



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 Marjorie A. Woodring

MINUTES

M&CC Regular Public Meeting
City Hall, 57 N. Liberty Street, Cumberland, MD

DATE: October 19, 2021

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

PRESENT:

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

Councilman Joseph P. George was absent

Also Present: Ken Tressler, Interim City Administrator; Marjorie Woodring, City Clerk; Chuck Ternent, Chief of Police; Shannon Adams, Interim Fire Chief

IV. Statement of Closed Meeting

1. Summary Statement of closed meetings held October 13 and 19, 2021

Mayor Morriss announced that closed sessions had been held on October 13, 2021 at 3:10 p.m., and on October 19, 2021 at 5:35 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. Presentations

1. Oath of Office Ceremony for City of Cumberland Police Officers Andrea L. Bennett and Peyton A. Fazenbaker

Chief Ternent introduced the new officers, their families in attendance, provided information on their backgrounds, and welcomed them to the force. Mayor Morriss delivered the oath of office. The Mayor and Council commented and congratulated each officer.

VI. Proclamations

1. Proclamation declaring the month of October, 2021, as National Code Compliance Month. Members of the City's Code Enforcement Department will be recognized for the work they do to improve living and working conditions for the residents and businesses of Cumberland.

Mayor Morriss read the proclamation, and Kevin Thacker, Code Compliance Manager, thanked M&CC for their recognition and continued support, saying that it can often be a thankless job. He introduced his staff and said that with the M&CC and Mr. Tressler's support, the City's Code Enforcement officers are making a difference. Mr. Tressler shared some statistics, and stated that he can't say enough about the hard work and best practices being done, along with new procedures and new software.

2. Proclamation declaring the month of September 2021 as the 60th Anniversary of Allegany College of Maryland.

Mayor Morriss read the proclamation, with Dr. Cynthia Bambara, President; David Jones, Director of ACM Foundation; and Board of Trustees Chair Kim Leonard in attendance.

VI. Director's Reports

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

(A) Engineering

1. Engineering Division monthly report for September 2021

(B) Fire

1. Fire Department monthly report for September 2021

(C) Police

1. Police Department monthly report for September, 2021

(D) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer monthly report for September, 2021

VII. Approval of Minutes

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

1. Approval of the Work Session and Regular Session Minutes of August 4, 2021, and the Special Public Session Minutes of September 14, 2021

VIII. Presentations

Kristen Evans, leader of Girl Scout Troop 40058, thanked M&CC for having them there tonight, and also thanked Council Members Marchini and Cioni for meeting with them last week where they first presented their issue. Members of the troop presented their idea of having crosswalks installed at intersections along Greene Street near West Side Elementary, and provided explanations as well as a poster with photos. In attendance were Arden Claussen, Calla Claussen, Alice Cooney, Wren Hildreth, Kate Pillai, Madelyn Rende, Ruby Lou Rosenzweig, and Zéla Williams, with Calla, Alice, Wren, Ruby Lou, Kate, and Arden speaking before Council. Mayor Morriss stated that he would take the information to the Traffic Group for their review and recommendation. Ms. Evans asked if they could be included in the process, if possible, as part of their project is to see how government works.

VIII. Public Hearings

1. Public Hearing - to receive comment on the proposed Zoning Map Amendment (ZMA #21-01) to rezone property at 718 Frederick Street from Urban Residential (U-R) to Rehabilitation and Redevelopment (RR) Floating Zone to re-establish a former commercial use designation to the ground floor of the two-story building.

The public hearing convened at 7:02 p.m.

Morgan Alban, Engineering Consultant, advised that property owner Rick Toms filed petition on 6/24/21 to apply for a RR Floating Zone for property at 718 Frederick St., which is currently zoned Urban Residential. She advised that the property was previously used commercially, with 2+ years of vacancy. The petition asks to re-establish former commercial zoning to the property to open a tattoo shop. Ms. Alban stated that P&Z recommended approval with conditions. Staff findings were presented, and it was stated that the property will have 3-4 parking spaces at the food bank across the street to alleviate congestion. Mr. Toms spoke, provided written information to M&CC, and showed photos of the front and inside of the building. He advised that the property used to be a corner market, a TV repair shop, and most recently a hair salon. Mr. Toms stated that he purchased the property under the assumption that it was zoned for commercial use. He advised that he owns a tattoo shop in Thurmont currently. He added that he will be the only artist, as he wants to scale back the amount of work he's doing, and said his goal is to work by appointment.

Councilman George entered the meeting at 7:11 p.m.

Council thanked Mr. Toms for choosing Cumberland, and said they can tell he's done good work on the property. Mr. Toms stated that he has recommendation letters from a charitable organization in Thurmont, and said he has worked to give back to the community. He advised that he wants to do that in Cumberland as well.

The public hearing adjourned at 7:14 p.m.

2. Public Hearing - to receive comment on the fiscal year 2020 Consolidated Annual Performance Evaluation Report (CAPER) for the Community Development Block Grant Program.

The public hearing convened at 7:14 p.m.

Lee Borrer, Sr. Community Development Specialist, gave background on CDBG and CAPER, provided a PowerPoint presentation, reviewed accomplishments for 2020, and expenditures for 2020/2021 by category:

- 2020 grant was a little over \$800K
- Total disbursements \$454,800
- Remaining funds committed to other projects such as Baltimore St. & Splashpad
- CARES Act funds \$596,161, \$62,946 disbursed for activities
- Remaining: Emergency Utility & Housing/Broadband Access
- Funds 100% committed

Ms. Borrer provided photos for accomplishments:

Public Facilities Completed This Year:

- Constitution Park play areas
- YMCA Gilchrist Men's Unit HVAC
- Bellevue Sidewalk Improvements

Housing Programs Completed This Year:

- Closing cost grants to seven families
- Riverbend Court/FCH Sidewalk-80 housing units
- HRC efforts to affirmatively further fair housing

Ms. Borrer reviewed Homeless Shelter and Victim Services which were addressed by the Family Crisis Resource Center, YMCA Gilchrist, and HRDC Homeless Prevention

Public Services

- 583 people directly served by various CDBG funded programs
- Health services for dental emergencies
- Prescriptions, food, literacy activities
- Emergency housing grants for at-risk families

The public hearing adjourned at 7:24 p.m.

IX. Unfinished Business

(A) Ordinances

1. **Ordinance 3901** (*2nd and 3rd readings*) - accepting bids for the purchase of six (6) parcels of property offered for sale through the "2021 Request for Bids - Surplus Property Round III" bid process, and authorizing the Mayor to execute deeds effecting transfer to the successful bidder.

Mr. Tressler provided background on the ordinance and advised that bids received totaled just under \$6K.

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 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 and was passed on a vote of 5-0

X. New Business

(A) Resolutions

1. **Resolution R2021-07** (*1 reading only*) - declaring the official intent of the City to reimburse expenditures paid with respect to the "Decatur Street Waterline Project" from proceeds of the "Reimbursement Bonds"

Mr. Tressler advised that this resolution is typical when the City issues bonds, and said the contractor has already started ordering materials. He added that this allows the City to cover project expenditures prior to the actual closing of the bond.

Mayor Morriss called for questions or comments. **Motion** to approve the resolution was made by Councilman Cioni, seconded by Councilman George, and was passed on a vote of 5-0.

(B) Ordinances

1. **Ordinance No. 3902** (*1st reading*) - accepting the bid from RM & GM, LLC from the "Round III Surplus Property Sale" for the purchase of 130 Polk Street for the amount of \$2,500 and authorizing execution of a deed to effect the conveyance .

Mr. Tressler advised that this property was inadvertently left off the surplus properties declaration, and was put out to bid.

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 Councilman George, and was passed on a vote of 5-0.

2. **Ordinance No. 3903** (*1st reading*) - accepting the bid from the "On-going Surplus Property Sale" for 3 Altamont Terrace from David W. Smith for the amount of \$100 and authorizing execution of a deed to effect the conveyance.

Mr. Tressler advised that this property was originally in the Surplus Properties Round II bid, and was not bid on. It continued to be listed for sale, and then this bid came in.

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

3. **Ordinance 3904** (*1st reading*) - to repeal and reenact with amendments Sections 6-1 through 16-6 of the City Code to update employee paygrades.

Mr. Tressler advised that the last time the pay ordinance was updated was 2017 and said that since that time there have been several COLAs and a minimum wage increase. He stated that this does not immediately affect any employees, it just raises the cap. He also said that there have been some new positions added since 2017, with some being just changes in description. He added that this ordinance makes the language more readable and gets rid of old positions that are no longer used.

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

(C) Orders (Consent Agenda)

Mr. Tressler 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 Councilwoman Marchini, seconded by Councilman Frazier, and was passed on a vote of 5-0.

Order 26,892 - authorizing execution of a Donation Agreement with Timothy L. and Lisa L. Kenney regarding transfer of property at 107 and 109 S. Allegany Street to the City and authorizing execution of a deed to effect the transfer.

Mr. Tressler advised that the tax certificate for this property was originally purchased in 2016 by a tax certificate investor, and the City planned to foreclose as the investor has done nothing. He stated that the Kenney's were unaware they were still the property owners, so they agreed to donate it to the City, bypassing a lot of legal work and expense. He added that they believe it's a rehab candidate for the City, and still salvageable.

Order 26,893 - authorizing execution of a Donation Agreement with David A. Knoche and Douglas A. Knoche regarding the transfer of property at 802 Maryland Avenue to the City and authorizing execution of a deed to effect the transfer.

Mr. Tressler advised that this was a family home that was maintained for years, but was vandalized, had copper stolen from it, and the property was trashed, so the owners just decided to let it go. He stated that it is in the City's targeted area and will likely be demolished, and said this order will allow the City to foreclose and handle the property as needed.

XI. Public Comments

No public comments

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, the meeting adjourned at 7:36 p.m.

Minutes approved on February 1, 2022

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk