



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Seth D. Bernard  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey D. Rhodes  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## MINUTES

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

DATE: September 07, 2021

### I. CLOSED SESSION

1. 5:30 p.m. - Convene in open session for the purpose of closing the meeting to discuss letters of interest received for the vacant city council seat, as provided for by Section 3-305 (b) (1) of the General Provision's Article of the Annotated Code of Maryland
2. Closed session

### II. OPEN SESSION

1. 6:15 p.m. - Reconvene into open session

### III. Pledge of Allegiance

### IV. Roll Call

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

**Also Present:** Ken Tressler, Interim City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk;

### V. Statement of Closed Meeting

1. Summary Statement of Closed Meetings

Mayor Morriss announced that closed sessions had been held August 31, 2021 at 5:00 p.m. and September 7, 2021 at 5:15 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.

## VI. Presentations

1. Recognition of Firefighter Isaiah Carrington, Firefighter Nathaniel Snyder, and Firefighter Samuel Martin upon their successful completion of the Firefighter Recruit Training approved by the Maryland Fire and Rescue Institute.

Interim Fire Chief Shannon Adams introduced and recognized each firefighter and provided background on the course at the academy that each completed. He noted that each firefighter had already had EMT training. The Chief advised that Captain Cody Pearce led the training, assisted by Interim Captain Doug Beitzel, Captain Vince Pyle, Battalion Chief Sam Wilson, and Captain Chris Ratliff, with Fire Administrative Officer Julie Davis keeping it all together. Chief Adams introduced the firefighters, their family members and friends in attendance, and provided some background on each firefighter. Mayor Morriss presented each firefighter with their badge and certificate, and family members pinned the badges on for completion of the academy.

## VII. Director's Reports

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

1. Maintenance Division monthly report for July, 2021

## VIII. Approval of Minutes

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

1. Approval of the Work Session Minutes of June 8, 2021

## IX. New Business

### (A) Ordinances

1. **Ordinance 3896** (*1st reading*) - to repeal and reenact with amendments Article II of Chapter 14 pertaining to noise nuisances.

Mr. Cohen advised that this ordinance rewrites the City's noise nuisance provisions, and moves away from subjective standards that are currently in the code, and provides objective standards that can be enforced, which are measurable by decibels. He added that this ordinance also contains provisions relative to shooting ranges.

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

2. **Ordinance 3897** (*1st reading*) - amending Section 11-93 of the City Code to except indoor shooting ranges from the general prohibition against the discharge of firearms in the city.

Mr. Cohen advised that this ordinance enables shooting ranges to be excepted from the prohibition in place currently against firing guns in the City.

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

3. **Ordinance 3898** (*1st reading*) - authorizing execution of a deed to convey surplus property at 455 Baltimore Avenue to Andrea C. Moore for the amount of \$3,111 with terms included to cause the property to revert back to the City should certain terms for rehabilitation not be met.

Mr. Tressler advised that this ordinance includes terms to cause the property to revert back to the City should certain terms for rehabilitation not be met. He added that this was a property that was acquired and bid in Round II of the City's recent surplus property sales, and it being a rehab-able property is the reason for the reverter clause.

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

4. **Ordinance 3899** (*1st reading*) - authorizing execution of a deed to convey surplus property at 424 Goethe Street to Sandesh Sreenivas for the amount of \$1,200 with terms included to cause the property to revert back to the City should certain terms for rehabilitation not be met.

Mr. Tressler advised that this property also includes the reverter clause should certain terms for rehabilitation not be met.

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

**X. (B) Orders (Consent Agenda)**

Mr. Tressler reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve each item was made by Councilman Bernard, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

**Order 26,863** - granting a residential Special Taxing District exemption of \$372.59 to Robert and Rosario Chevez for 47 Baltimore Street for the tax years 2020-2021; and \$640.16 to JoAnn Circosta for 107 S. Centre Street for the tax years 2021-2022.

Mr. Tressler advised that these STD exemptions are for the residential exemption relative to property in the special taxing district downtown, and are done every year.

**Order 26,864** - declaring certain computer equipment to be surplus property (3 Samsung 50" plasma monitors, and 1 Samsung 42" plasma monitor) and authorizing them to be scrapped or e-cycled.

Mr. Tressler advised that this is the old equipment that used to be in the Council Chambers, and has been replaced.

**Order 26,865** declaring a 1990 580K Backhoe (VIN: G0028571) surplus and authorizing it for scrap, sale or trade-in.

**Order 26,866** - authorizing execution of a Memorandum of Understanding with the Allegany County Board of Elections outlining terms for their use of the City Hall Council Chambers as an alternate election office during peak election periods in the event of an emergency, effective July 1, 2021.

**Order 26,867** - authorizing the City Solicitor and the City's opioid case attorneys to cast bankruptcy plan ballots for plan approvals and rejections, as recommended by the City's attorneys.

Mr. Tressler advised that the City is a participant in class action lawsuits against several big pharma companies, with settlements from individual companies, and this order authorizes the City Solicitor to cast votes.

**Order 26,868** - accepting a \$25,000 award from the Certified Local Government Sub-grant for the purpose of completing a Preservation Plan. Matching funds in the amount of \$25,000 have been budgeted for this project in the General Fund.

Mr. Tressler advised that this plan will serve as an information document pertaining to property improvements in the Historic District.

**Order 26,869** - approving the Evitts Creek Water Company's (ECWC) execution of a Public Access Program Cooperative Agreement with the PA Game Commission (PAC) providing terms by which ECWC land is made available to public use for hunting and, in exchange, the PAC patrols the land, provides law enforcement, and is granted certain right of entry and wildlife and habitat development rights.

Mr. Tressler advised that this order will allow hunting on the watershed lands and will also give the PA Game Commission access to provide law enforcement to monitor that activity. He added that this is a renewal of an agreement the City has had for years.

**Order 26,870** - authorizing execution of a Donation Agreement with Paula J. Barney and Donald T. Barney regarding the donation of 471 Goethe Street to the City.

## **XI. Public Comments**

**Ron Lyttle, Chairman of the African-American Historical Association of Western MD,** advised that last year they had the privilege consult with Council members, who allowed them to have a painting exhibit at City Hall. He said he is asking once again, this time to allow them to have an African-American quilt exhibit to be on display for a month or two. He also brought with him a painting of 9-11 that he offered to the City to be put on display. Mayor Morriss advised that he has seen the painting and said it was absolutely beautiful, and it will be on display here until Mr. Lyttle is ready to pick it up.

**Mike McKay, Delegate,** asked about Ordinance 3896 regarding noise nuisances, saying a good question for the Solicitor is how will the City determine decibels, as the State no longer has

access to the “boxes” that you would normally send out to pick up those noises. He also discussed the opioid bankruptcy plan, and wanted to go on record to let the M&CC know that there is a lot of money being offered, and said he doesn’t think the City should accept it until the State determines that at least 80% of it comes to municipalities and counties, with the State of MD receiving 20%. Mr. McKay also wanted to say thank you to Councilman Bernard on behalf of the Delegation, and thanking him as a citizen of the City of Cumberland.

Councilman Bernard read a prepared statement, and discussed the last pay raise the M&CC received was in 1981. He stated that over the last several decades, most elected officials have been retired persons, and said for a diverse council, candidates need to be attracted from all realms, and said to get a fresh perspective from the younger generation is just as valuable as experience. He said the Council’s stipend is less than \$4/hour only if they work 20 hours per week, and added that the Mayor’s stipend is less than minimum wage based on the amount of time put in. To that end, Mr. Bernard made a motion:

**Motion:** to direct the Citizen Advisory Commission on Salaries and Benefits to evaluate M&CC compensation immediately with the understanding that an individual’s pay increase would not begin until their current term has expired.

Councilman Frazier seconded.

There was discussion among Council about what the County Commissioners make, and about attracting a more diverse group of people for Council. Mayor Morriss said it seems to be the time for this, and said Council makes a good point about making an effort to attract quality people to perform work and get paid accordingly.

The Mayor and Council thanked Mr. Bernard, saying it had been a pleasure to work with him.

All public comments are limited to 5 minutes per person

**XII. Adjournment**

With no further business at hand, the meeting adjourned at 7:01 p.m.

Minutes Approved on \_\_\_\_\_

Raymond M. Morriss, Mayor \_\_\_\_\_

ATTEST: Marjorie A. Woodring, City Clerk \_\_\_\_\_