



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 S. Cohen
City Clerk Allison K. Layton

MINUTES

M&CC Regular Meeting

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

DATE: October 04, 2022

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 Joseph P. George
Council Member Laurie P. Marchini
President Raymond M. Morriss

Also Present: Jeffery Silka, City Administrator; Marjorie Woodring, City Clerk; Lee Borrer, Senior Community Development Specialist; Chuck Ternent, Police Chief; Shannon Adams, Fire Chief

IV. Presentations

1. Recognition of Retired Fire Chief William Herbaugh and Retired Deputy Chief William Beeghly on their recent induction into the 2022 MIEMSS Region I Hall of Fame by Dwayne Kitis, Maryland Institute for Emergency Medical Services Systems (MIEMSS) Region I Administrator, and Fire Chief Shannon Adams. Both were inducted for their many years of providing outstanding contributions to emergency medical services to the citizens of Cumberland.

Chief Adams recognized retired Fire Chief Herbaugh and retired Deputy Chief Beeghly, and provided background on their careers and EMS contributions to the community. He explained that these two gentlemen were responsible for getting ambulances up and running, and to where the City Fire Department is at today. He added that both were one of the few paramedics at the time, and said the City owes them a great debt of gratitude.

Mr. Dwayne Kitis, Maryland MIEMSS Regional I Manager spoke about Chief Herbaugh and Beeghly's years of training of themselves and others; their mentorship, leadership, and years of service.

Both gentlemen were presented awards on behalf of MIEMSS for their service to the City and the rest of the EMS region. The Allegany/Garrett Volunteer Fire and Rescue Association also provided awards to both.

2. Recognition of employee retirements

29 Years

Gregory Sites, Fire Department

Chief Adams provided background on Mr. Sites career in the CFD which started July 7, 1993, and spoke about the different jobs Mr. Sites held through the years, from firefighter and EMT to equipment operator. He stated that he and Mr. Sites went through paramedic school together, and said he has been a fantastic employee, and will be missed.

3. Presentation of awards given in recognition of employee career milestones

Chief Ternent provided background on employees celebrating milestones in the CPD, and congratulated all. Chief Adams provided background on CFD employee milestones, and offered congratulations.

Mayor Morriss presented the awards and offered congratulations and thanks to all. The Mayor said as employees of the Police and Fire Departments, there are sacrifices that the families of these brave men and women have to endure, and thanked them on behalf of the City of Cumberland.

5 Years

Paul Martin, Sewer Department – not in attendance

Ashley Davis, Police Department

15 Years

Christopher Biser, Fire Department

20 Years

Jeffrey Carnell, Fire Department – not in attendance

25 Years

Jeffrey Wagoner, Fire Department – not in attendance

James Friend, Sewer Department – not in attendance

Jeffrey DeHaven, Fire Department

Samuel Wilson, Fire Department

V. Approval of Minutes

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

1. Approval of the Closed Session Minutes of June 21, 2022

VI. Public Hearings

1. Public Hearing - to receive comments on the City's Consolidated Annual Performance Evaluation Report (CAPER) for the 2021 Fiscal Year

Ms. Lee Borrer provided a PowerPoint presentation, and offered background on the report which evaluates and describes accomplishments for projects funded using the Community Development Block Grant (CDBG) Program funds during the year. She explained that these funds primarily benefit low-to-moderate income people in the City, and said total disbursements were a bit over \$700K. Ms. Borrer reviewed accomplishments and provided information on each slide in the PowerPoint presentation.

Hearing Convened: 6:50 P.M.

No public comments

Hearing Adjourned: 6:50 P.M.

VII. Unfinished Business

(A) Ordinances

1. **Ordinance No. 3926** (*2nd and 3rd readings*) - authorizing the transfer of 471 Baltimore Avenue to Bechance LLC for the purchase price of \$100.

SECOND READING: The ordinance was submitted in title only for its second reading.

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

VIII. New Business

(A) Resolutions

1. **Resolution No. R2022-08** (*1 reading only*) - Declaring the intent to reimburse expenditures paid with respect to two (2) separate projects generally identified as police vehicles and influent screening system upgrades from proceeds of "Reimbursement Bonds" in accordance with U.S. Treasury Regulation Section 1.150-2.

Mr. Silka explained that the City will be spending money before it gets the proceeds from the bonds, so this allows the City to reimburse itself.

READING: The resolution was presented in title only for its sole reading. **Motion** to accept the reading was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

2. **Resolution R2022-09** (*1 reading only*) - granting the Western Maryland Scenic Railroad Corporation, Inc. a property tax credit for the tax years 2021-2022 and 2022-2023, as provided for by Section 9-302(b)(4) of the Tax Property Article of the Annotated Code of Maryland.

READING: The resolution was presented in title only for its sole reading. **Motion** to accept the reading was made by Council Member George, seconded by Council Member Cioni, and was passed on a vote of 3-0, with Mayor Morriss and Council Member Frazier abstaining due to being members of the WMSR Board of Directors.

(A) Ordinances

1. **Ordinance No. 3927** (*1st reading*) - authorizing the transfer of 119 Pennsylvania Avenue to Taryn Crites for the purchase price of \$1,000.

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 Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

(A) Orders (Consent Agenda)

Mr. Silka reviewed each Consent Agenda item, and Mayor Morriss called for questions or comments. Motion to remove Order No. 27,098 to be voted on separately after discussion was made by Council Member Marchini, seconded by Council Member Frazier, and was passed on a vote of 5-0. Motion to approve Order No. 27,098 was made by Council Member George, seconded by Council Member Frazier, and was passed on a vote of 5-0. Motion to approve Order Nos. 27,092 – 27,097 was made by Council Member George, seconded by Council Member Cioni, and was passed on a vote of 5-0.

Order 27,092 - abating 2022-23 taxes in the amount of \$11,470.86 for the City-owned cellular tower located at 600 Bishop Walsh Road.

Order 27,093 - Authorizing the purchase a used 2010 Ford E-450 Ambulance from District #16 VFD for the cost not to exceed \$50,000.

Order 27,094 - authorizing the Chief of Police to accept a FY22 Bureau of Justice Assistance award in the amount of \$4,800 requiring a 50% match from the City for the replacement of outdated body armor vests.

Order 27,095 - authorizing the Chief of Police to accept a Maryland Highway Safety Office grant for FY23 in the amount of \$3,000 for police overtime concentrating on DUI Reduction and Occupant Protection.

Order 27,096 - authorizing the Chief of Police to accept the FY23 Community Grant in the amount of \$30,800 which will be utilized to provide funding for officers to attend community events and conduct neighborhood foot and bike patrols.

Order 27,097 - ending the authorization provided by Order No. 26,467 to make payment to the Allegany County Commissioners for invoices pertaining to the Replacement of the Baltimore Street Bridge (9-18-BR) as of October 4, 2022, and authorize a Cost Share Agreement with MD SHA regarding the same project, with the City's portion estimated at the amount not to exceed \$144,228.30, which represents 20% of the revised total estimated cost of \$721,141.50

Order 27,098 - authorizing the execution of a Subrecipient Agreement with the Union Rescue Mission of Western Maryland, Inc. regarding the disbursement of up to \$749,000 of U.S. Coronavirus Local Fiscal Recovery Funds for the purchase and remodeling of 710 N. Centre St.

Mayor Morriss opened the floor for comments, which were from citizens who had signed up to speak during the Public Comments portion of the meeting.

Rick Haymaker, 617 N. Centre Street, discussed the relocation that was stated as being a private transaction and then mentioned the differences he saw on the URM's website. He also questioned the reallocation of ARPA funding.

Mayor Morriss stated that he understands Mr. Haymaker's concerns, and said he has reviewed security measures with Pastor Ziler and Chief Ternent. He said they have a plan to make sure the environment is secure and safe for both the residents of the mission, and the neighborhood.

Mr. Silka advised that the City did vet the issue of religion, and said the primary goal of the mission is to provide food, shelter, and education. He said the City cannot provide ARPA funds if the mission wanted to build a chapel, or a church.

Karen Lockhart, 851 Gephart Drive, discussed Housing First, which was mentioned in a M&CC meeting in May 2022, and wanted to know where M&CC are with that project.

Mayor Morriss stated that staff has looked at that program, and said they will be getting an update. He also stated that Chief Ternent works diligently with the homeless.

Sue Spangler, 1108 Holland Street, said she agreed with those that already spoke, and said there are other places in Cumberland the URM can relocate to instead of the High Point building. She discussed other locations, and suggested fixing up the mission where it is. She also mentioned the petition and all the signatures they have.

Mayor Morriss stated that M&CC are not taking this decision lightly. He stated that they've done a lot of work with Pastor Ziler as he searched for a location, and said the discussion has been going on for 3.5 years. He added that the Pastor reviewed a lot of sites – some in the City, some not – and said this location seems to be the one that best meets their needs.

Michele Sweitzer, 1602 Holland Street, expressed her worry about crime coming, said there has to be another solution, and asked for a public vote.

Councilman Cioni stated that the City has substantial security to limit people hanging around.

Council Member Marchini said she appreciates Pastor Ziler's explanation of the mission at the Work Session, and said it made her feel better about the situation.

Mayor Morriss stated that Pastor Ziler expressed willingness to work with the community as the process is being worked through. He added that this is the best location in the City and in the County.

Council Member George advised that citizens have the commitment of the M&CC for their safety, and said public safety is the Number One thing City money is spent on. He added that the City has an excellent police force and will do all it can to make the City safe and address the issue of the homeless.

There was discussion about stereotyping, and it was mentioned that a lot of people hanging down by the mission are not even Pastor Ziler's people.

Nick Dearcangelis, talked about attending the work session and added that Pastor Ziler had some great ideas. He suggested Pastor Ziler hold a public forum and do a presentation of what he wants to do to sell his concept.

Mayor Morriss stated that M&CC have already reviewed everything, and added that this has been in the process for 3 years, with nothing specific to tell anyone until an agreement was reached on the location.

There was more discussion among people signed up to speak and those just attending the meeting. There was talk about the crime that is already in that area, and about the homeless having rational ideas about how to solve problems, therefore letting the homeless be part of the solution, adding they're not all drug abusers and have mental issues. Pastor Ziler discussed other places they had looked at, and explained the huge amount of costly work that needed to be done, which made those places not feasible.

Pastor Ziler discussed the people that were being talked about here, saying they are not his people. He said he knows there are homeless people that are dangerous, but they are not the people he deals with. The Pastor discussed his mission and the resources it has, bedspace, meals, food drops at the YMCA, etc., to protect his people trying to get help. He discussed new plans for the facility and working in conjunction with UPMC. He also discussed children in his mission going to Braddock School, and said he is fighting for the people who don't want to be poor, and added that his goal is to decrease poverty. He said he thinks they can make a big change in the community, and Mayor Morriss stated that the Pastor's willingness to make sure the mission continues to look out for the concerns of the community, and to make the new mission a good facility.

Mayor Morriss asked for a motion to accept Order No. 27,098. With a motion made by Council Member George, seconded by Council Member Frazier, the order was approved by a vote of 5-0.

IX. Public Comments

Jimmy Beatty, 711 Greene Street, discussed the owner of the properties next to them, 717 and 719, saying Dr. Samuel Navva owns those lots that have trees that fall on their home.

He discussed talking to Ken Tressler about the lots, and discussed Dr. Navva not paying taxes for 8 years. He talked about his CBDG home rehab program grant, saying there's not use in fixing the roof if trees continue to fall on his home. He added that they're a danger to him and his children.

Mayor Morriss discussed conference calls in the last couple days discussing tax sale legislation they're trying to put in.

Mr. Silka advised that regarding back taxes, that property has been up for tax sale multiple times, there have been no bids, and said there's no reason for the City to buy it as it's undevelopable. He added that regarding the trees, that's a private property matter, and advised Mr. Beatty to pursue legal counsel in a civil suit.

Mr. Beatty discussed another issue regarding the Classic Car Wash on Greene Street, saying it should not be open all night long. He said people go there all hours of the night blasting their music, rattling his windows. Mayor Morriss thanked Mr. Beatty for bringing that up, and said M&CC will look into it.

All public comments are limited to 5 minutes per person

X. Adjournment

With no further business at hand, the meeting adjourned at 8:31 p.m.

Minutes approved on February 7, 2023

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk