



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* James L. Furstenberg  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael Scott Cohen  
City Clerk Allison K. Layton

---

## MINUTES

M&CC Regular Meeting  
City Hall Council Chambers, 57 N. Liberty St., Cumberland, MD

DATE: August 15, 2023

**I. OPEN SESSION – 6:15 p.m.**

**II. Pledge of Allegiance**

**III. Roll Call**

**PRESENT:**

Council Member Richard J. "Rock" Cioni  
Council Member Eugene T. Frazier  
Council Member James L. Furstenberg, III  
Council Member Laurie P. Marchini  
President Raymond M. Morriss

**Also Present:** Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; Chuck Ternent, Chief of Police; Captain Jim Burt, CPD Administrative Services; Shannon Adams, Fire Chief

**IV. Statement of Closed Meeting**

1. Summary Statement of the Closed Meetings held August 8 and August 15, 2023

Mayor Morriss announced that closed sessions had been held on August 8, 2023 at 4:00 p.m. and on August 15, 2023 at 4:30 p.m. and read into the record summaries of those sessions which are attached hereto and made a part of these minutes as required Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

**V. Presentations**

1. Presentation of the 2023 Let's Beautify Cumberland Blue Ribbon Award Winners.

Co-chairs Ginny Decker and Ed Mullaney presented the 2023 LBC Blue Ribbon and other Awards to area residents and businesses:

Blue Ribbon Awards, Residential

Laurie Adams, 605 Louisiana Avenue (not present)  
Ricky & Toni Haymaker, 617 N. Centre Street  
Darius Jakubs, 601 Henderson Avenue  
Jenny Lazarus, 500 Magruder Street  
Jana Parker, 34-36 Grand Avenue (not present)  
William & Pamela Raymond, 114-116 Seymour Street (not present)  
Lee Ann and Lenny Yenchenko, 509 Greenway Avenue

Blue Ribbon Awards, Business

Hershey's Ice Cream, 735 N. Centre Street, Khush, Hemangi, and Mishti Kotak  
The Archway Wellness & Recovery Center, 121 Memorial Avenue, Jim Raley

Good Neighbor Awards

Chris & Martha Rollins, 301 Baltimore Avenue  
American Woodmark Corp., 17600 Barton Park Drive, Chris Everlin  
Margie Hartman, 724 Dale Avenue

We Care Award

Allegheny County Library, 31 Washington Street, John Taube

Honorable Mention Award

John Burkey, 722 Green Street (not present)

Ed Mullaney noted that Let's Beautify Cumberland is celebrating its 27<sup>th</sup> year, having started in 1996, and introduced Dixie Athey, wife of former Mayor Ed Athey. Mr. Mullaney stated that they will never forget what Mayor Athey did for the City by spearheading the clean-up of Cumberland, which was followed through by Butch Hendershot.

2. Recognition of Firefighter/EMT-B Nicholas D. Green, Firefighter EMT-B Jamison C. Bender and Firefighter EMT-B Tyler M. Thomas on their successful completion of Firefighter Recruit Training approved by the Maryland Fire and Rescue Institute.

Chief Adams recognized the three new firefighter recruits who recently completed Firefighter Recruit Training, and provided background information on all of them. He explained that EMT training was implemented along with firefighter training at the Academy this time, due to two of the recruits not being EMTs, who were allowed in because of their excellent qualifications. Chief Adams stated that there were some difficulties with doing EMT training at the Academy, but said Captain Beitzel was able to make it work. The new firefighters were pinned by family members.

3. Presentation of the 2022 Annual Report of the Planning and Zoning Commission to allow for comment and evaluation by the Mayor and Council.

Mr. Silka stated that this report is a requirement of the MD Department of Planning, and provided background. The report covers such topics as Development Activity, Regulatory and Zoning Amendments and Annexations, Infrastructure Improvements, Consistency Assessments, and Conclusions and Recommendations. He stated that if there were no changes needed, it will be submitted to the MD Department of Planning.

4. Recognition of Lt. Korey Rounds for his recent graduation from the Northwestern University Center for Public Safety School of Police Staff and Command, an intensive leadership and management education program that helps prepare experienced law enforcement professionals for success in senior command positions.

Police Chief Chuck Ternent, along with Captain Jim Burt, recognized Lt. Korey Rounds for recently graduating from Northwestern University's School of Police Staff and Command. Chief Ternent provided background on the program at Northwestern, saying it is pretty intense, and has cultivated many police leaders around the nation. The Chief stated that Lt. Rounds has been with the CPD for 22 years and said he has been a trusted Lieutenant for many years. He added that Lt. Rounds currently runs the Patrol Division and said he has many other duties as well. Mayor Morriss presented Lt. Rounds with his diploma.

## **VI. Director's Reports**

**Motion** to approve the reports was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0

### **(A) Administrative Services**

1. Administrative Services Monthly Report for July 2023

### **(B) Engineering**

1. Engineering Division Monthly Report for July 2023

### **(C) Public Works**

1. Maintenance Division Monthly Report for July 2023

### **(D) Fire**

1. Fire Department Monthly Report for July 2023

### **(E) Police**

1. Police Department Monthly Report for July 2023

## **VII. Approval of Minutes**

**Motion** to approve the reports was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0

1. Approval of the Work and Regular Session Minutes of July 18, 2023, and the Closed and Work Session Minutes of August 8, 2023

## **VIII. Public Comments – Agenda Items Only**

Danielle Lassard had questions regarding the zoning of short-term rentals/Air B&Bs. Mayor Morriss advised that everyone who owns an Air B&B received a text message yesterday regarding short-term rentals. He stated that those that are on Elder Street are okay, and said of the 60 that are registered, there is only one that is in an S-R residential district, and that one will be grandfathered in. He said that everyone who has a registered Air B&B is now covered by Ordinance No. 3965. He also mentioned that 609 Greene Street (Randy Pullman) is covered, as well as all of Pine Avenue.

## **IX. New Business**

### **(A) Resolutions**

1. Resolution R2023-03 - (*1 reading only*) - granting the Western Maryland Scenic Railroad Corporation, Inc. a property tax credit for the 2023-2024 tax year, as provided for by Section 9-302(b)(4) of the Tax Property Article of the Annotated Code of Maryland.

**READING:** The resolution was submitted in title only for its reading. Motion to approve the resolution was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

### **(B) Ordinances**

1. **Ordinance 3964** (*1st, 2nd and 3rd readings*) - authorizing the amendment of Ordinance No. 3961 transferring 332 N. Mechanic and 400 N. Mechanic Street to the Allegany County Historical Society for the purchase price of \$156,000 by adding 402 N. Mechanic Street to the parcels being sold.

**FIRST READING:** The ordinance was submitted in title only for its first reading. **Motion** to accept the reading and move to the second was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 5-0.

**SECOND READING:** The ordinance was submitted in title only for its second reading. **Motion** to accept the reading and move to the third, after comment, was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

**THIRD READING:** The ordinance was submitted in title only for its third reading, and was passed on a vote of 5-0.

2. **Ordinance 3965** (*1st reading*) - amending the City of Cumberland Zoning Ordinance (Chapter 25 of the Code) for the purpose of adopting regulations pertaining to short-term rentals in the City of Cumberland.

**FIRST READING:** The ordinance was submitted in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

### **(C) Orders (Consent Agenda)**

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. **Motion** to approve all Consent Agenda Orders *except* No. 27,291 was made by Council Member Cioni, seconded by Council Member Marchini, and was passed on a vote of 5-0. **Motion** to approve Consent Agenda Order 27,291 *only* was made by Council Member Frazier, seconded by Council Member Furstenberg, and was passed by a vote of 3-2, with Council Members Marchini and Cioni voting NO.

**Order 27,285** - authorizing Triton Construction, Inc. to begin work on the Baltimore Street Access Project (City Project 12-16-M) with no noise limitations beginning at 6:00 a.m., Monday through Friday and beginning at 6:00 a.m. on Saturdays and Sundays with prior approval from the City Engineer.

**Order 27,286** - authorizing Change Order No. 1 of an additional \$10,000 added to the Sole Source contract with AquaLaw for legal assistance with extending the City's 1998 Consent Order issued by the MDE to address CSOs, with the additional cost being split evenly between Frostburg, Cumberland, Allegany County, and LaVale, and is based on an Engineer's estimate to complete the first phase of negotiations with MDE.

Mr. Silka advised that the City is basically fronting the money, but will only be responsible for a fourth of the total.

**Order 27,287** - authorizing the execution of Change Order No. 1 to Operation and Maintenance of the Heat Drying Facilities for Sludge Processing to inform and update the yearly cost of the 15-year contract to its current pricing for FY24 of \$1,005,000, increasing the original order by \$622,900.

Mr. Silka advised that this is actually an increase from the 2009 standard pricing, and said it increases every year – it's not a \$622,900 1-year increase.

**Order 27,288** - authorizing the installation of sprinkler taps and fiber conduit lines by Triton Construction to certain Baltimore Street properties who have opted into this service during the Baltimore Street Access project (City Project 12-16-M), utilizing a Community Legacy grant of \$150,000, in the not-to-exceed amount of \$48,855.

Mr. Silka advised that under this order there will be 20 fire lines installed and 25 fiber conduit lines installed.

**Order 27,289** - rescinding Order No. 26,948, originally approved on February 1, 2022 and appointing Kevin Thacker, the City's Code Compliance Manager as the Zoning Administrator.

Mr. Silka advised that Mr. Thacker will be replacing the City Administrator (himself) as Zoning Administrator.

**Order 27,290** - authorizing the City Administrator to begin the planning and design of the Cumberland Skate Park and authorizing the allocation of \$325,000 for this Capital Projects Fund project, funded by the General Fund.

**Order 27,291** - authorizing new parking rates for City lots and garages, effective ninety (90) days after passage of this Order.

Mr. Silka advised that this increases the City's metered and kiosk parking by .50c per hour, and increases garages leases by \$5 per month.

**Order 27,292** - authorizing the City Administrator to enter into a three-year contractual agreement with ParkMobile for On-Demand parking transactions.

**Order 27,293** - eliminating the two (2) courtesy warnings for various parking violations and allowing Parking Enforcement Officers to issue citations to vehicles in violation.

**Order 27,294** - accepting the Allegany County Commissioners fuel contract of Inventory Gasoline and Diesel Fuel from Stuck Enterprises, Inc. (dba Bedford Valley Petroleum & Propane) for an amount not-to-exceed \$345,000, piggy-backing off the County Commissioners' contract, in accordance with City Code Section 2-171(c).

**Order 27,295** - authorizing the execution of a Donation Agreement with Cassandra King for real property at 220 N. Lee Street, Tax ID #06-022790, for the sum of \$1.

**Order 27,296** - amending the CDBG-CV 2020 Annual Action Plan to move unused CARES ACT funds to the Constitution Park Playground Project for removal of outdated playground equipment and installation of new safe equipment to Grove 1 playground, to create a safe outdoor space for children to enjoy in preparation for any future possible pandemics, in response to the need for outdoor spaces identified during the Covid-19 pandemic.

**Order 27,297** - rescinding Order 27254 approved on June 20, 2023, due to a misstated purchase amount, and accepting the contract renewal with Link Computer Corporation for the renewal of the MuniLink Utility Billing System for a one-year term retroactive to June 1, 2023 in the amount not-to-exceed \$44,829.12.

**Order 27,298** - authorizing the Sole Source purchase of the City's annual amount of water meters and smartpoints from L/B Water Service in the amount not-to-exceed \$350,000 for the entire fiscal year.

**Order 27,299** - authorizing the Chief of Police to accept the FY24 Police Recruitment and Retention Grant in the amount of \$20,000 awarded by the Governor's Office for Crime Control and Prevention (GOCCP) which recognizes the state-wide shortage of police candidates and has offered funds to help local agencies recruit and retain police officers.

**Order 27,300** - authorizing the Chief of Police to accept the FY24 Maryland Center for School Safety (MCSS) School Resource Officer (SRO) grant in the amount of \$49,980, funding adequate police coverage in and around our city's schools, and for overtime support.

**Order 27,301** - accepting a FY23 Passages of the Western Potomac Heritage Area (PWPHA) Mini Grant in the amount of \$5,000 for the Cumberland Winter Festival and Market.

**Order 27,302** - accepting the proposal from Amazon Web Services for FY24 cloud-based computing services in the not-to-exceed amount of \$36,000.

**Order 27,303** - authorizing the Sole Source purchase from Axon Enterprise, Inc. in the amount of \$43,935.83 for the purchase of 52 yellow X7 Tasers, per year through 2027, to include the costs of all cartridges, batteries, holsters, evidence storage and downloading device.

**Order 27,304** - authorizing the Chief of Police to accept the FY24 State Aid for Police Protection Fund grant in the amount of \$728,575, to be used exclusively to provide adequate police protection in the qualifying municipality of Cumberland, Maryland.

**Order 27,305** - authorizing the execution of Change Order No. 1 to "Baltimore Street Access Project" (12-16-M) for additional manhole structures not specified in the original contract in the amount of \$98,775, bringing the new contract amount not-to-exceed \$14,737,275.

**Order 27,306** - authorizing execution of a Certificate of Satisfaction acknowledging that the Second Deed of Trust dated January 11, 2018, granted by Howard M. Bohn and Mary Kathleen Bohn to Michael Scott Cohen, Trustee for the benefit of the Mayor and City Council of Cumberland (Allegany County Land Records Book 2355, page 152), has been fully paid and the lien is hereby released.

There was discussion by M&CC regarding the three parking-related orders. Mayor Morriss stated that as long as he's been around, the City has been running a deficit in the MPA. He stated that although the City is going through the construction phase, there hasn't been any loss in parking unless a street is closed with no access. He advised that the City has offered 2 free hours of parking in the George Street Garage, trying to get folks to utilize it. He did mention that even with the .50c increase in parking, all the parking on Centre Street and Liberty Street remains free. He also mentioned that parking is also free after 5:00 p.m. Monday through Friday and weekends on surface lots downtown. He stated that there is plenty of parking downtown, but sometimes it means you have to be willing to walk a block. Council Members Marchini and Cioni stated that they would rather have the increase begin after the holidays, but agreed that the rate needs to be increased incrementally.

## **X. Public Comments**

**Chris Myers, 15 S. Liberty Street and business owner of 11 S. Liberty Street**, discussed the noise ordinance, saying that after M&CC had received numerous complaints, and have now changed the code to allow Tritan to start earlier, which he said was irresponsible and disrespectful. He stated that the contractor frequently starts before 6:00 a.m., and questioned why they leave in the afternoon when they could work later. He said his life and his business are both suffering, and said there are many others who are complaining as well. He asked M&CC to make it so there will be no mechanical or hydraulic equipment starting before 6:00 a.m. He also mentioned the decibel limit as set by Engineering, and said that equipment idling may be 55db, but said when it backs up it has a 100db backup signal.

Mayor Morriss thanked Mr. Myers for coming in and discussing this issue, saying he had only received one complaint, so this is new to him that there is a large contingency of people who are unhappy. He stated that by adding 5 hours a week it can cut a day off of construction time. It was noted that M&CC voted on a start time of 6:00 a.m., not 5:00 a.m., and said they will have Engineering address this.

**Jackie and Samantha – 241 E. Elder Street and 247 E. Elder Street**, are neighbors, and discussed a vacant house next to theirs (239 E. Elder) that is dilapidated. They said they were concerned because the house is infested with mold, and said they can smell it from their yards. Additionally, they said the ceiling has fallen to the floor, and said the roof is open to the sky. They wanted to know the protocol for addressing vacant homes when there are health issues at stake.

Mayor Morriss stated that he will turn the information into Code Enforcement in the morning and have it addressed. The ladies also informed him that 251 E. Elder Street is in bad condition, and is owned by the bank due to foreclosure. Mayor Morriss informed them, however, that the City can't touch a house while it's in foreclosure. They also mentioned that a Ms. Krista McKenzie went into 239 E. Elder and took a bunch of items, saying she had bought the house. Upon looking into that, the ladies said there is nothing showing that she had purchased the home or was the owner. They provided photos of 239 E. Elder, which they passed onto M&CC.

All public comments are limited to 5 minutes per person

## **XI. Adjournment**

With no further business at hand, the meeting adjourned at 7:47 p.m.

Minutes approved on September 5, 2023

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk