



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 Scott Cohen
City Clerk Allison K. Layton

MINUTES

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

DATE: October 1, 2024

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 James L. Furstenberg, III
Council Member Laurie P. Marchini
President Raymond M. Morriss, President

Also Present: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk;
Shannon Adams, Fire Chief; Chief Ternent, Robert Smith; City Engineer

IV. Statement of Closed Meeting

On October 1, 2024, the Mayor and City Council met in closed session at 4:45 p.m. in the 2nd Floor Conference Room in City Hall to receive legal advice regarding the Memorial Hospital Settlement Agreement. Authority to close the session is provided by Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland.

V. Presentations

1. Presentation of awards given in recognition of employee career milestones:

5 years

Chief Adams spoke to Kaden Malone who started his five years of service with the Fire Department and as a Paramedic July 16, 2019 and has obtained extra driver status for operating heavy equipment and recently became a hazardous material technician. A photo was taken with Kaden, his family and the Mayor and City Council members.

Chief Adams spoke to Eli Crowe who started his career with the Fire Department on July 15, 2019 and has earned extra driver status. He is also an academy instructor, provides Fire, EMS and special operations training. A photo was taken with Eli, his wife and the Mayor and City Council members.

Matt Miller spoke to Jill Sibley and expressed his appreciation for all that she does and how exemplary of an employee she is. Along with being very dependable every day, she is also a very devoted mom to her children and very involved in their various sports activities. Matt congratulated her for her five years of employment and a photo was taken with the Mayor and City Council Members.

10 Years

Robert Smith spoke to Julie Thorton who has been with the City's Engineering Department for 10 years as a Tech II. She manages a great deal of requests and we are very proud of what she has done in 10 years and anticipate what she brings in the next 10 years. A photo was taken with the Mayor and City Council Members.

Chief Ternent spoke to Shelly Broadwater who has been with the Police Department in the patrol division. Shelly has earned several specialties and aids in various situations such as hostage, crime scene technician, helps with

recruitment and a field training. Shelly was a senior patrolman position and is now a Corporal running her own shift. She has taken the initiative to mentor younger officers and we are very proud to have her in our Department. A photo was taken with Shelly, her family and the Mayor and City Council members.

20 Years

Chief Adams spoke to Lieutenant Paramedic Steven Adams who has been with the Fire Department for 20 years. Steven began his career on August 31, 2004, was promoted to Equipment Operator and shortly after was promoted to Lieutenant. Steven has received extra driver status, a Paramedic instructor with Garrett College, coordinator with special Ops program, trained with Swiftwater confined space as well as rope and hazmat tech. A photo was taken with his wife family and the Mayor and City Council members.

45 Years

Robert Smith spoke to John Devault and could not say enough about the value that he brings to the City of Cumberland and says that the Baltimore Street would still only be a design had John not been involved. He went on to express how honored the City has been to have him as an employee and how hard it would be to fill his role upon his retirement. A photo was taken with John and the Mayor and City Council members.

V. Director's Report

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

(A) Engineering Division

1. Engineering Division Monthly Report for September 2024

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

1. Approval of the Closed and Open Work Sessions and Regular Public Minutes from September 3, 2024

Public Comments

All public comments are limited to 5 minutes per person, no comments were made.

VI. Approval of Minutes

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

1. Approval of the Closed Work Session minutes from August 5, 2024 and the Open Work and Regular Session Minutes from September 17, 2024

Public Comments

All public comments are limited to 5 minutes per person, no comments were made.

VII. Public Hearing

1. Public Hearing to receive comment on the Consolidated Annual Performance Evaluation Report (CAPER) for the 2023 FY, Presented by Lee Borrer, Senior Community Development Specialist.

Convene: 6:38 PM

No Public Comments

Hearing Adjourned: 6:48

VIII. Public Comments

All public comments are limited to 5 minutes per person

Janet Heavner - of White Avenue expressed her concern for food and drinking ban and went on to say she feels the Ordinance goes against values of caring for those who are not well off. She does recognize the issue that is taking place in the Riverside Park and that it is not acceptable. She feels that the ban goes against rights outlined in the Constitution and mentioned that George Washington himself left instructions with his groundskeepers to care for the house and take care of those in need. She went on to say that our Country has spent decades penalizing

homeless and our jails house many homeless people that have not committed violent crimes. She asked about tourists who visit the area and if they are allowed to take a drink with them.

Elliot Slater – 632 Maryland Avenue addressed the Mayor and City Council that half of the renters in Cumberland spend more than 30% of their income on their rent and 1 in 5 spend more than 50% on their rent and went on to say those that meet that criteria have a higher risk of becoming homeless and joining those who frequent the Riverside Park for a meal. Having experienced homelessness herself policies such as this ban feels as though the City would rather prohibit her instead of showing support. Working 40 hours a week above minimum wage she still struggles to survive and laws prohibiting eating should not be enforced.

Melissa Worts – read a poem titled “What would you do” which asks the question “What do you do” when you do not have the income for basic survival needs such as rent, food, medicine, Dr. bills, utilities, etc...

Ginger Lee – addressed the Mayor and City Council that she moved to Cumberland 15 years ago due to the low cost of living and has been on disability for seven years. With her current income she qualifies for energy assistance and a small amount of food stamps. Over half of her income is dedicated to utility bills that have increased and after paying her bills there is not much leftover for food, a situation that has left her to face filing bankruptcy. She feels as though she is months away from homelessness and said if this is how the City treats the homeless, she does not want to live here.

Todd Churos – was present with United Workers and addressed the Mayor and City Council that the problem in the City is that people cannot afford housing and basic needs and banning eating in a park does to resolve the issue and feels that the State and Federal Governments need to work on addressing affordability by providing good paying jobs, affordable housing and healthcare. He went on to say that he also spent some time in Carroll County and the same issue is present there as well. This is an issue statewide and we need to come together to address affordability. According the United Way more than 40% of MD residents do not make enough to survive, the answer is affordability. He went on to address that poverty is the top 4 causes of death in our Country, and feels the City Council has made it illegal to sleep and now to eat.

Matt Leah – Feels that it is very dangerous to write an Ordinance to enforce a law and that the Ordinance is writing one law to address another one.

Mayor Morriss thanked all who attended and spoke their thoughts and advised all that the Ordinance being voted on was not done so without thought and consideration and that himself and the Council Members are aware the issue in our City. He went on to point out that Lee Borrór's presentation highlighted the money that is provided towards homeless and crisis

centers and pointed out that the State of MD is down approximately 95,000 housing units. This ban is being enforced for public safety.

Councilman Cioni added that the City has invested \$750K to Pastor Ziler for his efforts at the Union Rescue Mission who plans to house and prevent people from falling deeper in to poverty at the new location on Centre Street.

Councilwoman Marchini also addressed that while the City made that investment, the City also provides a lot of assistance to the YMCA to obtain funds to provide programs that provide assistance with substance abuse and to help provide a “hand up” to help put get them back on their feet during a transition. She went on to say that the City is not saying that eating in a public park is discouraged but what is taking place at the George Washington’s cabin is distracting from the history and this ban is needed to protect the property.

Councilman Frazier also spoke to the issue and informed those in attendance that he donates to several organizations and noted that the Daughters of American Revolution want to bring groups to the City to visit the George Washington headquarters and spend money so we have money to aid in addressing issues, therefore preserving the Headquarters is a necessity.

IX. Unfinished Business

(A) Ordinances

1. Ordinance 3993 (*2nd and 3rd readings*) - providing for the closure of (1) a portion of Cat Alley located between but not abutting Maryland Avenue on the Northeast Side and Park Alley on the Southeast Side and (2) a portion of an unnamed alley abutting the South Side of Cat Alley, and running Southeast to Cecelia Street, with both portions being located in the City of Cumberland, Allegany County, Maryland

SECOND READING: The ordinance was submitted in title only for its second reading. Motion to approve the reading was made by Council Member Frazier, seconded by Council Member Marchini, and was passed on a vote of 5-0.

Mayor Morriss called for questions or comments. Being none, the ordinance was 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.

2. Ordinance 3994 (*2nd and 3rd readings*) - to enact Section 15-56 of the Cumberland City Code prohibiting food and beverages at the Riverside Parklet

SECOND READING: The ordinance was submitted in title only for its second reading. Motion to approve the reading was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 5-0.

Mayor Morriss called for questions or comments. Being none, the ordinance was 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.

X. New Business

(A) Ordinances

1. Ordinance 3995 (*1st reading*) - authorizing the transfer of 336 Baltimore Avenue, 340 Baltimore Avenue, 342 Baltimore Avenue and 447-449 Waverly Terrace to TAC Investments LLC for the purchase price of \$400

FIRST READING: Motion to approve the first reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Fraizer, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

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

1. Order 27,572 - authorizing the Chief of Police to accept the FY25 State Aid for Police Protection Fund grant in the amount of \$539,642 to be used exclusively to provide adequate police protection in the qualifying municipality of Cumberland, Maryland
2. Order 27,573 - authorizing the Chief of Police to accept the FY25 Police Accountability, Community and Transparency (PACT) Grant entitled 2025 CPD BWC Project in the amount of \$40,000 to assist with the annual body camera hardware/software costs

3. Order 27,574 - declaring certain equipment to be surplus property and authorizing it for sale, trade in, scrap or disposal
4. Order 27,575 - approving the reappointment of Garland Kearney to the Cumberland Housing Authority Board of Commissioners for the five-year term expiring October 31, 2029
5. Order 27,576 - approving the sole source proposal from Cargill, Inc. to provide road salt for an amount not to exceed \$200,000 for the term September 1, 2024 - August 31, 2025, with pricing obtained through the statewide contract
6. Order 27,577 - accepting the bid from Belt Paving, Inc. to provide full depth asphalt repair as well as some milling and overlaying on a portion of Kelly Road (City Project 2024-04-TRFC) in the amount not to exceed \$153,334
7. Order 27,578 - declaring certain City-owned property to be surplus and authorizing it for sale
8. Order 27,579 - authorizing a Special Taxing District residential exemption for 55 Baltimore Street in the amount of \$1,051.08
9. Order 27,580 - authorizing the execution of an Outdoor Dining Lease Agreement with Frank and Stein's Beverage (DBA Downtown D'Atri Pasta & Subs) for the use of the public right of way immediately in front of and adjacent to the property for outside cafe dining for a term effective October 1, 2024 through October 31, 2025

XI. Public Comments

All public comments are limited to 5 minutes per person

Ron Maier addressed the Mayor and City Council concerning the smell from the sewage treatment plant and how terrible it has become. Bobby Smith advised that due to an anaerobic digester that has been down for a few years and that if there is fog in the area there is nowhere for the smell to escape. The City is aware of the issue and are working with a consultant to get it repaired.

Kathleen Heinrich addressed the Mayor and City Council and spoke of the interview the Mayor attended on WCBC on September 25, 2024 regarding the influx of immigrants across the nation and many of those being here illegally and how Programs in place such as the Relocation Program cause concern of illegal immigrants relocating to the area. She then quoted the Mayor saying that we do not see any issues with immigrants that are here and will address any issues as they arise. Kathleen went on to mention the issues going on in Springfield OH, across the border in PA and the Venezuelan gangs in CO and saying that

she has heard rumors that busloads of illegal immigrants have come to Cumberland and asked the Mayor why he went on WCBC to address this if we do not have an issue with it.

Mayor Morriss responded to Kathleen that when he is hosting an interview, he responds to every question that he is asked and went on to inform her that the issue she is speaking about was in response to the Cumberland Relocation Program and the erroneous comments on Facebook accusing the City of Cumberland allowing illegal immigrants to reside. The accusations are due to the fact that the time was not taken to read the Relocation Program in its entirety. Mayor Morriss affirmed that if an issue arises with illegal immigrants, it will be addressed.

Ms. McGreevy who is a lifelong resident of Cumberland went on to address the Mayor and City Council members that she belongs to a prayer group and they have been praying for spiritual and economic revitalization for the City and will continue to do so after hearing all of the concerns addressed at tonight's meeting.

Darlene Chane- passed on speaking

Zach Ruppert – passed on speaking

XII. Adjournment

With no further business at hand, the meeting adjourned at 7:38 p.m.

Minutes approved on November 4, 2024

Raymond M. Morriss, Mayor

ATTEST: Allison K. Layton, City Clerk