



Mayor and City Council of Cumberland

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

Interim City Administrator Kenneth Tressler
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

MINUTES

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

DATE: September 21, 2021

I. OPEN SESSION

II. Pledge of Allegiance

III. Roll Call

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

Also Present:

Ken Tressler, Interim City Administrator; Marjorie A. Woodring, City Clerk; Anita Simmons, City Forester

1. Nomination and vote on an appointment to the vacant City Council seat

Mayor Morriss asked for a **motion** to nominate Mr. Joseph P. George as Councilman. Frazier made the motion, Marchini seconded, and the motion was passed on a vote of 4-0.

2. Swearing-In of newly appointed Council Member

Ms. Dawne Lindsay, Clerk of the Circuit Court, performed the swearing in of Mr. Joseph P. George. Mr. George took his seat on the Council, with congratulations all around.

IV. Statement of Closed Meeting

1. Statement of closed meetings held September 15, 17, 18, and 21, 2021

Mayor Morriss announced that closed sessions had been held September 15, 2021 at 1:00 p.m., September 17, 2021 at 3:00 p.m., September 18, 2021 at 11:00 a.m., and September

21, 2021 at 5:27 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. Presentation by Anita Simmons, City Forester and Ben Cooper, President of the Allegheny Mountain Beekeepers Association, regarding Bee City USA, which works with communities to sustain native pollinators by increasing the abundance of native plants, providing nest sites, and reducing the use of pesticides.

Ms. Simmons introduced Mr. Cooper stated that he and Ms. Simmons had been working with Let's Beautify Cumberland and at the suggestion of a Times-News article about the native bee population, they presented the idea of Bee City USA at an LBC meeting, He advised on the application and resolution process, and made available copies of the resolution. Mr. Cooper stated that the resolution would state what Cumberland is willing to do to support the bee population, and said that other groups that could join in could be the Master Gardeners Association, as well as the Cumberland Flower Club. Mr. Cooper stated that the very first bee inspector for the State of Maryland lived on Centre Street, who has since passed away. He advised that the inspector's stepson asked them to go through all the antique bee-keeping items, and by having an auction of the items the association was able to raise the money to more than cover the City's application for Bee City USA.

Mr. Cooper gave some background on the current plight of bees, and suggested alternatives of flower gardens instead of mowing some areas, which he said will help with the pollinators that are here. He advised that bees are in trouble and are disappearing, but said they are highly prolific, and are not yet on the extinction list.

Mr. Cooper stated that there is a lot of opportunities to get involved, but said it takes commitment from the City first. He advised that the proposal is to see if the City is interested, reminding M&CC that the \$200 application fee has been provided by the Beekeepers Association, and stated that the annual cost to renew is less than \$200. He added that he will work with Ms. Simmons on the resolution.

Mayor Morriss said he believes it will be a value to the City to be involved in the program, and stated that the City understands the importance of bees to the environment.

There was a consensus of Council for Mr. Cooper to work with Ms. Simmons on the resolution, come back to Council with it, and they will see what they can do to make Cumberland a Bee City USA.

Ms. Simmons advised that she has spoken with Parks and Recreation and stated there are several places in Constitution Park and some vacant lots to put flowering gardens for natives. Mayor Morriss suggested planting flowers gardens in the little grass "islands" around town.

VI. Director's Reports

(A) Administrative Services

Motion to approve the reports was made by Councilwoman Marchini, seconded by Councilman George, and was passed on a vote of 5-0.

1. Administrative Services monthly report for July, 2021

(B) Public Works

1. Maintenance Division monthly report for August, 2021

(C) Fire

1. Fire Department monthly report for August, 2021

(D) Police

1. Police Department monthly report for August, 2021

(E) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer monthly report for July and August, 2021

VII. Approval of Minutes

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

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

VIII. Public Hearings

1. Public Hearing - to consider Ordinance No. 3900 authorizing the issuance and sale of general obligation debt in the aggregate principal amount not to exceed \$7,300,000 to be issued under the MD Local Government Infrastructure Financing Program to provide all or a portion of funds to finance and/or refinance costs identified as A) office equipment and information technology improvements, equipment and software; B) new and/or replacement vehicles and vehicle improvements/equipment; C) facility and infrastructure improvements; D) street improvements; and/or E) water system, sewer system and flood control improvements and equipment; as well as fund reserves and/or pay costs of issuance and other related costs.

Hearing Convened: 6:41 p.m.

Mr. Tressler advised that this financing was approved in the FY22 budget and said more details are available on the City's website. He also advised that he had copies of the report available with him.

No public comments.

Hearing Adjourned: 6:43 p.m.

IX. Unfinished Business

(A) Ordinances

1. **Ordinance No. 3896** (2nd and 3rd Readings) - to repeal and re-enact with amendments Article II of Chapter 14 pertaining to noise nuisances.

Mr. Tressler advised that this ordinance will provide objective ways to measure noise levels and nuisances.

SECOND READING: The ordinance was presented in title only for its second reading. On a **motion** made by Councilman Cioni, seconded by Councilman Frazier, the second reading 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.

2. **Ordinance No. 3897** (*2nd and 3rd Readings*) - 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. Tressler advised that this was basically to allow the discharge of firearms in approved indoor shooting ranges.

SECOND READING: The ordinance was presented in title only for its second reading. On a **motion** made by Councilwoman Marchini, seconded by Councilman Frazier, the second reading 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.

3. **Ordinance No. 3898** (*2nd and 3rd Readings*) - 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 property is from Surplus Property Sale II, and stated that it's separate from the group due to the reverter clause, it being a rehab property.

SECOND READING: The ordinance was presented in title only for its second reading. On a **motion** made by Councilman Cioni, seconded by Councilwoman Marchini, the second reading 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.

3. **Ordinance No. 3899** (*2nd and 3rd Readings*) - 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 is also from Surplus Property Sale II, and due to it being a rehab with a reverter clause, it also has the same terms as the property in Ordinance No. 3898.

SECOND READING: The ordinance was presented in title only for its second reading. On a **motion** made by Councilman Frazier, seconded by Councilwoman Marchini, the second reading 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.

4. **Ordinance No. 3900** (*2nd and 3rd Readings*) - providing for the issuance and sale of \$7.3M of General Obligation Bonds to be issued under the State Local Government Infrastructure Financing Program to finance and/or refinance certain identified costs for (a) office equipment and information technology improvement, equipment and software; (b) new and/or replacement vehicles; (c) facility and infrastructure improvements; (d) street improvements; and (e) water system, sewer system and flood control improvements and equipment.

Mr. Tressler mentioned that this Ordinance was just discussed in the Public Hearing earlier this evening.

SECOND READING: The ordinance was presented in title only for its second reading. The reading was interrupted and a **motion** to suspend the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilwoman Marchini, 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

(B) Orders (Consent Agenda)

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

Order 26,871 - granting the following residential tax exemptions from the Special Taxing District levy for the 2021-2022 tax year: 45 N. Centre St., Rhee, \$618.64; 50 &

52 N. Centre St., Humbertson, \$300.73; and 43 & 45 N. Centre St., Humbertson, \$201.62.

Order 26,872 - authorizing the Chief of Police to accept the Allegany County Health Department's Overdose follow-up grant (DART) in the amount of \$5,000 which will allow CPD officers to partner with UMPC Western Maryland and the Allegany County Parole and Probation unit to perform follow-ups with non-fatal overdose victims within 24-48 hours after release from hospital.

Order 26,873 - authorizing the Fire Chief to accept a 2020 Assistance to Firefighters Grant Award in the amount \$198,000.00 with a City match of \$22,000, for the purchase of 30 self-contained breathing apparatuses and twenty (20) additional face pieces.

Mr. Tressler advised that this is a federal grant sponsored by the Bowling Green Fire Department.

Order 26,874 - authorizing the execution of Change Order No. 1 with Carl Belt, Inc. for the "Flood Control System Concrete Repairs Project" (1-13-FPM) for the hiring of a qualified industrial lead abatement subcontractor for the increased amount of \$39,000.00, bringing the current total contract price to \$187,650.00.

Mr. Tressler advised that lead was discovered in the trash gate at the Jaycee field flood control area and it required abatement of the lead. He added that this had been budgeted at \$250K, and added that a grant had been acquired for 75% of the total amount, allowing this to come in under budget even at the increased amount.

Order 26,875 - authorizing execution of a Contract of Sale with H&H MDRP, LLC for the City's purchase of property at 309 Fayette Street (Tax Acct No. 06-027172) for the amount of \$ 2,500.00, and authorizing acceptance of the deed of transfer.

Mr. Tressler advised that this is a property acquisition associated with the Fayette Street Bridge project.

Order 26,876 - accepting the State Bid from Hertrich Fleet Services, Inc. for four (4) 2022 police vehicles at a total cost of \$147,068.00.

Mr. Tressler advised that the City is piggy-backing on a State Bid, which it has done several times in past years. He added that the total cost of these vehicles is approximately \$200K, as they still have to be outfitted with lights, computers, etc.

Order 26,877 - accepting the recommendation from the Cumberland Planning Commission to approve a Zoning Map Amendment (ZMA 21-01) to apply the Rehabilitation & Redevelopment Floating Zone (R&R) to property at 718 Frederick Street to re-establish a former local business/commercial use on the ground level for the establishment of a tattoo shop.

Mr. Tressler advised that the Floating Zone allows the City to re-establish a vacant commercial property back to commercial, that has reverted to residential due to becoming vacant or out of operation for more than 2 years.

Order 26,878 - accepting the proposal from Citgo Water in the total unit price not to exceed \$67,030.50 to supply various materials, including pipe, copper wire, and various hydrants and valve parts to be used for the Fayette Street water main replacement project.

Mr. Tressler advised that both Orders 26,878 and 26,879 are associated with an in-house water line replacement on Fayette Street. He added that a list of materials was sent out to several vendors and said each individual part was bid on.

Order 26,879 - accepting the proposal from Ferguson Waterworks in the total unit price not to exceed \$39,593.62 to supply various materials to provide a service connection from the water main to customer meter boxes as part of the Fayette Street water main replacement project.

Mr. Tressler advised that these two Orders, 26,878 and 26,879, are associated with an in-house water line replacement on Fayette Street. He added that a list of materials was sent out to several vendors and stated that each individual part was bid on.

Order 26,880 - granting the following residential tax exemption from the Special Taxing District levy for the 2021-2022 tax year: 33 N. Centre Street, Gusella/Sasaki - \$600.72.

XI. Public Comments

Tiffany Fisher, President of the NAACP for Allegany County, Branch 7007, congratulated new Councilman Joe George, and spoke about a campaign their branch started called Be Your Own Superhero, to address Covid masking and to help keep the community safe. She stated that she has also reached out to their Washington and Garrett County branches, and said their youth council has taken posters to area businesses, and stuffed backpacks with a mask. Ms. Fisher said a mixed message is being sent to the kids, as they are asked to wear masks in school, but not within the community. She also stated that masking should not be political, and asked Mayor and Council to stand with them and approve of mandated masking within the City limits.

Mayor Morriss replied that the City appreciates all the NAACP is doing, and said they support the Hero program. He advised that as a group, M&CC have tried to send a positive masking message from the beginning, stated that he does weekly Facebook Covid updates, and said that Council understands it's not political; it's a health crisis. Ms. Fisher agreed that the City has tried to lead through example, but said she's asking for a bold statement from the City, together with the Commissioners, and with the Mayor of Frostburg. Mayor Morriss stated that he agrees, but said that as M&CC, they don't have the authority to mandate masking, as that can only come from the State and the Allegany County Health Department. Ms. Fisher asked that all elected officials write to Governor Hogan. Council applauded Ms. Fisher for her efforts and offered their support.

Ann Bristow, 92 Carey Run Road, read a letter from her husband, Kenny Brakeman, on the topic of Covid in our area, and said he fully supports the NAACP's position on masking. Ms. Bristow agreed that M&CC don't have the authority to issue the mandate, but said they do have persuasive power, and stated that what the City needs to see is elected officials standing before the County Commissioners, who can control what the health department does.

Will Coburn, 155 S. Water St., spoke about his own fight with Covid, saying he contracted the virus in February 2020, before there were mask mandates, and said although it didn't kill him, some days he wished it had. He stated that the virus has maimed him, and said he doesn't want anyone else in the community to be maimed. He said everyone has been affected, whether they know someone who has Covid, has suffered through Covid, or has died from Covid. Mr. Coburn said that masks work, and said M&CC has the ability to persuade the community. He said that he is scared for this community, saying we are not prepared for the health effects that come after the virus, and said that many in the City won't be able to afford the treatments that he had. Mr. Coburn stated that he believes there are rough years to come if precautions aren't taken now.

Tammy Fraley, 555 Braddock Ave., spoke about community health, and said she was speaking as a person, not as a member of the Allegany County Board of Education. She advised that she spoke to the County Commissioners on August 12, 2021, and asked them to work with the health department to help them advertise the 5 layers of protection that exist, that the health department has said should be followed. She said she asked the Commissioners to be a voice in the community, but said their only response was to say they encourage everyone to get vaccinated. Ms. Fraley stated that the vaccine is not the entire solution, saying that there needs to be layers to be effective, and asked everyone to support this as openly as they can. She said a statement from elected officials has a bigger impact, and said that she stands with the NAACP, and with herself as a community member.

Tiffany Brown (deferred)

Kathy Robinson, 104 Columbia St., spoke about the Union Rescue Mission (URM) and her concern about it being moved to 11 Columbia Street, which is in a residential area. She advised that she has lived on Columbia Street for 34 years and is the president of the North End Crime Watch. She stated that the elderly and children walking by as well as a church across the street needs to be considered with the URM move, and said this will affect Independence Street and all surrounding streets. Ms. Robinson added that she and her neighbors were surprised when they found out about the move, and questioned why officials weren't forthcoming about it. She also questioned what will happen to the price of their homes if this move happens.

Mayor Morriss stated that M&CC appreciated Ms. Robinson coming in and expressing her concern, and said no decision has been made for the move, which would require a zoning change, and said that the URM has not finalized the deal. He advised that they will make sure everyone understands the feelings and concerns about the move.

Rodney Raymond, 101 Columbia St., said he and his wife have lived on Columbia Street for 40 years, and thanked M&CC for listening to him over the past week. He stated that the Mayor has eased their worries for now about the URM moving to Columbia Street, and added that they do have a petition signed by many neighbors, including the Baptist Church congregation, against the move. He stated that over the years they have been driven crazy by occupants of 11 Columbia Street, and said new families are coming in to rehab properties. He mentioned all of Columbia Street being in a group years ago, and advised on the re-lighting and new sidewalks that were installed back then. He said they would like to bring the street back again to what it once was, but said the URM move would be devastating to the neighborhood.

Mayor Morriss thanked Mr. Raymond for his concern, and advised that the City has a revitalization program. He added that he views Columbia and Independence Streets as areas needing a little TLC, said they are historic, and stated that they have tremendous potential. He

assured Mr. Raymond that the City is taking that into consideration. Councilman George commended Mr. Raymond on the maintenance of his home and said he was a model for home ownership, and stated more of that was needed in the City.

Ken McKenzie, President IAFF, Local 1715, advised that he just got back from the hospital in Baltimore, and gave everyone an update on firefighter Kelly Frye. He stated that there is no good news. He wanted to thank M&CC on behalf of Mr. Frye's family for the outpouring of caring, concern, and support. He said there was no favorable outcome today, with a recovery very unlikely. Mr. McKenzie advised that he brought Mr. Frye's wife home, and said currently she doesn't have any needs, but noted that he will get with M&CC if she does. He added that she had contracted Covid herself, and said she is still weak and is having trouble breathing. He commended Acting Fire Chief Shannon Adams on going above and beyond for all the guys, and said from a union standpoint, M&CC has their support in officially making Mr. Adams Fire Chief.

Mayor Morriss expressed his sympathy, saying it was very sad and disappointing news, and offered prayers for Kelly Frye and his family, noting that this is one more instance where Covid has had an affect on our City, one of our citizens, and one of our firefighters.

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, the meeting adjourned at 7:33 p.m.

Minutes approved on November 2, 2021

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk