



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* Joseph P. George  
*Councilwoman* Laurie P. Marchini

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

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## MINUTES

M&CC Regular Meeting

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

DATE: June 07, 2022

### I. OPEN SESSION – 6:15 P.M.

### II. Pledge of Allegiance

### III. Roll Call

#### PRESENT:

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

**Also Present:** Jeffrey F. Silka, City Administrator; Marjorie Woodring, City Clerk; Michael S. Cohen, City Solicitor; Kenneth Tressler, Director of Administrative Services

### IV. Statement of Closed Meeting

#### 1. Summary Statement of closed meeting held June 7, 2022

Mayor Morriss announced that a closed meeting had been held on June 7, 2022 at 5:00 p.m. and read into the record a summary of that meeting 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. Presentations

#### 1. Presentation from Local Management Board of Allegany County on the findings of the Youth Services Analysis performed by Archway Station.

Dr. Stephanie Hutter-Thomas advised that she did the Youth Services Analysis as part of the Archway Station team and provided a PowerPoint presentation. She also provided

background on Archway Station and the services they provide to adults and minors. She explained that this presentation represents a very brief summary, and stated that a report will be forthcoming with more detailed information. Dr. Hutter-Thomas stated that the project background was essentially the Local Management board of Allegany County who provided grant funding for this work. She reviewed the PowerPoint presentation and the objectives of the analysis, as well as data collection strategies and evaluation of findings.

Mayor Morriss stated that one of the most important things is taking care of our youth. He thanked Dr. Hutter-Thomas and said it's good to see the study and the work, which will help with other organizations, like the Carver Board, to understand what the community really wants. He added that he's looking forward to the final report.

There was discussion about how the YMCA factors into this, with their day camps, trips, etc. Dr. Hutter-Thomas explained that the YMCA is in their database; however, the biggest issue is accessibility because of where they are located for kids without transportation.

There was discussion about the collaboration with other programs and recommendations for a rec center, and needing to band together. Mayor Morriss stated that the key is a youth engagement committee, and said it's better to consolidate and have fewer programs and engage more people, which he stated would be easier to coordinate.

There was discussion on if the community is providing mental health services to children. It was stated that there is conversation around about the absence of substance abuse treatment for youth.

2. Presentation of the proposed FY23 Community Legacy Program grant submission and project list.

Ms. Davis-Rogers, Historic Planner/Preservation Coordinator, provided a PowerPoint presentation and said the Round for FY23 Application Period has been opened up. She explained the Sustainable Communities Program, and reviewed the eligible projects.

## **VI. Proclamations**

1. Proclaiming the month of June, 2022 in Cumberland as Men's Health Month

Mayor Morris read the Proclamation.

## **VII. Director's Reports**

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

## **(A) Administrative Services**

1. Administrative Services monthly report for March, 2022

## **VIII. Approval of Minutes**

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

1. Approval of the Work, Closed, and Regular Session Minutes of February 1, 2022, the Work Session Minutes of February 8, 2022, and the Regular Session Minutes of February 15, 2022

## **IX. Unfinished Business**

### **(A) Ordinances**

1. Ordinance No. 3915 (*2nd and 3rd readings*) - to rescind Ordinance No. 3912, which authorized the conveyance of 107/109 S. Allegany Street to Del & Del Allegany Properties, LLC for the amount of \$3,500, accepting the Del & Del Properties, LLC request to renege their bid, and accepting the bid of C Corp Leasing in the amount of \$5,000 for said property, as originally offered in the 2022 Request for Bids for Surplus Property Rounds IV

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

2. Ordinance No. 3916 (*2<sup>nd</sup> and 3<sup>rd</sup> readings*) – providing for the City Tax Levy for FY23.

**SECOND READING:** The ordinance was presented in title only for its second reading. **Motion** to accept the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilwoman Marchini, 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 presented in title only for its third reading. **Motion** to accept the third reading was passed on a vote of 5-0

3. Ordinance No. 3917 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 General Fund

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

4. Ordinance No. 3918 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Water Fund.

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

5. Ordinance No. 3919 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Sewer Fund.

**SECOND READING:** The ordinance was presented in title only for its second reading. **Motion** to accept the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilwoman Marchini, 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 presented in title only for its third reading. **Motion** to accept the third reading was passed on a vote of 5-0

6. Ordinance No. 3920 (*2nd and 3rd readings*) - providing for the annual expenditure appropriations for the FY23 Special Purpose Funds.

**SECOND READING:** The ordinance was presented in title only for its second reading. **Motion** to accept the second reading and move to the third after comment was made by Councilwoman Marchini, seconded by Councilman Frazier, 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 presented in title only for its third reading. **Motion** to accept the third reading was passed on a vote of 5-0.

## **X. New Business**

### **(A) Charter Amendment Resolutions**

1. **Charter Amendment No. 149 (*1st reading*)** - to rescind Charter Amendment No. 145 and repeal any affects upon the Charter by its passage, and to repeal Section 75 of the Charter, which prohibits the carrying of concealed weapons.

Mr. Silka advised that these three CARs were passed in 2019, but due to an administrative oversight with one of the public hearings, the City has to re-adopt them.

**FIRST READING:** Charter Amendment No. 149 was presented in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

2. **Charter Amendment Resolution No. 150 (1st reading)** - to rescind Charter Amendment No. 146 and repeal any affects upon the Charter by its passage, and to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence.

**FIRST READING:** Charter Amendment No. 150 was presented in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

3. **Charter Amendment Resolution No. 151 (1st reading)** - to rescind Charter Amendment No. 147 and repeal any affects upon the Charter by its passage, and to repeal Charter Sections 192 - 203 pertaining to the Mayor and City Council's authority over the Memorial Hospital.

Mr. Silka advised that

**FIRST READING:** Charter Amendment No. 151 was presented in title only for its first reading. **Motion** to accept the first reading and table until next meeting was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 5-0.

#### **(A) Ordinances**

1. **Ordinance No. 3921 (1st reading)** - authorizing execution of a deed to convey certain surplus property that is the former site of the Memorial Hospital to the Cumberland Economic Development Corporation.

Mr. Silka advised that this ordinance will fulfill the MOU requirement to transfer the property to the CEDC, with limitations in place as to what can be developed there.

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

#### **(B) 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 items was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

**Order 27,010** - authorizing the abatement of City real estate taxes for City-owned properties at 412 Goethe St., 406 Goethe St., 846 Gephart Dr., 842 Gephart Dr., 619

Greene St., 420 Pine Ave., 222 Pear St., 124 Columbia St., 13. W. Clement St., 804 Maryland Ave., and 439 Andrews St., and City real estate taxes *and* utilities at 435 Columbia St., 421 Arch St., and 409 Central Ave.

Mr. Silka advised that the total taxes for these abatements is \$28,665, and total utilities \$6,577

**Order 27,011** - authorizing the execution of a billing agreement by and between the M&CC and Carter Professional Services, LLC, dba Medical Claim-Aid to perform billing and claims service on behalf of the Mayor and City Council related to EMS transports and fire/rescue incidents, effective 7/1/22 for 5 years with option to renew for an additional 3 years upon mutual agreement. The City will be billed the sum of 7.25% of all payments received during the preceding month related to ambulance transports

Mr. Silka advised that this allows for a renewal from the provider, and is recommended by the Fire Chief.

**Order 27,012** - accepting the recommendation from the Cumberland Planning and Zoning Commission, dated April 27, 2022, to approve a Zoning Text Amendment (ZTA #22-02) to provide guidance for Dwelling Units / Mixed-Uses as a permitted use in Residential-Office (R-O) Zones and authorizing formal procedures to approve the amendment to commence

Mr. Silka advised that this order basically cleans up the City's zoning ordinance to allow for mixed-use buildings in the R-O Zones.

**Order 27,013** - lifting the "Open Containers of Alcohol" provisions of the City Code (Section 11-113) on June 11, 2022, from 12:00 p.m. until 9:00 p.m., within the area of North Centre Street between Baltimore Street and Frederick Street for the North Centre Street Festival; notwithstanding that open glass containers shall not be permitted.

Mr. Silka advised that a map attached to the order outlines the Open Containers area.

**Order 27,014** - authorizing execution of a BMX Facility Long-Term User Agreement with Riverside BMX for the use of the BMX bike track in the Mason Sports Complex through June 30, 2023, with the option to renew for one-year periods upon mutual consent.

Mr. Silka advised that this is a continuation of the use of the BMX track and said it's a really good example of a successful public/private partnership.

**Order 27,015** - accepting certain bids received for the "2022 Sale of Surplus Vehicles and Equipment" and rejecting all other bids.

Mr. Silka advised that these surplus vehicles and equipment were authorized to be auctioned off, and said that brings in over \$30,000.

**Order 27,016** authorizing the execution of Change Order No. 6 to the current contract with Casey Smith, LLC dba ServicePro for City Project "2019 Residential Grass Mowing" (10-19-M) in the decreased amount of \$3,048 to add/remove recently acquired

or sold properties at various locations within the City limits, bringing the new contract value to \$55,637.

**Order 27,017** - accepting the bid of Carl Belt, Inc. for City Project "Influent Screening System Upgrade" (02-21-WWTP) in the not-to-exceed lump sum cost of \$1,420,500.

Mr. Silka advised that four bids were received for this project, and explained how the influent screening system works.

**Order 27,018** - accepting the bid from Sharon Marvin for the "Operation of the Concession Stand at Constitution Park for the 2022 Season" in the amount of \$400 for the season, and authorizing the Mayor to execute a Concession License Agreement providing for terms for use of the Constitution Pool Concession Area through September 30, 2022.

Mr. Silka advised that Ms. Marvin was the only bidder for the project.

**Order 27,019** - approving the submission of the 2022 Community Development Block Grant (CDBG) 2022 Annual Action Plan Funding to the Department of Housing and Urban Development and authorizing the Mayor to execute documentation necessary for submission and for the receipt of funding.

Mr. Silka advised that this has gone through the public notice and public hearing processes, and said there is \$800K to expend, along with bringing in \$4,750 from 2020 surplus.

**Order 27,020** - accepting the proposal from Insight Public Sector SLED to provide Cisco 9300 switches and related equipment and software for the amount not to exceed \$30,000.

Mr. Silka advised that these were budgeted for the next fiscal year, but since they became available now, it was decided to go ahead and purchase them while they are available.

**Order 27,021** - approving Amendment No. 2-4182022 to the Community Development Block Grant (CDBG) Program effective June 7, 2022.

Mr. Silka advised that this reduces the allocation of the Baltimore Street Redesign by \$162K and re-allocates it to the South Street ADA improvements.

## **XI. Public Comments**

Dave Biser, 17 Long Drive, spoke about homelessness and crime in the area, and provided a PowerPoint presentation, as well as photos from Facebook. He explained that people go through the downtown stealing flowers from businesses, said there is human feces behind George Washington's Headquarters, and trash under the bridge on the Potomac. He asked if it could be cleaned up by the City, and if not, he would volunteer to do it. He gave kudos to Lee Borrer, who he said invited him to a task force that is seeking to address both the homeless and the vagrant problem. Mr. Biser also provided results from a poll he did, asking what is Cumberland's biggest problem? His poll showed 49% said drugs; 22% unemployment; 15% shopping choices; 9% lack of input by citizens, and 5% homeless. He stated that there is a lot going on in the community to address problems, that not everyone knows about. He said this is an epidemic and the community needs to step up and help.

Mayor Morriss stated that Mr. Biser brought up some good points, and advised that the City has a lot of people working on projects to make things better – namely regarding homelessness and vagrancy. He agreed that they need to do a better job of letting the community know what is being done, and said he appreciates Mr. Biser’s volunteering to clean up. He said M&CC will figure out a way to help him.

Erin Delong, 21 N. Allegany Street, spoke about Fayette Street utility work by Columbia Gas, keeping citizens informed, and bridges. She stated that with the work on the road 2 years ago, and now the street is torn up again with dust everywhere. She said there doesn’t seem to be much progress.

Mayor Morriss explained that the work she’s referring to is the 24” water main project that is being done by the City, with its own workforce. He said they will get with the City Engineer and give Ms. Delong a time frame for when the work will be done.

Ms. Delong stated that she was grateful to hear that progress is being made on the potential for the Fayette Street Bridge to open, noting that it’s been at least 5 years since it closed. She talked about the structure that was put up at the time to address the emergency, and suggested taking a look at it to make it look better – closed, but better. She said it looks very bad, and challenged M&CC to look and see if a small project, maybe art-related, to visually lift the bridge as it is now.

Mayor Morriss advised that working through the federal funding takes a lot of time, but agreed with her that the City can make it look better than it does now, and said they will look into that.

Ms. Delong also advised that she is a member of the Upper Valley Kennel Club, which is in the process of partnering with the Allegany Arts Council on an upcoming project that’s county-wide, that they hope to get grants for.

All public comments are limited to 5 minutes per person

## **XII. Adjournment**

With no further business at hand, the meeting adjourned at 7:32 p.m.

Minutes approved on December 6, 2022

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk