred on or about the 17TH day of MARCH, (year) 2018, at or near Queen City Dr & N. Center St., Cumberland, MD.

Undersigned hereby declares that the terms of this settlement have been completely read and are fully understood and voluntarily accepted for the purpose of making a full and final compromise adjustment and settlement of any and all claims, disputed or otherwise, on account of the damages above mentioned, and for the express purpose of precluding forever any further or additional claims relating to property damage arising out of the aforesaid accident.

Undersigned hereby accepts draft or drafts as final payment of the consideration set forth above.

This release expressly reserves all rights of the parties released to pursue their legal remedies, if any, against the undersigned, agents and assigns.

Any person who knowingly or willfully presents a false or fraudulent claim for payment of a loss or benefit or who knowingly or willfully presents false information in an application for insurance is guilty of a crime and may be subject to fines and confinement in prison.

In Witness Whereof, _____ have hereunto set _____ hand(s) and seal(s) this _____ day
of _____, _____ (year).

In the presence of

Witness

Signed X _____
Releasor Signature

Witness

Signed X _____
Releasor Signature

✓