



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 S. Cohen
City Clerk Allison K. Layton

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WORK SESSION

City Hall 2nd Floor Conference Room
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, August 5, 2024; 5:00 pm

PRESENT: Mayor Raymond M. Morriss; Council Members: Richard Cioni, Eugene Frazier, James Furstenberg, Laurie Marchini.

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael Scott Cohen, City Solicitor, Shannon Berry, Assistant to the City Clerk, Kevin Thacker, Code Enforcement Manager

Media: Teresa McMinn, Kathy Cornwell, Cumberland Times-News

I. DISCUSSION ON ZONING AND CODE ENFORCEMENT

Jeff Silka addressed M&CC that he was asked for an update on how Code violations work at a prior meeting, so he turned the discussion over to Kevin Thacker, Code Compliance Manager.

Kevin addressed M&CC by explaining the process of how a Code violation is issued. The initiation of a code violation usually starts with a complaint as well as code officers coming across them. Once the issue is brought to the attention of an officer, the first step is a friendly conversation with the owner, preferably at the property to address the situation so there is no discrepancy as to what the issue is that is being addressed. If that is not possible then a letter is sent out to the property owner. Once the issue is brought to the attention of the property owner, 7-10 days is provided to resolve the issue and 90% of the time, the issue is addressed in that time frame. If the issue is resolved, a Notice of Violation is sent to the owner which tells them due to failure to take action they are now required to address the issue, and again gives them another 7-10 days to comply. If the issue is not addressed within that time period, a citation is

then issued. There are 2 dates on the citation that cannot be expedited. The first date is the 20 days out from when the citation is issued that the owner wants to stand trial.

A certified letter is now sent to the owner, which affects the process due to the lapse in time of the letter being delivered and proof of delivery being signed. Multiple attempts are made before proof is received that service was affected, which can sometimes take a month. At that time, the court case can proceed which could now be a month and half or up to two months since the violation was initially issued. During this lapsed time, more complaints can still come in regarding the same property, which gets added to the case. Up until the court date, the owner has the right to address the violation, so on the court date, a code officer will visit the property to observe conditions. The Judge then reviews and rules on the conditions of the property when the complaint was reported as well as the morning of the court date. If the issue was not addressed, the Judge rules in the City's favor at which time the citation stands and the City has the right to abate the property. Now that the City has the citation, the owner is now charged a \$300 Nuisance 1st offense and given 10 days to abate the property one last time on their cost. After 10 days, the City then collects estimates from contractors to have the property abated. Once abated and photos are sent showing the work was completed, the invoice is processed and then payment is pursued.

Kevin went on to also explain that with the Citizenserve program, once a case is created, the software builds the steps for you. So, it generates a letter for each step. The process for filing a lien on a property is somewhat similar. It starts off with a friendly letter stating notice of violation, invoice asking for payment and sending out a couple of notices as a late bill. If payment is not rendered, the City then files a lien against the property.

Councilman Cioni asked Kevin if the abatement can be costly. Kevin responded that it can be if a property has sat for a long period of time, there could be weeds and trees that have overgrown and you could be looking at chainsaws to remove them and piles of debris that has to be hauled away. A simple abatement can range from \$500-\$3,000 that the City pays for up front when they are given the right to abate with the hope that the owner repays the City. Michael Cohen added that if payment is not rendered by the owner, then a lien is put on the property. Kevin added that if the property is a rental unit, the tenant has no responsibility for the abatement. A Lot of the cases seen lately are from deceased property owners as well as owners thinking that once their property goes to tax sale that they no longer own it, where in fact, they own it until it goes to foreclosure. Mike added that is also the case with foreclosures and bankruptcy, owners think if their property is foreclosed upon or bankruptcy is being pursued that they are absolved from responsibility which is not the case. Kevin added that the City cannot take a property through citation if it is in active bankruptcy. The City does get the money back through tax sales and it could hamper the sale as well especially if there are several abatements on the property. The City has now started a new procedure which has included speaking with other municipalities about how they handle similar issues and next year we are hoping to have new Ordinances in place that give us the ability to process the abatements much quicker than they are currently being done. A new Ordinance will be drafted

with Mike to get it through the planning commission this winter so M&CC can review and vote on it, in hopes to be in place by Spring of 2025.

Mayor Morriss asked Kevin if we have a situation of a property that we get repeat issues reported, if there is a way to speed up the process, Kevin responded that is what the new Ordinance would cover and that currently there is a habitual offender policy in place.

Councilman Cioni asked Kevin if we currently have an issue with absentee landlords, not cooperating when contacted about an issue. Kevin responded that there are very few rentals that have absentee landlords and if the owner does not live in Allegany County, they must have a management company to manage the property and those managers work well with the City. We have 2-3 property management companies and the majority of the rentals we do not have issues with now that there is a Rental Housing program in place, the units are inspected so the owners are held to City standards. Kevin also stated that the City's complaints over the past four years have decreased and he thanked M&CC for providing the extra staff to keep up with enforcement.

Kevin added when it comes to property maintenance issues such as siding or roof repairs, the City cannot abate the property, we can only cite the owner. Jeff added those issues do not pose a threat to public safety. Kevin added that the City does everything within their power to enforce clean-up of properties within the limitations set in place and he feels that the Nuisance part is under control compared to five years ago. We have three very good officers with very different approaches that go above and beyond to obtain blighted properties. These officers are constantly thinking of new ways to work around the part that makes it harder on us.

Jeff added a recommendation to the public that when they observe code issues or complaints that need to be addressed, they should be calling community development to bring the matter to their attention, and not posting on social media sites. Kevin added that the complaints need to be tracked in their system in order to be able to build a case. We have a large office staff and this time of year is our busiest but there are four people answering phones, someone will receive your call. Kevin also assured M&CC that he does not read social media.

As far as threats are concerned, Councilman Cioni asked Kevin if the officers take police officers with them when confronting property owners, Kevin responded that depending on the situation and if they anticipate an issue then they will have a police officer escort them to the property. For most abatement issues they will take an officer just to establish the case.

Councilwoman Marchini asked Kevin if a permit is needed to put up a fence and if there are guidelines on what can go in the front or back of a yard, Kevin confirmed that yes, a permit is needed and that the size can be 6' on the side and in the back, and clarified that the side of the house starts at the side by the porch because the porch is still an accessory structure in the front yard. Anything in the front yard has to be 4' and visible such as chain link or picket fencing.

II. UPDATE ON THE CITIZENS LOCAL GOVERNMENT ACADEMY

Mr. Silka updated M&CC on the social media event the City is launching called Behind the Curtain, which is a look at the operation of the local government. Next week there will be a more comprehensive post on what it is and at the end of the month, applications will be out and made live. The academy will have 20 slots available and will begin on September 19, 2024 and will continue the next six Thursdays preceding. Outlines of the sessions will be available by Friday with all of the details, the City hoping to get 20 people interested in learning more about how the City of Cumberland operates. Applications will be available on the website.

III. REVIEW OF THE PUBLIC MEETING AGENDA OF AUGUST 5, 2024

Jeff updated under new business two new ordinances discussed in the work session regarding prohibition of smoking of tobacco, cannabis and smokeless tobacco within the right-of-way of Baltimore Street between the intersection of the East side of Mechanic Street and the West side of Queen City Drive. And the Ordinance that would allow for a permit to have alcohol at park pavilions and parklets for special events. Mayor Morriss asking Jeff if there was a fee for the permits for alcohol, Jeff answered that the fee is \$100, Rock added that the fee is strictly for pavilion rentals. Jeff also added that if an event is being held, a vendor can be approved for a license.

Jeff went on to explain that Orders 3-6 are annual ones for the Police Department for various funding.

For Order #9 Regarding the lease for the concession stand at the Constitution Park goes back to May, the lease was signed but unfortunately the Order did not get signed by M&CC but Jeff reiterated that the department has been operating in good faith. And last would be purchases under the Central Avenue project and #20 the ongoing Opioid litigation, everything else is pretty self-explanatory.

Laurie mentioned dining leases under Order #15 and inquired if there would be anything in the permitting process that would let the owner know about the requirement to fencing in the areas where alcohol is being served, Jeff confirmed that language is made clear in the agreement that a specific area is to be in place for the establishment to serve alcohol.

IV. MAYOR AND CITY COUNCIL UPDATES

Councilman Furstenberg added that Rock the Mountains was a great event and is growing, he noticed a variety of license plates in the parking lot. Mayor Morriss added that the event is very well managed and gave credit to the organizer for keeping it safe and secure and did not recall any incidents over the three days and that he is happy to see it has grown from two to three days.

Councilman Frazier added that this would be the last week for the Levitt Concert series featuring the Fantastic Cats and mentioned the Chamber of Commerce hosting the Crab feast that had a great turnout.

Rock updated that the Friends of the Park have continued to meet and seem to still be committed. Eugene asked Rock about the attendance at the park in general this summer as well as the pool with the increase in temperatures, Rock referred to Jeff for that information because he felt at times when he has drove through the park the attendance at the pool seemed very low and wondered if the excessive heat was keeping people from visiting the pool. Jeff replied that he would ask Ryan Mackey to look at the numbers and get that information. Laurie added that there needs to be more shade for smaller children and she feels that the City should add sails to the pool area for extra shade.

Laurie updated council that continued work on festivities for the ribbon cutting ceremony for Baltimore Street is still in progress, which will be November 13, 2024 at 11:00a.m. with a VIP luncheon following and then Saturday there will be a parade, live music, scavenger hunt. Laurie mentioned that the committee for the winter festival could always use more volunteers for the event on December 14, 2024 from 4:00-9:00 with children's activities and events and food, there will be a vendor charge this year, we are hoping to not have any conflicts with businesses and making sure vendor we are hoping to have Christmas carolers. Laurie went on to say that the Downtown Development Commission is collecting pictures of before and after construction to put together a slideshow, pictures can be forwarded to a drop box.

Laurie updated M&CC with construction updates which consist of more pavers being installed, broadband has been installed. She also mentioned that Duluth MN, which is about 80,000 people is featuring our project on their website, they have reached out to Melinda Kelleher with questions about our project as they are embarking on a similar one next year. Havre de Grace has reached out as well with questions. There was also a ribbon cutting for Cat's Cradle, Pepper on a Plate ribbon cutting is Friday afternoon and just wanted to add the Levitt series has been great, National Night out is tomorrow evening and Laurie updated that tomorrow she would be serving as a panelist for the CBIZ artist proposals for the Arts Council. Laurie also brought to the council's attention that she has received several requests for more pickleball courts in the City. Jeff responded that is in the process and mentioned that the old site of Allegany High School has been discussed.

Mayor Morriss updated the council members that he attended a board meeting at the Canal Place where a review of plans for the Canal Place and River Park were discussed and that they received a \$500,000 grant to test the sediment above and

below the dam and they have contracted with a management firm to help continue with the project of removing the dam for the River Park. Mayor Morriss also reminded the council that tomorrow is National Night Out starting at 5:00 on Somerville Avenue in front of the Salvation Army, there will be a dunk tank. And he reminded all that Thursday is the last day for the Levitt Amp series for the year, featuring Fantastic Cats. Friday after Five last week was a great show with Slick Rick and the Blades performing, Pepper in a Bottle ribbon cutting is Friday at 4:30, next week he will be attending MACO, and reminded the council that Citizens Academy registration opened on August 1, 2024, Jeff updated that so far 13 applications have been received, there are 20 spots allocated for the project. Mayor Morriss added that this is a great opportunity for the community to learn more about how the local government works.

V. ADJOURNMENT

With no further business at hand, the meeting adjourned at 5:51 p.m.
Respectfully Submitted,

Allison K. Layton
City Clerk

Minutes approved on: August 20, 2024