



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

MINUTES

M&CC Public Meeting
57 N. Liberty Street, Cumberland, MD 21502

DATE: August 04, 2021

I. OPEN SESSION

II. Pledge of Allegiance

III. Roll Call

Councilman Seth Bernard
Councilman Richard J. 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;
Kathy McKenney, Community Development Program Manager; Chuck Ternent, Chief of Police

IV. Presentations

1. Presentation of the 2021 Blue Ribbon Awards and Good Neighbor Awards by Let's Beautify Cumberland's Co-chairs Ginny Decker and Ed Mullaney.

Ms. Decker and Mr. Mullaney presented the awards, and Mr. Mullaney discussed the history of Let's Beautify Cumberland, saying they wanted to honor people who went the extra mile.

Blue Ribbon Business Awards: Wendy's; Alderson and Heavener, Attorneys at Law;
The Craft Table

Blue Ribbon Residence Awards: 507 Louisiana Ave.- David and Connie VonHeigle;
446 N. Centre St. – Ruth Payne, Anthony and Simon; 520 Regina Ave. – Donna Mabee;
819 Bedford St. – Liz Barger

Good Neighbor Awards: 415 Avirett Ave. – Carolyn Forrester; 839 Shriver Ave. – Charles Moran; 112 Greene St. (Greene St. Welcome Parklet) - Adam & Marilyn Ellis; 320 Holland St. – Alice Kimmel

V. Approval of Minutes

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

1. Approval of the Closed Session Minutes of May 25, 2021, and the Work & Regular Session Minutes of June 15, 2021.

VI. New Business

(A) Ordinances

1. **Ordinance 3894** (*1st reading*) - to repeal and reenact with amendments Section 10-30 of the City Code pertaining to tax credits provided for improvements to properties located in the Canal Place Preservation District, National Register sites or districts, and Maryland-designated Certified Heritage Zoning Districts, and clarifying which properties are eligible for the tax credits.

Mr. Tressler advised that both of these ordinances were originally adopted in 1998, and needed repealed and reenacted. Ms. McKenney advised that these ordinances enacted two separate components of historic preservation: 10% tax credit and tax assessment freeze up to 10 years. She added that since 1998 there have been expansions to the heritage area, which used to only be the CPPDA district, and the original ordinance didn't have enough flexibility to include the expansion. She added further that new language will clarify that the property owner would have to choose between the historic district tax incentive program, or other programs like the commercial adaptive re-use program – so there cannot be layers. She also stated that the essential components of the ordinances stayed intact.

FIRST READING: The first reading was submitted in title only. **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.

2. **Ordinance 3895** (*1st reading*) - to repeal and reenact with amendments Section 10-29 of the City Code pertaining to the provision of tax credits for the restoration and preservation of structures having historic or architectural value within the Historic District areas of the city.

FIRST READING: The first reading was submitted in title only. **Motion** to approve the first reading and table until next meeting was made by Councilman Frazier, seconded by Councilman Cioni, 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 approve each Order was made by

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

Order 26,845 - authorizing the Chief of Police to accept a GOCCP FY22 Sex Offender Compliance Grant in the amount of \$18,522 to perform compliance checks by conducting home visits of registered sex offenders to confirm residency.

Chief Ternent advised that this is a yearly grant for sex offender enforcement in Allegany County. He added that the City is the recipient of the grant but it's shared with the Sheriff's office and said compliance checks are done throughout the year.

Order 26,846 - authorizing the Chief of Police to accept a Maryland Center for School Safety SRO Grant for FY22 in the amount of \$49,364 to be used to provide adequate police coverage in and around city schools.

Chief Ternent advised that this is part of the Safe School Act of 2018, and increases office SRO presence, and will be used to supplement officers' overtime to provide adequate coverage.

Order 26,847 - accepting the proposal from PMA Companies to provide Workers Compensation Insurance for the period July 1, 2021, to July 1, 2022, in the total estimated amount of \$1,032,917 and authorizing the City Administrator to execute a Prefund Deductible Reimbursement and Security Agreement to effect the coverage.

Mr. Tressler advised that this is for the City's administration and management of the self-insured workers comp program, and said this is done every year. He stated that the overall award is broken down between premiums and cash deposits that are held by PMA for the purpose of reimbursing future claims. He added that the total had dropped a bit from last year, which was a good thing.

Order 26,848 - accepting the proposal from Local Government Insurance Trust (LGIT) in the total estimated amount of \$302,932 to provide FY22 insurance coverage for Property Insurance, General Liability, Excess Liability, Police Legal Liability, Auto, and Boiler and Machinery coverage.

Mr. Tressler advised that this is a \$60K increase over last year, and said the biggest reason is the addition of the CSO underground storage structure, which was added to the insurance coverage this year.

Order 26,849 - authorizing that upon the completion of construction activities in the public right-of-way of Cecelia Street, traffic flow on Cecelia Street shall be changed from one-way traffic to two-way traffic from Maryland Avenue to Park Street, and parking shall only be allowed on one side of the street.

Mr. Smith advised that this allows Cumberland Gateway Development to reach its potential by allowing 2-way traffic on the street once construction is completed.

Order 26,850 - authorizing the forgiveness of nine (9) loans established through the City's COVID-19 Forgivable Small Business Loan Program in the total amount of \$50,000.

Mr. Tressler advised that these loans were established in the spring of 2020 at the height of the pandemic, and said the City had talked about making them forgivable originally, then ended up getting CARES Act funding to cover them. He stated that as small businesses continue to struggle, the City recommended making them forgivable.

Order 26,851 - authorizing execution of a Collective Bargaining Agreement with the International Association of Firefighters (IAFF) Local #1715, to be effective July 1, 2021, through June 30, 2024, with the option to renew for one (1) additional year.

Mr. Tressler advised that the main elements of this new agreement is clarification on the application of Kelly Days, limitation on hours for union activities paid by the City, 2% COLA for FY22 and FY23, and allowing whatever management receives in FY24, as well as no wage-reopeners.

Order 26,852 - authorizing payment to various community groups from the hotel/motel tax receipts in an amount not-to-exceed \$45,180.

Mr. Tressler pointed out the list of recipients in the PowerPoint presentation on-screen, which totaled 17 local organizations.

Order 26,853 - correcting the address identification for the assignment of a tax sale certificate previously approved by Order No. 26,853 from 501 Regina Avenue, to 502 Regina Avenue.

Mr. Tressler advised that this was simply to correct a clerical error in the address.

Order 26,854 - authorizing execution of a Contract with Allegany College of Maryland (ACM), effective August 3, 2021 - November 30, 2021, acknowledging that ACM will receive the total amount of the Community Parks and Playground Award of \$98,000 for the development of two community outdoor sand volleyball courts at ACM and outlining term and conditions pertaining to the construction of the project and payment of project invoices.

Ms. McKenney advised that this is to have a scope of services agreement between the City and ACM regarding CP&P funding for two sand volleyball courts on the ACM campus, and said this is City passthrough funding.

VII. Public Comments

Ed Taylor, President of the Cumberland Historic Cemetery Organization, 400 S. Allegany Street, wanted to thank M&CC for supporting the organization through hotel/motel funding. He advised that the money will be used to erect a monument to August Baker, the only City officer killed in the line of duty, which occurred in 1907. He added that the grave has been unmarked for over 100 years. Mr. Taylor also provided brochures of what the organization will be doing for Heritage Days. Additionally, he wanted to invite M&CC to an event at Sumner Cemetery on August 14, 2021, the first all-black cemetery in Allegany County, founded in 1884, where they will be placing a monument to freed slave Critty Powell.

Greg Bender, Skate Park Task Force Representative, introduced himself, and said he and other members were present to help execute the build of a skate park in Cumberland. All the members of the task force introduced themselves, and said he wanted to provide information on what the task force has done so far, and to address some issues that have arisen.

Mr. Bender provided PowerPoint slides, and stated that skateboarding is a fast-growing professional sport, and there is no designated place in Cumberland for kids to skateboard, and have often been asked to leave certain places. He stated that so far they have over 2,000 signatures in support of a skate park, along with many local businesses supporting the project. He added that skateboarding is low-cost and promotes physical activity, and said the skate park would compliment efforts to get extreme sports downtown. He added further that skate parks are not just for skate boards, but can accommodate roller skates (or inline skates) as well as bicycles.

Mr. Bender introduced Phil from Hagerstown, who said that construction will soon begin on their skate park, and discussed its landscaping. Mr. Bender added that skate parks are no longer the urban eyesore from earlier stereotypes. Mr. Bender advised that the most important thing to do right now is find a location, with design, cost, funding and insurance following. He mentioned that their designer is Spahn Ranch Theme Parks in California, and stated that the cost is from \$360K to \$400K on average, with the park size being 8,000 to 10,000 square feet. He added that this cost is for the skate park itself, and said other costs would be parking areas, restrooms, etc. Mr. Bender discussed insurance for the park, with Phil from Hagerstown stating that insurance for their park - adding 1/3 acre open to the public with no enforcement - will be just under \$1,000 in annual cost to their current policy. They also discussed signage at other parks, with messages saying "skate at your own risk", "wear protective equipment", etc.

There was discussion of pros and cons for proposed locations for the skate park, which are currently: Cumberland Street near Country House/GAP Trail; C&O Canal area; Constitution Park. There was also discussion on potential funding sources, and he mentioned that \$20K is their fundraising goal. He also stated that Allegany County has confirmed they will give \$250K to this project from their ARPA funding, and said they can also apply for an Open Space grant for possibly \$100K. He added that in the near future he'd like to have a conversation regarding the City of Cumberland providing funding, and said moving forward, they need community involvement, fund raisers, input on the design, etc.

Mayor Morriss thanked everyone for coming and said the work they've been doing is commendable. He stated that M&CC is willing to work with the task force to find the right location. He said he's open to anything but said there are a couple places that might prove difficult. The Mayor agreed that this is a growing sport and has been evolving, and said M&CC is looking forward to working through the process to have a skate park in Cumberland.

Phil offered giving a matrix to the group to score locations, and said they could select several sites, with the matrix allowing them to narrow it down and provide justification why. He discussed how it worked for Hagerstown.

There was discussion from Council on several communities where skate parks failed, and how wealthier communities could hire paid staff to run the parks. Phil stated that failure can come from poor maintenance and design, with the solution being an experienced designer. He said he understood that previous efforts in Cumberland were underorganized, with a lot of passion and undefined vision. He stated that in Hagerstown their success was based on gaining support of local politicians. He added that the need to staff the park is a misconception.

Council discussed the skate park in Cumberland at the YMCA years ago which didn't do well and a young man was killed there, so the park was subsequently shut down. There was discussion about a lot of focus on liability, with the park not even always open due to liability issues. An attendee to the meeting, Jake, stated that location was a huge factor, and membership to the YMCA was necessary, or you had to pay a daily fee. He also stated it wasn't a good design. Another member of the audience stated that the design was metal, not concrete, and was only for skateboards, not for all wheels. She added that the reason why the young man died was because no one was able to render aid to him due to the fencing; they couldn't reach him.

There was discussion about the location at the YMCA, which was stated as not being a public space – had to pay to use – and not being easy-access, although it isn't far from downtown. There was discussion about low-income kids not being able to access it, as well as tractor-trailers frequenting that road, so riding bicycles there was hazardous.

Councilman Bernard proposed a **motion** by M&CC in support of the skate park task force:

To support the Cumberland Skate Park Taskforce, and officially recognize their work in exploring the feasibility of building a skate park in the City of Cumberland.

On a **motion** made by Councilman Bernard, seconded by Councilman Frazier, the motion to support the Skate Park Taskforce was passed on a vote of 5-0.

All public comments are limited to 5 minutes per person

VIII. Adjournment

With no further business at hand, the meeting adjourned at 8:03p.m.

Minutes approved on October 19, 2021

Raymond M. Morriss, Mayor

ATTEST: Marjorie A. Woodring, City Clerk