



# 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

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## MINUTES

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

DATE: September 20, 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:** Ken Tressler, Director of Administrative Services; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Robert Smith, Director of Engineering and Utilities; Morgan Alban, GIS Specialist

**IV. Statement of Closed Meeting**

1. The Mayor announced that a closed meeting had been held on September 13, 2022 at 4:30 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 of the 2022 Let's Beautify Cumberland! Blue Ribbon Awards, Non-Resident Blue Ribbon Awards, Good Neighbor Awards, We Care Award, and All-Star Awards

Co-Chairs Ed Mullaney and Ginny Decker spoke about each award winner and their homes or businesses, and awards were presented. LBC members Iris Vowel and Charlotte Lapp also presented awards.

Blue Ribbon - Residential:

415 N. Centre St. – Nick and Marcy Dearcangelis  
813 Memorial Ave. – Debbie Burke  
418 Washington St. – Jill Frank  
105 Polk St. – Catherine Kazlo  
806 S. Gephart Dr. – Mason McClew  
500 Oldtown Rd. – Mark Pelletier and Nicki Black  
13 Arch St. – Edward and Lydia Wagus

Blue Ribbon – Non-Residential

St. Paul’s Lutheran Church, 15 N. Smallwood St. – Rev. Ryan Viands  
Riverside Park – George Washington’s Headquarters Gardens – Dave Roche

All Star Awards – Continuous Curb Appeal for Many Years

613 N. Centre St. – Linda Carrington  
615 N. Centre St. – Deborah Reeder

We Care Award

501 Piedmont Ave. - Sue Nealis

Good Neighbor Award

1825 Frederick St. – Homer Hardinger (mows grass at Bedford & Frederick triangle  
Welcome to Cumberland sign)  
160 ½ N. Centre St. – Robert Bruce Thomas (sweeps & cleans N. Centre, N. Mechanic,  
and around City Hall every week, keeping it in pristine condition)  
601 Henderson Ave. – Darius Jakubs  
626 Columbia Ave. – Robby Nicol  
Charlotte Lapp (neighborhood planting, maintenance, and care of garden)

**VI. Director's Reports**

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

**(A) Administrative Services**

1. Administrative Services monthly report for May, 2022

**(B) Engineering**

1. Engineering Division monthly report for August, 2022

**(C) Public Works**

1. Maintenance Division monthly report for August, 2022

**(D) Fire**

1. Fire Department monthly report for August, 2022

**(E) Police**

1. Police Department monthly report for August 2022

**(F) Utilities - Flood, Water, Sewer**

1. Utilities Division Flood/Water/Sewer monthly reports for July and August, 2022

**VII. Approval of Minutes**

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

1. Approval of the Work Session Minutes of May 17, 2022, the Special Session Minutes of May 23, 2022, and the Regular Session Minutes of June 21, 2022

**VIII. Unfinished Business**

**(A) Charter Amendment Resolutions**

Mr. Tressler provided background on all the Charter Amendment Resolutions

1. **Charter Amendment Resolution No. 149** (*2nd and 3rd readings*) - to rescind Charter Amendment No. 145 and repeal any effects upon the Charter by its passage, and to repeal Section 75 of the Charter, which prohibits the carrying of concealed weapons in accordance with Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland.

Mr. Tressler advised that this C.A.R. will bring the City in line with the State Code.

**SECOND READING:** The Resolution 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 Marchini, seconded by Council Member George, and was passed on a vote of 5-0.

Mayor Morriss opened the floor for questions or comments.

Council Member Marchini stated that although she knows the City has to be in compliance with the state, she intends to vote against this C.A.R. She discussed gun issues, high-profile shootings, increased homicides, and said the sale of firearms in the country needs to be re-examined.

Council Member Frazier voice agreement with Council Member Marchini, saying he worries about what is to come, and about safety for all.

The resolution moved to its third reading.

**THIRD READING:** The Resolution was submitted in title only for its third reading and was passed on a vote of 3-1, with Council Member Frazier abstaining and Council Member Marchini voting No.

2. **Charter Amendment No. 150** (*2nd and 3rd readings*) - to rescind Charter Amendment No. 146 and repeal any effects 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 effects, and the admissibility of codification in evidence.

**SECOND READING:** The Resolution 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 Frazier, seconded by Council Member Cioni, and was passed on a vote of 5-0.

Mayor Morriss opened the floor for questions or comments. Being none, the resolution moved to its third reading>

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

3. **Charter Amendment Resolution No. 151** (*2nd and 3rd readings*) - to rescind Charter Amendment No. 147 and repeals any effects 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.

**SECOND READING:** The Resolution 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 Frazier, seconded by Council Member Cioni, and was passed on a vote of 5-0.

Mayor Morriss opened the floor for questions or comments. Being none, the resolution moved to its third reading>

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

## **(B) Ordinances**

1. **Ordinance 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 Frazier, seconded by Council Member Cioni, and was passed on a vote of 5-0.

Mayor Morriss opened the floor 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.

**IX. New Business**

**(A) Resolutions**

- 1. Resolution R2022-07 ANNEX** (*1st reading*) - to annex land located along the east side of Messick Road and the north side of Starlight Drive and Limestone Road in Allegany County, MD, Election District No. 16, consisting of 37.69 acres +/- and owned by the Cumberland Economic Development Corporation.

Ms. Morgan Alban provided a PowerPoint presentation, along with a copy of the plat of the parcel to be annexed. She discussed procedures for annexation, said the request was filed on 8/9/22, and reviewed details of the parcel.

**FIRST READING:** The Resolution 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 Marchini, seconded by Council Member Frazier, and was passed on a vote of 5-0.

**(B) Orders (Consent Agenda)**

Mr. Tressler reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to accept all items on the Consent Agenda was made by Council Member Cioni, seconded by Council Member George, and was passed on a vote of 5-0.

**Order 27,085** - authorizing the Chief of Police to enter into a Memorandum of Understanding (MOU) with the Allegany County Health Department to receive grant funding in the amount of \$3,000 for officers to work overtime conducting overdose follow-ups in conjunction with UPMC Western Maryland, AHEC West and Department of Social Services Peers.

**Order 27,086** - authorizing the Chief of Police to accept a FY23 Police Recruitment and Retention Grant in the amount of \$59,800.00 awarded by the Governor's Office for Crime Control and Prevention (GOCCP) who recognizes the state-wide shortage of police candidates and has offered funds to help local agencies recruit and retain police officers.

**Order 27,087** - accepting the quote from Environmental Systems Research Institute (ESRI) for its GIS program for a 3-year license agreement in the amount not-to-exceed \$27,500 for each year, for a total not-to-exceed \$82,500 by the end of FY25.

**Order 27,088** - authoring the City Administrator to execute Change Order No. 1 for City Project 31-17-W, "Construction Inspector for Decatur St. 24" Crosstown Water Main Replacement", to add 160 additional hours at a cost of \$25/hour for a total not-to-exceed cost of \$4,000.00, bringing the new contract value to \$36,000.00.

**Order 27,089** - authorizing the City Administrator to execute a Cost Share Agreement with MDOT - SHA for construction inspection services related to City Project 9-18-BR,

"Rehabilitation of Bridge A-C-06 Baltimore St. over Wills Creek", with the City's portion estimated at \$44,698.53, which is 20% of the total estimated cost of \$223,492.65.

**Order 27,090** - accepting the bid from Southern States Cooperative, which was the only bidder, for the purchase of heating oil for the Water Reclamation Facility and the Water Filtration Plant, in the most current price (August 6, 2022) of \$79,752.50 for 23,000 gallons.

Mr. Tressler advised that Southern States was the only bidder, and stated that the City used to piggy-back on the County's oil purchase, but since they no longer use heating oil, this was publicly bid.

**Order 27,091** - accepting the bid of Carl Belt, Inc. for City Project "Rehabilitation of Bridge No A-C-06 Baltimore Street over Wills Creek" (9-18-BR) in the not-to-exceed lump sum cost of \$4,704,910.25, contingent upon MDOT approval.

Mr. Tressler advised that there were three bids received and Carl Belt was the low bidder. He stated that this came in a little bit higher than expected. Mayor Morriss stated that after all, this bridge will become the Cass R. Taylor, Junior Bridge when it's completed.

## **X. Public Comments**

**Ed Taylor, President of the Cumberland Historic Cemetery Org., 400 S. Allegany Street**, officially invited M&CC to a major monument project he has worked on for a year and a half, on Saturday, October 8<sup>th</sup> at 2:00 PM. He stated that the monument is for the only Cumberland Police Officer killed in the line of duty, in 1907, Officer August Baker. Mr. Taylor stated that up until now, his resting place was an unmarked grave. He discussed the many funding sources, which included Mayor Morriss and the City of Cumberland.

**Mary Conlon, 209 Wallace Street**, spoke about being concerned about trees that have been removed this past summer. She asked if it was part of a larger plan, and stated that an iconic tree in the Dingle was also removed, and also mentioned a sycamore tree that was removed. Ms. Conlon stated that residents of the neighborhood were saddened by the tree removals, and questioned why the City didn't take the opportunity to engage the citizens and let people have a voice.

Mayor Morriss stated that he always encourages people to look at the City's website, especially for news releases and information, that explains what is being done in the City. He stated that although communication is important, it's also a two-way street. He added that if people take the initiative to read, they can see the information that is out there and available to the public.

Council Member Marchini said that growing up in the Dingle, she was sorry to see that iconic tree removed, but stated that it had a rotten root, was at quite an angle and was ready to come down. Ms. Marchini said that regarding Sycamore trees, they have always been a sidewalk problem, and if they don't come down, their roots can obstruct the sewer lines. She explained that the City will plant trees that aren't going to be invasive.

Council Member George said the sidewalks were horrendous, stating that he walked those sidewalks through grade school. He said that the good news is those sidewalks will be replaced and ADA issues will be addressed. He added that the M&CC appreciate Ms. Conlon's input.

**Rick Haymaker, 617 N. Centre Street**, stated that he moved here 4 years ago, and thanked M&CC for their quick response on trees in the area and replanting. Mr. Haymaker spoke about his neighborhood and how they take pride in it, and advised on the troubles going on there: speeding, intoxicated people, urinating in public in broad daylight, attempted robbery, etc. He stated that amidst this wave of chaos, finding out the City is relocating the Union Rescue Mission to the High Point Furniture building feels as if the neighborhood would be swamped beyond its endurance. He added that it seems unfair, said it said it seems like a bad fit for the building. He said he hoped M&CC would take these comments to heart and reconsider the location of the mission.

Mayor Morriss said he can assure all concerned that they have discussed the relocation of the mission, but in the end, it is a private transaction between the Rescue Mission and Mr. Kline, owner of the building. He added that he appreciated Mr. Haymaker's comments.

**Sue Spangler, Holland Street**, stated that she agrees with Mr. Haymaker. She stated that Mr. Kline has a lot of money and clout in the neighborhood, and said she is concerned about what relocating the mission would do to Mechanic and Centre Streets. Ms. Spangler explained that she is concerned about school children walking past the building to and from Braddock Middle School. She stated that she is not knocking the Union Rescue Mission, saying that they serve a good purpose for the right people, but said that this relocation will destroy the area.

Mayor Morriss stated that all of this is being considered. He said the City has a homeless issue, and said M&CC are trying to decide how to handle it.

**Mary Monahan, Holland Street**, stated that the previous two speakers echoed her sentiments, and said she was yielding the rest of her time to Michele Schweitzer, a business owner on Centre Street.

**Michele Schweitzer**, stated that she has just heard about this issue today, and said she is concerned about crime that the mission will bring here, as well as concerned about school children walking past. She added that she has petitions started, and thought they would have more time.

Council explained to Ms. Schweitzer that they have plenty of time, that tonight is just a regular meeting of M&CC, and, said they will be discussing this issue going forward, so nothing is as yet set in stone.

Pastor David Ziler, Union Rescue Mission, said he came tonight because they love this town as well, and said they are all here for the same reason. He stated that he wanted to offer comments and answer any questions about sentiments that may be misconstrued. The Pastor explained that the issue is location, and said they have wracked their brains for four years now trying to find a location. He explained that the mission serves the City, so the City isn't responsible for the homeless, and added that taxpayers don't have to pay a penny to aid the homeless.

Mr. Ziler stated that they are dealing with a 200 year old building that is falling down, with a cost analysis to rebuild it being astronomical and not feasible. He said that this past August, the mission provided people 1,589 beds; 551 to women, 296 to children, and 742 to men. He added that 6,408 meals were served that taxpayers didn't have to pay for.

The Pastor stated that the homeless folks hanging around the gazebo at George Washington's Headquarters parklet are not people the mission serves, and said it only serves those actively

pursuing sobriety, housing, and a better life. He stated that he has seen an increase at the mission in elderly people who can't afford rent on Social Security, and the mentally ill. He explained that people think the mission has drunks hanging out and falling all over the place, but said he can't control who walks in front of the building or on the sidewalks. He said the mission offers job programs and internships, and said folks have to work in order to stay at the mission. He stated that the relocation will create new space to allow them to start work programs and rehabilitation, whereas they don't have room for it now. He added that he believes the mission will be an asset to the neighborhood, not a hindrance.

There was discussion about folks who want to live on the street and how to serve them, and about fixing the homeless problem. There was discussion about why they are relocating the mission in town. Pastor Ziler explained that the City doesn't have a good transportation system, and some people can't walk far to places, even to the DSS, doctors, markets, etc.

Some people discussed selling their homes if the mission does relocate to the High Point building, but not wanting to, and voiced opinions of being "dumped on." It was discussed that the neighborhood needs to be given the chance to provide some input, and not wanting homeowners to vacate the community.

Mayor Morriss stated that they are listening to everyone's concerns this evening, and said they will make a decision on what is in the best interest of the City. He stated that M&CC does want to hear from citizens, and advised that they are not trying to keep people in the dark. He explained once again that this is a private negotiation between the Union Rescue Mission and Mr. Kline.

All public comments are limited to 5 minutes per person

**XI. Adjournment**

With no further business at hand, the meeting adjourned at 8:03 P.M.

Minutes approved on January 17, 2023

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk