

# Mayor and City Council of Cumberland

## WORK SESSION

City Hall Council Chambers  
57 N. Liberty Street  
Cumberland, MD 21502

Wednesday, May 29, 2019  
3:00 p.m.

**PRESENT:** Raymond M. Morriss, President; Council Members: Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie P. Marchini (arrived at 3:15 p.m.)

**ALSO PRESENT:** Jeffrey D. Rhodes, Marjorie Woodring, City Clerk; Kathy McKenney, Community Development Program Manager; and Historic Preservation Commission members Suzanne Wright, Steve Gibson, and Michael Garrett; CEDC Executive Director Paul Kelly

### I. HISTORIC REGISTER VS. LOCALLY ZONED

Ms. McKenney advised that what had generated a lot of discussion was the demolition of the Footer Mansion recently, and a general confusion of what National Register Historic Places vs. locally zoned designations for historic property. She passed out an information packet and discussed the differences.

- National Register is an honorary designation.
  1. Established upon a set of qualifiers.
  2. Directed by NPS on a Federal level.
  3. If State or Federal funding comes into play, then there would be a review process.
  4. Not regulatory – does not prevent demolitions – basically is a voluntary designation.
  5. Property owners can do what they want as long as compliant with City codes.
- Only locally zoned preservation district in Cumberland is Canal Place Preservation District.
  1. Local permit regulations that are specific to historic areas.
  2. HPC reviews work that takes place on the exteriors, not interiors.
  3. Mandated for every property whether new or at demolition.

### II. REVIEW OF CURRENTLY DESIGNATED STRUCTURES AND DISTRICTS

Ms. McKenney provided a map of current National Register districts, which are South Cumberland, Chapel Hill, Decatur Heights, Rolling Mill, and Greene Street.

Ms. Wright asked questions on homes being within those districts, and if one can apply to be historically designated. Ms. McKenney advised yes if the property has historic significance, such as the Gates House, and provided background on the application process for National recognition. She also provided a handout with information on National Register criteria.

Ms. McKenney provided information regarding locally designated properties and when regulatory oversight comes into play, and if a property is not in a historic district, it carries forward the same as if locally zoned, with a review by the HPC. She explained if the property was sold, the designation transfers with the property.

There was discussion on the Footer Mansion demolition, and the fact that it was an honorary designation, which was the reason the demolition couldn't be stopped. There were questions about transparency and the process involved with the demolition decision. Ms. McKenny advised that it was a unique case, in that zoning regulations took place ahead of time and the designation wasn't in place at the time of demolition. Mr. Rhodes advised that the timing of the HPC getting involved occurred at the eleventh hour, after word got out of the demolition. Mayor Morriss stated that he wasn't going to tell someone that bought the property two months before he couldn't tear it down, which could have resulted in a lawsuit against the City. He added that his feeling was that the HPC should have come to the Mayor and Council about the Footer property long before it was sold, as it had been vacant for years, and stated that he believes the HPC's recommendation was improper at that time.

Ms. McKenney said that in an effort to keep this same situation from happening again, she wanted to try to work through the properties individually listed on the National Register without having the extra layer of protection, and isolated buildings not in a historic district that are worthy of consideration, which were listed in her handout.

Councilman Cioni asked what can or can't be done with the Town Clock Church. Ms. McKenney advised that Maryland Historical Trust holds a few perpetual preservation easements on some buildings, taken as receipt of capital grant funds over the years, so Town Clock Church is protected – it rides with the deed. She also advised that The Kensington the AME Church on Decatur Street, and the Washington Street Library also have an easement. Cioni also asked about the Town Church which is abandoned. Ms. McKenney stated that the MD. Historic Church Org. monitors regularly, and they have an inspector on staff, with the inspection process insuring that the condition doesn't get to a certain point.

Ms. McKenney advised though, that easements have moved to "term" easements going forward. She discussed the process for deferring property eligible and stated that inventories are maintained at a state level. She added that the local HPC can make a recommendation, but the Mayor and City Council have to make it final. She mentioned that the owners of the Gates house asked for two things: local designation, and to continue preparations to get it listed on the National Register of Historic Places, with which the City helps to assist.

Mr. Gibson inquired if locally designated properties with state easements have a process for demolition to occur. Ms. McKenney said she hasn't seen that, and the process is to insure that doesn't happen, except in the case of catastrophic instances, if the integrity of the structure is involved. She added that the protected properties also have access to tax credits. Ms. Wright added that there are state-wide groups, like Preservation Maryland, that folks can access to bring attention to buildings.

### **III. REVIEW OF INCENTIVE PROGRAMS FOR HERITAGE STRUCTURES**

Ms. McKenney went over incentive programs currently in place for historic properties, and discussed the National Register Designation, how incentives can be applied and what it can mean for neighborhood improvement. She stated that the neighborhood designation took off in the early 2000s, but neighborhoods aren't as active as they used to be so it's kind of died down. She added that she still thinks it's a good tool when you're talking about planning and blight, saying that maybe it's not blight removal, maybe it's using these incentives to rehabilitate the neighborhoods. She also stated that with the loss of too many properties in neighborhoods, we may lose the integrity of the neighborhoods.

Mayor Morriss stated that there's a really fine line in using City funds in helping people restore their homes if nobody else in the neighborhood is doing it anyway. He added that the City has to be careful where they select to do that, because if the rest of the neighborhood isn't participating, it won't make a difference, and the funds could have been used better elsewhere.

Mr. Rhodes stated that due to a lack of resources, there are blended solutions to problems, and in a lot of cases, demolition could be part of solving the problem, while encouraging reinvestment in other properties in the neighborhood. Councilman Frazier stated that the City needs to find ways to encourage people to take care of their homes – needs to find some solutions. Ms. Wright added that one way to help encourage investment is to protect our historic properties. Part of the HPC's mission is to see historic preservation as an economic opportunity. Mayor Morriss agreed, saying that if the HPC is talking about the true historic district, he's with them 100%, because that's the area people are talking about. He added that it's outside of that area that we have to be careful.

### **IV. LOCAL HISTORIC TAX CREDIT INCREASE CONSIDERATION**

Ms. McKenney advised that the local historic tax credit program went into place in 1998, and within a 21 year period approximately \$24M has been invested in the CPPDA district. She stated that protected properties also have access to tax credits, discussed how tax credits are utilized, and referenced several projects that have benefitted from that. She also clarified which areas are considered to be in the Canal Place Historic District.

Ms. Wright asked of the tax incentives that property owners receive, how much is City vs. State. Ms. McKenney replied that the \$24M previously quoted is all private investment. She added that the only property taxes that are affected are the local, with the City and County matching the assessment freeze. She went on to explain the specifics regarding at a state level, adding that tax credits do different things at different levels.

There was discussion on a cap on City dollars used for tax credits – how they are being spent. Ms. McKenney stated that there is no cap, per se; saying credits awarded have to be used in the 5-year time frame, so anything beyond that expires. She added that for the assessment freeze, the City just isn't getting the difference should the property be reassessed. She further added that the State, within the last couple of years, has provided enabling legislation to increase that 10% credit to 25%. That was passed at a State level, so the M&CC would have to approve locally.

## V. REVIEW OF PROPERTIES TO CONSIDER FOR HISTORIC DESIGNATION

Ms. McKenny discussed contributing vs. non-contributing buildings regarding the National Register, saying that non-contributing buildings could be easily targeted for blight removal. Ms. Wright asked about recommendations for the additional structures, and how to get the public on this as well, because the HPC doesn't want to designate without public input. Ms. McKenny advised that the last page of the document prepared earlier this year included properties that seem to meet criteria for historic preservation and are likely areas for reinvestment:

1. Brewery, 711 N. Centre St.
2. Former Allegany High School
3. Fort Hill High School
4. Fire Stations beyond the one on Mechanic Street
5. City-owned 19 Frederick Street (already in district). Mr. Rhodes advised that an RFP was sent out a while ago, with little interest. The CEDC has had some interest recently; however, the City is looking for the best deal, the best re-use of the building. No dollar tag is necessarily attached to the building.
6. City-owned Canada Hose House

Mr. Rhodes inquired about properties the City doesn't own with which they may want to encourage protection. Mr. Gibson stated there was discussion on that topic at a recent HPC meeting, regarding reaching out and encouraging interest. He added that the HPC needs to be engaging with the community to ask them where are the buildings that they feel should be locally designated. Ms. McKenny stated they talked about doing a press release to get more community input, and have people come to them. Ms. Wright suggested a rack card or insert mailed with every Historic District property owner's tax bill, advising them of any incentives available to them. Ms. McKenny added that the HPC has had workshops over the years for the public, with limited attendance. Mr. Kelly added that the County is working on a GIS mapping system so property owners can click on a property and see layers of different incentives available. It also picks up the Opportunity Zone information, overlapping with the Canal Place Heritage area, and it's linked into a State website.

Ms. Wright suggested a homesteading opportunity for blighted properties, saying that Cumberland has good solid housing stock. Mr. Rhodes advised that the problem is the City doesn't own them, by the time the City acquires them, they're in bad shape.

## VI. WHERE DOES THE HPC GO FROM HERE? DISCUSSION

Mayor Morris stated that the key is when you have properties you have to be proactive in the marketing end to find people that want to invest. We can't let the properties get to the point of falling down. He added that if you have something you believe is historic, then work with the redevelopment side of it, and

said he agrees that historic preservation has an economic value, but you have to get to it before it can't be saved. Mayor Morriss stated that he disagrees with keeping properties protected in perpetuity as it makes them hard to market when the owner moves on. He added that Cumberland has the core for historic preservation – that's the part we can make a difference in. Ms. Wright stated that regarding the Footer mansion, it wasn't something the HPC entirely ignored. They worked with the State and had it inventoried, every inch of the building was measured and recorded, and they also had workshops in the building with local trades people. She added that it's really hard trying to find historically-experienced contractors. She stated that her belief is historic preservation created an opportunity for businesses to come in and flourish.

Mr. Garrett inquired about the website Mr. Kelly discussed, saying that the HPC should be in on it. Mr. Kelly said he would look into getting HPC incentives and data on the master list.

Ms. Wright inquired if it would be advantageous to bring together the HPC and M&CC once a year for discussion. Council agreed, saying work sessions could be set up once or twice a year.

Mr. Rhodes discussed the workpaper that Ms. McKenney and the four categories regarding the National Register. He asked of the 1<sup>st</sup> three categories with properties already designated, is there something the HPC could be doing with those, as some are distressed, to bring those to the attention of M&CC, as what needs attention now. He added that in the 4<sup>th</sup> category, those are the properties the M&CC will need to individually look at and consider, and he asked were there others. However, he wanted to make sure the understanding is that they aren't going to be able to do something with everything. Mr. Gibson replied that after the Footer Mansion issue, the HPC came to the decision that they needed to do just that, and to begin to take a more active role in encouraging home owners to tell them what they are concerned about, and take stock in what's around the City.

Mr. Rhodes asked of the properties on the list that are already designated, for the HPC to tell M&CC and staff what they think about those. Mr. Garrett agreed that the HPC needs to be active rather than reactive.

Councilwoman Marchini wanted to make sure the City is communicating with the CEDC on this because she feels that there could be a potential problem. She suggested as properties come up, emails go out to Mr. Kelly and Mr. Miller so that everybody is on the same page. Ms. Wright again brought up the fact that the HPC can only recommend – M&CC have to approve. There's nothing the HPC can do without a higher authority, but she added that since the Footer mansion issue, they will definitely be bringing recommendations to the M&CC. She also stated that having a member of Council at the meetings is a great way to have better communication. Councilwoman Marchini stated that the HPC needs to be open-minded and can't save everything – there will have to be compromise. She referenced Sprint's request at the last meeting, and added that everyone is responsible for economic development in the area as well as preservation of history.

Mr. Kelly asked if the HPC were considering recommending a property, at what point would the owner get notice. Mr. Gibson replied that ideally they would like to do it through press releases, having the owner come to the HPC, but the Commission may have to initiate the process at times. He added that he can't imagine moving ahead with a nomination before asking the property owners' views. Mr. Rhodes inquired who initiated the process on the five properties listed on Ms. McKenney's paper; Gates House, Diehl

Building, Carver School, etc. Ms. McKenney replied they were all initiated by the owners. Mr. Gibson added that was why they can't be too active – the HPC cannot designate without the owners' input.

Councilwoman Marchini asked about the sign issue at the last meeting and how can they weigh that decision if it falls directly to the HPC, without losing business. Ms. McKenney stated that a lot of that falls to her as the first point of contact, and there are a set of guidelines. In that case, the guidelines were clear that the sign was not encouraged within the historic district. She added that they work with those owners to accomplish things alternately for them. Mr. Gibson added that when you have an historic district, at times you have to make hard, problematic choices, and you have to hold to the guidelines.

Ms. Wright added that you have to watch setting precedents, and said the guidelines are updated on a regular basis, are specific to our local area, and are based on Secretary of the Interior standards. She said she is skeptical of any business that walks away due to issues about a backlit sign, and if indeed that business even would have been profitable, so her concern is with setting precedents.

Councilman Cioni stated that whether it's communication or a certain sign, he thinks the HPC is on the right track, and after the Footer mansion situation it seemed like staff and the HPC were at odds, but that's not the case. He added that regarding the situation with the sign, like it or not the assessment is that this is not a business-friendly city, and a lot of that is generated from people who do business here, that have spoken to him about it. The Councilman added that the more we can talk about these things, we can be the eyes and ears and voices. He said that they all have the responsibility to be on the same page.

Ms. Wright wanted to invite the City Council members to come to any meeting of the HPC and see how they work very closely with homeowners and businesses. She added that very few times to they say "no" to people; they are always looking for a compromise. She further added that Ms. McKenney is an amazing resource to property owners in preparing them in advance. Mr. Gibson added that during his 5-year term on the Commission, probably only once or twice have they voted no on something that wasn't quickly compromised out.

## VII. ADJOURNMENT

With nothing further, the meeting adjourned at 4:54 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

Minutes approved August 13, 2019