



MAYOR

Brian K. Grim

CITY ADMINISTRATOR

Jeff Rhodes

CITY SOLICITOR

Michael Scott Cohen

COUNCIL

Nicole Alt-Myers

Seth D. Bernard

David Caporale

Richard J. "Rock" Cioni

CITY CLERK

Marjorie A. Woodring

MINUTES

**Mayor and City Council of Cumberland
City Hall Council Chambers
Room 212
6:15 P.M.**

DATE 11/1/2016

***Pledge of Allegiance**

I. ROLL CALL

The public meeting convened at 6:20 p.m.

PRESENT: Brian K Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, Richard J. Cioni, Jr.

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Donald Dunn, Fire Chief; Marjorie Woodring, City Clerk

II. PROCLAMATIONS

(A) Proclamation declaring November 26, 2016 to be Small Business Saturday

Mayor Grim read the proclamation and presented to Becky McClarran, representative of the Downtown Business Association. Ms. McClarran thanked the Mayor and Council for their continued support of small businesses in the city.

III. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Oath of Office for the Cumberland Police Department to be administered by Mayor Grim to Patrolman Trevor Baluch, Patrolman Michael D. Cessare, Patrolman Joshua Gordon, and Patrolman Jonathan Roudybush

Chief Hinnant introduced each officer and family members who were in attendance. Chief Hinnant then provided information on each officer's personal and professional background and Mayor Grim administered the Oath of Office to the officers collectively.

(B) Presentation of the Let's Beautify Cumberland! Fall 2016 Blue Ribbon Awards to George and Marion Uhl of 449 Dirks Ave., John and Judy Appel of 230 Massachusetts Ave., Cumberland Optical at 50 Greene St., and Uncle Jack's Pizzeria & Pub at 20 S. Mechanic St.

Councilwoman Alt-Myers along with Ginny Decker and Paul and Charlotte Lapp, representatives of the Let's Beautify Cumberland! Committee, presented each award. Ms. Decker advised that the Blue Ribbon Award was given to homeowners and businesses who have maintained a beautiful home and yard in appreciation for the work they do and their contribution to each of their neighborhoods.

(C) Update from Kathy McKenney, Historic Planner, on the City of Cumberland Commercial Property Adaptive Reuse Tax Incentive Program

Kathy McKenney, Historic Planner, provided details of the Commercial Property Adaptive Reuse Tax Incentive Program. She stated the program is designed to provide a tax incentive for specific improvements to existing structures related to elevators, fire suppression systems, means of ingress or egress, or architectural or engineering services related to the installation or rehabilitation of these or similar building features. A minimum expenditure of \$25,000 is required; all work must be pre-approved, the award credits will be applied to City of Cumberland real estate property taxes and divided into equal amount for ten years, after which any remaining credits will expire. Details of the application process were also discussed. Ms. McKenney advised that the program would be posted to the website and pushed out to all users of Nixel and the media, and she hoped to have a tax credit workshop for all available incentive programs over the winter, as well.

IV. DIRECTOR'S REPORT

(A) Administrative Services

Item Action:

1. Administrative Services monthly report for September, 2016

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

V. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of October 4 and 18, 2016

Item Action:Approved

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

VI. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing execution of a deed to convey surplus property located at 423 Ascension Street to Clean Demolition, Inc.

Item Action:Approved

Mr. Rhodes advised that 423 Ascension St. had been a blighted piece of property that had been demolished. The lot was offered to adjoining property owners and only one bid was received from Clean Demolition. The offered price of \$5,000 was slightly above the assessed value of the property.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the reading and move to the third after comment was made by Caporale, seconded by Alt-Myers, and passed on a vote of 5-0.

Mayor Grim called for questions or comments. Being none, the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was adopted on a vote of 5-0.

ORDINANCE NO. 3813

VII. NEW BUSINESS

(A) Ordinances

1. Ordinance (*1st reading*) - authorizing execution of a deed to transfer certain surplus real property located East of Shades Lane and the Goethe Street Addition and North of Welton Drive consisting of 15.07 acres +/- to Sean McCagh and Gary Blake

Mr. Rhodes advised there had not been able to be a clear determination as to who owned this piece of property off of Shades Lane. It was not believed that the City did, but had been asked to take some action on it by the adjoining property owners, McCagh and Blake. By way of this quit claim deed, the City would pass on any ownership it may possibly have to McCagh and Blake.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Bernard, seconded by Alt-Myers, and passed on a vote of 5-0.

(B) Resolutions

1. Resolution supporting Footer Development, LLC's application to the MD Neighborhood Businessworks Program for financing to rehabilitate the Footer's Dye Works Building for mixed residential and industrial use

Mr. Rhodes advised that this Resolution would endorse Footer Development's application for funding through the MD Businessworks Program.

Mayor Grim called for questions or comments and there were none.

The Resolution was presented in Title only. Motion to approve the Resolution was made by Bernard, seconded by Alt-Myers, and was passed on a vote of 5-0.

RESOLUTION NO. R2016-13

(C) Orders (Consent Agenda)

Item Action:

Mr. Rhodes provided background on each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-6 was made by Bernard, seconded by Alt-Myers, and passed on a vote of 5-0.

1. Order approving the award of \$ 54,323 in 2016-2017 hotel / motel revenues to various community groups

ORDER NO. 26,049

2. Order accepting the bid of THC Enterprises T/A Mid-Atlantic Waste Services to provide a Tymco Street Sweeper for the amount not-to-exceed \$139,800 and approving an appropriation to the FY17 General Fund in the amount of \$139,800

ORDER NO. 26,050

3. Order declaring four (4) bus shelters with kiosks to be surplus property and authorizing their donation to the Western Maryland Scenic Railroad (WMSRR) for use along their railways to create

scenic picnic areas for passengers

Mayor Grim questioned whether the WMSRR had identified whether they would be providing security for the sites that the shelters would be relocated to, as he had concerns regarding this issue. Mr. Rhodes stated that he would be contacting Mr. Garner at the WMSRR to express those concerns to him. Mr. Cohen advised that as the WMSRR is not a government entity, they would not be strung by the same restrictions as the City regarding public property. Therefore, if trespassing issues arose, the WMSRR would have remedies available to them that the City would not.

ORDER NO. 26,051

4. Order authorizing the Mayor and the Chief of Police to enter into a Mutual Aid Agreement for law enforcement with the Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown

Chief Hinnant advised that he had been contacted by the Washington County Sheriff's Office and they had requested a mutual aid agreement similar to the current one the City has with Frostburg. The Agreement would allow manpower as well as special equipment to be shared and would formalize the mutual aid relationship that is currently employed and address indemnification as well.

ORDER NO. 26,052

5. Order authorizing the execution of Change Order No.2 to the current contract with IA Construction Corp. for the milling and paving of various street (City Project 15-15-P) in the increased lump sum amount not to exceed \$840,000; bringing the total contract amount to \$2,047,016

ORDER NO. 26,053

6. Order authorizing the abatement of unpaid Personal Property Taxes for the period 1993-2007 totaling \$189,237.79

Mr. Rhodes advised that the businesses listed were either no longer in business or the amounts had passed the 7-year time limit within which the taxes could be collected. As many of the businesses were no longer running, there was no way to collect the personal property assessments. He advised that staff would be devising a method to keep such accounts from slipping through the cracks, and that the City would be trying to collect from those accounts that were in arrears but still within the 7-year time frame.

ORDER NO. 26,054

VIII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Joe Wilson, VP of Operations at the Western MD Health Systems, spoke on behalf of the Allegany County Animal Shelter and asked the Mayor and Council to consider donating between \$3,000 - \$5,000 for a trap/neuter/release program. She discussed the benefits of the programs and how it would benefit the City. She further advised that the Shelter was trying to raise funds by other means as well.

Tina Rafferty also spoke on behalf of the Allegany County Animal Shelter and provided further details on the trap/neuter/release program and the plans to employ a bus with a self-contained veterinary unit that would be used to go into the community to directly target where feral cat populations are located. She estimated that there were several thousand feral cats in the county, but did not know an exact percentage that would be located just within the city, though it was probable that a denser population did exist in the city. Any donation from the City would be earmarked just for issues within the city.

IX. ADJOURNMENT

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

Minutes approved on November 15, 2016

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk

The seal of the City of Cumberland, Maryland, is circular with a blue and gold border. It features a central figure holding a staff and a shield, with the text "CITY OF CUMBERLAND" at the top and "MARYLAND" at the bottom. The year "1787" is also visible.

City of Cumberland

~ MARYLAND ~

Proclamation

- WHEREAS,** *independently owned small businesses are the building blocks that help establish the identity of a neighborhood and reinforce the economic stability of a community; and*
- WHEREAS,** *the City of Cumberland is proud to support the many shops, restaurants and service businesses in our community that are owned and operated by family, neighbors and friends; and*
- WHEREAS,** *for each dollar spent at a locally owned independent store, 68-cents stays in the community through taxes, payroll and other expenditures, as compared to 43-cents from a national chain; and, likewise, for each dollar spent shopping online, zero-cents in local sales tax is generated; and*
- WHEREAS,** *in recognition of this important economic influence, "Small Business Saturday" was founded in 2010 by American Express and officially recognized by the U.S. Senate in 2011 as a means to encourage holiday shoppers to purchase gifts and dine on the Saturday after Thanksgiving at locally owned and operated businesses that function as the "heartbeat of our communities;"*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim November 26, 2016 to be

"Small Business Saturday"

and do urge all citizens to "Shop Small" and support the local small businesses that we value for their contribution to our community.

**Given under our Hands and Seals this 1st day of November, in the Year 2016,
with the Corporate Seal of the City of Cumberland hereto attached,
duly Attested by the City Clerk.**

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor



Regular Council Agenda
November 1, 2016

Description

Proclamation declaring November 26, 2016 to be Small Business Saturday

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
November 1, 2016

Description

Oath of Office for the Cumberland Police Department to be administered by Mayor Grim to Patrolman Trevor Baluch, Patrolman Michael D. Cessare, Patrolman Joshua Gordon, and Patrolman Jonathan Roudybush

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
November 1, 2016

Description

Presentation of the Let's Beautify Cumberland! Fall 2016 Blue Ribbon Awards to George and Marion Uhl of 449 Dirks Ave., John and Judy Appel of 230 Massachusetts Ave., Cumberland Optical at 50 Greene St., and Uncle Jack's Pizzeria & Pub at 20 S. Mechanic St.

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

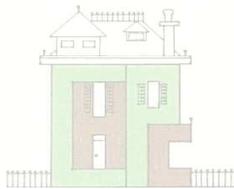
Source of Funding (if applicable)



City of Cumberland

COMMERCIAL PROPERTY ADAPTIVE REUSE TAX INCENTIVE PROGRAM APPLICATION

**DEPARTMENT OF COMMUNITY DEVELOPMENT
57 NORTH LIBERTY STREET
CUMBERLAND, MD 21502
301-759-6431**



City of Cumberland

Commercial Property Adaptive Reuse Tax Incentive Program

Policies and Procedures

- Maryland state law grants the City of Cumberland the authority to provide tax incentives to property owners for qualified rehabilitations for the adaptive reuse of existing commercial properties within the municipal boundaries of Cumberland.
- Section 9-256 of the Maryland Annotated Code Tax Property Article provides that an existing structure that has been brought into compliance with current building codes relating to safety or accessibility may receive a tax credit not to exceed 50% of the amount of qualifying expenditures for a period of 10 years distributed in an equal amount each year.
- Qualifying expenditures include the following:
 - Elevators
 - Fire suppression systems
 - Means of ingress or egress; or
 - Architectural or engineering services related to installation or rehabilitation of these or similar building features.
- Funds that are awarded as part of a City of Cumberland incentive program or other funding program are not eligible for inclusion for tax credits.
- The minimum expenditure for each structure must be \$25,000.
- The property owner must receive all applicable permits prior to the start of any work. These include, but are not limited to, Occupancy Permit, Commercial Alteration Permit, Certificate of Appropriateness, Plumbing and Electrical Permits
- All work must be preapproved. Work that is started before all approvals are in place will be ineligible.
- The tax credit cannot be used for commercial structures that do not comply with current building codes if the structures were constructed or improved when those standards were in place. The incentive will be available to those structures that were built or improved before those standards were in place.
- The approved tax credits will be applied in equal amounts for ten years
- The amount of the tax credit applied will not exceed the annual amount of real estate property taxes owed for that year.
- The credits will be applied to City of Cumberland real estate property taxes.
- Any tax credits remaining after the tenth year will expire.
- Property owners must remain current in payment of all property taxes.
- Complete details of the local program can be found in Section 10-33 of the Code of the City of Cumberland.

Instructions

Part I - Pre-Construction Work Scope Application

- The first step is to obtain all applicable building permits, including occupancy permits. Copies of checklists can be obtained from the Department of Community Development in the lower level of City Hall at 57 North Liberty Street or by visiting the City of Cumberland's website at <http://www.ci.cumberland.md.us/519/Commercial>.
- Complete the attached Pre-Construction Work Scope Application form. Fill in all the blanks. Missing information may result in delays in processing. **This form must be submitted and approved by the Department of Community Development staff prior to the commencement of any construction activities. Failure to receive approval prior to the commencement of construction will be subject to disqualification.**
- Provide representative photographs to visually describe the areas of impact for the project. Include copies of design plans, elevations, materials specifications, and all other relevant information to fully convey the scope of work.
- For new construction projects, applicants should provide design elevations/renderings, as well as photographs of the surrounding neighborhood in which the new building is to be constructed.
- Ensure that all relevant building and code-related permits are obtained from the City of Cumberland's Department of Community Development. Checklists are available upon request to address your specific scope of work.
- For properties located within the Canal Place Preservation District, an application for a Certificate of Appropriateness must be applied for and approved by the Historic Preservation Commission in addition to the approval of the Pre-Construction Work Scope Application Form. **For projects located within the Canal Place Preservation District, approval of a Certificate of Appropriateness will substitute for the approval of proposed exterior work. For this district, applicants should note any additional interior work that is planned.**

Part II – Completion Certification

- Include relevant before and after photos, documenting the rehabilitation that has taken place.
- Ensure that all applicable permits have been approved.
- Complete the attached transmittal of receipts form. Make sure to sign and date all receipts, invoices, canceled checks, and credit card statements. Account numbers should be obscured or removed. Invoices must be accompanied by proof of payment in order for processing to continue and all documentation must clearly reference the address of where the work has taken place. All receipts should be numbered. ***Please note that all submitted documentation must be kept on file and cannot be returned.***
- Return the completed application to the Cumberland Historic Preservation Commission, 57 North Liberty Street, Cumberland, MD 21502
- **The application will be reviewed by the Historic Preservation Commission and/or its staff upon receipt. When complete, the application will be forwarded to the Cumberland Mayor and City Council for approval.**

If you have any questions about the forms or the process of obtaining tax credits, please contact the City of Cumberland's Historic Planner/Preservation Coordinator, Kathy McKenney, at (301) 759-6431 or kathy.mckenney@cumberlandmd.gov.

PLEASE NOTE THAT THE APPROVAL OF THE APPLICATION FOR TAX CREDITS CONSTITUTES ONLY A LOCAL APPROVAL. YOU WILL NOT AUTOMATICALLY QUALIFY FOR THE TAX CREDIT PROGRAMS THAT THE STATE AND FEDERAL GOVERNMENTS HAVE TO OFFER. YOU MUST SUBMIT TO A SEPARATE PROCESS FOR THESE PROGRAMS. CONTACT THE APPROPRIATE OFFICE TO INQUIRE THE REGULATIONS FOR OBTAINING OTHER TAX CREDITS.

**City of Cumberland
Commercial Property Adaptive Reuse Tax Incentive
Program**

Part I – Pre-Construction Work Scope Application

**TO: City of Cumberland
Department of Community Development
57 North Liberty Street
Cumberland, MD 21502**

| FOR OFFICE USE ONLY | |
|----------------------|---------|
| COA | # _____ |
| Tax Account | # _____ |
| Date Part I Approved | _____ |

-type or print in ink-

APPLICANT:
Owner's Name: _____
Address: _____

Phone: _____

PROPERTY: (if different from applicant information)
Name: _____
Address: _____

Please Check the Qualifying Investment for which the Credit is Being Sought:

- Elevator
- Fire Suppression Systems
- Means of Ingress/Egress
- Architectural or Engineering Services Related to Installation or Rehabilitation of the Above or Similar Building Features

**If structure is located in the Canal Place Preservation District, a Certificate of Appropriateness must be approved prior to the commencement of construction. A Certificate of Appropriateness is required for all exterior work in this district even if the tax credit application process is not completed and/or is denied.*

If you are unsure as to which district your project qualifies for this incentive program, please consult the **City of Cumberland's Historic Planner/Preservation Coordinator at 301-759-6431.**

Scope of Work – Existing Structures (Please attach a copy of all approved building and occupancy permit applications)

| Elevator | Proposed Work/Changes |
|-------------------------|-----------------------|
| | |
| Fire Suppression System | Proposed Work/Changes |
| | |

| Means of Ingress/Egress | Proposed Work/Changes |
|------------------------------------|---|
| | |
| Architectural/Engineering Services | Detail Estimated Cost & Scope of Services |
| | |

Attach additional sheets, if needed.

City of Cumberland
Commercial Property Adaptive Reuse Tax
Incentive Program
Part II – Completion Certification

TO: Cumberland Historic Preservation Commission
57 North Liberty Street
Cumberland, MD 21502

| FOR OFFICE USE ONLY | |
|---|---------|
| OP | # _____ |
| RB | # _____ |
| Tax Account | # _____ |
| Date Part II Certified/Recommended by staff _____ | |
| (See Attached for Recommended Incentives) | |

-type or print in ink-

APPLICANT:
Owner's Name: _____
Address: _____

Phone: _____
Email: _____

PROPERTY ADDRESS:
Address: _____

- A. In Accordance with Maryland's Annotated Code Tax Property Article 9-256 and the City of Cumberland's Ordinance 3788, I request a credit on my City Property taxes for attached detailed Commercial Adaptive Reuse Qualifying Investment:**
- B. Total Cost of the Project: \$** _____
The minimum expenditure must be \$25,000.00

C. **Start Date of Project** _____

D. **Completion Date of Project** _____

E. _____ **Attached Receipts Summary Form is Complete**

_____ **Before and After Photographs are Enclosed**

_____ **All Receipts are Numbered and Dated**

_____ **Copies of Cancelled Checks/Proof of Payment**

I HEREBY DECLARE under penalties of perjury that all information submitted is, to the best of my knowledge, accurate and true.

Owner/Applicant (Print)

Signature

Date



Regular Council Agenda
November 1, 2016

Description

Update from Kathy McKenney, Historic Planner, on the City of Cumberland Commercial Property Adaptive Reuse Tax Incentive Program

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

October 20, 2016

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for September, 2016

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of September, 2016.

Management Information Systems

Management Information Systems reports the following activities for the month of September, 2016:

Statistics

103 completed help desk requests
257 open help desk requests

Activities

Major department initiatives in the past month include:

- Continued working with public works on combined vehicle maintenance software solution
- Move main network connection to state fiber
- Went live with new downtown WiFi network
- Continue VOIP replacement project
- Work with Tyler Technologies/New World Systems on ERP modules
- Assist with SCADA PLC upgrades
- Configure and deploy new Community Development PC's

Parks and Recreation

Parks and Recreation reports the following information for the month of September, 2016:

Pavilion Reservations and usage for the month of September: 32 reservations utilized pavilions,

4 new reservations were made in September

Sunday in the Park Concert series: The final concert of the season was held – at the Park Amphitheater in September. The Potomac Concert Band performed Sunday September 4.

Baseball/ Softball League

Soccer/Football League play and practices for September:

The City of Cumberland provides fields for the following leagues:

- JCP Soccer League
- Fort Hill Girls Soccer Teams
- Allegheny Boys Soccer Teams
- Cumberland Cardinals Pee Wee Football
- Warriors Youth Football
- Adult flag football league
- Fall Softball League Cumberland Girls League – Cavanaugh and Northcraft

Fields

- Fall Baseball League Dapper Dan – Long Field
- 1 Pee Wee League Weigh in & Scrimmage games at Mason
- 2 Youth League Scrimmage League Event at Mason
- 1 Pee Wee Raiders Game at Mason
- 3 Softball Tournament at Mason Sports Complex
- 1 Field usage for special events – Labor Day – (Prescribe Change 4 Mile Run)

Constitution Park Pool

- 3 Days of operation for the Park Pool (concludes the 2016 season)
- Total Paid Attendance - 246
- Total income for the Month of September\$ 492.50
- YMCA members - 79
- Attendance from pool passes - 15

Other Services available: Amusement park ticket sales (final sales of the season) and games equipment rental.

End of season wrap up working to close seasonal programs and facilities, compiled seasonal data and annual information

Fall Program Planning for upcoming fall events

- Halloween Party at Constitution Park – Sunday October 25, 2015; 2-5 p.m.
- Halloween on the Downtown Mall – Saturday October 29, 11 – 1 p.m.
- Babysitters Training Course begin Thursday October 6, 4:30 – 5:30 p.m. for six weeks, Halloween Parade float contest project with Marsha Thomas (Parade scheduled October 26)
- Organizational meeting for the Co-ed Volleyball League – Play begins in November
- Afterschool Program Special Event Planning – Holiday Event

Meetings attended:

- Recreation Advisory Board Meeting – September 12
- Meetings with seasonal employees- Pool manager, Day camp Director, etc. (wrap up)
- Park Pool renovation meeting
- Engineering – Skate park land meeting
- Cumberland Museum – Holiday Event

Community Development

The Community Development Department reports the following activities for the month of September, 2016:

CDBG Activity

Senior Community Development Specialist

- September 2016 Report
- Reviewing CAPER checklist for CAPER information, wrote narratives, consultations with Jay and HUD about CAPER calculations, request data from non-CDBG sources
- Reconciling 2011-2014 funds among City financial system and IDIS

- Plan and implement HRC meeting
- Technical Assistance to YMCA's KIDS project, YMCA Gilchrist, Arts Bus and PIP program
- Review invoices for processing (CDBG sub recipients)
- Preparing Environmental Review Records for 2016 projects - Categorically Excluded Jane Frazier Village sidewalk project and Cavanaugh Field
- Research housing accessibility funding sources and the possibility of assisting current developer
- Attended meetings to discuss Jay's former procedures for the CDBG financial reports
- Set up 3 additional 2016 CDBG activities in IDIS
- Requested and received confirmation of CAPER extension
- Running and reviewing various IDIS CDBG reports
- Attended YMCA Gilchrist Veteran's Center ribbon cutting event
- Completed June, July and August CDBG draws in IDIS
- Performed two field inspections for 2016 CDBG projects requiring CEST ERR

Community Services Activity

- Performed monthly update to the City webpage re: CD, Permits and Housing Code/Rentals.
- Handled/directed public calls and front counter including permits, complaints, rental licenses, Parks and Rec pavilion rentals and tickets, and other various issues.
- Assist CD staff on Google Drive usage.
- Attended two CD Coordination meetings with CD staff.
- Maryland Mountain Trails meeting held on September 19 in Frostburg.
- Worked through some issues with new computers and assisted CD staff where I could.
- Neighborhood Advisory Commission:
 - Prepared minutes, agenda and handouts for September 26 meeting in the Walsh/Humbird Neighborhood.
 - Performed monthly updates to the Neighborhood Advisory Commission web and Facebook pages.
 - Attended SCBCA September meeting - 46 attended. Prepared minutes and agenda.
 - Finalized report of National Night Out – Cumberland for National Association of Town Watch.

Code Enforcement

| <u>Nuisance & Junk Vehicle Complaints</u> | <u>Property Maintenance Complaints</u> | <u>Building Code Complaints</u> |
|---|--|-------------------------------------|
| Received: 00 | Received: 00 | Received: 0 |
| Corrected: 00 | Corrected: 00 | Corrected: 0 |

Housing Code

Complaints

Received: 00
Corrected: 00

Zoning Complaints

Received: 00
Corrected: 00

Permits, Applications, and Licenses

Building Permits

Received: 02
Issued: 04

Residential

Rental License

Received: 247
Issued: 247

Plan Reviews

Received: 0
Issued: 0

Occupancy Permit

Received: 11
Issued: 08

Housing Inspections

Conducted: 49
Passed: 49

Revenue

| | |
|-----------------------------------|-------------|
| Building Permits: | \$ 1,140.00 |
| Miscellaneous Permits: | 224.50 |
| Occupancy Permits: | 300.00 |
| Utility Permits: | 0.00 |
| Reviews, Amendments, and Appeals: | 0.00 |
| Rental Licenses: | 12,350.00 |
| Paid Inspections: | 100.00 |
| Municipal Infractions: | <u>0.00</u> |
| TOTAL | \$14,114.50 |

Demolition Permit (Bonds) 0.00

Historic Planning/Preservation

The Cumberland Historic Preservation Commission met on Wednesday, September 14, 2016 at 4pm in the City Hall Council Chambers. Four Certificates of Appropriateness were reviewed:

- A. 518 Washington Street – Christopher Stevens
- B. 157 Baltimore Street – Downtown Development Commission – Sandi Saville
- C. 15 North Centre Street - The Book Centre – Sandi Saville

HPC staff also conducted a tax incentive workshop during the meeting to review local, state, and federal tax incentives for historic structures.

Five COA were processed administratively during the month for tree removal at the following locations:

36 Queen City Drive
244 North Centre Street
246 North Centre Street
213 Washington Street
305 Washington Street

There was one Section 106 review processed in September:

206 Bowen Street

The 2016 Community Parks and Playgrounds application was submitted for consideration of funding for a ballfield on the Allegany College of Maryland campus. A total of \$121,000.00 has been requested. Decisions are expected by mid-2017.

The Mayor and City Council approved the 2016 Upper Story Redevelopment Program recommendation for funding for 66-72 Pershing Street (\$70,000) and 108-114 Harrison Street (\$30,000) during their September 6th meeting. The source of the funding is the Community Legacy program.

The Leasehold Improvement Program application was finalized and announced to the public on August 30th. This new program is funded by Community Legacy and is a partnership with the Cumberland Economic Development Corporation. The program is designed to assist new lessees of commercial space or existing lessees within Cumberland's zoned Central Business District who plan to increase their amount of leased space. Funds will be awarded through a competitive process. The maximum grant funding for any one property is \$20,000. Applications are due no later than noon on October 28th.

The Department of Community Development submitted a Community Enhancement application to the Allegany County Commissioners to request funds for blight removal. The decision on this request is scheduled for October 20th.

Routine grant administration reports were submitted to the Maryland Historical Trust, and Department of Housing and Community Development.

Comptroller's Office

The Comptroller's office reports the following information for the month of September, 2016:

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of September 2016.

On August 1, 2016 the City had a cash balance of \$5,862,843. Receipts exceeded disbursements by \$2,236,393 in September leaving the City with a cash balance of \$8,099,236 at September 30, 2016.

As of September 30, 2016, the significant balances were:

| | | | |
|----------------------------------|---------------------|---------------------|---------------------|
| Taxes receivable (General Fund) | | \$ | 4,610,300 |
| | August Balance | Sept Balance | Collections |
| FY 2017 | \$ 5,997,300 | \$ 3,126,966 | \$ 2,870,334 |
| FY 2016 | 723,945 | 667,499 | 56,446 |
| FY 2015 | 373,154 | 359,598 | 13,556 |
| FY 2014 | 41,351 | 40,753 | 598 |
| FY 2013 | 34,217 | 34,112 | 105 |
| FY 2012 | 35,409 | 35,409 | - |
| FY 2011 | 51,509 | 51,509 | - |
| Prior FY's | 294,454 | 294,454 | - |
| | <u>\$ 7,551,339</u> | <u>\$ 4,610,300</u> | <u>\$ 2,941,039</u> |

The current year tax receivable balance is comprised of the following:

| | | |
|-------------------------------------|-----------|------------------|
| Real property (non-owner occupied) | \$ | 1,112,388 |
| Non-Corp Personal Property | | 7,462 |
| Corporate Personal Property | | 521,269 |
| Real Property (semiannual payments) | | 1,485,847 |
| Real Property (Half Year) | | - |
| | <u>\$</u> | <u>3,126,966</u> |

Payroll expenses for the upcoming month are an estimated \$1,100,000.

The City cash position is strong as illustrated in the cash and investments table following table. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

**Cash and Investment Summary
September 2016**

| | Cash | Investments |
|---------------------|--------------|--------------|
| Beginning Balance | \$ 5,860,132 | \$ 7,816,456 |
| Add: | | |
| Cash Receipts | 6,983,866 | 476 |
| Investment Transfer | - | - |
| Less: | | |
| Disbursements | 4,744,762 | - |
| Investment Transfer | - | - |
| Ending Balance | \$ 8,099,236 | \$ 7,816,932 |
| Restricted | \$ 579,256 | \$ 1,934,828 |

Capital Projects and Associated Debt

The table below illustrates cash restrictions and balances of invested and available bond proceeds associated with capital projects.

| Restricted Cash | 9/1/2016 | Increase | Utilization | 9/30/2016 |
|------------------------|-------------------|------------------|--------------------|-------------------|
| Police Seizures | \$ 241,240 | \$ 69,610 | \$ 20,334 | \$ 290,516 |
| Bowers Trust | 91,395 | - | - | 91,395 |
| Restricted Lenders | 106,341 | - | - | 106,341 |
| GOB 2008 | 78,357 | 6 | - | 78,363 |
| Other | 12,641 | - | - | 12,641 |
| | \$ 529,974 | \$ 69,616 | \$ 20,334 | \$ 579,256 |

| Restricted Investments | 9/1/2016 | Increase | Utilization | 9/30/2016 |
|-------------------------------|---------------------|-----------------|--------------------|---------------------|
| DDC | \$ 6,603 | \$ - | \$ - | \$ 6,603 |
| GOB 2008 | 31,990 | - | - | 31,990 |
| GOB 2013 | 1,499,118 | 477 | - | 1,499,595 |
| BAN 2016 | 396,640 | - | - | 396,640 |
| | \$ 1,934,351 | \$ 477 | \$ - | \$ 1,934,828 |

| Available Bond Proceeds | 9/1/2016 | Increase | Utilization | 9/30/2016 |
|--------------------------------|---------------------|-----------------|--------------------|---------------------|
| CDA 2014 | \$ 1,902,079 | \$ - | \$ 39,271 | \$ 1,862,809 |
| CDA 2015 | 2,659,735 | - | 85,696 | 2,574,039 |
| | \$ 4,561,814 | \$ - | \$ 124,967 | \$ 4,436,847 |

The GOB 2008 restricted cash is restricted for street improvement capital projects. The balance of restricted cash accounts are to be utilized for a variety of purposes.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

The GOB 2008 bond proceed investments are earmarked for street repair projects. The \$32,000 balance will be utilized by the end of the 2016 paving season.

The GOB 2013 bond proceed investments were originally intended for the demolition of Memorial Hospital, with any remaining proceeds earmarked for street repairs. There is a balance of \$1.5 million which will be utilized for street repairs beginning this summer.

The Bond Anticipation Note (BAN 2016) for the Maryland Avenue Redevelopment Project was issued in June 2016. The balance of the bond proceeds is \$397,000.

CDA 2014 and 2015 bond proceeds are intended for a variety of General Fund (\$2.55 million), Water Fund (\$531,000) and Sewer Fund (\$1.35 million) projects and are available to be drawn as required. September draws included \$39,000 drawn from the CDA 2014 proceeds for various street and water line improvements and \$86,000 drawn from the CDA 2015 proceeds for a new phone system, flood control repairs and street improvements.

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JR' with a long horizontal stroke extending to the right.

Jeff Rhodes
City Administrator



Regular Council Agenda
November 1, 2016

Description

Administrative Services monthly report for September, 2016

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

COUNCIL
Nicole Alt-Myers
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.

CITY CLERK
Marjorie A. Woodring

MINUTES

MAYOR AND CITY COUNCIL OF CUMBERLAND
City Hall Council Chambers
Room 212
6:15 p.m.

DATE: 10/4/16

***Pledge of Allegiance**

I. ROLL CALL

The meeting convened at 6:15 p.m.

PRESENT: Brian K. Grim, President; Council Members David Caporale and Richard J. Cioni, Jr.

ABSENT: Council Members Nicole Alt-Myers and Seth Bernard

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Donald Dunn Fire Chief; Charles Hinnant, Chief of Police; Marjorie Woodring, City Clerk

II. PROCLAMATIONS

(A) Proclaiming October 9 - 15 as Fire Prevention Week in the City of Cumberland

Mayor Grim read the proclamation and presented it to Fire Chief Dunn who then spoke on the 2016 fire prevention theme of "Don't Wait - Check the Date. Replace Smoke Alarms Every 10 Years." He reminded citizens that the Cumberland Fire Department will assist in the purchase and installation of smoke alarms, and that the American Red Cross will also be undertaking a door-to-door program to supply and install smoke alarms.

(B) Proclaiming November 6, 2016 as "Maryland Emancipation Day" in the City of Cumberland

Mayor Grim read the Proclamation and presented it to Lynn Groesbeck Bowman, representative of Allegany College of Maryland, Sukh Gates, representative of the Jane Gates Heritage House, and several student representatives of the Allegany College NAACP Club. Ms. Bowman thanked the Mayor and Council for their support and their willingness to celebrate the history and heritage of the town.

III. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Update on 2016 summer construction projects from John DiFonzo, City Engineer

John DiFonzo, City Engineer, provided an update on the progress and completion of current street and sidewalk improvement projects and pool repairs. Details on the following projects were discussed: Nemaquin and Richwood, the end of Helen Street (wall), Maryland Avenue wall and sidewalk repair, drainage issues on Eichner and Myrtle Streets. Milling work would be done on Washington Street and the electrical conduit would be installed in preparation for new lighting in the future. Other projects discussed included Rose Hill Avenue and High Bedford Street wall and drainage issues.

Mr. DiFonzo discussed updates being made at the Constitution Park pool that would address issues with the pool liner, drains, filters, and seal. Upon questioning from Council, he advised that the unanticipated costs to repair the drains would probably cut into the scope of the original work that was planned for the pool and for which grant money had been obtained, but that the grant money would probably be able to be used for these repairs. He stated the pump also was in dire need of replacement, but the pool cannot be opened without the filter being fixed.

Bids for the CSO Storage Facility will be opened on October 5, 2016. Upon questioning from Council, Mr. DiFonzo advised that an award of the project would be delayed until the proper approvals were granted from MD Department of the Environment. Work on the facility was expected to begin in the Spring and would be a 1.5 year project at a minimum.

Bike lane improvements on Frederick and Bedford Streets and Centre and Mechanic Streets will be delayed pending further State approval, but is expected to be completed in the Spring.

The selection process is underway for a consultant for the new Town Center Project.

Inspection was performed last week on the Washington Street Bridge to determine whether or not it could be opened to traffic and an answer was expected within the next few days.

IV. DIRECTOR'S REPORT

(A) Public Works

1. Utilities Division and Central Services Monthly Report for August, 2016

Item Action: Approved

Motion to approve the report was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

V. APPROVAL OF MINUTES

(A) Administrative / Executive

1. Approval of the Closed Session Minutes for August 16 and 26, 2016

Item Action: Approved

Motion to approve the Minutes was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

August 16, 2016 Closed Session

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, and Richard J. Cioni; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss personnel issues and union negotiations was made by Bernard, seconded by Caporale, and carried on a vote of 5-0.

AUTHORITY to close the session provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1) and (9).

TOPICS: Personnel issues, union negotiations

August 26, 2016 Closed Session Minutes

PRESENT: Brian K. Grim, President; Council Members David Caporale and Richard J. Cioni, Jr.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Marjorie Woodring, City Clerk; Jason Garber, representative of Moore & Jackson, LLC, via conference phone

ABSENT: Council Members Nicole Alt-Myers and Seth Bernard

MOTION to enter into closed session to consult with the City Solicitor regarding a legal matter was made by Caporale, seconded by Cioni, and carried on a vote of 3-0.

AUTHORITY to close the session provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (7).

TOPICS: Legal matter

VI. NEW BUSINESS

(A) Ordinances

1. Ordinance (*1st reading*) - authorizing closure of a portion of South Spruce Place located between Greene Street and Paca Street at the request of Sheetz, Inc., and authorizing execution of deeds conveying portions of the closed right of way to the Housing Authority of the City of Cumberland, Potomac Federal Credit Union, R.J. Sepco, Inc., and Valley Fox, Inc.

Item Action: Approved

Mr. Rhodes advised that the proposed alley closure was submitted at the request of Sheetz, Inc. and would facilitate the redevelopment of the current Sheetz store on Greene Street. All bordering property owners were in agreement with the closure.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

2. Ordinance (*1st reading*) - authorizing the execution of a deed to convey to the MD State Highway Administration .49 of a mile +/- and appurtenances known as U.S. Route 220 - McMullen Highway located at the southwestern corporate limits of the city

Item Action: Approved

Mr. Rhodes advised that transfer of this property on RT 220 to MD State Highway Administration involved the area of the roundabout that had been put in place.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

(B) Resolutions

1. Resolution granting the Western Maryland Scenic Railroad Development Corporation, Inc. a property tax credit for the 2016/2017 tax year, as authorized by provisions of the Annotated Code of Maryland

Item Action: Approved

Mr. Rhodes advised that this was a yearly request from the Western MD Scenic Railroad and was authorized by certain provisions of the Annotated Code of Maryland.

The Resolution was presented in Title only for its first reading. Motion to approve the Resolution was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

RESOLUTION NO. R2016-12

(C) Orders (Consent Agenda)

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim then entertained questions or comments. Motion to approve Consent Agenda Items 1-7 was made by Caporale, seconded by Cioni, and was passed on a vote of 3-0.

1. Order authorizing the execution of a Certificate of Satisfaction made by Crable and Nellie Shryock pertaining to a CDBG Housing Rehabilitation Loan for 1114 Kentucky Avenue, acknowledging that the loan has been satisfied and that the lien is released

ORDER NO. 26,038

2. Order authorizing the abatement of taxes and utilities at City-owned properties: 461 Goethe St., 610 Maryland Ave., 532 N. Centre St., 32 Industrial Blvd., 8 Virginia Ave., 408 N. Broadway St., 410 Waverly Terrace, 500 Kingsley Ave., 508 Park St., 210 Cecelia St.

ORDER NO. 26,039

3. Order accepting the bid of First Fruits Excavating, Inc. for negotiated conduit work associated with the "Washington Street Lighting Improvements Project - Phase I" in the lump sum amount not to exceed \$225,500, and rejecting all other bids

ORDER NO. 26,040

4. Order authorizing the execution of a Parking Lease with the State of MD for the MD Department of Education, Division of Rehabilitation Services, for the use of 4 parking spaces in the George Street Garage at the cost of \$2,640 annually, with a 3-year term and the option to renew for one additional 3-year term upon mutual consent

ORDER NO. 26,041

5. Order authorizing the execution of an Art Easement Agreement with CSB, LLC for the placement of artwork on 157 Baltimore Street for a period of 5 years, with automatic renewals of 5 years unless terminated by the provisions of the Agreement

ORDER NO. 26,042

6. Order accepting the bid of Duncan Tree Care for the Fall 2016 Tree Removal Project (15-16-M) in the estimated unit price of \$16,100 and rejecting all other bids

ORDER NO. 26,043

7. Order extending the sole source proposal of Queen City Business Systems to provide maintenance for 14 Minolta copiers for an additional six (6) months at the cost of \$14,190

ORDER NO. 26,044

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

No public comments were presented at this time.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:55 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

COUNCIL
Nicole Alt-Myers
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.

CITY CLERK
Marjorie A. Woodring

MINUTES

MAYOR AND CITY COUNCIL OF CUMBERLAND
City Hall Council Chambers
Room 212
6:15 p.m.

DATE: 10/18/16

Pledge of Allegiance

I. ROLL CALL

The meeting convened at 6:28 p.m.

PRESENT: Brian K. Grim, Mayor; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, Richard J. Cioni

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Donald Dunn, Fire Chief; Captain Gregory Leake, CPD; Marjorie Woodring, City Clerk

II. DIRECTOR'S REPORT

(A) Police

1. Police Department monthly report for September, 2016

Item Action: Approved

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

(B) Fire

1. Fire Department monthly report for September, 2016

Item Action: Approved

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

(C) Administrative Services

1. Administrative Services monthly report for August, 2016

Item Action: Approved

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

(D) Public Works

1. Maintenance Division monthly report for September, 2016

Item Action: Approved

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

III. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Minutes of the regular sessions of September 6 and September 20, 2016

Item Action: Approved

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

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of September 6, 2016

Item Action: Approved

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

Closed Session - September 6, 2016

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, Richard J. Cioni; Councilman David Caporale entered the meeting at 5:45 p.m.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss union negotiations, board and commission appointments, and personnel issues was made by Councilman Bernard, seconded by Councilwoman Alt-Myers, and passed on a vote of 4-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (10 and (9).

TOPICS: Union negotiations, board and commission appointments, personnel issues

IV. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing closure of a portion of South Spruce Place located between Greene Street and Paca Street at the request of Sheetz, Inc., and authorizing execution of deeds conveying portions of the closed right of way to the Housing Authority of the City of Cumberland, Potomac Federal Credit Union, R.J. Sepco, Inc., and Valley Fox, Inc.

Mr. Rhodes advised that closure of the requested public right-of-way would facilitate the redevelopment of the Greene Street Sheetz store. All adjoining property owners were in agreement with the closure.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the reading and move to the third after comment was made by Caporale, seconded by Alt-Myers, and passed on a vote of 5-0.

Mayor Grim called for questions or comments from Council and the public. Being none, the Ordinance then proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its final reading and was adopted on a vote of 5-0.

ORDINANCE NO. 3811

2. Ordinance (*2nd and 3rd readings*) - authorizing the execution of a deed to convey to the MD State Highway Administration .49 of a mile +/- and appurtenances known as U.S. Route 220 - McMullen Highway located at the southwestern corporate limits of the city

Mr. Rhodes advised that the portion of roadway being conveyed to the MD State Highway Administration was in the area of the roundabout at US Route 220 South / McMullen Highway.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the reading and move to the third after comment was made by Caporale, seconded by Alt-Myers, and passed on a vote of 5-0.

Mayor Grim called for questions or comments from Council and the public. Being none, the Ordinance then proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its final reading and was adopted on a vote of 5-0.

ORDINANCE NO. 3812

V. NEW BUSINESS

(A) Ordinances

1. Ordinance (*1st reading*) - authorizing execution of a deed to convey surplus property located at 423 Ascension Street to Clean Demolition, Inc.

Item Action: Approved

Mr. Rhodes advised that 423 Ascension Street was a former blighted property that had been offered for bid to the adjoining property owners. Only one bid was received from Clean Demolition, Inc. and was above the assessed value of the property.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Alt-Myers, seconded by Caporale, and was passed on a vote of 5-0.

2. Ordinance (*1st reading*) - amending Section 6.08(5) of the Cumberland Zoning Ordinance to reduce the lighting standards restrictions applicable to residential uses prohibited in the City's Business and

Industrial Zones

Mr. Rhodes advised that the purpose of the Ordinance was to update the Code to allow for typical street lighting standards in the City's commercial and industrial zones. The amendment had been recommended by the Planning and Zoning Commission.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the reading and table for two weeks was made by Bernard, seconded by Alt-Myers, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim entertained questions or comments from Council and the public. Motion to approve Consent Agenda Items 1-4 was made by Caporale, seconded by Bernard, and passed on a vote of 5-0.

1. Order authorizing the Chief of Police to accept a Maryland Highway Safety Office grant for FY17 in the amount of \$3,950.00 for police overtime support concentrating on Occupant Protection Usage and DUI Enforcement

ORDER NO. 26,045

2. Order rescinding the Art Easement Agreement approved per Order No. 25,975 for the placement of art work at 55 Baltimore Street to allow for replacement of the art work at 157 Baltimore Street

ORDER NO. 26,046

3. Order amending the Table of Organization to add the position of Utilities Manager and remove the position of Economic Development Coordinator

ORDER NO. 26,047

4. Order reappointing Cassie Conklin and Gary Mallow to the Shade Tree Commission for a 4-year term effective November 1, 2016 through November 1, 2020

ORDER NO. 26,048

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Tamar Clarke, 811 Memorial Avenue, spoke regarding her concerns on fluoride in the municipal water supply, chem trails, and fracking. She provided informational material to the Mayor and Council for their review.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:43 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____



Regular Council Agenda
November 1, 2016

Description

Approval of the Regular Session Minutes of October 4 and 18, 2016

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING CERTAIN SURPLUS PROPERTY LOCATED AT 423 ASCENSION STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO CLEAN DEMOLITION, INC."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 423 Ascension Street in the City of Cumberland, Allegany County, Maryland;

WHEREAS, the said property was declared to be surplus property under the terms of Order No. 26,037, passed by the Mayor and City Council on September 20, 2016;

WHEREAS, Clean Demolition, Inc. desires to purchase the said property for the sum of \$5,000.00; and

WHEREAS, the Mayor and City Council of Cumberland deem it to be in the interest of the City to accept that offer.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept Clean Demolition, Inc.'s offer to purchase the real property located at 423 Ascension Street, Cumberland, MD 21502 for the purchase price of \$5,000.00, provided that all costs of effecting the transfer shall be borne by Clean Demolition, Inc. and it shall be responsible for the payment of the portion of the current year real estate taxes which is prorated from the date of the deed through the end of the tax year;

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute

a deed in the form attached hereto as Exhibit A or in a similar form approved by the City Solicitor, conveying the aforesaid real property to Clean Demolition, Inc. in exchange for the payment of the aforesaid purchase price;

SECTION 4: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of _____, 2016.

Brian K. Grim, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

EXHIBIT A



Regular Council Agenda
November 1, 2016

Description

Ordinance (*2nd and 3rd readings*) - authorizing execution of a deed to convey surplus property located at 423 Ascension Street to Clean Demolition, Inc.

Approval, Acceptance / Recommendation

The opportunity to bid on this City-owned property was offered to adjoining property owners. The only bid received was from Clean Demolition, Inc. for the amount of \$5,000. The current appraisal on this parcel is \$4,900.

The offer from Clean Demolition was accepted and the property was declared surplus on September 20, 2016 and first reading of the Ordinance was passed on October 18, 2016.

The Ordinance authorizes transfer of the deed to Clean Demolition for the amount of \$5,000.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING TO SEAN MCCAGH AND GARY BLAKE CERTAIN SURPLUS REAL PROPERTY LOCATED EAST OF SHADES LANE AND THE GOETHE STREET ADDITION AND NORTH OF WELTON DRIVE CONSISTING OF 15.07 ACRES, MORE OR LESS, IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, the record title holder of the property described in the title of this Ordinance is unknown and the City does not have possession of or claim an ownership interest in it;

WHEREAS, Sean McCagh and Gary Blake, own parcels of land which abut the subject property and they have requested that the City and other abutting property owners execute quitclaim deeds in order to convey whatever right, claim, title or interest they may have in the subject property to them;

WHEREAS, Dr. McCagh and Mr. Blake intend to develop the subject property and the adjacent parcels they own commercially;

WHEREAS, the Mayor and City Council have determined that the subject property has no value to the City;

WHEREAS, the subject property was declared to be surplus property under the terms of Order No. 26,029, passed by the Mayor and City Council on September 6, 2016; and

WHEREAS, the Mayor and City Council deem the conveyance of the subject property to Dr. McCagh and Mr. Blake to be in the City's best interests due to the fact

that it will assist them in their efforts to develop the property.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor be and he is hereby authorized to execute a Deed in the form attached hereto as Exhibit A in order to effect the conveyance of the real property described in the title of this Ordinance and more particularly described in the Exhibit A attached hereto to Sean McCagh and Gary Blake for the purchase price of \$0.00;

SECTION 2: AND BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute such other documents as may be required or expedient for the purpose of facilitating and completing the conveyance; and

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of _____, 2016.

Brian K. Grim, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

EXHIBIT A

DEED ONLY - NO TITLE EXAMINATION

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of November, 2016, from the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, Grantor, to **SEAN McCAGH** and **GARY BLAKE**, of Allegany County, Maryland, Grantees.

WITNESSETH:

The Grantor, for and in consideration of the sum of zero dollars (\$0) and other good and valuable consideration, the receipt of which is hereby acknowledged, does hereby give, grant, bargain and sell, release, convey, confirm and quitclaim unto the Grantees as tenants in common, their personal representatives, heirs and assigns, all of the Grantor's right, title, interest and estate in

ALL that piece or parcel of ground lying westerly of a parcel of land previously conveyed to Sean Leo McCagh and Gary Curtis Blake dated August 30, 2011 and recorded in Deed Liber 1811, Folio 034 and easterly of Goethe Street Addition to Cumberland and being more particularly described as follows (Maryland Grid Courses and Horizontal Measurements being used thru out);

BEGINNING for the same at 5/8" iron pin with cap found at the end of the 2nd line of the aforementioned deed and running thence with the northerly boundary of Weltonwood, LLC recorded in Deed Liber 2010, Folio 153;

1. South 89 degrees 16 minutes 12 seconds West for a distance of 154.11 feet to a 5/8" iron pin with cap previously set, thence;

2. South 88 degrees 16 minutes 07 seconds West for a distance of 270.26 feet to a point on the easterly margin of a 15' alley thence running with the easterly margin of said 15' alley along the easterly side of Goethe Street Addition;

3. North 02 degrees 43 minutes 04 seconds East for a distance of 76.63 feet to a point, thence;

4. North 08 degrees 38 minutes 14 seconds East for a distance of 198.97 feet to a point, thence;

5. North 18 degrees 49 minutes 04 seconds East for a distance of 110.96 feet to a point, thence;

6. North 32 degrees 29 minutes 55 seconds East for a distance of 1289.59 feet to a point on the 6th line of a tract of land conveyed by Barbara A. Smith to Charles L. Smith dated January 12, 1987 and recorded in Deed Liber 562, Folio 338 and running thence with the remainder of the 6th and a portion of the 5th line reversed;

7. South 55 degrees 42 minutes 30 seconds East for a distance of 390.92 feet to a 5/8" iron pin with cap set on the 5th line of the aforementioned deed recorded in Deed Liber 1811, Folio 034, thence running with the remainder of the 5th and the entire 4th and 3rd line;

8. South 24 degrees 47 minutes 20 seconds West for a distance of 367.43 feet to a 5/8" iron pin with cap set, thence;

9. South 34 degrees 51 minutes 01 seconds West for a distance of 709.69 feet to a 5/8" iron pin with cap set, thence;

10. South 17 degrees 35 minutes 20 seconds West for a distance of 335.26 feet to the point of beginning, containing 15.07 acres, more or less, all of which is shown on a "Boundary Survey made for Gary Curtis Blake and Susan McIntyre Blake", and intended to be recorded among the plat records of Allegany County, Maryland.

It is the intention of this Deed to convey to the Grantees as tenants in common, all of Grantor's interest in the property described herein as aforesaid existing in Grantor in any manner, including, but not limited to, as a result of conveyance, devise, inheritance, use, and/or possession. Grantor makes no representation or warranty as to title to the areas in question.

ATTEST:

MAYOR AND CITY COUNCIL
OF CUMBERLAND

Marjorie A. Woodring, City Clerk

By _____ (SEAL)
Brian K. Grim, Mayor

STATE OF MARYLAND
COUNTY OF ALLEGANY, to-wit:

On this the ____ day of _____, 2016, before me, the undersigned, a Notary Public in and for the State and County aforesaid, personally appeared Brian K. Grim, the Mayor of the Mayor and City Council of Cumberland, a Maryland municipal corporation, who acknowledged himself to be an authorized person on behalf of the said Maryland municipal corporation to execute the within and foregoing instrument for the purposes therein contained by signing the name of the said Maryland municipal corporation, and to further certify that the actual consideration paid for the foregoing conveyance is Zero Dollars (\$0.00).

IN WITNESS WHEREOF, I hereunto set my hand and Notarial Seal.

Notary Public

My Commission Expires: _____

This document has been prepared by the undersigned Maryland licensed attorney.

STEPHEN C. WILKINSON, LLC

By: _____

Stephen C. Wilkinson
220 Washington Street
P.O. Box 1379
Cumberland, MD 21502



Regular Council Agenda
November 1, 2016

Description

Ordinance (*1st reading*) - authorizing execution of a deed to transfer certain surplus real property located East of Shades Lane and the Goethe Street Addition and North of Welton Drive consisting of 15.07 acres +/- to Sean McCagh and Gary Blake

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland
- Maryland -

RESOLUTION

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND,
SUPPORTING MARYLAND DEPARTMENT OF HOUSING AND COMMUNITY
DEVELOPMENT, NEIGHBORHOOD BUSINESSWORKS PROGRAM FINANCING
TO FOOTER DEVELOPMENT, LLC.**

- WHEREAS,** the Mayor and City Council of Cumberland, Maryland is interested in promoting the revitalization of our community by encouraging the development and/or expansion of for-profit and nonprofit small businesses; and
- WHEREAS,** Footer Development, LLC applied to the Neighborhood BusinessWorks Program for financing to rehabilitate the historic Footer's Dye Works Building for mixed residential and commercial use at 2 Howard Street, Cumberland, Maryland; and
- WHEREAS,** this project is located in a State-approved locally designated revitalization area and conforms to the local zoning code; and
- WHEREAS,** the regulations of the Neighborhood BusinessWorks Program require that all projects receiving financing be approved and supported by the appropriate governing body of the locality in which the project is situated.

NOW, THEREFORE, BE IT RESOLVED THAT, the Mayor and City Council of Cumberland, Maryland hereby endorses the financing to Footer Development, LLC; and

BE IT FURTHER RESOLVED THAT, copies of this Resolution be sent to Mayor Brian K. Grim and to Michael Haloskey, Director, Neighborhood BusinessWorks Program at the Maryland Department of Housing and Community Development, 7800 Harkin Road, Lanham, MD 20706.

*Given under our Hands and Seals this 1st day of November, 2016, with the
Corporate Seal of the City of Cumberland hereto attached,
duly attested by the City Clerk.*

Attest:

Mayor and City Council
Of Cumberland

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor



Regular Council Agenda
November 1, 2016

Description

Resolution supporting Footer Development, LLC's application to the MD Neighborhood Businessworks Program for financing to rehabilitate the Footer's Dye Works Building for mixed residential and industrial use

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -
of the
Mayor and City Council of Cumberland
 MARYLAND

ORDER NO. _____

DATE: October 6, 2015

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the City Comptroller be and is hereby authorized to make payment to the following community groups in an amount not to exceed Fifty Four Thousand, Three Hundred Twenty-three Dollars (\$54,323.00).

| | |
|---|----------------------------|
| ACIT | \$ 2,488.00 |
| Allegany Allied Arts | \$840.00 |
| Allegany Arts Council | \$3,550.00 |
| Allegany County Historical Society | \$1,260.00 |
| Allegany County Museum | \$2,520.00 |
| BW Invitational Tournament | \$1,420.00 |
| Canal Place (CPPDA) | \$12,000.00 |
| Cumberland Cultural Foundation | \$1,360.00 |
| Cumberland Historic Cemetery Organization | \$950.00 |
| Cumberland Theatre | \$4,440.00 |
| Embassy Theatre..... | \$1,300.00 |
| Front and Center Stage | \$1,200.00 |
| Great Allegany Run | \$430.00 |
| Mountain Maryland Trails | \$5,965.00 |
| Mountainside Baroque | \$800.00 |
| Schoolhouse Quilters Guild | \$600.00 |
| Tri-State Concert Association | \$2,420.00 |
| Western MD Jaycees, Junior Chamber | \$5,080.00 |
| Western MD Scenic RR | \$5,020.00 |
| Women's Civic Club of Cumberland..... | \$680.00 |
| TOTAL | <u>\$ 54,323.00</u> |

And, Be it Further Ordered, that said contributions are to be funded from the hotel/motel tax receipts for the Fiscal Year 2017.

 Mayor Brian K. Grim



Regular Council Agenda
November 1, 2016

Description

Order approving the award of \$ 54,323 in 2016-2017 hotel / motel revenues to various community groups

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. _____

DATE: November 1, 2016

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the bid of THC Enterprises T/A Mid-Atlantic Waste Services, 10641 Cordova Road, Easton, MD 21601, to provide a Tymco Street Sweeper be and is hereby accepted in the amount not to exceed One Hundred Thirty-Nine Thousand, Eight Hundred Dollars (\$139,800.00); and

BE IT FURTHER ORDERED, that as this purchase is an unbudgeted item and will be offset with 2015 Community Development Administration Bond proceeds, an appropriation to the FY17 General Fund in the amount of One Hundred Thirty-Nine Thousand, Eight Hundred Dollars (\$139,800.00) be and is hereby approved, bringing the revised General Fund total to One Million, Six Hundred Eighty-Four Thousand, Three Hundred Twenty-Seven Dollars (\$1,684,327).

Mayor Brian K. Grim

Order of Bids

| <i>Bidder</i> | <i>Amount</i> |
|--|---------------|
| THC Enterprises T/A Mid Atlantic Waste | \$139,800.00 |

General Fund Appropriation

| | |
|----------------------|----------------|
| FY17 Approved Budget | \$1,544,527.00 |
| Amendment | 139,800.00 |
| New Total | \$1,684,327.00 |

Fund: CDA 2015 Bond Proceeds

| | | | |
|---|------------------|------------------|-------------------------|
| Diesel Powered 4.0 Cubic Yard Volumetric Capacity All-Area Sweeper with Twin Gutter Brooms | | | |
| City Project No. PW2016-01 | | | |
| Bid Opening: October 12, 2016 - 2:30 p.m., City Hall Council Chambers | | | |
| Company | Total Bid | Affadavit | Local Preference |
| Mid-Atlantic Waste Systems 10641 Cordova Road Easton, MD 21601 | \$ 139,800.00 | Yes | N/A |
| | | | |
| | | | |
| | | | |
| | | | |
| | | | |
| The bids will be reviewed by the appropriate department and a recommendation for award will be forwarded to the Mayor and City Council for formal approval. | | | |



Regular Council Agenda
November 1, 2016

Description

Order accepting the bid of THC Enterprises T/A Mid-Atlantic Waste Services to provide a Tymco Street Sweeper for the amount not-to-exceed \$139,800 and approving an appropriation to the FY17 General Fund in the amount of \$139,800

Approval, Acceptance / Recommendation

A Request for Bids was publicly advertised for the purchase of one (1) Diesel Powered 4.0 Cubic Yard Volumetric Capacity All-Area Sweeper with Twin Gutter Brooms and bids were opened on October 12, 2016. Only one bid was received from THC Enterprises T/A Mid-Atlantic Waste Systems in the amount of \$139,800 and Dave Curry, Operations Manager, has recommended acceptance of the bid.

The sweeper purchase was expected to be completed in FY16, but was held over into FY17. Funding for the purchase was not however included in the FY17 budget. According to the Comptroller, the cost can be covered this fiscal year with 2015 Community Development Administration bond proceeds.

As this purchase was not included in the FY17, an authorization is also included in this Order to approve an appropriation of the cost of the sweeper (\$139,800) to the General Fund.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$139,800.00

Source of Funding (if applicable)

2015 CDA Bond Proceeds

- Order -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. _____

DATE: November 1, 2016

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT the Mayor and City Council of Cumberland is the record owner of four (4) bus stop shelters; and

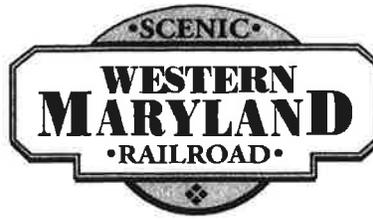
WHEREAS, the Mayor and City Council have determined that these bus stop shelters are of no further value to the City and desires to dispose of said shelters; and

WHEREAS, the Western Maryland Scenic Railroad (WMSRR) has offered to relocate the four (4) shelters along their railway routes to create scenic picnic areas and enhance the experience of passengers of the WMSRR;

IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT the following units be and are hereby declared to be surplus property and authorized to be donated to the Western Maryland Scenic Railroad:

- 1) Four (4) bus shelters with kiosks

Brian K. Grim, Mayor



June 16, 2016

Dear Ms. McKinney,

On behalf of Western Maryland Scenic Railroad, I am asking for your help and generosity in allowing us to obtain four currently unused bus stop shelters, as well as the ability to have the time needed to find assistance and/or funding in order to relocate them.

With these bus stops, our organization will be able to provide covered shelters along the halfway point of our route (which we refer to as "LAP"), as well Maryland Junction (an area that provides scenic vistas of the Potomac River, and also part of our route that is not used as frequently as the traditional Cumberland/Frostburg excursion). It is our hope to create picnic areas for guests to be able to enjoy lunch, scenery, and fresh air, if they choose to do so.

With the acquisition of these shelters, we will be able to enhance the experience of our passengers as they ride with us on the railroad, which is one of the premier tourist attractions in western Maryland. And as we are able to draw more visitors to Allegany County and Cumberland, this will in turn help to increase patronage to other local businesses and destinations, improving the economy in the area for everyone.

Sincerely,

John Garner
Western Maryland Scenic Railroad

APPROVED JUN 21 2016



Regular Council Agenda
November 1, 2016

Description

Order declaring four (4) bus shelters with kiosks to be surplus property and authorizing their donation to the Western Maryland Scenic Railroad (WMSRR) for use along their railways to create scenic picnic areas for passengers

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. _____

DATE: November 1, 2016

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the Mayor and the Chief of Police be and are hereby authorized to execute a Mutual Aid Agreement by and between the Mayor and City Council of Cumberland, the Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown to establish the terms and conditions under which their respective police departments will provide aid to one another; and

BE IT FURTHER ORDERED, that this agreement shall be for a term of one (1) year and shall automatically renew for subsequent one (1) year terms upon mutual consent.

Mayor Brian K. Grim

MUTUAL AID AGREEMENT

THIS MUTUAL AID AGREEMENT (“Agreement”) is made and entered into this _____ day of November, 2016, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, the **WASHINGTON COUNTY SHERIFF’S OFFICE** (“Sheriff”), the **BOARD OF COUNTY COMMISSIONERS OF WASHINGTON COUNTY**, and the **MAYOR AND CITY COUNCIL OF HAGERSTOWN**.

RECITALS:

WHEREAS, in accordance with Md. Crim. Proc. Code Ann. § 2-105(b), the governing body of a county or municipal corporation, together with all necessary equipment, may lawfully go or be sent beyond the boundaries of the county or municipal corporation;

WHEREAS, the City of Cumberland Police Department, the City of Hagerstown Police Department, and the Washington County Sheriff’s Office are charged with providing law enforcement services to the citizens of the City of Cumberland, the City of Hagerstown, Maryland and Washington County, Maryland within their respective jurisdictions;

WHEREAS, in accordance with Md. Crim. Proc. Code Ann. § 2-105(g)(1), police officers coming from one county or municipal jurisdiction under the terms of a mutual aid agreement may enforce the laws of the State of Maryland to the same extent as the authorized law enforcement officers of the receiving county or municipal corporation;

WHEREAS, on occasion, the City of Cumberland Police Department, the City of Hagerstown Police Department and the Washington County Sheriff’s Office require supplementary manpower to assist with respect to their law enforcement operations; and

WHEREAS, the parties hereto enter into this Agreement for the purpose of establishing terms and conditions under which their respective law enforcement agencies will provide aid to one another.

WITNESSETH:

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and agreements as contained herein, the parties hereto agree as follows:

1. **Recitals.** The recitals set forth above are not merely prefatory. They are incorporated by reference herein and form a part of this Agreement.
2. **Definitions.** As used herein, the following terms shall have the following meanings:

“Assisting Party” means the participating governmental entity furnishing equipment, resources, supplies and/or personnel to the Requesting Party under the terms of this Agreement.

“Emergency” includes a life threatening situation demanding an immediate police response, a situation in which there is a potential for violence as well as the definition of that term as defined in Md. Crim. Proc. Code Ann. § 2-101(b), i.e., “a sudden or unexpected happening or an unforeseen combination of circumstances that calls for immediate action to protect the health, safety, welfare, or property of a person from actual or threatened harm or from an unlawful act.”

“Requesting” means a request for assistance made by a Requesting Party to an Assisting Party under the terms of this Agreement.

“Requesting Party” means the participating governmental entity, which has primary jurisdiction at the location requesting aid, but due to insufficient resources, specialized units, supplies, equipment and/or personnel, is unable to provide an adequate response to the situation without the assistance of others. “Requesting Party” shall also include the governmental entity which has primary jurisdiction where an Assisting Party is providing assistance in response to an Emergency.

Any reference to “police” or “police officers” in this Agreement shall include police officers of the City of Cumberland Police Department, police officers of the City of Hagerstown Police Department, and/or deputies of the Washington County Sheriff’s Office.

3. Purpose of Agreement. This Agreement is made in recognition of the fact that there may be situations where law enforcement agencies require the assistance of the other law enforcement agencies with respect to their law enforcement operations. The Assisting Party shall aid and assist the Requesting Party by assigning some of its resources, specialized units, equipment and/or law enforcement personnel to the Requesting Party as circumstances permit and in accordance with the terms of this Agreement. The specific intent of this Agreement is to safeguard the lives, persons and property of citizens by enabling other law enforcement agencies to provide additional resources, specialized units, equipment and/or law enforcement personnel as needed.

4. Actions Considered to be for Public and Governmental Purpose; Immunities. The terms and provisions of Md. Crim. Proc. Code Ann. § 2-105(c), as amended from time to time, are incorporated by reference herein and form a part of this Agreement. Effective the date of this Agreement, those terms and provisions are as follows:

(c) *Actions considered to be for public and governmental purpose; immunities.-*

(1) The acts done by the police officers or other officers, agents, or employees of a county or municipal corporation under the authority of subsection (b) of this section and the expenditures made by the county or municipal corporation are considered to be for a public and governmental purpose.

(2) When a county or municipal corporation is acting through its police officers or other officers, agents, or employees for a public or governmental purpose beyond its boundaries under this section or other lawful authority, the county or municipal corporation has the same immunities from liability that the county or municipal corporation has when acting through its police officers or other officers, agents, or employees for a public or governmental purpose within its boundaries.

(3) When the police officers or other officers, agents, or employees of a county or municipal corporation are acting beyond the boundaries of the county or municipal corporation within the State under this section or other lawful authority, the police officers and other officers, agents, and employees of the county or municipal corporation have the same immunity from liability described in 5-612 of the Courts Article and exemptions from laws, ordinances, and regulations, and the same pension, relief, disability, workers' compensation, and other benefits as those persons have while performing their duties within the boundaries of the county or municipal corporation.

5. Authority of Assisting Party's Officers. Police officers of an Assisting Party shall exercise criminal law enforcement powers outside of the Assisting Party's jurisdiction and within the jurisdiction of the Requesting Party to the same extent as police officers of the Requesting Party acting within the jurisdiction of the Requesting Party provided the police officers of the Assisting Party are present in the Requesting Party's jurisdiction pursuant to a Request from the Requesting Party.

None of the provisions of this Agreement shall be construed to permit the police officers of the Assisting Party to perform routine patrols in the jurisdiction of the Requesting Party or to conduct investigations therein unless said patrols or investigations are the subject of a particular Request.

6. Report Required. Whenever a Request is made, a report will be generated within the Requesting Party's records management system to document such Request. Said report shall detail the reason for the Request, the expected duration of the same, as well as all other salient details regarding the Request and the activities of the law enforcement officers of the Assisting Party and the Requesting Party in responding to the situation giving rise to the Request.

Whenever assistance is provided under the terms of this Agreement in response to an Emergency, the Assisting Party shall be responsible for generating a report regarding the incident and it shall provide a copy of the same to the Requesting Party.

7. Agency Policy and Procedures. When conducting law enforcement activities within the jurisdiction of a Requesting Party, including, but not limited to, the use of force, the officers of the Assisting Party shall adhere to the Assisting Party's policies and procedures. They shall use only those weapons and tactics for which they are qualified and authorized to use in accordance with the Assisting Party's policies and procedures.

8. Guidelines for Dispatching and Receiving Mutual Aid.

A. A Request may be made whenever a situation or potential situation requires concentration of personnel or special equipment and personnel that exceeds the normal on-duty capacity of the Requesting Party.

B. The supervisor or highest-ranking police officer on duty or his designee must be the person making the Request.

C. The supervisor or highest-ranking police officer on duty for the Assisting Party or his designee shall promptly acknowledge the request and shall, in the sole discretion of the Assisting Party determine whether to, when to, and how many officers of the Assisting Party will respond to the request based upon the availability of on-duty personnel and the situation or potential situation in the Assisting Party jurisdiction. The determination will be communicated to the Requesting Party immediately upon being made.

D. The Requesting Party will be responsible for communicating the necessary information to the Assisting Party's officers in order to safeguard their approach to the scene of the incident.

E. The Requesting Party will be responsible for arrests and detentions in its jurisdiction, unless circumstances dictate otherwise.

F. When a police officer of an Assisting Party makes an arrest in the Requesting Party's jurisdiction, that officer will immediately notify the Requesting Party, take the suspect to the Requesting Party's police station or Central Booking for processing, and take the suspect before a District Court Commissioner, if necessary, and prepare any necessary reports unless responsibility for the foregoing is expressly assumed by a police officer of the Requesting Party.

G. All follow-up investigation for all offenses will be conducted by the Requesting Party.

H. In the event that any police officer of an Assisting Party responds to an Emergency or a Request within a Requesting Party's jurisdiction, the command authority shall be determined as follows:

(i) The Requesting Party shall exercise command unless otherwise provided below.

(ii) In the event that a police officer of an Assisting Party is first on the scene, that individual shall assume command and secure the area, maintain the integrity of the crime scene, establish a perimeter, as required, and begin to gather victim and witness

information until a police officer from the Requesting Party's department arrives on the scene. Upon arrival, the Requesting Party's police officer shall assume command of the scene. Once command is transferred, the Assisting Party's police officer shall not remain on the scene unless requested to do so by the Requesting Party's officer in charge.

9. **Statutorily Require Waivers.** In accordance with Md. Crim. Proc. Code Ann. § 2-105(e)(2), each of the parties hereto: (i) waives any and all claims against the others that may arise out of the other parties' activities outside of their respective jurisdictions under this Agreement; and (ii) agrees to indemnify and hold the other parties harmless with respect to all claims by third parties that are for property damage or personal injury that may arise out of the activities of the other parties to this Agreement outside their respective jurisdictions under this Agreement.

10. **Term.** This Agreement shall remain in force and effect for a period of one (1) year from the date the Agreement takes effect and shall automatically renew for subsequent one (1) year terms on the same terms and conditions as are set forth herein unless any of the parties to this Agreement provides written notice to the other parties of its desire not to renew this Agreement no less than seven (7) days prior to the expiration of the then-current term. Additionally, any of the parties to this Agreement may cancel it and terminate its rights and obligations hereunder by providing no less than seven (7) days advance written notice of said termination to the other parties.

11. **Maryland Law Applies.** This Agreement, having been executed in the State of Maryland, shall be construed, interpreted and enforced under the laws of the State of Maryland.

12. **Venue.** This Agreement is and shall be enforceable with an action commenced in the District Court of Maryland for Garrett County, the District Court of Maryland for Frederick County, the Circuit Court for Garrett County, Maryland or the Circuit Court for Frederick County, Maryland and the parties hereto agree to be subject to the jurisdiction of such courts and further waive any claim that any action or proceeding arising out of or relating to this Agreement and commenced in such courts is commenced in an inconvenient forum or one that lacks proper venue. Any actions arising out of or relating to this Agreement must be instituted in the aforesaid courts. The courts of Garrett County and Frederick County have specifically been chosen as they are the counties which are in closest proximity to the counties where the parties to this Agreement.

13. **Captions.** The marginal captions of this Agreement are for convenience and in no way define or limit the intents, rights or obligations of the parties hereunder.

14. **Entire Agreement.** This Agreement contains the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained. This Agreement

may not be modified except in a subsequent writing signed by all of the parties to this Agreement.

15. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

16. **Jury Trial Waiver.** **THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF, AS AN INCIDENT TO OR IN ANY WAY PERTAINING TO THIS AGREEMENT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS AGREEMENT.**

IN WITNESS WHEREOF, the parties hereto acknowledge that this Agreement is their act and that they have executed it effective the day and year first above written.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

By: _____
Brian K. Grim, Mayor

**MAYOR AND CITY COUNCIL
OF HAGERSTOWN**

By: _____
David S. Gysberts, Mayor

**WASHINGTON COUNTY
SHERIFF'S OFFICE**

By: _____
Douglas W. Mullendore, Sheriff

**BOARD OF COUNTY
COMMISSIONERS OF WASHINGTON
COUNTY, MARYLAND**

By: _____
Terry L. Baker, President

Approved as to form and content:

**CITY OF CUMBERLAND POLICE
DEPARTMENT**

By: _____
Charles H. Hinnant, Chief

**CITY OF HAGERSTOWN POLICE
DEPARTMENT**

By: _____
Victor Brito, Chief



Regular Council Agenda
November 1, 2016

Description

Order authorizing the Mayor and the Chief of Police to enter into a Mutual Aid Agreement for law enforcement with the Washington County Sheriff's Office, the Board of County Commissioners of Washington County, and the Mayor and City Council of Hagerstown

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. _____

DATE: July 05, 2016

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, Change Order No. 2 to the contract with IA Construction Corporation, P.O. Box 258, Corriganville, MD, 21524, for additional paving and milling work at various locations (City Project No. 15-15-P) be and is hereby approved for the increased lump sum amount not to exceed Eight Hundred Forty Thousand Dollars (\$840,000.00); and

BE IT FURTHER ORDERED, that the total revised amount of this contract be and is hereby a lump sum amount not to exceed Two Million, Forty-Seven Thousand, Sixteen Dollars (\$2,047,016.00);

BE IT FURTHER ORDERED, that this award shall be based on IA Construction's proposal to honor pricing awarded in Belt Paving Inc.'s State Contract with the Maryland State Highway Administration (Contract No. XY4015177).

Mayor Brian K. Grim

| | |
|---------------------|----------------|
| Original Contract | \$1,000,000.00 |
| Change Order No. 1 | + 207,016.00 |
| Change Order No. 2 | + 840,000.00 |
| Total Contract Amt. | \$2,047,016.00 |

Source of funding: 117.099XB.63000 CDA 2014



Regular Council Agenda
November 1, 2016

Description

Order authorizing the execution of Change Order No.2 to the current contract with IA Construction Corp. for the milling and paving of various street (City Project 15-15-P) in the increased lump sum amount not to exceed \$840,000; bringing the total contract amount to \$2,047,016

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to execute Change Order No. 2 with IA Construction Corp on City Project 15-15-P for the lump sum amount not to exceed \$840,000.00. The additional work will include paving of the following streets: Eichner Ave., Rose Hill Ave., Washington St., Prospect Square, Brook Ave. and Lowell St.; and also paving and under-drain work on the following streets: Bedford St. and Richwood Ave.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$840,000.00 - Change Order No. 1

\$2,047,016.00 - Total Contract Amount

Source of Funding (if applicable)

117.099XB.63000 CDA 2014

- ORDER -
of the
Mayor and City Council of Cumberland
MARYLAND

ORDER NO. _____

DATE: November 1, 2016

ORDERED, By the Mayor and City Council of Cumberland, Maryland

THAT, the amounts due on the Personal Property Tax Accounts specified on the attached list for the period 1993 – 2007, totaling \$189,237.79, be and are hereby abated.

Mayor Brian K. Grim

**City of Cumberland -
Unpaid Personal Property Taxes 1993-2007**

| Account # | Owner | Due |
|------------|---|--------------------|
| LO 8296857 | Kensington-Cumberland | 2,304.30 |
| FO 3114691 | Leasetec Income Fund | 26.72 |
| | | <hr/> |
| | 107.31 Taxes Receivables 1993-94 | \$ 2,331.02 |
| | | |
| LO 8281297 | Hoyer Robert | 18.86 |
| LO 8307126 | Moller Hans J | 131.00 |
| D0-0612341 | AMERICAN LEASING, INC | 99.04 |
| D0-3101250 | BEA DISTRIBUTORS, INC. | 137.55 |
| D0-3338878 | ALLEGANY COUNTRY WESTERN DA | 121.57 |
| D0-3650785 | ALLEGANY BEER DISTRIBUTORS | 736.74 |
| FO-3114691 | LEASTEC INCOME FUND MANAGEM | 19.65 |
| | | <hr/> |
| | 107.32 Taxes Receivables 1994-95 | \$ 1,264.41 |
| | | |
| LO-8281297 | HOYER, ROBERT | 23.58 |
| LO-8307126 | MOLLER, HANS J. | 163.75 |
| LO-8310179 | SHIELDS, RICCI A. | 131.00 |
| LO-8310278 | GREEN, BARBARA A. | 225.58 |
| LO-8311169 | SHIFMAN, MOSHE' I. | 131.00 |
| LO-8311581 | SMITH, EDWARD W. & | 131.00 |
| LO-8311599 | RICE, PAUL L. | 131.00 |
| LO-8313660 | HELLER BLAINE | 150.91 |
| D0-3101250 | BEA DISTRIBUTORS, INC. | 194.67 |
| D0-3650785 | ALLEGANY BEER DISTRIBUTORS, | 662.86 |
| FO-3114691 | LEASTEC INCOME FUND MANAGEM | 19.65 |
| | | <hr/> |
| | 107.33 Taxes Receivables 1995-96 | \$ 1,965.00 |
| | | |
| LO-8282444 | WATSON, PATRICIA | 137.29 |
| LO-8287351 | STERNE, RICHARD A | 387.50 |
| LO-8288342 | SHADE, DAVID C DR | 8.49 |
| LO-8310179 | SHIELDS, RICCI A. | 163.75 |
| LO-8311110 | BURGESS, RUTH E. | 26.46 |
| LO-8311581 | SMITH, EDWARD W. & HELLER, | 163.75 |
| LO-8311599 | RICE, PAUL L. | 163.75 |
| LO-8312316 | ROY, ROBERT E | 131.00 |
| LO-8312332 | MATREY, JAMES R. | 131.00 |
| LO-8312431 | HAUGER, GARY G. | 131.00 |

| | | |
|------------|-----------------------------|----------|
| LO-8312472 | ATKINSON, BRYAN S | 131.00 |
| LO-8312514 | SHIREY, JOHN E | 131.00 |
| LO-8312530 | J J P ENTERPRISES | 872.46 |
| LO-8313025 | SMITH, MICHAEL D | 131.00 |
| LO-8313058 | RICHARDS, HERBERT S | 131.00 |
| LO-8313157 | ENGLAND, DALE F | 131.00 |
| LO-8313397 | D' ANGELO, SHERRIE | 157.20 |
| LO-8313660 | HELLER BLAINE | 301.82 |
| D0-2289072 | ATKINSON WELDING CONTRACTOR | 2,166.22 |
| D0-2383008 | CLEAN TEXTILE SYSTEMS, INC. | 786.00 |
| D0-3369386 | PRECISION PRINTING COMPANY, | 9,815.04 |
| D0-3596129 | HARVEY & MANNING, P.A. | 205.93 |
| D0-4037610 | SHAMROCK CIVIC ASSOCIATION, | 98.60 |
| FO-3713781 | PATWIL HOMES, INC | 337.98 |
| FO-4612651 | OSM COMMUNICATIONS, INC | 134.14 |
| PO-3244241 | NORTHEAST BROADCASTING GROU | 1,775.57 |
| LO-8315111 | JEFFERY Z COLEMAN | 26.20 |
| D0-4389458 | WILLAMS NEWCO, INC | 1,016.82 |
| D0-3478468 | ROADSIDE AQUARIUM | 79.65 |
| D0-3906781 | DOCTORS HEALTH, INC | 466.62 |
| D0-3200300 | ACADEMY OF BUSINESS ADM | 144.36 |
| FO-2951150 | D & T LIMOUSINE SERVICE | 785.21 |

107.34 Taxes Receivables 1996-97

\$ 21,268.81

| | | |
|------------|----------------------------|----------|
| D0-3877362 | AGAPE GRAPHICS INC | 9,798.54 |
| LO-8313264 | GRAY, LEE | 26.20 |
| LO-8313645 | TOWNSEND, DAVID | 157.20 |
| LO-8313702 | BAUMAN, JOANN | 131.00 |
| LO-8313744 | NAU, DONALD SR. | 131.00 |
| LO-8313819 | THORTON, MICHAEL A | 131.00 |
| LO-8314031 | MILLER, TOMMY | 104.80 |
| LO-8314163 | EVERSOLE, DIANA | 131.00 |
| LO-8314890 | RAFFERTY, LARRY D | 131.00 |
| LO-8315038 | HILLEGASS, CHRISTA | 131.00 |
| LO-8315103 | MERRITT, RICHARD W | 131.00 |
| LO-5355391 | KEYSTONE FINANCIAL LEASING | 2,397.82 |
| LO-8213480 | DUNN TRACEY A. | 212.22 |
| LO-8288342 | SHADE, DAVID C DR | 215.89 |
| LO-8311094 | POSTAL CENTRE | 28.82 |
| LO-8311367 | QUAINT ANTIQUES | 11.79 |
| LO-8313397 | D' ANGELO, SHERRIE | 137.55 |
| LO-8315244 | MCCAGH, TIMOTHY J | 440.68 |
| LO-8282444 | WATSON, PATRICIA | 274.58 |
| LO-8287351 | STERNE, RICHARD A | 467.41 |
| LO-8287518 | HIGSON, RICHARD L | 64.45 |

| | | |
|---|-----------------------------|---------------------|
| LO-8310179 | SHIELDS, RICCI A. | 204.62 |
| LO-8311599 | RICE, PAUL L. | 204.62 |
| LO-8312316 | ROY, ROBERT E | 163.75 |
| LO-8312332 | MATREY, JAMES R. | 163.75 |
| LO-8312431 | HAUGER, GARY G. | 163.75 |
| LO-8312514 | SHIREY, JOHN E | 163.75 |
| LO-8313058 | RICHARDS, HERBERT | 163.75 |
| LO-8313157 | ENGLAND, DALE F | 163.75 |
| LO-8313660 | HELLER BLAINE | 377.28 |
| LO-8315111 | JEFFERY Z COLEMAN | 32.75 |
| LO-8313512 | ATHEY, WILLARD O., | 160.34 |
| LO-8313710 | WINFIELD, PENNY L. | 8.50 |
| LO-8314536 | DURST, LINDA L | 65.50 |
| D0-3478468 | ROADSIDE AQUARIUM INC | 69.53 |
| D0-2289072 | ATKINSON WELDING CONTRACTOR | 1,535.06 |
| F0-2951150 | D & T LIMOUSINE SERVICE, IN | 4,098.20 |
| D0-1554864 | CUMBERLAND EXOTIC PET SHOP, | 115.54 |
| D0-3028255 | VIRGINIA AVE. CHEVRON, INC | 207.77 |
| D0-3596129 | HARVEY & MANNING, P.A. | 159.56 |
| D0-3969912 | AMERICAN LEISURE, INC | 228.99 |
| D0-4077251 | PRO-CHECK HOME INSPECTION S | 53.45 |
| F0-3057817 | RAL AUTO PARTS, INC | 964.42 |
| PO-3244241 | NORTHEAST BROADCASTING GROU | 1,474.27 |
| F0-3642584 | BROTHERS GOURMENT COFFEES | 1.12 |
| D0-2129831 | GARLITZ BROTHERS, INC. | 310.21 |
| D0-3746153 | DEMOCRAT CLUB OF WESTERN MA | 601.55 |
| D0-4037610 | SHAMROCK CIVIC ASSOCIATION, | 25.94 |
| F0-4612651 | OSM COMMUNICATIONS, INC | 268.29 |
| D0-3906781 | DOCTORS HEALTH, INC | 130.74 |
| 107.35 Taxes Receivables 1997-98 | | \$ 27,535.70 |

| | | |
|------------|---------------------|-----------|
| LO-8287518 | HIGSON, RICHARD | 32.23 |
| LO-8315244 | MCCAGH, TIMOTHY | 431.51 |
| D0-3877362 | AGAPE GRAPHICS, INC | 19,597.08 |
| LO-8313710 | WINFIELD PENNY L | 42.44 |
| LO-8196131 | LLEWELLYN, KELLY | 131.00 |
| LO-8239386 | TURNER, TODD | 131.00 |
| LO-8282444 | WATSON, PATRICIA | 343.22 |
| LO-8287351 | STERNE, RICHARD A & | 479.20 |
| LO-8302317 | HALL, CAROL M. | 131.00 |
| LO-8310179 | SHIELDS, RICCI A. | 255.71 |
| LO-8310450 | CONNOLLY, JOHN | 511.95 |
| LO-8311367 | QUAINT ANTIQUES | 23.58 |
| LO-8311599 | RICE, PAUL L. | 255.71 |
| LO-8312217 | FOUT, GEORGE E. | 34.06 |

| | | |
|------------|-----------------------------|----------|
| LO-8312316 | ROY, ROBERT E | 204.62 |
| LO-8312332 | MATREY, JAMES R. | 204.62 |
| LO-8313157 | ENGLAND, DALE F | 204.62 |
| LO-8313264 | GRAY, LEE E. | 32.75 |
| LO-8313645 | TOWNSEND, DAVID | 196.50 |
| LO-8313702 | BAUMAN, JOANN | 163.75 |
| LO-8313819 | THORTON, MICHAEL A & | 163.75 |
| LO-8314031 | MILLER, TOMMY | 209.60 |
| LO-8314163 | EVERSOLE, DIANA | 163.75 |
| LO-8314536 | DURST, LINDA L | 131.00 |
| LO-8314825 | HUNT, MATTHEW J. | 131.00 |
| LO-8314890 | RAFFERTY, LARRY D | 163.75 |
| LO-8315038 | HILLEGASS, CHRISTA T. | 163.75 |
| LO-8315046 | MCKENZIE, PAM | 163.75 |
| LO-8315103 | MERRITT, RICHARD W | 163.75 |
| LO-8315442 | SWOPE, GREGORY E. | 131.00 |
| LO-8315608 | TURNER, TODD GARFIELD | 131.00 |
| LO-8315855 | SPANO, MICHAEL J. | 61.05 |
| D0-2996544 | BISTRO OF CUMBERLAND | 126.55 |
| D0-3969912 | AMERICAN LEISURE, INC | 180.52 |
| D0-4077251 | PRO-CHECK HOME INSPECTION | 30.39 |
| D0-1818921 | ALLEGANY FEED & GARDEN | 114.76 |
| WO-4279501 | WEB NET, | 315.97 |
| FO-2973642 | INKEEPERS' TELEMANAGEMENT & | 438.59 |
| PO-4811857 | CLEAN TEXTILE SYSTEMS, L.P. | 57.12 |
| D0-1626027 | ABBAS & SANITAGO & DAIA ANE | 37.20 |
| D0-2046738 | KIM'S KHOCOLATE, INC. | 1,267.03 |
| D0-3028255 | VIRGINIA AVE. CHEVRON, INC | 415.53 |
| D0-3478468 | ROADSIDE AQUARIUM INCORPORA | 138.86 |
| D0-3596129 | HARVEY & MANNING, P.A. | 319.12 |
| D0-4581245 | LOCATOR CONSULTANTS, INC | 76.77 |
| D0-4646022 | NANNETTE L. MCCULLOUGH, MD, | 104.99 |
| FO-2951150 | D & T LIMOUSINE SERVICE, IN | 8,196.41 |
| FO-3057817 | RAL AUTO PARTS, INC | 1,928.84 |
| FO-4612651 | OSM COMMUNICATIONS, INC | 402.43 |
| PO-3244241 | NORTHEAST BROADCASTING GROU | 1,163.28 |

107.98 Taxes Receivables 1998-99

\$ 40,498.06

| | | |
|------------|---------------------|--------|
| LO-8315137 | BURNS, JOHN C. | 131.00 |
| LO-8315244 | MCCAGH, TIMOTHY J | 362.35 |
| LO-8697484 | THORTON, ALEX H. ET | 131.00 |
| LO-8899866 | BRASHEARS, JUNE D & | 131.00 |
| LO-8915472 | ROY, ROBERT E. | 65.50 |
| LO-8924888 | ROSE, ROY D. | 117.90 |
| LO-8927501 | ISER, CAROL J. | 117.90 |

| | | |
|------------|-----------------------------|----------|
| LO-8932410 | EVANS, CHARLES | 325.40 |
| LO-9592254 | YOUNGER, NORMA | 183.40 |
| LO-8312217 | FOUT, GEORGE | 29.08 |
| LO-8133287 | MCINTYRE, VICKI L | 163.75 |
| LO-8196131 | LLEWELLYN, KELLY D. | 163.75 |
| LO-8287351 | STERNE, RICHARD A & | 426.80 |
| LO-8310450 | CONNOLLY, JOHN | 640.07 |
| LO-8311367 | QUAINT ANTIQUES | 29.61 |
| LO-8311599 | RICE, PAUL L. | 319.64 |
| LO-8312332 | MATREY, JAMES R. | 255.71 |
| LO-8313157 | ENGLAND, DALE F | 255.71 |
| LO-8313264 | GRAY, LEE E. | 40.87 |
| LO-8313819 | THORTON, MICHAEL A & | 204.62 |
| LO-8314031 | MILLER, TOMMY | 262.00 |
| LO-8314163 | EVERSOLE, DIANA | 204.62 |
| LO-8314825 | HUNT, MATTHEW J. | 163.75 |
| LO-8314890 | RAFFERTY, LARRY D | 204.62 |
| LO-8315046 | MCKENZIE, PAM | 204.62 |
| LO-8315103 | MERRITT, RICHARD W | 204.62 |
| LO-8287518 | HIGSON RICHRD L | 32.23 |
| D0-2604080 | COMMERCIAL VIDEO SERVICES, | 1,621.78 |
| D0-3121274 | C R & W CORNER TAVERN, INC | 36.68 |
| W0-4437190 | APPLE OF YOUR EYE, | 236.85 |
| D0-1310721 | BARNES CUSTOM JEWELERS, INC | 144.62 |
| D0-1576354 | ITNYRE ENTERPRISES, INC. | 2,184.56 |
| D0-2996544 | BISTRO OF CUMBERLAND INC | 253.09 |
| D0-3969912 | AMERICAN LEISURE, INC | 361.04 |
| D0-4077251 | PRO-CHECK HOME INSPECTION S | 7.60 |
| D0-4126553 | AIRPORT AUTO PARK INC | 172.92 |
| PO-4811857 | CLEAN TEXTILE SYSTEMS, L.P. | 114.23 |
| D0-4105854 | WASHINGTON STREET RESTORATI | 68.38 |

107.99 Taxes Receivables 1999-00

\$ 10,573.27

| | | |
|------------|------------------------|--------|
| LO-5300488 | GREEN, WILLIAM A | 260.00 |
| LO-5510268 | VUCKOVICH, KAREN | 117.00 |
| LO-5538939 | KEARNEY, GARLAND D. SR | 117.00 |
| LO-5592894 | HARPER, JACQUALINE | 130.00 |
| LO-8277212 | BLACK, THOMAS C. JR. | 20.80 |
| LO-8287351 | STERNE, RICHARD A & | 203.84 |
| LO-8312332 | MATREY, JAMES R | 317.20 |
| LO-8314825 | HUNT, MATTHEW J | 203.06 |
| LO-8315137 | BURNS, JOHN C. | 162.50 |
| LO-8315244 | MCCAGH, TIMOTHY | 719.16 |
| LO-8315806 | ZEUNGES, LANDIS F. JR | 203.06 |
| LO-8464802 | LEWIS, SUSAN L | 14.04 |

| | | |
|------------|-----------------------------|---------|
| LO-8915472 | ROY, ROBERT E | 81.38 |
| LO-9592254 | YOUNGER, NORMA L | 227.50 |
| D0-0078105 | THE CUMBERLAND ELECTRIC COM | 2015.78 |
| D0-0245936 | WILLS CREEK LUMBER AND LAND | 24.70 |
| D0-2604080 | COMMERCIAL VIDEO SERVICES | 1672.84 |
| D0-4077251 | PRO-CHECK HOME INSPECTION | 7.54 |
| D0-4105854 | WASHINGTON STREET RESTORATI | 135.72 |
| D0-4184685 | G.V. MCKINLEY, P.A. | 68.38 |
| D0-4593331 | LAW OFFICE OF LEE A. CAPLAN | 198.64 |
| D0-5032172 | BUDDY'S CORNER CAFE INCORPO | 1369.16 |
| F0-3268463 | COS COMPUTER SYSTEMS INC. | 115.96 |
| Z0-4304515 | B & S VIDEOS, L.L.C. | 4408.56 |

107.00 Taxes Receivables 2000-01

\$ 12,793.82

| | | |
|------------|-----------------------------|---------|
| LO-5538939 | KEARNEY, GARLAND D. SR. | 133.43 |
| LO-5592894 | HARPER, JACQUALINE | 148.13 |
| LO-5627617 | BRIDGES, CARRIE A. | 118.50 |
| LO-5643978 | BLOWE, WALTER L. SR. | 165.90 |
| LO-5669478 | HATFIELD, JOHN W. | 237.00 |
| LO-5679436 | DEVORE, JAMES M. | 118.50 |
| LO-5768080 | ALFORD, DAVID C. & HOLLY E. | 237.00 |
| LO-5783634 | DUMAS, BERNADETTE Y. | 237.00 |
| LO-5786769 | MORGAN, FRANK R. | 118.50 |
| LO-5791181 | KIMBLE, TONY & WHETSELL, RO | 1.07 |
| LO-5794235 | WILEY, KENNETH GEORGE | 118.50 |
| LO-5859095 | IONADI, PATRICK | 118.50 |
| LO-5859343 | DUNCAN, KATHY K. | 118.50 |
| LO-5972278 | LEPLEY, LLOYD R, | 142.20 |
| LO-6018014 | GRIMM, CHARLES D. | 118.50 |
| LO-6973432 | QL CAPITAL | 125.37 |
| LO-8287351 | STERNE, RICHARD A | 431.58 |
| LO-8312332 | MATREY, JAMES R. | 361.43 |
| LO-8313637 | TACCINO, TINA M. & THOMAS R | 48.35 |
| LO-8314825 | HUNT, MATTHEW J. | 231.31 |
| LO-8315137 | BURNS, JOHN C. | 185.10 |
| LO-8315244 | MCCAGH, TIMOTHY J | 819.55 |
| LO-8464802 | LEWIS, SUSAN L | 17.06 |
| LO-9340449 | RENNIX, DERRICK | 15.17 |
| LO-9592254 | YOUNGER, NORMA L. | 259.28 |
| D0-0078105 | THE CUMBERLAND ELECTRIC COM | 1566.57 |
| D0-0245936 | WILLS CREEK LUMBER AND LAND | 21.09 |
| D0-2077493 | WALVID, INCORPORATED | 2067.11 |
| D0-2604080 | COMMERCIAL VIDEO SERVICES, | 1621.79 |
| D0-4077251 | PRO-CHECK HOME INSPECTION S | 6.87 |
| D0-4184685 | G.V. MCKINLEY, P.A. | 77.74 |

| | | |
|------------|-----------------------------|---------|
| D0-4282497 | ALCHEMY ENGINEERING, INC. | 232.73 |
| D0-4299293 | M & M AMUSEMENTS, INC. | 155.95 |
| D0-5393780 | FIRST BRADDOCK MORTGAGE COR | 30.81 |
| FO-0040378 | GENERAL ELECTRIC CAPITAL CO | 115.41 |
| FO-2752566 | POLAROID ID SYSTEMS, INC. | 71.52 |
| FO-4650388 | VANGUARD FINANCIAL SERVICE | 142.20 |
| FO-4824934 | MACK REALTY HOLDING COMPANY | 60.59 |
| Z0-4304515 | B & S VIDEOS, L.L.C. | 1080.01 |

107.01 Taxes Receivables 2001-02

\$ 11,875.82

| | | |
|------------|-----------------------------|----------|
| LO-5332424 | COXE, DANIEL E. | 71.10 |
| LO-5538939 | KEARNEY, GARLAND D. SR | 166.85 |
| LO-5627617 | BRIDGES, CARRIE A. | 148.13 |
| LO-5643978 | BLOWE, WALTER L. SR. | 207.38 |
| LO-5679436 | DEVORE, JAMES M. | 148.13 |
| LO-5783634 | DUMAS, BERNADETTE Y | 148.13 |
| LO-5786769 | MORGAN, FRANK R | 148.13 |
| LO-5794235 | WILEY, KENNETH GEORGE | 148.13 |
| LO-5806211 | D'ATRI, MARK A. | 148.13 |
| LO-5859095 | IONADI, PATRICK | 148.13 |
| LO-5859343 | DUNCAN, KATHY K. | 148.13 |
| LO-5972278 | LEPLEY, LLOYD R, | 177.75 |
| LO-6018014 | GRIMM, CHARLES D. | 148.13 |
| LO-6242465 | WALMSLEY, NORINE | 118.50 |
| LO-6309736 | HU, FRANK | 118.50 |
| LO-6346423 | NELSON, MICHAEL A. | 118.50 |
| LO-6393656 | REAMS, LARRY C. | 118.50 |
| LO-6424188 | SCARDINA, JANE | 118.50 |
| LO-6424196 | SCARDINA, ALFORD III | 118.50 |
| LO-6584239 | JENKINS, SANDRA JEAN | 142.20 |
| LO-6973432 | QL CAPITAL | 71.57 |
| LO-7975782 | JENKINS, DAVID E. SR | 49.06 |
| LO-8287351 | STERNE, RICHARD A | 400.06 |
| LO-8312332 | MATREY, JAMES R. | 451.72 |
| LO-8315137 | BURNS, JOHN C. | 231.31 |
| LO-8315244 | MCCAGH, TIMOTHY J | 1,024.55 |
| LO-8464802 | LEWIS, SUSAN L | 14.93 |
| LO-9340449 | RENNIX, DERRICK | 13.27 |
| LO-9592254 | YOUNGER, NORMA L. | 324.22 |
| D0-0973057 | DAYS MARKET, INC. | 4,161.72 |
| D0-2077493 | WALVID, INCORPORATED | 1,941.50 |
| D0-2604080 | COMMERCIAL VIDEO SERVICES, | 1,470.82 |
| D0-4077251 | PRO-CHECK HOME INSPECTION S | 6.87 |
| D0-4299293 | M & M AMUSEMENTS, INC. | 260.46 |
| D0-5393780 | FIRST BRADDOCK MORTGAGE COR | 22.99 |

| | | |
|------------|-----------------------------|--------|
| D0-5806591 | EXECUTIVE BILLING, INC. | 23.95 |
| D0-5925474 | BARNES-POWELL ENTERPRISES, | 728.06 |
| F0-4650388 | VANGUARD FINANCIAL SERVICE | 284.40 |
| W0-3530417 | CANAL PLACE INVESTORS LLC | 243.16 |
| W0-6027783 | JOB LIMITED LIABILITY CORPO | 33.18 |
| W0-6240303 | MADAR FOUNDATION, LLC | 43.37 |

107.02 Taxes Receivables 2002-03

\$ 14,610.62

| | | |
|------------|-----------------------------|---------|
| L0-5538939 | KEARNEY, GARLAND D. SR. | 208.56 |
| L0-5627617 | BRIDGES, CARRIE A. | 185.10 |
| L0-5643978 | BLOWE, WALTER L. SR. | 259.28 |
| L0-5679436 | DEVORE, JAMES M. | 185.10 |
| L0-5794235 | WILEY, KENNETH GEORGE | 185.10 |
| L0-5806211 | D'ATRI, MARK A. | 185.10 |
| L0-5859095 | IONADI, PATRICK | 185.10 |
| L0-5859343 | DUNCAN, KATHY K. | 185.10 |
| L0-5972278 | LEPLEY, LLOYD R, | 222.31 |
| L0-6242465 | WALMSLEY, NORINE | 148.13 |
| L0-6346423 | NELSON, MICHAEL A. | 148.13 |
| L0-6393656 | REAMS, LARRY C. | 148.13 |
| L0-6424188 | SCARDINA, JANE | 148.13 |
| L0-6560932 | SMITH, RACHEL E. | 148.13 |
| L0-6584239 | JENKINS, SANDRA JEAN | 177.75 |
| L0-6670798 | STAFFORD, MELISSA S. | 118.50 |
| L0-7013113 | WOOD, RALPH G. | 118.50 |
| L0-7028327 | HAROLD L. | 118.50 |
| L0-7073356 | FIELDS, DEBBIE S. | 118.50 |
| L0-7095615 | ATKINSON, MARK L. | 118.50 |
| L0-8287351 | STERNE, RICHARD A | 348.63 |
| L0-8312332 | MATREY, JAMES R. | 564.77 |
| L0-8315137 | BURNS, JOHN C. | 289.14 |
| L0-8472607 | KERNS, MICHAEL | 995.16 |
| L0-8912891 | COLE, ALBERT B | 260.70 |
| L0-9592254 | YOUNGER, NORMA L. | 405.27 |
| D0-0164400 | THE OLD HOMESTEAD, INC. | 18.49 |
| D0-1201409 | BRASKEY, THOMAS & HARE, P.A | 95.04 |
| D0-4077251 | PRO-CHECK HOME INSPECTION S | 6.87 |
| D0-4299293 | M & M AMUSEMENTS, INC. | 520.93 |
| D0-4343257 | THE 223 GROUP, INC. | 32.24 |
| D0-5014600 | CHALET HOME IMPROVEMENT, IN | 359.06 |
| D0-5632880 | PORTFOLIO PRESS, INC. | 10.19 |
| D0-5806591 | EXECUTIVE BILLING, INC. | 40.76 |
| D0-5925474 | BARNES-POWELL ENTERPRISES, | 1456.13 |
| D0-6650782 | WESTERN MARYLAND WIRELESS C | 27.97 |
| F0-5562459 | CASHPOINT NETWORK SERVICES | 19.91 |

| | | |
|------------|----------------------------|--------|
| FO-5945597 | CABLE & WIRELESS USA, INC. | 451.63 |
| WO-6240303 | MADAR FOUNDATION, LLC | 54.98 |

107.02 Taxes Receivables 2003-04

\$ 9,269.52

| | | |
|------------|-----------------------------|---------|
| LO-7013113 | WOOD, RALPH G. | 160.5 |
| LO-7028327 | SEE, HAROLD L. | 160.5 |
| LO-7095615 | ATKINSON, MARK L | 160.50 |
| LO-8287351 | STERNE, RICHARD A | 332.56 |
| LO-8309171 | BARNARD, JR, ROBERT M. | 103.75 |
| LO-8472607 | KERNS, MICHAEL | 573.95 |
| LO-9592627 | KNISLEY, ALLISON | 60.86 |
| LO-9719352 | BALBOA, WILLIAM T. | 770.40 |
| D0-0164400 | THE OLD HOMESTEAD, INC. | 30.56 |
| D0-0974055 | HARVEY'S JEWELRY STORE, INC | 277.86 |
| D0-1201409 | BRASKEY, THOMAS & HARE, P.A | 205.95 |
| D0-1290717 | ROLLINS ASSOCIATES, P.A. | 159.22 |
| D0-2219210 | W. C. LEWIS, INC. | 193.88 |
| D0-4343257 | THE 223 GROUP, INC. | 280.43 |
| D0-5169495 | J B T, INC. | 5579.75 |
| D0-5322441 | QUEEN CITY CARRIER'S, INC. | 257.31 |
| D0-6138101 | ADVENTURE GUIDES AND TRAVEL | 2.17 |
| D0-6650782 | WESTERN MARYLAND WIRELESS C | 26.96 |
| FO-2984268 | AMERICAN OFFICE SYSTEMS, IN | 3.10 |
| FO-5562459 | CASHPOINT NETWORK SERVICES, | 43.14 |
| FO-5945597 | CABLE & WIRELESS USA, INC. | 369.54 |
| FO-6344717 | PREFERRED CAPITAL, INC. | 1062.90 |
| WO-5238308 | VALLEY NOVELTY, LLC | 985.60 |
| WO-6696231 | R & C CYCLES, A LIMITED LIA | 1290.68 |

107.02 Taxes Receivables 2004-05

\$ 13,092.07

| | | |
|------------|-----------------------------|---------|
| LO-8287351 | STERNE, RICHARD A | 573.71 |
| LO-8309171 | BARNARD, JR, ROBERT M. | 77.30 |
| LO-8472607 | KERNS, MICHAEL | 610.41 |
| D0-0038349 | THE FIDELITY BANK | 422.29 |
| D0-0164400 | THE OLD HOMESTEAD, INC. | 50.85 |
| D0-0229914 | FEDERAL PRINTING COMPANY | 738.30 |
| D0-0674978 | BOYD ZOSIMO T. GABA, M.D. | 5.75 |
| D0-1290717 | ROLLINS ASSOCIATES, P.A. | 318.43 |
| D0-3156668 | SPENCER'S TRANSMISSIONS, IN | 134.95 |
| D0-3248721 | WILLIAM E. PALIN, JR., M.D. | 1162.28 |
| D0-5322441 | QUEEN CITY CARRIER'S, INC. | 264.50 |
| D0-5550082 | MOUNTAIN MARYLAND ENTREPREN | 78.32 |
| D0-7558331 | STIVALA & SONS CONSTRUCTION | 59.06 |

| | | |
|--------------|-----------------------------|---------|
| FO-5804729 | EAST EUROPEAN INVESTMENTS | 185.92 |
| FO-5950498 | THE CREDIT BUREAU, INC. | 3.34 |
| FO-6344717 | PREFERRED CAPITAL, INC. | 2125.79 |
| F1-0044105 | RCOA IMAGING SERVICES, INC. | 1439.11 |
| W0-5238308 | VALLEY NOVELTY, LLC | 985.60 |
| W0-7684632 T | THE LAW OFFICES OF C. TRENT | 141.24 |

107.02 Taxes Receivables 2005-06

\$ 9,377.15

| | | |
|------------|-----------------------------|---------|
| LO-8281164 | SHEARER, CLARA Z. | 145.61 |
| LO-8287351 | STERNE, RICHARD A | 517.20 |
| LO-8288821 | KIGHT, WILLIAM | 31.59 |
| LO-8309171 | BARNARD, JR, ROBERT M. | 83.20 |
| LO-8314940 | WILSON, LESTER J. | 91.42 |
| LO-8319238 | GODBY, RICK L. | 94.76 |
| LO-8472607 | KERNS, MICHAEL | 705.17 |
| L1-0055721 | WHITACRE, SUSAN L. | 35.95 |
| L1-0611689 | KWIK CONNECTIONS | 63.43 |
| L1-0612406 | AHERN ROBERT W | 4.67 |
| L1-0714137 | KERR JAMES K | 128.40 |
| D0-0067330 | BROCK STEEL COMPANY | 548.52 |
| D0-0229914 | FEDERAL PRINTING COMPANY | 59.32 |
| D0-3156668 | SPENCER'S TRANSMISSIONS, IN | 283.51 |
| D0-3248721 | WILLIAM E. PALIN, JR., M.D. | 1028.23 |
| D0-3703147 | OLDE NORTH CUMBERLAND RESTA | 824.84 |
| D0-4450169 | EMPLOYMENT INITIATIVES, INC | 12.09 |
| D0-5180575 | JOHN W. CONNOLLY, M.D., P.A | 20.75 |
| D0-5322441 | QUEEN CITY CARRIER'S, INC. | 40.57 |
| D0-5550082 | MOUNTAIN MARYLAND ENTREPREN | 156.65 |
| D0-5806591 | EXECUTIVE BILLING, INC. | 37.75 |
| D0-7628753 | 3 N 1, INC. | 4066.68 |
| F1-0044105 | RCOA IMAGING SERVICES, INC. | 1439.11 |
| W0-5238308 | VALLEY NOVELTY, LLC | 1971.20 |
| W0-7684632 | THE LAW OFFICES OF C. TRENT | 282.48 |
| W1-0707560 | LIFE FITNESS MANAGEMENT, LL | 6.70 |
| W1-0740215 | TAYLOR ARCHITECTURE, LLC | 102.72 |

107.02 Taxes Receivables 2006-07

\$ 12,782.52

**Tax Receivables 1993-2007 for Corp & PP
as of 10/1/2016**

\$ 189,237.79



Regular Council Agenda
November 1, 2016

Description

Order authorizing the abatement of unpaid Personal Property Taxes for the period 1993-2007 totaling \$189,237.79

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)