MAYOR	COUNCIL
Brian K. Grim	Nicole Alt-Myers
	Seth D. Bernard
CITY ADMINISTRATOR	David Caporale
Jeff Rhodes	Richard J. "Rock" Cioni
CITY SOLICITOR	**CITY CLERK**
Michael Scott Cohen	Marjorie A. Woodring

MINUTES

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

DATE 6/21/2016

***Pledge of Allegiance**

I. ROLL CALL

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

ABSENT: Council Member Seth Bernard

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. CERTIFICATES, AWARDS AND PRESENTATIONS

Item Action: Approved

Mayor Grim recognized visitors from Cumberland's Sister City of Vilijandi, Estonia, Mr. Peep Aru, Chairman of the Town Council, and Mr. Kris Suld, Town Council Member. Councilman Aru spoke on behalf of the visiting delegation to thank the Mayor and Council for hosting their visit and discuss some of the cultural differences between the two towns. Chairman Aru welcomed all to visit Vilijani and Mayor Grim commented that he looked forward to continuing the Sister City relationship between the two towns.

(A) Presentation from Sandi Saville, Chairwoman of the Downtown Development Commission, on the various murals and signage proposed for the downtown area

Sandi Saville and Jennifer Light spoke on behalf of the Downtown Development Commission the Allegany Arts Council. Mr. Al Feldstein participated as the historical accuracy consultant. Ms. Saville stated that grant money had been received for the project and progress had begun. Details were provided regarding the mural project planned for the Canal Street area, the mural signs to identify Historic Downtown Cumberland, wayfinding signage to direct visitors into the downtown, and new banners to identify the Historic Downtown area.

(B) Presentation of recommended projects identified for submission to the State's 2016 Community Legacy funding process provided by Jennifer Light, Executive Director of the Downtown Development Commission

Mr. Rhodes reviewed the recommended project list that would be submitted for Community Legacy funding for Fiscal Year 2017 and reviewed program requirements. The list included the following projects: Upper Story Redevelopment, Commercial Property Facade Improvement Program, Gordon Roberts Accessibility Project, Centre Street Parklet, and Maryland Avenue Code Compliance. The total amount of funding requested for these projects would be $405,000.

(C) Presentation from Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation, regarding the opportunity site recommendations from Sage Policy Group

Mr. Hershberger reviewed the findings of the study that was generated by the team of Sage Policy Group and McCormick Taylor to provide an economic impact analysis and transportation-connectivity study of four (4) of the seven (7) identified Strategic Opportunity Sites. The four sites targeted for further study were Baltimore Street, Cumberland Plaza, Willowbrook Road, and Rolling Mill and were selected based on the fact that all converge at one central point, being the middle of the city, and touch a gateway into Cumberland.

Regarding the downtown site, Mr. Hershberger discussed the opportunities for development, including the recommendation to open the mall to traffic. He discussed details of the preferred alternative, Baltimore Street Option 3a.1, that was recommended by the study and which called for one-way traffic on both ends of the pedestrian mall with on-street parking options. He stated that the DDC had voiced support of a "flexible" 3a.1 alternative with the request that 1) the DDC would be active partners in the design process; 2) bollards would be installed at the Baltimore St. intersection so sections could be turned back into pedestrian areas as needed; 3) the design allows the bollards, streets, etc. to seamlessly blend with no blacktop used; 4) the schedule for closure to vehicular traffic would be determined by the DDC, the City, or other managing downtown entity.

Mr. Hershberger reported that there were extensive findings on the Cumberland Plaza area (Rose's Plaza) and the recommendation was for it to be completely redefined to compliment the downtown and serve as a prominent gateway. Hershberger had spoken with the property owners in Pittsburgh and could report that they were willing to work with the City to make the area a better gateway to the community.

Sandi Saville, Chairwoman of the DDC, advised the the DDC had unanimously voted to enter into a partnership for redesign of the mall. She noted that there was dissension among the stakeholders as not all business/property owners were in agreement to open the mall to traffic; thus the recommendation of the 3a.1 design would allow for future flexibility.

Mr. Hershberger advised that the Cumberland Economic Development Corporation (CEDC) had voted unanimously to support the recommendation from the Sage Policy Group and McCormick and Taylor.

(D) Update on economic development issues provided by Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation

Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation (CEDC) provided an update on the activities of the CEDC. He provided a recap of the first year of operation by discussing market and asset development goals, marketing and outreach activities, and work towards activating the existing business community, expanding information sharing, and enhancing the economic development "toolbox." He discussed the Opportunity Sites Report prepared by the team of Sage Policy Group and McCormick Taylor which provided recommendations for 7 sites identified in the 2014 Economic Development Strategic Plan. The design work provided for city-wide data collection in relation to the high level concepts of the Opportunity Sites, preliminary connectivity concepts among the sites, and in-depth examination of the redesign of the sites in the Central Business District. Hershberger reviewed recommendations for Rolling Mill and Willowbrook Road bicycle and pedestrian accommodations, and recommendations for opening Baltimore Street to one-way vehicular traffic

III. DIRECTOR'S REPORT

(A) Police

1. Police Department monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

(B) Fire

1. Fire Department monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

(C) Public Works

1. Maintenance Division monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

2. Engineering Division monthly report for May, 2016

Item Action: Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of June 7, 2016

Item Action: Approved

Motion to approve the minutes was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of May 17, 2016

Motion to approve the minutes was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0.

CLOSED MEETING - May 17, 2016

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

MOTION to enter into closed session to discuss personnel issues was made by Councilman Caporale, seconded by Councilman Bernard, and was passed 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)

TOPICS: Personnel issues

V. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - providing for the FY17 City Tax Levy (Real Estate tax rate = $0.9654 per $100 of assessed value) (Personal Property tax rate = $2.648 per $100 of assessed value), expected revenues and utilization of restricted fund balance

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3797

2. Ordinance *(2nd and 3rd readings)* - providing for the annual appropriate for the FY17 General Fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3798

3. Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 Special Purpose Funds

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3799

4. Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 Water Fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3800

5. Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 sewer fund

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3801

6. Ordinance *(2nd and 3rd readings)* - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY17 at the rate of $0.10 per $100 of real property assessable base

Mr. Rhodes reviewed details of the Ordinance.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3802

7. Ordinance *(2nd and 3rd readings)* - modifying Section 11-94 of the City Code entitled "Airguns, Slingshots, etc." to modernize the prohibitions pertaining to such and implement a permitting process for work performed in relation to wildlife damage control

Mr. Rhodes reviewed details of the Ordinance. He stated the Ordinance authorized changes in the prohibitions, just clarifications and modernization of the language of the Code to more clearly target firearms replicas and to allow for wildlife pest control.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 4-0.

ORDINANCE NO. 3803

8. Ordinance *(2nd and 3rd readings)* - authorizing the City Administrator to execute a deed conveying

25 properties on Baltimore Avenue and Waverly Terrace to Cumberland Neighborhood Housing Services

Mr. Rhodes reviewed details of the Ordinance. He stated all parcels being transferred to Cumberland Neighborhood Housing Services (CNHS) were unimproved and CNHS had offered to take title and assume responsibility of the land. There was little potential for development, but there was an option included for the City to repurchase the land for assessed value if need be.

SECOND READING: The Ordinance was presented for its second reading in Title only. Motion to suspend the second reading and proceed to the third after comment was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

THIRD READING: The Ordinance was presented in Title only for its third reading and was passed on a vote of 3-0 with Mayor Grim abstaining from vote due to his position of Executive Director of the Cumberland Neighborhood Housing Authority.

ORDINANCE NO. 3804

VI. NEW BUSINESS

(A) Ordinances

1. Ordinance *(1st reading)* - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Mr. Rhodes reviewed details of the Ordinance and showed a map of the area of public right-of-way requested to be closed. He stated the closure would allow Mr. D'Atri the ability to expand his restaurant at this location.

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 Councilwoman Alt-Myers, seconded by Councilman Cioni, and was passed on a vote of 4-0.

2. Ordinance *(1st reading)* - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of $1,500

Mr. Rhodes reviewed details of the Ordinance. He advised that the property had been blighted and had been torn down. The purchase price of $1,500 represented the current assessment amount for the land.

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 Councilwoman Alt-Myers, seconded by Councilman Cioni, and was passed on a vote of 4-0.

3. Ordinance *(1st reading)* - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

Mr. Rhodes reviewed details of the Ordinance. He advised that a Charter Amendment Resolution had been recently passed to set the maximum limits allowable for local preference awards. This Ordinance would increase the city percentage from 7% to 8% while leaving the county percentage at its current 5%. Additionally, language would be added to the Code to allow for cleaner interpretation of application of the local preference.

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 Councilman Cioni, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

(B) Resolutions

1. Resolution granting the Cumberland Outdoor Club a property tax credit for the tax year 2016-2017

Mr. Rhodes provided background on the Resolution.

The Resolution was presented in Title only. Motion to approve the Resolution was made by Councilman Cioni, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

RESOLUTION R2016-06

(C) Orders (Consent Agenda)

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments prior to vote. Motion to approve Consent Agenda Item Nos. 1-9 was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

1. Order accepting the proposal of Casey Smith, LLC, dba Service Pro for City Project "2016 Grass Mowing - City Owned Residential Properties" (8-16-M) in the estimated unit cost of $38,280.00 to include 34 City-owned properties, with the option to add 10 properties as needed throughout the fiscal year

ORDER NO. 25,990

2. Order accepting the bid of Casey Smith LLC DBA Service Pro, for City Project "2016 Grass Mowing - Non Residential City-Owned Properties (9-16-M), in the estimated unit price of $36, 640.00, to include the mowing of 15 non-residential City-owned properties.

ORDER NO. 25,991

3. Order authorizing the execution of a Grant Agreement with Maryland Smart Energy Communities under the Maryland Energy Administration to provide the City an award of $43,100 for energy efficiency improvements and project preparation costs (up to 30%)

ORDER NO. 25,992

4. Order authorizing the Chief of Police to accept a GOCCP School Bus Safety Grant entitled Overtime Patrol for FY17 in the amount of $5,000 for police overtime and fringe benefits to enforce school bus safety laws, provide educational material for students and air public safety announcements

ORDER NO. 25,993

5. Order authorizing the Chief of Police to accept a GOCCP Sex Offender Compliance Grant titled "Monitoring Support" for FY17 in the amount of $21,000 for police overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency and to purchase digital cameras.

ORDER NO. 25,994

6. Order authorizing the execution of a Consultant Services Agreement with CBIZ Benefits and Insurance Services for the provision of a comprehensive Other Post-Employment Benefits (OPEB)

report, for a cost not to exceed $5,000

ORDER NO. 25,995

7. Order authorizing the Chief of Police to execute a letter to Mr. Jason Layman setting forth terms and conditions pertaining to services he will provide as a volunteer nurse practitioner in connection with the deployment of the CERT Team

ORDER NO. 25,996

8. Order authorizing the execution of a Second Amendment to Parking Lease with EII Cumberland Associates, LLC as successor to S&N Realty, LLC, to extend the end date of the current lease at One Frederick Street Garage through April 9, 2026

ORDER NO. 25,997

9. Order authorizing a one (1) year extension to the proposal from Erie Insurance to provide fleet insurance and building/liability insurance for two parking garages for the total amount of $96,124.00

ORDER NO. 25,998

(D) Letters, Petitions

1. Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate the B&O Caboose in Constitution Park to the WMSRR to be relocated to WMSRR property, properly restored to original B&O livery, and renamed "The Pride of Cumberland"

The letter was acknowledged and entered into public record.

The Mayor and Council were in agreement to work through the process of donating the caboose to the WMSRR. Mr. Rhodes advised that the property would need to be declared surplus before transfer, and the WMSRR had requested time to work out the costs needed for transfer of the caboose to their property.

2. Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate four unused bus stop shelters to the WMSRR to be used as covered shelters in newly designed picnic and rest areas along the railway route

The letter was acknowledged and entered into public record.

Upon questioning from Mayor Grim, Mr. Rhodes advised that the bus shelters were planned to be used in Cumberland, but in a less visible location and further from the core of the city. The use of police monitoring of the shelters had not yet been discussed, but locating the shelters away from the core of the city may help with that situation.

The Mayor and Council were in agreement to work through the process of donating the bus shelters to the WMSRR. Mr. Rhodes advised that the property would need to be declared surplus before transfer.

3. Letter from the City Clerk advising that Ordinance No. 3795, passed May 17, 2016 to amend and supplement Ordinance No. 3793, passed December 15, 2015, to increase the amount of the General Obligation Bonds and Bond Anticipation Notes to finance, reimburse, or refinance costs of the Maryland Avenue Redevelopment Project from $2,500,000 to an aggregate principal amount not to exceed $3,500,000 each, became effective June 16, 2016 as no petition for referendum was filed

The letter was acknowledged and entered into public record.

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Janet Wunderlick, 15 Prospect Square, spoke regarding the redevelopment of the downtown mall. She stated she was familiar with the Sage Policy Group and they were highly regarded in the State of Maryland. She expressed caution to stay abreast of the project, to beware of modifications to the original plan, and to be protective of the businesses and take into consideration the impact the modifications will have on them and property owners. She further discussed that the first mall had been built at the expense of the property owners and the downtown special taxing district and hoped that the Mayor and Council did not plan to look again to that funding to carry the weight of this project.

John Wunderlick, 15 Prospect Square, spoke regarding the redevelopment of the downtown mall. He stated he had recently moved back to the area and owns the WCBC building. He stated concern over tearing up the mall as he had worked on committees to build it, but expressed that the plans he heard this evening would be positive if the project was done right. He suggested doing a trial run to allowing cars on the mall with rubber cones designating permitted areas, before actually changing the bricks.

Al Feldstein, LaVale, stated that in 1977, before the mall was built, the City had closed off the street for a couple weeks to see how traffic flowed. He further stated that Mrs. Wunderlick had been instrumental in establishing the Rock Gap Conference Center and suggested that the City work with the WMSRR to come up with a more interesting and historical name for the caboose that would be transferred to the WMSRR.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 7:43 p.m.

Minutes approved on August 16, 2016

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk

Regular Council Agenda
June 21, 2016

Description
Presentation from Sandi Saville, Chairwoman of the Downtown Development Commission, on the various murals and signage proposed for the downtown area

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 21, 2016

Description

Presentation of recommended projects identified for submission to the State's 2016 Community Legacy funding process provided by Jennifer Light, Executive Director of the Downtown Development Commission

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 21, 2016

Description

Presentation from Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation, regarding the opportunity site recommendations from Sage Policy Group

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 21, 2016

Description
Update on economic development issues provided by Shawn Hershberger, Executive Director of the Cumberland Economic Development Corporation

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland Department of Police

Monthly Report

May 2016

City of Cumberland Department of Police

Monthly Report

May 2016

Part 1 Crimes for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Aggravated Assaults	9	2	B & E (All)	33	19	Murder	0	0	Rape	0	0
Robbery	7	5	Theft - Felony	8	1	Theft - Vehicle	2	1			

Selected Criminal Complaints for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Theft - Misdemeanor	42	41	Theft - Petty	46	37	Domestic Assaults	34	24	CDS	65	79
Disturbances	218	217	DOP/Vandalism	40	39	Indecent Exposure	3	2	Sex Off - Other	5	8
Suicide	0	0	Suicide - Attmpt.	1	1	Tampering M/V	0	0	Abuse - Child	2	1
Trespassing	33	17	Assault on Police	4	4	Assault Other	62	56			

Selected Miscellaneous Incidents for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Alcohol Volations	9	3	Juvenile Compl.	19	17	Missing Persons	14	19	School Resource	64	92
School Threat	2	0	Sex Off. Regist.	22	18	Truancy	5	13	Death Investigation	6	8

Selected Traffic Incidents for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
DWI	10	4	Hit & Run	32	26	M/V Crash	83	71	Traffic Stop	272	493

Selected Service Calls for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
Alarms	84	41	Assist Motorist	51	44	Check Well-Being	109	121	Foot Patrol	35	35
Assist Other Agency	62	77	Bike Patrol	9	0	Special Events	20	22	Suspicious Activity	100	97

Arrests Totals for the Month

	2015	2016		2015	2016		2015	2016		2015	2016
M/V Citations	42	85	M/V Warnings	207	367	Adult Crim	143	176	Juvenile Crim	26	23

	2015	2016
Total Incidents Reported :	**2,487**	**2,640**

Charles Hinnant - Chief of Police

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

MAY 2016

SWORN PERSONNEL: 52 SWORN OFFICERS

Administration	6 officers
Squad 1A	9 officers
Squad 1B	8 officers
Squad 2A	9 officers
Squad 2B	9 officers
C3I/C3IN	6 officers
School Resource	2 officers
Academy	3 officers

CIVILIAN EMPLOYEES: 6 full time, 6 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
Safe Streets Coordinator	1 full time
CPD Crime Analyst	1 full time
CPD Maintenance	1 part time
C3I Office Associate	1 full time
C3IN Office Associate	1 part time
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
MPA Garage Attendants	2 part time
Code Enforcement	2 part time

LEAVE REPORT

VACATION TAKEN: 888 HOURS — YEAR TO DATE (beginning 7/1/15): 9329 HOURS

COMP TIME USED: 367 HOURS — YEAR TO DATE (beginning 7/1/15): 2253 HOURS

SICK TIME USED: 232 HOURS — YEAR TO DATE (beginning 7/1/15): 2251 HOURS

OVERTIME REPORT

OVERTIME WORKED: 272 HOURS — YEAR TO DATE (beginning 7/1/15): 4824 HOURS

HOSPITAL SECURITY: 56 HOURS — YEAR TO DATE (beginning 7/1/15): 1356 HOURS

COURT TIME WORKED: 48 HOURS — YEAR TO DATE (beginning 7/1/15): 943 HOURS

TRAINING REPORT

28 OFFICERS TRAINED FOR 342 HOURS — YEAR TO DATE (beginning 7/1/15) 5164 HOURS

CPD ACTIVITY
OUTSIDE CPD JURISDICTION

MAY 2016

On 5/22/16 CPD officers assisted Sheriff's Deputies with the transport of prisoners from the jail to the courthouse using the CPD e-van.

On 5/23/16 a CPD canine team responded to National Highway to assist the Allegany County Sheriff's Office with a drug scan of a vehicle. As a result, a quantity of heroin was recovered from the passengers.

On 5/24/16 a CPD canine team responded to McMullen Highway in Bowling Green to assist the Allegany Sheriff's Office with a drug scan of a vehicle as a result illegal drugs were recovered.

On 5/26/16 a CPD canine team responded to a LaVale business to assist the Allegany County Sheriff's Office with an alarm complaint. The canine was not used; however, the officers helped to search the building. No problems discovered.

On 5/26/16 a CPD canine team responded to Bowling Green to assist Sheriff Deputies with a drug scan of a vehicle. As a result, illegal drugs and a loaded handgun were recovered and were arrests made.

On 5/31/16 a CPD canine team responded to Wal-Mart, LaVale to assist Sheriff's Deputies with a drug scan of a vehicle, as a result officers recovered illegal drugs and a stolen handgun and arrests were made.

CUMBERLAND POLICE DEPARTMENT

Warrant Fugitive Initiative

May 2016 totals for warrant initiative, broken down by agency:

CPD	7 arrests	10 warrants served	
ACSO	10 arrests	12 warrants served	
MSP	0 arrests	0 warrants served	
FPD	1 arrest	1 warrant served	
C3I	3 arrests	2 warrants served	1 criminal summons served
C3IN	0 arrests	0 warrants served	
OTHER	0 arrests	0 warrants served	
TOTALS	**21 arrests**	**25 warrants served**	**1 criminal summons served**

Of these, Detective David Broadwater arrested 21 people, served 27 warrants, and 1 criminal summons.

He opened 22 "Fugitive" investigations, 2 Assist Other Agency investigations, and made arrests in 9 existing cases, for a total of 33 cases generated for the month.

SIGNIFICANT CASES:

1.) On 05/05/2016 Detective Broadwater arrested a suspect who had been wanted in Allegany County, and had been avoiding arrest, for almost one year. The suspect was wanted on a total of four separate warrants for FTA and Violation of Probation (original charges - 3 Thefts and CDS violations).

2.) During the week of May 9-13, 2016, a warrant sweep was conducted in Allegany County as part of the "Safe Streets" initiative. Detective Broadwater was personally responsible for arresting 20 suspects and serving 24 warrants.

Regular Council Agenda
June 21, 2016

Description
Police Department monthly report for May, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

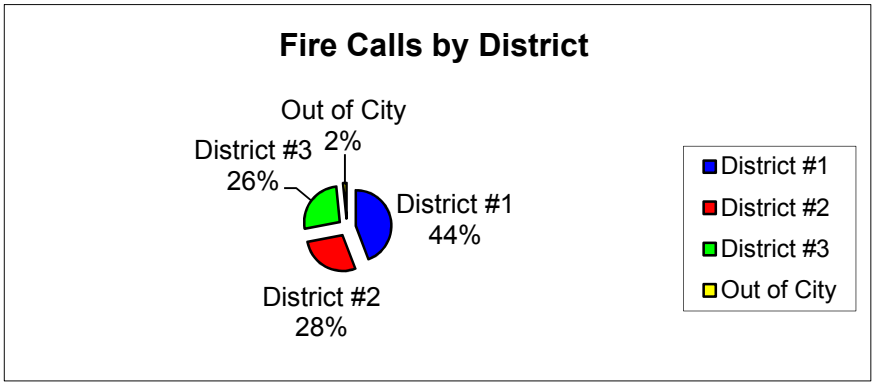
Value of Award (if applicable)

Source of Funding (if applicable)

REPORT OF THE FIRE CHIEF FOR THE MONTH OF MAY 2016
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 129 Fire Alarms:

Responses by District:	
District #1	57
District #2	36
District #3	34
Out of City	2
	129



Number of Alarms:	
First Alarms Answered:	128
Second Alarms Answered:	1
	129

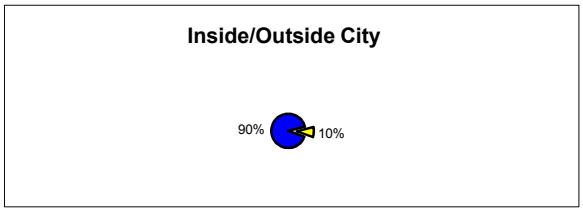
Calls Listed Below:	
Property Use:	
Public Assembly	5
Educational	2
Institutional	5
Residential	71
None	6
Stores and Offices	5
Special Properties	35
	129

Type of Situation:	
Fire or Explosion	9
Overpressure, Rupture	1
Rescue Calls	67
Hazardous Conditions	11
Service Calls	9
Good Intent Calls	21
False Calls	11
	129

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in May:	$930.00
Total Fire Service Fees for Fire Called Billed by Medical Claim-Aid Fiscal Year to Date:	$25,200.00
Fire Service Fees for Fire Calls Paid in May:	$345.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	$8,320.00
Fire Service Fees for Inspections and Permits Billed in May:	$200.00
Fire Service Fees for Inspections and Permits Paid in May:	$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	$1,650.00

Cumberland Fire Department Responded to 470 Emergency Medical Calls:

In City Calls	425
Out of City Calls	45
Total	470



Total Ambulance Fees Billed by Medical Claim-Aid in May, 2016:	$98,016.31
Ambulance Fees Billed Fiscal Year to Date:	$1,477,689.36
Ambulance Fees Paid:	
Revenue received in May, 2016:	$95,250.11
FY2016 Ambulance Fees Paid in FY2016:	$871,937.11
Total Ambulance Fees Paid in FY2016: (Includes all ambulance fees, previous and current fiscal years, paid in FY2016.)	$1,029,904.05

Cumberland Fire Department Responded to 17 Mutual Aid Calls:

13	Mutual aid calls within Allegany County
4	Mutual aid calls outside of Allegany County
17	

Corriganville VFD	2
Cresaptown VFD	4
District #16 VFD	2
Flintstone VFD	4
LaVale Rescue Squad	1
	13
Cumberland Valley, PA EMS	1
Hyndman, PA Area Rescue	1
Ridgeley VFD	2
	17

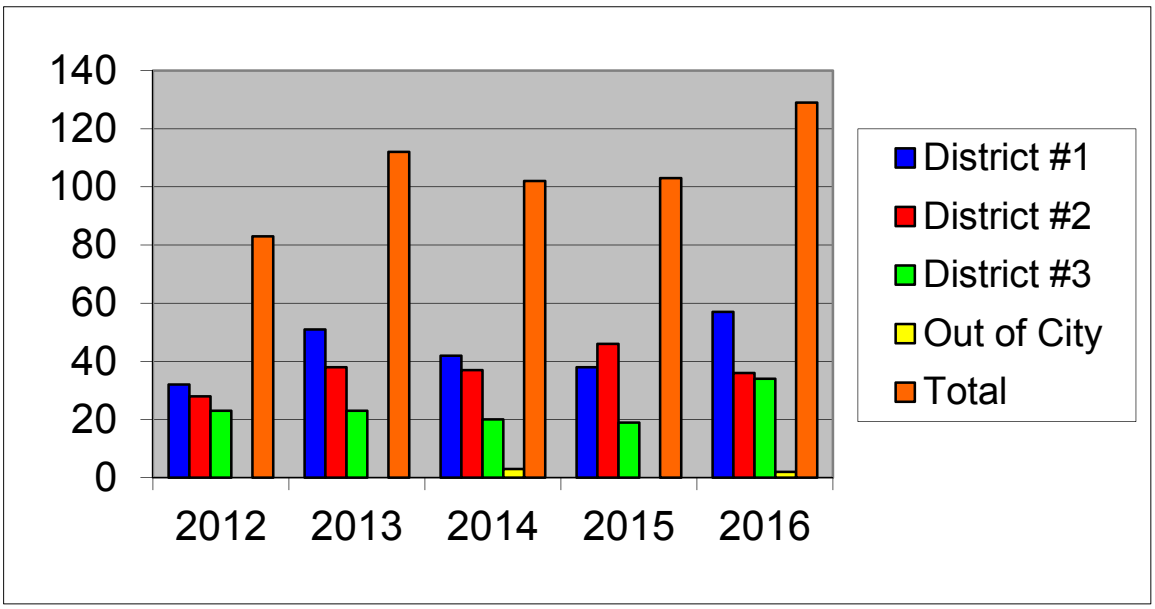
Cumberland Fire Department Responded to 28 Paramedic Assist Calls:

18	Paramedic assist calls within Allegany County
10	Paramedic assist calls outside of Allegany County
28	

Corriganville VFD	3
Cresaptown VFD	6
Ellerslie Vol. Ambulance	1
Flintstone VFD	4
LaVale Rescue Squad	3
Mount Savage VFD	1
	18
Cumberland Valley, PA EMS	1
Fountain, WV EMS	1
Ridgeley VFD	4
Springfield, WV Area Rescue	3
Wiley Ford VFD	1
	28

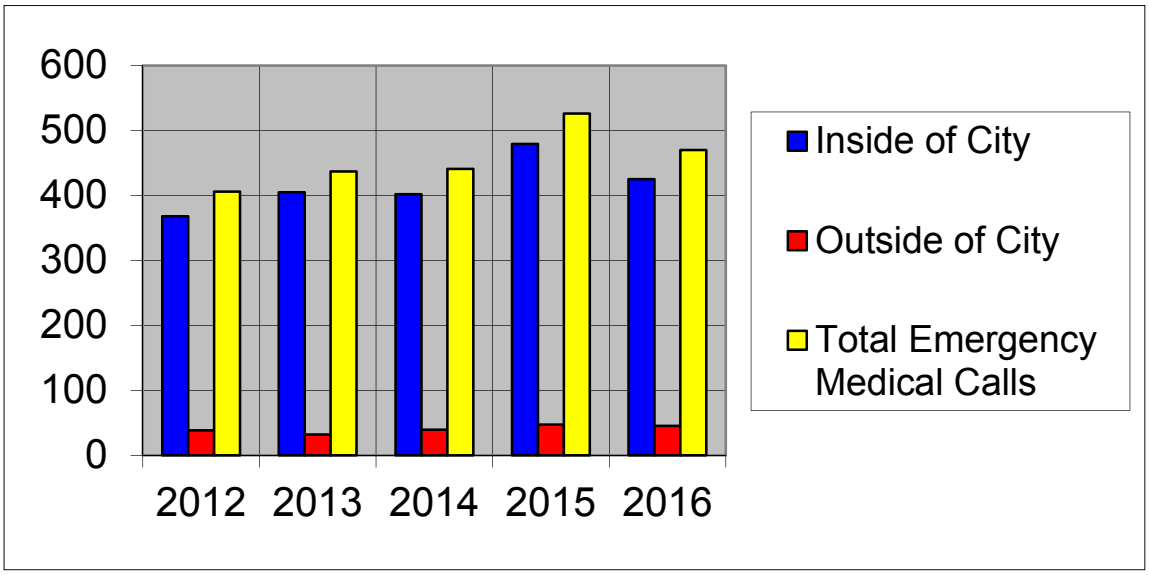
Fire Calls in the Month of May for a Five-Year Period

	2012	2013	2014	2015	2016
District #1	32	51	42	38	57
District #2	28	38	37	46	36
District #3	23	23	20	19	34
Out of City	0	0	3	0	2
Total	83	112	102	103	129



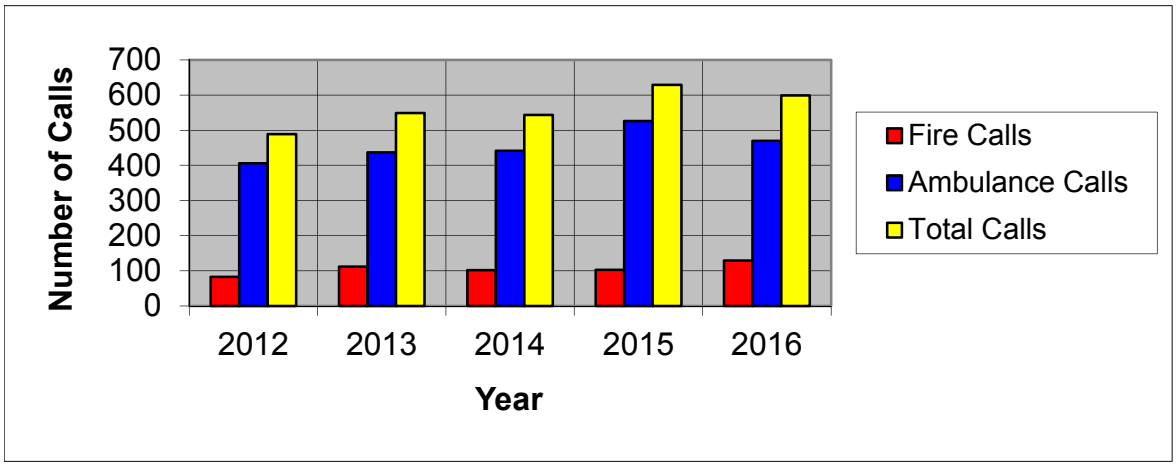
Ambulance Calls in the Month of May for a Five-Year Period

	2012	2013	2014	2015	2016
Inside of City	368	405	402	479	425
Outside of City	38	32	39	47	45
Total Emergency Medical Calls	406	437	441	526	470



Fire and Ambulance Calls in the Month of May for a Five-Year Period

	2012	2013	2014	2015	2016
Fire Calls	83	112	102	103	129
Ambulance Calls	406	437	441	526	470
Total Calls	489	549	543	629	599



Training

Training Man Hours: 204

Training Listed Below:

Safety	5.00
Duties and Responsibilities	5.00
Hose Operations	22.00
General Building Construction	8.00
Drug Box Refresher	1.50
EMS Protocol Updates	10.00
Protocol Update	121.50
Incident Command System	9.00
Hose Lines	9.00
Physical Fitness	13.00
	204.00

Fire Prevention Bureau

Complaints Received	2
Conferences Held	73
Correspondence	7
Inspections Performed	7
Investigations Conducted	7
Pre-Plans	0
Plan Reviews	3

Personnel

Nothing to report.

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

Regular Council Agenda
June 21, 2016

Description
Fire Department monthly report for May, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

MAINTENANCE DIVISION REPORT
May 2016

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
MAY 2016

- POTHOLES AND COMPLAINTS
  - Potholed 35 Streets and 8 Alleys using approximately 50 ton of HMA.

- UTILITY HOLE REPAIR
  - Completed 5 Water Utility Hole Repairs and 1 Sewer Utility Hole Repair using 2 CY of concrete and 24 ton of HMA.

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 10 Traffic Control Signs.
  - Installed/Repaired 1 Street Name Sign.
  - Installed 2 and Removed 2 HC Signs.
  - Worked with PSI installing pavement markings on Centre St.

- STREET SWEEPING
  - Swept 505 curb miles (approx. 168 cubic yards of debris).
  - Hauled 20 tons to Landfill.

- MISCELLANOUS
  - Completed 26 Service Request.
  - Cleaned Baltimore Street Underpass 3 times.
  - Hauled mulch and worked Day of Caring and Sharing.
  - Placed stone in Alley off Swick.

STREET MAINTENANCE - MAY 2016		5/1-5/7	5/8-5/14	5/15-5/21	5/22-5/28	5/29-5/31	TOTAL
SERVICE REQUEST COMPLETED		9		7	8	2	26
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER	1	4				5
	SEWER		1				1
	CY						0
	TONS	4.5	19.0				24
POTHOLES FILLED	STREETS	9		11	13	2	35
	ALLEYS	1		2	4	1	8
	DAYS						0
	Cold Mix						0
	TONS	15.5		10.0	19.0	3.5	48
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED				1			1
	CY						0
	TONS			5			5
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED		1			9		10
STREET NAME SIGNS REPAIRED/INSTALLED					1		1
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED							0
					1		1
					2		2
PAINTING PERFORMED	BLUE				2		2
	YELLOW				1		1
	RED						0
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	9	12	7	14		42
	MILES	137	149	120	99		505
SWEEPER DUMPS HAULED TO LANDFILL	TONS			18.7			19
SALT BARRELLS - PICK UP	DAYS						0
CLEANED BALTIMORE ST. UNDERPASS		1	1	1			3
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Days						0
Check Drains/Clean Debris	DAYS	1		1			2
LEAF PICK UP	Loads						0

Hauling Mulch for Caring and Sharing 5/5/16
Flagging for Paul Eriksson on 5/12/16 Holland Street
5/13/16 Day of Caring and Sharing
5/16/16 Clean up from Carin/Sharing
5/17/16 Stoned Alley off Swick
5/24,5/25 Working with PSI - traffic control on Centre St

PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
MAY 2016

- Constitution Park
  - Cleaned up garbage, bathrooms and pavilions 3 time/week.
  - Cut grass in Park and Long Field.
  - Pool opened and passed inspection.

- Mason Complex
  - Cleaned up garbage 3 time/week.
  - Lined Fields as per schedule.
  - Cut grass.

- Abrams, Cavanaugh and JC
  - Cleaned up garbage and bathrooms 3 time/week.
  - Cut grass.
  - Rolled water off Cavanaugh several times.
  - Maintained and lined Abrams, JC and Cavanaugh Fields as per schedule.

- Miscellaneous Work
  - Continue to maintain, cut grass and pick up garbage at Parklets and other areas.

Parks and Recreation								
Field Work								
May 2016								
		Line		Spike		Drag		
Flynn		8				3		
Nonnennmann		6				3		
Northcraft		7				4		
Bowers		1						
Galaxy		4						
United		4						
Nonnennmann SF								
Bowers FB								
Tigers Practice								
Long		7		1		1		Cleaned bathroom really good
Cavanaugh		8		1		5		
JC		6				1		Cleaned bathrooms really good
Abrams		6				1		

Parks and Recreation Department		
Grass Cutting		
May 2016		
LOCATION		DATES CUT
Fairmont		
Ridgedale		
Springdale		May 11
Mason		May 3, 4, 11, 13, 17, 23, 24, 25
Park		May 2, 3, 9, 13, 16, 17, 19, 23, 24, 26
Long		May 3, 16, 19, 24
Cavanaugh		May 3, 11, 19, 24
Smith Park		May 4
Vets Park		May 3, 11, 26
Pine Ave		May 17, 26
JC		May 3, 19
Valley St Parklet		May 4
Abrams		May 3, 11, 17, 23
Washington HQ		May 3, 11, 26
Sundial		May 3, 26
Lucys Park		
MCS		
Evitts Creek		May 4
Boat Ramp		
Davidson 332-334		
Mullen		
500 Block of Maryland Ave.		
14 Somerville in Rear		
Old HRDC		
Rolling Mills Parklet		
Goethe		May 4
Pistol Range		
Louisiana Ave.		May 26

Parks and Recreation Department
Miscellaneous Work
May 2016
Installed ball wall at park courts – 5/2/16
Hauled mulch for Day of Caring & Sharing – 5/5/16, 5/6/16
Took stage downtown – 5/6/16
Picked up stage from downtown – 5/9/16
Pool work – 5/10/16
Spread mulch at Springdale – 5/10/16
Worked on pickle ball courts – 5/10/16
Hauled flowers for Day of Caring & Sharing – 5/12/16
Completed pool work for pool inspection – 5/16/16. 5/17/16, 5/18/16, 5/19/16
Seeded and mulched Cavanaugh - 4/28/16

Fleet Maintenance
May 2016

Total Fleet Maintenance Projects	**95**
Street Maintenance	23
Snow Removal	0
DDC	0
CPD	20
Water Distribution	18
P & R Maintenance	5
CFD	7
Sewer	2
Code Enforcement	1
Flood	0
PIP	0
WWTP	0
Engineering	2
Facility Maintenance	0
Fleet Maintenance	0
Central Services	0
Municipal Parking	0
Public Works	0
Water Filtration	0
Small Engine Repairs	0
Scheduled Preventive Maintenance	11
Field Service Calls	6
Total Work Orders Submitted	**27**
Risk Management Claims	**1**
Fork Lift Inspections	**0**

Regular Council Agenda
June 21, 2016

Description
Maintenance Division monthly report for May, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						May 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2008	05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	**UPDATE** - This project was separated from 17-03-S(1) because of cost. A smaller investigation/design phase is currently in progress with will be funded through a small SRF Loan, which will also include costs to work on CSX Property. The investigation needs to take place at a busy spot in CSX the yard. The work is in progress and the overall project was approved for funding in FY'17	JDF	5/31/2016
2009	12-09-T	Circulation, TAC Signing and Traffic Signal Studies	Three traffic related planning studies	Study	**UPDATE** - City comments on the plans have been provided to SHA and we expect to see FINAL Plans by June 2016.	JDF	4/15/2016
2009	22-09-M	Maryland Avenue Wall & Sidewalk Repairs	Replace of a portion of sidewalk and its supporting wall in the 900 Block of Maryland Avenue	Funding	**UPDATE -** The project will be bid with construction taking place this summer. Another section of wall has failed a few houses north of this project. We hope that the extra work can be done under the same contract, but won't know that until we obtain bids. Project will be bid in June and Bids opened in July.	JDF	5/31/2016
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Design	**UPDATE** This project was included in the Governor's proposed budget for FY'17. We hope to be able to bid the project near the end of FY'16 so that the project can be awarded in late summer or fall of 2016. This is an optimistic schedule, and it may be that actual finalization work won't be able to start until FY'17. Engineering work to bid the project is expected to be authorized in June.	JDF	5/31/2016
2011	24-11-W	Water Line Extension From MD 144 to Ali Ghan Shrine Club	Add water line supply as part of a proposed Love's Country Store Development.		**COMPLETE** - This project is now complete, as-built drawings were submitted in early March, 2016.	JDF	3/9/2010
2011	25-11-SWM	25-11-SWM Love's Country Store and Travel Stop	SWM review for a proposed development	Construction	**NO CHANGE** - SWM as-builts received. Construction of Sleep Inn continues	PJD	6/2/2016
2012	2-12-M	Baltimore Avenue Improvements	Resurfacing of Baltimore Ave. from Front Street to Marion Street; with ADA and bicycle safety improvements, water main replacement (Goethe St to Marion St), and traffic safety improvements.	Construction	SHA material clearances have been finalized. SHA review of project sketch book (quantities) continues, and we are awaiting a ruling on ADA compliance from the SHA as requested by the Contractor	JRD	6/16/2016
2012	10-12-M	Bike Improvements on Mechanic and Centre St	Bike Lane Markings and Signs on Centre and Mechanic Sts from Henderson Ave to Harrison St	Design	**UPDATE** - Center Street paving was included in CDBG funding package. The current plan is to mill and pave Centre Street and Valley Street under the IA Contract, then to install pavement markings and signs along with the Frederick Street / Bedford Street Bike Improvement Project. The milling and paving work was started in May and will be completed in June. Bike improvements will follow under a separate contract. The grant funded work must be completed in the 2016 construction season, or the City will lose the funding.	JDF	5/31/2016
2013	1-13-FPM	Misc Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	Specifications 90% complete. Design drawings approximately 90% complete.	PJD	6/2/2016

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						May 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2013	4-13-SWM	Avirett Development at 12313 Messick Road	Development at Messick Road, north of the proposed Chessie Federal Credit Union site.	Design	**NO CHANGE** - Final SWM submittal and O & M agreement approved.	PJD	6/2/2016
2013	5-13-WFP	Sodium Hypochlorite Conversion	Investigate feasibility of converting from usage of chlorine gas to sodium hypochlorite.	Construction	Work complete.	PJD	6/2/2016
2013	11-13-M	Frederick & Bedford Sts. Bike Lane Improvements	Proposed bicycle safety improvements; including, bike lanes along Frederick Street and Bedford Street from the Mechanic Street to the City Limits, where possible, and traffic calming	Design	This project is expected to be bid soon, for summer installation. Work must be completed by the end of the construction season 2016.	JRD	6/16/2016
2014	04-14-WWTP	Sludge Screening Study	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to	Study	**UPDATE-** Price proposal has been requested form the selected equipment supplier. A request for an MDE Permit has been submitted. As soon as we are sure funding is in place this project will be finalized for bidding.	JDF	3/9/2016
2014	05-14-M	Mill Grind, patch and Resurface Pavements in accordance with MD SHA Contract	Belt Contract to mill and pave	Construction	Greene Street paving will be done in June, and that will allow the City to request reimbursement from SHA because of damage to the street related to the closing of I68 Bridge Work in 2014 1nd 2015.	JDF	5/31/2016
2014	10-14-M	Amtrak Station Streetscape Improvements - Baltimore Street Rail Connection	ADA improvements to curbs and sidewalks along Baltimore Street from George Street to Chessie System Railroad Tracks.	Design	Updates to the SHA specification portion of the contract documents should be completed in July, and the documents resubmitted to SHA for final review and permission to bid the project.	JRD	6/16/2016
2014	10-14-M	Canal Street Rehabilitation Improvements	This project will make bicycle safety improvements to Canal Street.	Construction	Work is complete, we will request reimbursement in June or July. The City Bike Improvement was combined with a Canal Place Contract.	JDF	5/31/2016
2014	13-14-M	Mechanic Street Access Road Improvement Project	Repaving and ADA ramp improvements to the section Mechanic Street from I-68 to Bedford Street. Includes improvements to the block of Bedford Street from N. Centre to N. Mechanic Street and Baltimore Street to the Bridge.	Design	Design review meeting scheduled for 6/16/16	PJD	6/2/2016
2014	17-14-M	Demolition of East Side School		Construction	**NO CHANGE** - Work complete. Awaiting MDE review and permission to remove S&EC devices	PJD	4/29/2016
2014	18-14-SWM	New HS at site of SHH - SWM	SWM for new Allegany High School	Construction	**NO CHANGE** - Revised SWM plan reviewed and approved.	PJD	3/31/2016

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						May 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2014	19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	**UPDATE** - The Design Report from Alta Planning + Design was submitted and we are planning a very brief presentation to the mayor and City Council in May, 2016. The next step in this project will be to seek funding. We believe that several West Side Project could be combined into a single funding request. More on that as the other project reports are completed.	JDF	4/15/2016
2015	1-15-M	Maryland Smart Energy Communities 2015	Designation and Grant for energy reduction improvements. Also required 3 deliverables in 2015: Energy Reduction and Renewable Energy Policies, Energy Baseline, and an energy reduction plan.	Planning	**UPDATE** STILL awaiting MEA approval to move forward with lighting and HVAC projects. This review is taking a very long time, so long that the PE lighting rebates have been exhausted. Lighting project will likely have to change to a bid document or broken down to one building replacement project.	RJK	6/2/2016
2015	9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	This project should become a Canal Place Project, but the City will have to be involved because the Flood Control Project. The MDOT Planning Funding may be turned over to Canal Place so that the preliminary study can get started and Canal Place is expected to find additional funding so the project can proceed to the design stage.	JDF	2/10/2016
2015	13-15-SWM	Sheetz Improvement at Greene Street - SWM	Complete revamp of the facility at Greene Street	Construction	Demolition in progress.	PJD	6/2/2016
2015	14-15-SWM	Hampton Inn - Welton Drive	New Hampton Inn off Welton Drive	Planning	**NO CHANGE** - Awaiting Site Development Plan submittal	PJD	6/2/2016
2015	15-15-P	Mill Grind, patch and Resurface Pavements in accordance with MD SHA Contract	A similar contract had been awarded to Belt Paving in 2014, however Belt could not provide City work, so other paving contractors were asked to provide the work. Only IA Construction responded with a proposal	Construction	Planning work for paving is underway and will be reported in more detail in the April 2016 report.	JDF	4/15/2016
2015	16-15-M	2015 Fall Tree Removal	Hazard Tree Removal	Complete	**UPDATE** Contractor has completed project. This will be the last report on this project.	PTE	4/29/2016
2015	18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Study	Study contract awarded to Whitman Requardt & Associates (WR & A), and they were notified to start work on 17 Dec 2015. A study update is anticipated in April 2016.	PJD	4/29/2016

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						May 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2015	21-15-M	Washington Street Lighting	Install decorative lighting along Washington Street	Design	**UPDATE -** This project was originated by the Neighborhood Association, however after they received State funding the City has agreed to take on the project and provide the necessary local funds to get it completed. Design work is currently in progress and we should be able to provide a good update in the May, 2016 report. Paving of Washington Street in included in the IA Paving Contract, but work can't begin until all of the conduit work for lighting is completed.	JDF	4/15/2016
2015	23-15-M	Flood Insurance Rate Map (FIRM) Modernization and Implementation	Update FIRMs and the Floodplain Ordinance, and conduct an outreach to the community to apprise landowners of the impact of those changes.	Planning	**UPDATE** - A public open house meeting with local, state and federal officials will be held at the Allegany County Fairgrounds on June 7th from 5 to 7 PM. Letters were sent to property owners potentially affected by the FIRM mapping update. Approximately 100 letters were sent: 80+ properties with structures coming out of the floodplain & less than 20 into or remaining structures in the floodplain. FEMA has been running public notices of the DFIRM appeal and update process. Received FEMA update letter 10 Dec 2015.The FIRM comment period is finished. Draft Model Ordinance customized for Cumberland in hand and being reviewed. For Allegany County, the current target for the effective date of DFIRM is Spring, 2017	RJK	6/2/2016
2016	4-16-W	Valve Replacements & Repairs-S. Mechanic and Greene Streets	Install 30" valve on Mechanic street because existing 30" side-operated gate valve is not reliably operable; repair broken 12" valve at Harrison and Mechanic; and install 20" valve at Greene	Complete	Work complete, as-builts received.	PJD	6/2/2016
2016	5-16-SWM	Gasoline and Manual Car Wash Station - Willowbrook Road	L.C. Nixon Development Company Car Wash and Gas Station development of an existing property into a Gas Station and manual car wash.	Design	Concept Plan approval rescinded. New site plan needed.	PJD	6/2/2016
2016	11-16-SWM	Site Modifications to MacDonald's on the Industrial Boulevard	Drive-thru modification to a side-by-side configuration	Design	Site development plan approved.	PJD	6/2/2016

City of Cumberland, Maryland
Engineering Division - Monthly Report

Program Projects Update						May 31, 2016	
Order	**Department**	**Program/Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
	PUBLIC WORKS	Curbside Recycling	Curbside recycling program started in the City of Cumberland July 1, 2014	Ongoing	**UPDATE** Planning for promotions for Recycling at Heritage Days June 11 & 12. Cumberland Neighborhood Housing Services donated an HP Laptop to giveaway in promotion of NOTIFY ME - CURBSIDE RECYCLING SCHEDULE. Signups will kick off at the festival and go through July 1.	RJK	2-Jun-16
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	**NO CHANGE** The next report is due July 10, 2016. The City of Cumberland is limited annually to 23,000 gpd in connections (or about 92 new housing units). Any new large size developments shall undergo review from the Engineering Division for the need for approval for new connections.	RJK	2-Jun-16
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.		**NO CHANGE**	PTE	29-Apr-16
	STC	Shade Tree Commission	Care of trees along city rights of way and in parks.	NA	**UPDATE** Street tree planting has started, should be completed in May; Arbor Day at Constitution Park on April 28th - City named a Sterling Tree City USA for 10 years of growth awards.	PTE	29-Apr-16
	Evitts Creek Water Company	Forest Stewardship Plan (aka Resource Management Plan)	Management of the forested property around Lakes Gordon and Koon	NA	**NO CHANGE** The Forest Management Plan is in the analysis and writing stage.	PTE	29-Apr-16

Regular Council Agenda
June 21, 2016

Description
Engineering Division monthly report for May, 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

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

CITY SOLICITOR
Michael Scott Cohen

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: June 7, 2016

***Pledge of Allegiance**

I. ROLL CALL

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. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Recognition of Police Chief Charles Hinnant for his service on the Board of Directors of the Maryland Municipal League

Mayor Grim thanked Chief Hinnant for representing the City of Cumberland and the Cumberland Police Department on the Maryland Municipal League Board of Directors. Mayor Grim presented Chief Hinnant with a Recognition Certificate from the MML.

III. DIRECTOR'S REPORT

(A) Administrative Services

1. Administrative Services monthly report for April, 2016

Item Action: Approved

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

(B) Public Works

1. Maintenance Division monthly report for April, 2016

Item Action: Approved

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

2. Utilities Division monthly report for April, 2016

Item Action: Approved

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

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of May 17, 2016

Item Action: Approved

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

(B) Administrative / Executive

1. Approval of the Closed Session Minutes of April 19, 2016

Item Action: Approved

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

April 19, 2016 Closed Session at 5:00 P.M.

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

MOTION to enter into closed session to discuss personnel issues was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0.

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

TOPICS: Personnel issues

V. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - to amend Section 2.03 (22) of the City Code to modify the definition of a "Boarding House / Hostel" and to change the zoning areas in which boarding houses and hostels are permitted

Mr. Rhodes provided background on the Ordinance, stating that the intent was to reduce

the occupancy number allowed in boarding houses and hostels and to allow them in more appropriate zones so that they do not interfere with the neighborhoods.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion was made to approve the second reading and move to the third after comment. Mayor Grim called for questions or comments and the Ordinance proceeded to its third reading.

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

ORDINANCE NO. 3796

VI. NEW BUSINESS

(A) Ordinances

1. Ordinance *(1st reading)* - providing for the annual appropriation for the FY17 General Fund

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

2. Ordinance *(1st reading)* - providing for the FY17 City Tax Levy (Real Estate tax rate = $0.9654 per $100 of assessed value) (Personal Property tax rate = $2.648 per $100 of assessed value), expected revenues and utilization of restricted fund balance

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

3. Ordinance *(1st reading)* - providing for the annual appropriations for the FY17 Special Purpose Funds

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

4. Ordinance *(1st reading)* - providing for the annual appropriations for the FY17 Water Fund

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

5. Ordinance *(1st reading)* - providing for the annual appropriation for the FY17 Sewer Fund

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

6. Ordinance *(1st reading)* - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY17 at the rate of $0.10 per $100 of real property assessable base

   FIRST READING: After Mr. Rhodes introduced the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

7. Ordinance *(1st reading)* - modifying Section 11-94 of the City Code entitled "Airguns, Slingshots, etc." to modernize the prohibitions pertaining to such and implement a permitting process for work performed in relation to wildlife damage control

   FIRST READING: After Mr. Cohen provided background on the Ordinance, the Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 5-0.

8. Ordinance *(1st reading)* - authorizing the City Administrator to execute a deed conveying 25 properties on Baltimore Avenue and Waverly Terrace to Cumberland Neighborhood Housing Services

   FIRST READING: Mr. Rhodes advised that all properties being considered for transfer to Cumberland Neighborhood Housing Services (CNHS) were unimproved parcels. CNHS had offered to take title to the properties and maintain them by cutting the grass, etc., which would remove that burden from the City. Should CNHS find someone interested in developing the property, the City has the ability to take the properties back for assessed value and dispose of as the City deemed fit. The properties currently have no value.

   Mr. Rhodes noted that Mayor Grim, who also serves as Executive Director of CNHS, abstained from all aspects of the decision making process and crafting of the deed and ordinance and would abstain from vote on this issue.

   FIRST READING: The Ordinance was read in Title only. Motion to approve the first reading and table for two weeks was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 4-0 with Mayor Grim abstaining from vote.

(B) Resolutions

1. Resolution supporting Allegany College of Maryland Foundation's application to the Maryland Department of Housing and Community Development regarding a program to provide tax credits to support scholarships and tuition assistance

   Mr. Rhodes provided background on the Resolution. The Resolution was read in Title only and the Mayor called for questions or comments. Motion to approve the Resolution was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

   RESOLUTION NO. R2016-03

2. Resolution - authorizing the issuance and sale to M&T Securities, Inc. of a series of General Obligation Bond Anticipation Notes designated as "Mayor and City Council of Cumberland

Taxable Bond Anticipation Notes of 2016" to be used to finance or reimburse costs of the "Maryland Avenue Redevelopment Project," and setting forth certain terms and conditions of the sale

Mr. Rhodes advised that the proposed General Obligation Bond Anticipation Notes (BAN) would provide interim gap financing for the Maryland Avenue Redevelopment Project until the permanent financing is received. Mr. Rhodes stated that the BAN was not an attempt to borrow additional funds, but was a short-term borrowing against $3.5M that was previously approved.

The Resolution was presented in Title only and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

RESOLUTION NO. R2016-04

3. Resolution making a Declaration of Official Intent regarding the intent to reimburse from the proceeds of one or more obligations to be issued by the City prior expenditures made in connection with the CSO Storage Facility Project

Mr. Rhodes discussed the intent of the Declaration of Official Intent, advising that its approval would allow the City to reimburse itself for expenditures related to the CSO projects before the expected permanent financing was in place. Mr. Rhodes provided a brief update on the phases of the CSO projects.

The Resolution was presented in Title only and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was approved on a vote of 5-0.

RESOLUTION NO. R2016-05

(C) Orders (Consent Agenda)

Item Action:

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim entertained questions or comments prior to vote. Motion to approve Consent Agenda Items 1-10 was made by Councilwoman Alt-Myers, seconded by Councilman Caporale, and was passed on a vote of 5-0.

1. Order authorizing the abatement of taxes and utilities for City-owned properties at Bishop Walsh Road (2013 Taxes - $852.77 / 2014 Taxes $859.21); 113 Independence Street (Utilities - $5,537.43) ; and 324 N. Waverly Terrace (Utilities - $1,177.53)

ORDER NO. 25,980

2. Order accepting the bid of Link Computer Corporation to provide a VOIP Telephony and Unified Communications System in the amount not to exceed $89,991.11

ORDER NO. 25,981

3. Order approving the execution of a Lease Agreement with Coach's Entertainment Enterprises, LLC t/a Mezzos for the use of public right-of-way in front of Mezzo's Restaurant at 114 S. Centre Street for dining and entertaining purposes for the period of July 1, 2016 through March

31, 2017

ORDER NO. 25,982

4. Order authorizing the execution of an Engineering Services Agreement with Whitman, Requardt and Associates (WR&A) to finalize contract documents and provide advertising/bidding phase services for Phase I of the CSO Storage Facility Project (01-10-WWTP) in an amount not-to-exceed $111,037

ORDER NO. 25,983

5. Order declaring a Moore Detacher Model 385 as surplus equipment and authorizing its sale or disposal

ORDER NO. 25,984

6. Order declaring a 1996 Jeep Truck (VIN: 1J4FJ28S8TL265299) as surplus and authorizing it for sale or trade-in

ORDER NO. 25,985

7. Order accepting the bid of Champion Energy to supply a 40-month fixed price electricity supply for the City's accounts in Pennsylvania (West Penn accounts) for the term of July, 2016 - November, 2019, pending final review of pricing and contract documents

ORDER NO. 25,986

8. Order accepting the bid of Constellation Energy to supply a 36-month fixed price electricity supply for the City's electric accounts in Maryland (Potomac Edison accounts) for the term of November, 2016 - October, 2019, pending final review of pricing and contract documents

ORDER NO. 25,987

9. Order authorizing the abatement of utilities charges for City-owned property at 447-449 N. Waverly Terrace

ORDER NO. 25,988

10. Order authorizing the Mayor to execute an "Assignment and Assumption Agreement" as Landlord of the One Frederick Street Garage, to authorize S&N Realty LLC to assign and transfer all of its right, title and interest in S&N's Parking Lease for the One Frederick Garage to EII Cumberland Associates, LLC

ORDER NO. 25,989

(D) Letters, Petitions

1. Letter from Karen E. Cresap, Cresap Society Archivist, advising of the upcoming 100th anniversary of The Cresap Society which will be celebrated over a three-day period of July 14th - July 16 in Cumberland, and requesting the use of the Riverside Park on the morning of Friday, July 15th to hold the official dedication of the Cresap family engraved bricks that were placed around the Cresap Monument at Riverside Park in 2012

The Letter was acknowledged and entered into public record. Regarding the Cresap Society's request to use the Riverside Park for its dedication ceremony on July 15th,

Council raised no objections and provided consent to proceed.

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Kenneth Wilmot, 513 Fort Avenue, stated that the new paving in Constitution Park was very nice, but he would also like to see the stop signs replaced with yield signs on the Park's feeder streets. He stated stop signs were unnecessary and the yield signs would save gas consumption.

Stan Boinovych, 11707 Boardwalk Avenue, Cumberland, stated he had been advised by the Economic Development Department that the demolition at the Maryland Avenue Redevelopment Project site would not be bid out, which he took exception to. He also suggested that the City look into the National Emission Standards because he felt those standards were contrary to how he was advised the City would be dealing with hazardous inspections at the site.

Dave Creegan, 557 Bedford Valley Road, Cumberland, stated that he was also advised that the demolition of the Maryland Avenue Project site would not be bid out. He stated that as the project was backed with federal money, smaller contractors should be provided the right to bid on the work. He asked the Mayor and Council to look into this issue.

Hayden Ort-Ulm, 108 Greene Street, Cumberland, discussed several concerns had had regarding parking on Greene Street. He detailed several problem that affected not only residents, but business owners as well, and provided suggestions for addressing these concerns. Mr. Ort-Ulm stated that he was speaking on behalf of several other Greene Street residents, as well.

Mike McKay, Western Maryland Delegate, shared a report for District 1C with the Mayor and Council that provided the status of all bills that he sponsored or co-sponsored and his voting record. He stated that he provided this information as a means to encourage transparency and open government.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 7:23 P.M.

Minutes approved on _____

Mayor Brian K. Grim _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Regular Council Agenda
June 21, 2016

Description
Approval of the Regular Session Minutes of June 7, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502
Second Floor Conference Room
Tuesday, May 17, 2016
5:00 p.m.

The meeting convened at 5:05 P.M.

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION: Motion to enter into closed session to discuss personnel issues pursuant to the provision of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (1) was made by Councilman Caporale, seconded by Councilman Bernard, and was passed on a vote of 5-0.

AUTHORITY TO CLOSE SESSION:
Annotated Code of Maryland, State Government

- Section 10-508 (a) (1): To discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals

TOPICS: Personnel issues

Minutes approved on: _____

Brian K. Grim, Mayor: _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Regular Council Agenda
June 21, 2016

Description
Approval of the Closed Session Minutes of May 17, 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 OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE CITY TAX LEVY, EXPECTED REVENUES, AND UTILIZATION OF RESTRICTED FUND BALANCE FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017"

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the levy for the Fiscal Year 2017 for the City of Cumberland shall be as follows:

Property Taxes			
Real Estate (Full Value)	$ 858,692,645	@ $0.9654	$ 8,289,819
Personal Property			
Individual	1620657		
Corporation	78738217		
	80358874	@ $2.648	2,127,903
Penalties and Interest			420,000
Tax Credits			(190,000)
Total Tax Levy			$ 10,647,722
Other Revenues			
Other Taxes	364,423		
Licenses & Permits	180,000		
Intergovernmental	3,615,168		
Charges for Services	1,695,576		
Fines, Forfeitures & Interest	7,700		
Miscellaneous	465,700		
Transfers-in	3,035,574		
Capital Financing			
Total Other Revenue			9,364,141
Utilization of Restricted Fund Balance			2,514,000
Total Tax Levy, other revenue and restricted fund balance			**$ 22,525,863**

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this _____ day of June, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the FY17 City Tax Levy (Real Estate tax rate = $0.9654 per $100 of assessed value) (Personal Property tax rate = $2.648 per $100 of assessed value), expected revenues and utilization of restricted fund balance

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 OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE ANNUAL APPROPRIATION FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and they are hereby appropriated for the respective purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2016, and ending June 30, 2017, to-wit:

General Government	$	1,544,527
Public Safety		10,762,846
Public Works		2,869,259
Recreation		973,552
Community Development		1,299,313
Debt Service		1,665,305
Transfers-out		3,392,596
Total	**$**	**22,507,398**

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the fiscal year (June 30, 2017) if legally encumbered but shall continue in full force and effect until the encumbrance has been completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the annual appropriate for the FY17 General Fund

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [ ] 1st Reading
- [x] 2nd Reading
- [x] 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 OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE APPROPRIATIONS FOR VARIOUS SPECIAL PURPOSE FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective funds and purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2016, and ending June 30, 2017, to-wit:

Housing Assistance	$	1,922,905
Downtown Development Commission		306,042
Community Development Block Grant		730,431
Police Grants		220,000
Community Legacy		200,000
TIF District - Shades Lane		35,900
Capital Projects		1,433,898
Street Improvement		3,267,613
Municipal Parking Authority		550,317
Trash Removal		1,359,797
Total	**$**	**10,026,903**

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the Fiscal Year (June 30, 2017) but shall continue in full force and effect until the project for which the appropriation has been made is completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2016.

_____
Brian K. Grim
MAYOR

Attest:

By:_____
Marjorie A. Woodring
CITY CLERK

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 Special Purpose Funds

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [ ] 1st Reading
- [x] 2nd Reading
- [x] 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 OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE WATER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following operating budget is hereby appropriated for the respective departments and purposes of the City of Cumberland Water Fund for the Fiscal Year beginning July 1, 2016, and ending June 30, 2017, to-wit:

Water Administration	$	1,112,946
Water Distribution		2,755,369
Water Filtration Plant		1,776,864
Interest Expense		407,205
Principal Payments		938,080
Capital Expenditure		606,000
Total	**$**	**7,596,464**

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 24-86 of the Code of the City of Cumberland, and as the same may be from time to time amended, to produce sufficient revenue to enable the City of Cumberland to defray the cost of operating, maintaining, repairing and otherwise improving the Water System, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2017.

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

Passed this _____ day of June, 2016.

_____
Brian K. Grim
Mayor

Attest:

By :_____
Marjorie A. Woodring
City Clerk

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 Water Fund

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [ ] 1st Reading
- [x] 2nd Reading
- [x] 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO._____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MD, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE SEWER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2016, AND ENDING JUNE 30, 2017."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective departments and purposes of the City of Cumberland Sewer Fund for the Fiscal Year beginning July 1, 2016, and ending June 30, 2017, to-wit:

Wastewater Treatment Plant	$	6,737,758
Sanitary & Storm Sewer		1,475,700
Flood Control		602,192
Interest Expense		194,136
Principal Payments		767,175
Capital Expenditure		10,473,072
Total	**$**	**20,250,033**

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 27-9 of the code of the City of Cumberland to defray the cost of operating, maintaining, and repairing and otherwise improving the Sanitary and Storm Sewer system, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2017.

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

Passed this _____ day of June, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the annual appropriations for the FY17 sewer fund

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [ ] 1st Reading
- [x] 2nd Reading
- [x] 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 OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE LEVY OF A SPECIAL AD VALOREM TAX IN THE SHADES LANE DEVELOPMENT DISTRICT AND RELATED MATTERS."

Whereas, the Mayor and City Council, pursuant to a Resolution adopted on September 21, 2004 (the "Resolution") and the authority of Sections 14-201 through 14-214, inclusive, of Article 41 of the Annotated Code of Maryland (the "TIF Act") and Section 44A of Article 23A of the Annotated Code of Maryland (the "STD Act" and, together with the TIF Act, the "Acts") established a contiguous area located within the City as both a "development district" (as defined in the TIF Act) and a "special taxing district" (as defined in the STD Act), and designated such area as the "Shades Lane Development District" (the "District"); and

Whereas, pursuant to Ordinance No. 3507, approved by the Mayor and City Council on October 5, 2004 (the "Ordinance"), the City authorized the issuance of special obligation bonds in an amount not to exceed $750,000 pursuant to the authority of the Acts in order to finance certain infrastructure improvements within or related to the District; and

Whereas, pursuant to the Ordinance and an Executive Order of the Mayor executed and delivered on April 21, 2005 pursuant to the authority of the Acts and the Ordinance, the City issued and delivered its Mayor and City Council of Cumberland Special Obligation Bond (Shades Lane Project), Series 2005 on April 22, 2005 in the original principal amount of $480,000 (the "Bond"); and

Whereas, the Ordinance provides that debt service on the Bond will be payable in the first instance from property taxes on real property located within the District representing the

levy by the City and County Commissioners of Allegany County (the "County") on the Tax Increment (as defined in the Resolution), and to the extent such incremental tax revenues prove insufficient, in the second instance from a special ad valorem tax or taxes levied upon property within the District; and

Whereas, it has been determined by City staff that revenues from taxes levied by the City and the County are and will be insufficient to cover debt service on the Bond and that it will be necessary to levy a special ad valorem tax on real property located within the District for the fiscal year beginning July 1, 2015 and ending June 30, 2016 at the rate of Zero Dollars and Ten Cents ($0.1000) per One Hundred Dollars ($100.00) of assessable base in accordance with the authority set forth in the Ordinance; and

Whereas, it has been determined that such special ad valorem tax should be set at a rate of Zero Dollars and Zero Cents ($0.00) per One Hundred Dollars ($100.00) of assessable base with respect to personal property located within the District.

Now, Therefore

Section 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CUMBERLAND, that in accordance with and pursuant to the authority of the STD Act and the Ordinance, for the fiscal year beginning July 1, 2015 and ending June 30, 2016, there is hereby levied a special ad valorem tax, at the rate of Zero Dollars and Ten Cents ($0.1000) per One Hundred Dollars ($100.00) of assessable base, on real property located within the District.

Section 2: AND BE IT FURTHER ORDAINED that in accordance with and pursuant to the authority of the STD Act and the Ordinance, for the fiscal year beginning July 1, 2015 and ending June 30, 2016, there is hereby levied a special ad valorem tax, at the rate of Zero Dollars

and Zero Cents ($0.00) per One Hundred Dollars ($100.00) of assessable base, on personal property located within the District.

Section 3: AND BE IT FURTHER ORDAINED, that the special ad valorem tax levied pursuant to the provisions of this Ordinance shall be collected and deposited by the City Treasurer or other appropriate official in the Shades Lane Special Taxing District Fund established pursuant to the Resolution, and shall be applied in accordance with the provisions of the STD Act, the Resolution, the Ordinance and the Financing and Bond Purchase Agreement dated as of April 22, 2005 entered into between the City and Susquehanna Bank, the purchaser of the Bond, in connection with the issuance of the Bond.

Section 4: AND BE IT FURTHER ORDAINED, that the appropriate officials of the City are hereby authorized and directed to take all action necessary to provide for the billing, collection and application of the special ad valorem tax relating to the District provided for in this Ordinance.

Section 5: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of June, 2015.

_____
MAYOR

ATTEST:

_____
CITY CLERK

#95087;10002.001

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY17 at the rate of $0.10 per $100 of real property assessable base

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 REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 11-94 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) ENTITLED 'AIRGUNS, SLINGSHOTS, ETC.' FOR THE PURPOSE OF MODERNIZING THE PROHIBITIONS PERTAINING TO WEAPONS OTHER THAN FIREARMS WHICH SHOOT PROJECTILES, PROVIDING A MORE COMPLETE LISTING OF THE WEAPONS SUBJECT TO ITS TERMS, AND IMPLEMENTING A PERMITTING PROCESS FOR PERSONS ENGAGED IN THE BUSINESS OF WILDLIFE DAMAGE CONTROL TO USE BB GUNS OR AIR GUNS IN THE PERFORMANCE OF THEIR WORK DUTIES."

WHEREAS, section 11-94 of the City Code prohibits the discharge of air guns and similar weaponry other than firearms which discharge projectiles. It also prohibits the possession of such weaponry upon the streets and alleys of the City.

WHEREAS, one of the purposes of this ordinance is to render section 11-94 inapplicable to bean shooters, slingshots and blow pipes and to extend its prohibitions to bb guns, paintball guns, airsoft guns, bows and crossbows so as to modernize its terms relative to the types of weapons which are more commonly utilized today and which present a public safety risk. The use of the newly added weapons is already prohibited by the terms of section 11-94; however, expressly listing them provides clearer notice of the applicable prohibitions.

WHEREAS, there have been an increasing number of incidents in the City and elsewhere where firearm replicas are being used in the commission of crimes. There was a recent incident where juveniles were apprehended for

discharging bb guns on City streets. The potential for police officers to use their service weapons in incidents where juveniles or others may inadvertently point the types of weapons which are the subject of section 11-94 at them will hopefully be limited by the amendments provided for under the terms of this ordinance.

WHEREAS, from time to time, the City receives requests from persons engaged in the pest control business (i.e., the holders of Wildlife Damage Control Permits issued pursuant to COMAR 08.03.15) to allow for their use of bb guns and air guns for pest eradication purposes. The amendments effected by this ordinance provide for a permitting process for such use.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 11-94 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted with amendments, to read as follows:

Sec. 11-94. - Air guns, spring guns, etc.

> No person shall discharge, fire or shoot any air gun, spring gun, bb gun, paintball gun, airsoft gun, bow or crossbow or any other similar contrivance manufactured and calculated to discharge any shot or missile within the city, and no person shall possess any such weapon upon any of the streets or alleys of the city; provided, however, that this provision shall not prohibit the discharge of a paintball gun or airsoft gun on any property where paintball and/or airsoft competitions are permitted by the property owner. Notwithstanding the foregoing, a holder of a Wildlife Control Permit issued pursuant to COMAR 08.03.15 may apply to the Chief of Police for a permit to utilize a bb gun or air

gun on a single day for bona fide pest control work-related purposes, provided the applicant is able to provide proof of satisfactory insurance coverage. The Chief of Police shall give due consideration to safety issues in determining whether to issue a permit or whether to impose conditions on its issuance.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

SECTION 3: AND BE IT FURTHER ORDAINED, that the City Clerk shall cause the title of this Ordinance and the text after the introductory recitals to be published in the Cumberland Times-News for three (3) successive days, excluding Sundays.

Passed this ____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie E. Woodring, City Clerk

Dates of publication:

Sec. 11-94. - Air guns, ~~slingshots~~ spring guns, etc.

No person shall discharge, fire or shoot any air guns, ~~spring gun, blow pipe,~~ slingshot, ~~bean shooter~~ bb gun, paintball gun, airsoft gun, bow or crossbow or any other similar contrivance manufactured and calculated to ~~throw, sling, or~~ discharge any shot or missile within the city, and no person shall possess any such weapon upon any of the streets or alleys of the city; provided, however, that this provision shall not prohibit the discharge of a paintball gun or airsoft gun on any property where paintball and/or airsoft competitions are permitted by the property owner. Notwithstanding the foregoing, a holder of a Wildlife Pest Control Permit issued pursuant to COMAR 08.03.15 may apply to the Chief of Police for a permit to utilize a bb gun or air gun on a single day for bona fide pest control work-related purposes, provided the applicant is able to provide proof of satisfactory insurance coverage. The Chief of Police shall give due consideration to safety issues in determining whether to issue a permit or whether to impose conditions on its issuance.

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Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - modifying Section 11-94 of the City Code entitled "Airguns, Slingshots, etc." to modernize the prohibitions pertaining to such and implement a permitting process for work performed in relation to wildlife damage control

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [ ] 1st Reading
- [x] 2nd Reading
- [x] 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 CUMBERLAND NEIGHBORHOOD HOUSING SERVICES, INC. CERTAIN SURPLUS PROPERTY CONSISTING OF 25 SEPARATE PARCELS OF REAL ESTATE ON BALTIMORE AVENUE AND WAVERLY TERRACE IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, the City owns the following parcels of real property located on Baltimore Avenue and Waverly Terrace, in the City of Cumberland, Allegany County, Maryland (collectively, hereinafter referred to as the "Parcels"):

Map	Parcel	Tax ID #	Liber / Folio	Description
105	0020	22-007254	640/471	400-402 Waverly Terrace
105	0194	22-012940	2050/077	345 Baltimore Avenue
105	0193	22-007513	2050/077	343 Baltimore Avenue
105	0020	22-007262	647/088	406 N. Waverly Terrace
105	0026	22-009931	576/155	314 Waverly Terrace
105	0196E	22-016776	1991/112	351 Baltimore Avenue
105	7096E	22-007149	1991/112	E/S Baltimore Avenue
105	0019	22-007246	647/088	410 Waverly Terrace
105	0022	22-005626	659/524	324 N. Waverly Terrace
105	0023	22-008927	659/524	320-322 N. Waverly Terrace
105	0021	22-003496	629/550	RR 324 N. Waverly Terrace
105	195	22-003011	710/659	347 Baltimore Avenue
105	0057F	23-011719	2052/418	474-476 Baltimore Avenue
105	0031F	23-011433	1768/134	470 Baltimore Avenue
105	0063F	23-005999	721/804	458-460 Baltimore Avenue
105	0030F	23-014130	2054/494	472 Baltimore Avenue
105	0061F	23-012774	721/815	464 Baltimore Avenue
105	0056F	23-014114	1938/426	478-480 Baltimore Avenue
105	0064F	23-011999	2118/278	454-456 Baltimore Avenue
105	0062F	23-004178	721/804	462 Baltimore Avenue
105	0197	22-007157	1991/112	E/S Baltimore Avenue
105	7098	22-016784	1991/112	.08A E/S Baltimore Avenue
105	0198	22-007173	1991/112	E/S Baltimore Avenue

105	0199	22-007130	1991/112	RR 351 Baltimore Avenue
105	0200	22-007181	1991/112	427 Baltimore Avenue

WHEREAS, the Parcels were declared to be surplus property under the terms of Order No. 25,978 passed by the Mayor and City Council on May 17, 2016;

WHEREAS, the Parcels are unimproved;

WHEREAS, Cumberland Neighborhood Housing Services, Inc. ("CNHS") has offered to take title to the Parcels and assume all responsibilities of ownership, including maintaining the grounds thereof;

WHEREAS, the Parcels have little potential for development;

WHEREAS, should the Mayor and City Council desire to make use of any or all of the Parcels, the deed effecting their conveyance to CNHS (see Exhibit A attached hereto) affords the City the right to purchase any or all of them from CNHS for their tax assessed value; and

WHEREAS, the Mayor and City Council of Cumberland deem the conveyance of the Parcels to CNHS to be in the City's best interests.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the City Administrator be and he is hereby authorized to execute the Deed attached hereto as Exhibit A in order to effect the conveyance of the Parcels to CNHS for zero dollars ($0.00);

SECTION 2: 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

NO TITLE SEARCH PERFORMED

THIS QUITCLAIM DEED, made this ___ day of June, 2016, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, party of the first part, and **CUMBERLAND NEIGHBORHOOD HOUSING SERVICES, INC.**, a Maryland corporation, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby quitclaim unto the party of the second part, its successors and assigns, all of the party of the first part's right, title, interest and estate in and to the following-described parcels of real property lying and being in the City of Cumberland, Allegany County, Maryland which are listed below and described as follows, to wit:

Map	Parcel	Tax ID #	Liber / Folio	Description
105	0020	22-007254	640/471	400-402 Waverly Terrace
105	0194	22-012940	2050/077	345 Baltimore Avenue
105	0193	22-007513	2050/077	343 Baltimore Avenue
105	0020	22-007262	647/088	406 N. Waverly Terrace
105	0026	22-009931	576/155	314 Waverly Terrace
105	0196E	22-016776	1991/112	351 Baltimore Avenue
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105	0019	22-007246	647/088	410 Waverly Terrace
105	0022	22-005626	659/524	324 N. Waverly Terrace
105	0023	22-008927	659/524	320-322 N. Waverly Terrace
105	0021	22-003496	629/550	RR 324 N. Waverly Terrace
105	195	22-003011	710/659	347 Baltimore Avenue
105	0057F	23-011719	2052/418	474-476 Baltimore Avenue
105	0031F	23-011433	1768/134	470 Baltimore Avenue
105	0063F	23-005999	721/804	458-460 Baltimore Avenue
105	0030F	23-014130	2054/494	472 Baltimore Avenue
105	0061F	23-012774	721/815	464 Baltimore Avenue

105	0056F	23-014114	1938/426	478-480 Baltimore Avenue
105	0064F	23-011999	2118/278	454-456 Baltimore Avenue
105	0062F	23-004178	721/804	462 Baltimore Avenue
105	0197	22-007157	1991/112	E/S Baltimore Avenue
105	7098	22-016784	1991/112	.08A E/S Baltimore Avenue
105	0198	22-007173	1991/112	E/S Baltimore Avenue
105	0199	22-007130	1991/112	RR 351 Baltimore Avenue
105	0200	22-007181	1991/112	427 Baltimore Avenue

TOGETHER with the buildings and improvements thereon, and the rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining.

TO HAVE AND TO HOLD the above-described property unto the party of the second part, its successors and assigns, in fee simple forever.

SUBJECT, HOWEVER, to the right of the party of the first part to purchase any or all of the aforesaid parcels from the party of the second part for their tax assessed value at any time. Further, before selling any or all of the aforesaid parcels to a third party, the party of the second part must first provide the party of the first part with a copy of the document constituting the contract of sale or otherwise setting forth the terms of the third party's offer and the party of the first part shall have thirty (30) days from the date it receives such documentation to purchase the parcel for its tax assessed value. In the event such documentation is provided and the party of the first part does not purchase the parcel, it shall provide the party of the second part with written confirmation of its decision not to proceed with the purchase.

WITNESS the hand and seal of the party of the first part the day and year first above written.

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL OF CUMBERLAND

By:_____(SEAL)

Marjorie A. Woodring, City Clerk

Jeffrey D. Rhodes, City Administrator

STATE OF MARYLAND,
ALLEGANY COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Jeffrey D. Rhodes**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the City Administrator of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is $0.00. He further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that no title search was performed in connection with its preparation.

MICHAEL SCOTT COHEN

Regular Council Agenda
June 21, 2016

Description

Ordinance *(2nd and 3rd readings)* - authorizing the City Administrator to execute a deed conveying 25 properties on Baltimore Avenue and Waverly Terrace to Cumberland Neighborhood Housing Services

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 PROVIDE FOR THE CLOSURE OF A PORTION OF AN ALLEY KNOWN AS WILLISON PLACE (AKA WILLISON ALLEY, FKA WINE ALLEY AND WEYAND'S ALLEY) LOCATED ADJACENT TO THE NORTHWEST SIDE OF MARYLAND AVENUE, SAID PORTION OF SAID ALLEY BEING CLOSED RUNNING IN A NORTHERLY DIRECTION FROM THE NORTHWEST SIDE OF MARYLAND AVENUE 203 FEET ON THE EAST SIDE OF THE ALLEY AND 211.51 FEET ON THE WEST SIDE OF THE ALLEY, THE PORTION OF THE ALLEY BEING CLOSED LYING ON BOTH SIDES BETWEEN THE LANDS OWNED BY SEAN B. D'ATRI (AS DESCRIBED IN THE DEED RECORDED AMONG THE LAND RECORDS OF ALLEGANY COUNTY, MARYLAND IN BOOK 1568, PAGE 120), THE PORTION OF SAID ALLEY BEING CLOSED BEING LOCATED IN THE CITY OF CUMBERLAND, MARYLAND."

WHEREAS, the Mayor and City Council of Cumberland received a petition from Sean B. D'Atri requesting the closure of the portion of Willison Place generally described in the titling of this Ordinance;

WHEREAS, the City Clerk served a personal notice in writing upon each property owner to be affected by the passage of the proposed Ordinance more than ten (10) days before July 5, 2016;

WHEREAS, in the opinion of the Mayor and City Council of Cumberland, the public welfare and convenience require that the aforesaid portion of the aforesaid alley be closed; and

WHEREAS, in that Sean B. D'Atri owns the parcels of property adjacent to each side of the portion of Willison Place being closed by this Ordinance, the entire portion of Willison Place being closed shall be conveyed to him.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND AS FOLLOWS:

SECTION 1: The portion of the Willison Place described in the metes and bounds description attached hereto as Exhibit A and as shown on the plat attached hereto as Exhibit B is closed. The said closure is not subject to any reservations or easements in favor of the City.

SECTION 2: The said Mayor and City Council of Cumberland shall ascertain whether any and what amount in value of damage shall be caused by the aforesaid closure for which the owners or possessors of any property located along Willison Place, or portions thereof, should be compensated, and shall assess and levy generally on the

property of the persons benefitted by the closure of the alley the whole or any part of the expense which shall be incurred in closing the same.

SECTION 3: The City Administrator or his designee shall, within fifteen (15) days of the passage of this Ordinance, submit a report to the City Clerk setting forth his findings regarding what amount of damages shall have been caused by the aforesaid closure of the portion of Willison Place described herein, and the names of the owners or possessors of such property along which said streets now pass, and the amount of damages for which they shall be compensated or benefits for which they shall be assessed, and whether said damages arising from the closure shall be assessed generally on the whole assessable property within the City of Cumberland or specially on the property of the person benefitted by the closure; and, in the event of any of said damages being assessed and levied in whole or in part on any property of the persons benefitted, the names of the owners of the property specially benefitted, with a description of said property by reference to the Land Records of Allegany County, and the amount so levied and assessed. The Mayor and City Council shall consider the matter of the City Administrator's/designee' report and shall make determinations regarding the subject matter of the said report at a meeting held no sooner than fifteen (15) days after the date of the passage of this Ordinance.

SECTION 4: Any person feeling aggrieved or injured by the decision of said Mayor and City Council of Cumberland regarding the subject matter of the aforereferenced report shall have the right of an appeal to the Circuit Court at a trial by jury, as provided in Section 128 of the Charter of the City of Cumberland (1991 Edition), upon filing a written notice of appeal with the City Clerk within thirty (30) days after the Mayor and City Council of Cumberland shall have made their return.

SECTION 5: The benefits assessed by said Mayor and City Council of Cumberland shall be liens upon the property of the persons benefitted to the extent of such assessment, and shall be payable within sixty (60) days after the date of the meeting at which the Mayor and City Council of Cumberland makes its determinations regarding the subject matter set forth in the City Administrator's report, and the collection of the same shall be enforced by *scire facias* in the same manner as paving liens are collected by the Mayor and City Council; and a written record of the said Mayor and City Council's determinations shall be filed for record and reported in the Mechanics' Lien Record in the Clerk's Office in the Circuit Court for Allegany County, and the assessment therein shall be liens upon the properties respectively assessed from the time of such recording, such recording to be effected no sooner than the expiration of the aforesaid sixty (60) day period.

SECTION 6: Upon the collection of all benefits assessed and the payment of the damages ascertained, or the waiver of this provision by the parties interested, if applicable the said portion of Willison Place particularly described in Section 1 hereof shall be closed and the Mayor shall be empowered to execute a deed effecting the conveyance of the property described in Exhibit A to Sean B. D'Atri.

SECTION 7: This Ordinance shall take effect from the date of its passage.

Passed, the _____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

EXHIBIT A

LEGAL DESCRIPTION FOR A PORTION OF WILLISON PLACE, 20 FEET WIDE, CONTAINING 0.1 ACRES TO BE CLOSED BY THE CITY OF CUMBERLAND. WILLISON PLACE LOCATED IN THE CITY OF CUMBERLAND, ELECTION DISTRICT NO. 4, ALLEGANY COUNTY, MARYLAND.

ALL that piece or parcel of land (Willison Place, 20 feet wide), located in the City of Cumberland, Election District No. 4, Allegany County, Maryland and more particularly described as follows: (Deed north meridian and horizontal measurements being used throughout) to wit:

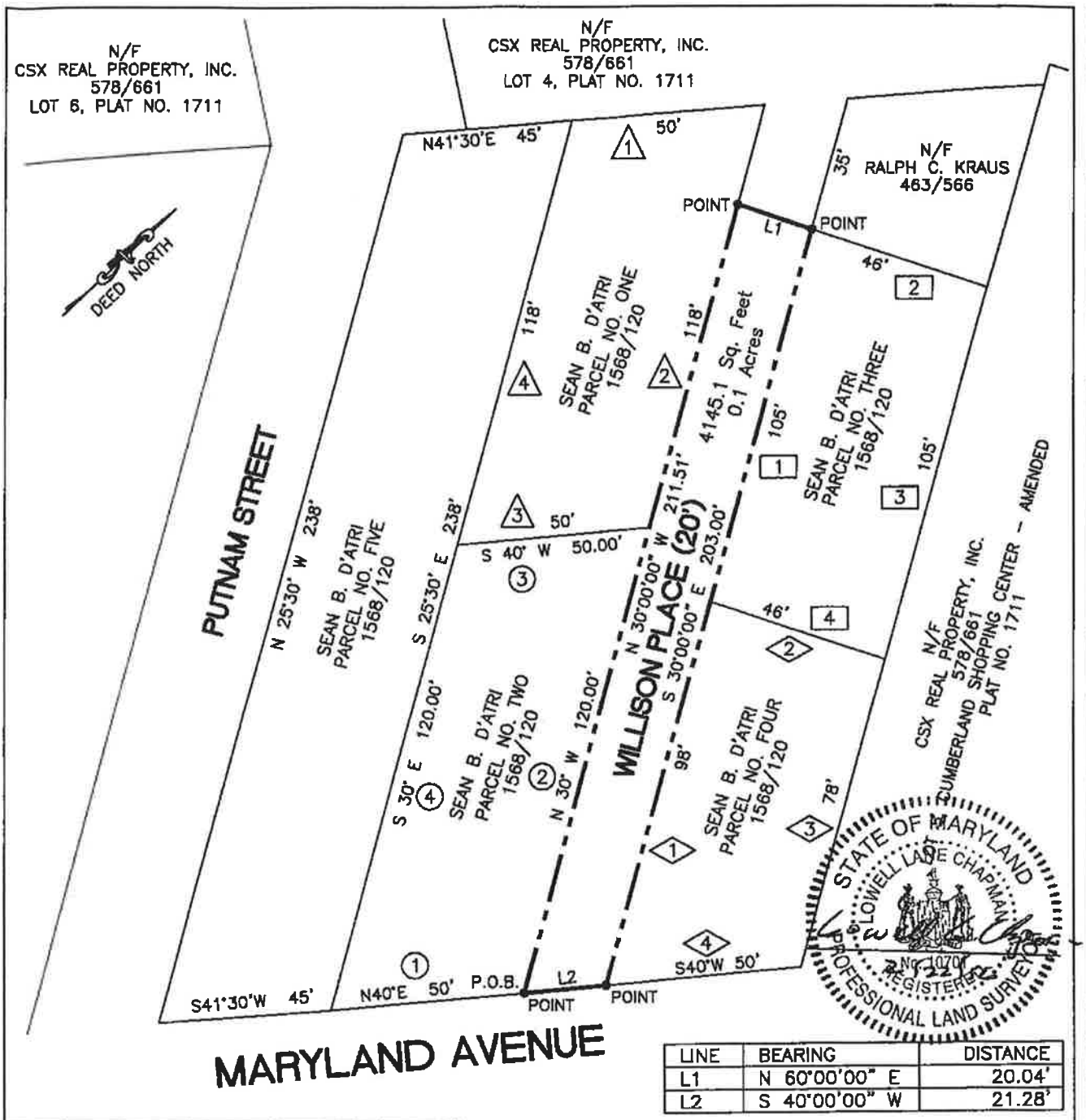
BEGINNING for the same at a point located on the northwesterly side of Maryland Avenue; said point also marks the end of the first line of Parcel No. 2 which is referenced in a deed dated February 24, 2009, Robert B. D'Atri and Chadwick R. Furstenberg to Sean B. D'Atri recorded in Deed Book 1568, page 120, one of the Land Records of Allegany County, Maryland; thence leaving the northwesterly side of Maryland Avenue for the first course and distance

1. North 30 degrees 00 minutes 00 seconds West 211.51 feet to a point; thence crossing Willison Place;
2. North 60 degrees 00 minutes 00 seconds East 20.04 feet to a point at the end of the first line of Parcel No. 3 which is referenced in the above mentioned deed; thence
3. South 30 degrees 00 minutes 00 seconds East 203.00 feet to a point on the northwesterly side of Maryland Avenue; said point also marks the beginning of Parcel No. 4 which is referenced in the above mentioned deed; thence following along Maryland Avenue for the next course and distance
4. South 40 degrees 00 minutes 00 seconds West 21.28 feet to the place of **BEGINNING**, containing 0.1 acres, more or less, all of which is shown on the accompanying plat and made a part thereof.

ALL of the above described portion of Willison Place containing 0.1 acres being closed by the City of Cumberland,

SUBJECT to all easements, covenants, restrictions, reservations, etc. as of record and as shown on the accompanying plat.

EXHIBIT B



LINE	BEARING	DISTANCE
L1	N 60°00'00" E	20.04'
L2	S 40°00'00" W	21.28'

PROFESSIONAL CERTIFICATION

I HEREBY CERTIFY THAT THESE DOCUMENTS WERE PREPARED OR APPROVED BY ME, AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MARYLAND, LICENSE NO. 10701 EXPIRATION DATE: 12-20-17

0' 40' 80' 120'

LOWELL CHAPMAN SURVEYING & ENGINEERING, INC.

11802 Old Legislative Rd
Frostburg, MD 21532
301-689-2072

DATE	12/30/15
SCALE	1" = 40'
DWG. BY	SAW
CHKD.BY	LLC
JOB NO.	14-015
CADD:	14-015-D'ATRI

REVISIONS

DEED COMPOSITE
Prepared for
SEAN B. D'ATRI
Property situate in
Election District No. 4
Willison Plaza
Cumberland
Allegany County
State of Maryland

Regular Council Agenda
June 21, 2016

Description

Ordinance *(1st reading)* - providing for the closure of a portion of an alley between lands owned by Sean B. D'Atri and known as Willison Place, and authorizing the execution of a deed effecting the conveyance of the closed portion of the alley to Mr. D'Atri

Approval, Acceptance / Recommendation

- [ ] Budgeted

- [x] 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 CONTRACT OF SALE AND DEED FOR THE PURPOSE OF CONVEYING TO EDWARD M. COOK AND FRANCES L. COOK CERTAIN SURPLUS PROPERTY LOCATED AT 316 BALTIMORE AVENUE IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 316 Baltimore Avenue, in the City of Cumberland, Allegany County, Maryland;

WHEREAS, the said property was declared to be surplus property under the terms of Order No. 25,976 passed by the Mayor and City Council on May 17, 2016;

WHEREAS, Edward M. Cook and Frances L. Cook desire to purchase the said property for the sum of $1,500.00, said offer being set forth in under the terms of a Contract of Sale attached hereto as Exhibit A; and

WHEREAS, the Mayor and City Council of Cumberland deem it to be in the interest of the City to enter into said Contract of Sale and grant the said conveyance.

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 the Contract of Sale attached hereto as Exhibit A, agreeing to convey the real property located at 316 Baltimore Avenue, Cumberland, Maryland 21502 to Edward M. Cook and Frances L. Cook for the purchase price of $1,500.00;

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed effecting the conveyance of the aforesaid real property in accordance with the terms of the aforesaid Contract of Sale;

SECTION 3: AND BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute a HUD-1 or similar closing statement and such other documents as may be required or expedient for the purpose of facilitating and completing the closing for the sale of the property referenced herein in accordance with the terms of the aforesaid Contract of Sale and he is further authorized to deliver the deed executed by the Mayor and City Clerk to Edward M. Cook and Frances L. Cook at the said closing; and

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

Regular Council Agenda
June 21, 2016

Description

Ordinance *(1st reading)* - authorizing the execution of a Contract of Sale and Deed to transfer surplus property at 316 Baltimore Avenue to Edward M. and Frances L. Cook for the sum of $1,500

Approval, Acceptance / Recommendation

This property was declared surplus on May 17, 2016

☐ 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, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTION 2-176 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PROVIDING FOR LOCAL PREFERENCES IN THE AWARDING OF CONTRACTS REQUIRING COMPETITIVE BIDDING FOR THE PURPOSE OF INCREASING THE LOCAL PREFERENCE FOR CITY BIDDERS AND CLARIFYING THE MANNER IN WHICH THE LOCAL PREFERENCES ARE APPLIED."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 2-176 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted to read as follows:

Sec. 2-176. - Local preference in the awarding of contracts requiring competitive bid.

(a) *Amount/application of local preference.* In any instance where competitive bidding is required pursuant to the provisions of sections 2-171(a) or 2-173 and the contract is completely funded by the city, without contribution, in whole or in part, from any third parties, unless preference percentages are otherwise established by the mayor and city council, a local preference of eight percent (8%) shall apply for bidders who reside in the City and a local preference of five percent (5%) shall apply for bidders who reside in Allegany County, Maryland but outside of the city. The preference shall be implemented by multiplying the applicable percentage by the lowest or best bid deemed to be reasonable and in the best interests of the City and subtracting the product from the applicable local bidder's bid. Notwithstanding the foregoing, the local preference for commission-based contracts shall be one-half (½) of a percent for city residents and one-quarter (¼) of a percent for county residents. The following examples illustrate the manner in which the preferences provided for herein are to be applied:

Example No. 1
County bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	County (5%)	$100,000 - $5,000 (5% of low bid of $100,000) = **$95,000**
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = $97,000
$110,000	No preference	$110,000

Example No. 2
City bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	No preference	$100,000
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = **$ 97,000**
$105,000	County (5%)	$105,000 - $5,000 (5% of low bid of $100,000) = $100,000

(b) *Eligibility for local preference.*

(1) *Eligibility for city preference.* A vendor shall be deemed to be a resident of the city if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(2) *Eligibility for county preference.* A vendor shall be deemed to be a resident of the county if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(3) *Written application required.* The preferences provided to residents of the city and county under this section shall be deemed to be waived unless a vendor seeking the benefit of those provisions certifies under the penalties of perjury that it is qualified as a resident vendor under the terms of subsections (b) (1) or (b) (2) above and said certification is included in the vendor's bid submissions.

(4) *Payment of taxes required.* In order to receive the preferences provided for in this section, city residents' City of Cumberland and Allegany County real and personal property taxes must be paid current through the date of the submission of bids and county residents' Allegany County real and personal property taxes must be paid current

through that date. Such taxes shall not be deemed to be current if they are unpaid, in whole or in part, as of the date interest begins to accrue on the unpaid balance thereof in accordance with Ann. Code of Md., art. Tax-Property, §§ 10-102 and 10-103.

(c) In any instance where a grant is utilized to fund a purchase which is required to be made upon competitive bidding pursuant to section 2-171(a) or 2-173, this section shall be of no effect if the terms and conditions applicable to such grant prohibit local preferences.

[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect on July 6, 2016.

Passed this ____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

EXHIBIT A

[Note: Additions to the Charter are underscored and deletions are stricken through.]

Sec. 2-176. - Local preference in the awarding of contracts requiring competitive bid.

(a) *Amount/application of local preference.* In any instance where competitive bidding is required pursuant to the provisions of sections 2-171(a) or 2-173 and the contract is completely funded by the city, without contribution, in whole or in part, from any third parties, unless preference percentages are otherwise established by the mayor and city council, a local preference of eight percent (8%) shall apply for bidders who reside in the City and a local preference of five percent (5%) shall apply for bidders who reside in Allegany County, Maryland but outside of the city. The preference shall be implemented by multiplying the applicable percentage by the lowest or best bid deemed to be reasonable and in the best interests of the City and subtracting the product from the applicable local bidder's bid. Notwithstanding the foregoing, the local preference for commission-based contracts shall be one-half (½) of a percent for city residents and one-quarter (¼) of a percent for county residents. The following examples illustrate the manner in which the preferences provided for herein are to be applied:

Example No. 1
County bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	County (5%)	$100,000 - $5,000 (5% of low bid of $100,000) = **$95,000**
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = $97,000
$110,000	No preference	$110,000

Example No. 2
City bid is deemed to be low bid

Bid Amount	Applicable Preference	Calculation
$100,000	No preference	$100,000
$105,000	City (8%)	$105,000 - $8,000 (8% of low bid of $100,000) = **$ 97,000**
$105,000	County (5%)	$105,000 - $5,000 (5% of low bid of $100,000) = $100,000

(b) *Eligibility for local preference.*

(1) *Eligibility for city preference.* A vendor shall be deemed to be a resident of the city if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(2) *Eligibility for county preference.* A vendor shall be deemed to be a resident of the county if it maintains an active bona fide place of business within the city and, in the case of a corporation or other association which is required to register with the state of Maryland in order to do business therein, it is duly qualified to do business and is in good standing under the laws of the state.

(3) *Written application required.* The preferences provided to residents of the city and county under this section shall be deemed to be waived unless a vendor seeking the benefit of those provisions certifies under the penalties of perjury that it is qualified as a resident vendor under the terms of subsections (b) (1) or (b) (2) above and said certification is included in the vendor's bid submissions.

(4) *Payment of taxes required.* In order to receive the preferences provided for in this section, city residents' City of Cumberland and Allegany County real and personal property taxes must be paid current through the date of the submission of bids and county residents' Allegany County real and personal property taxes must be paid current through that date. Such taxes shall not be deemed to be current if they are unpaid, in whole or in part, as of the date interest begins to accrue on the unpaid balance thereof in accordance with Ann. Code of Md., art. Tax-Property, §§ 10-102 and 10-103.

(c) In any instance where a grant is utilized to fund a purchase which is required to be made upon competitive bidding pursuant to section 2-171(a) or 2-173, this section shall be of no effect if the terms and conditions applicable to such grant prohibit local preferences.

Regular Council Agenda
June 21, 2016

Description

Ordinance *(1st reading)* - amending Section 2-176 of the City Code to increase the local preference for City Bidders from 7% to 8% and clarify the manner in which the local preferences are applied

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, GRANTING THE CUMBERLAND OUTDOOR CLUB A PROPERTY TAX CREDIT FOR THE TAX YEAR 2016-2017, PURSUANT TO SECTION 9-302 OF THE TAX-PROPERTY ARTICLE OF THE ANNOTATED CODE OF MARYLAND.

WHEREAS, the Mayor and City Council of Cumberland is, by State Law, granted the authority to impose taxes upon the assessed valuation of property situated within the City of Cumberland against the owners of such property; and

WHEREAS, Section 9-302 of the Tax-Property Article of the Annotated Code of Maryland provides that a municipal corporation in Allegany County may grant, by law, a a real and corporate property tax credit against certain property owners; and

WHEREAS, the Cumberland Outdoor Club is such a property owner designated in Section 9-302(f) of the Tax-Property Article of the Annotated Code of Maryland; and

WHEREAS, the Cumberland Outdoor Club has, pursuant to Section 9-301(e)(1), applied for the real and corporate property tax credit; and

WHEREAS, the Mayor and City Council of Cumberland desires to grant to the Cumberland Outdoor Club a real and corporate property tax credit against the municipal corporation property tax imposed on the Cumberland Outdoor Club for the tax year 2016-2017.

NOW, THEREFORE, BE IT RESOLVED THAT, the Cumberland Outdoor Club be and is hereby granted a real and corporate property tax credit against any and all municipal corporation property tax imposed upon it by the City of Cumberland for tax year 2016-2017.

Given under our Hands and Seals this 21st day of June, 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

CUMBERLAND OUTDOOR CLUB

June 3 2016

City of Cumberland
PO Box 1702-57 North Liberty Street
Cumberland, Maryland 21501-1702

Re: Tax Credit – Account Numbers: 0409098, 04013182, 04032845 and D00078238

Mayor and City Council:

Please consider this a formal request to exercise authority granted by Section 9-302(f) of the Tax Property Article of the Annotated Code of Maryland to grant Tax Credit for the above referenced accounts of the Cumberland Outdoor Club, Incorporated for FY2016.

Thank you for your attention to this matter.

Sincerely,

William T. Snyder
House Chairman
Cumberland Outdoor Club, INC

Regular Council Agenda
June 21, 2016

Description
Resolution granting the Cumberland Outdoor Club a property tax credit for the tax year 2016-2017

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:** ___June 21, 2016_

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

THAT the bid of Casey Smith, LLC, dba Service Pro, 16706 Fireclay Mountain Road, NW, Mount Savage, Maryland, 21545, for the 2016 Grass Mowing Contract – Residential City-Owned Properties (No. 08-16-M), to include 34 City-owned properties, be and is hereby accepted in the estimated unit cost of Thirty-eight Thousand, Two Hundred Eighty Dollars and No Cents ($38,280.00); and

BE IT FURTHER ORDERED, that this proposal contains the option to add ten (10) properties as needed throughout the fiscal year; and

BE IT FURTHER ORDERED, that all other bids received for this project be and are hereby rejected.

_____

Brian K. Grim, Mayor

Company	Total Bid
Casey Smith, LLC; dba Service Pro	$38,280.00
Arnolds Lawncare	$46,300.00

Funding: 001.078.201000

Project Information

Project Title: 2016 Grass Mowing Contract - Residential Properties

Project Description: Mowing of Residential City Owned Properties

City Project: 08-16-M

Bid Opening

Date and Time: June 1, 2016 @ 2:30 PM

Location: Council Chambers, City Hall, Cumberland, MD 21502

			Casey Smith LLC DBA Service Pro 16706 Fireclay Mountain RD NW Mount Savage, MD 21545		**Arnold Lawn Care 143 E. Offutt Street Cumberland, MD 21502**	
LOCATION	**UNITS**	**Est. # of cuttings per contract**	**UNIT PRICE PER CUTTING**	**TOTAL COST FOR LOCATION**	**UNIT PRICE PER CUTTING**	**TOTAL COST FOR LOCATION**
Mt Vernon Baltimore Ave Steps	EACH	20	$ 38.00	$ 760.00	$ 30.00	$ 600.00
Pine Ave at Central Ave	EACH	20	$ 23.00	$ 460.00	$ 30.00	$ 600.00
Grand Ave	EACH	20	$ 25.00	$ 500.00	$ 40.00	$ 800.00
Evergreen Terrace & 730 Bedford Street	EACH	20	$ 48.00	$ 960.00	$ 75.00	$ 1,500.00
Braddock RD @ Greene Street	EACH	20	$ 38.00	$ 760.00	$ 30.00	$ 600.00
Liberty Gardens @ Central Ave	EACH	20	$ 40.00	$ 800.00	$ 75.00	$ 1,500.00
313 Broadway Street	EACH	20	$ 32.00	$ 640.00	$ 40.00	$ 800.00
Buckingham Dr and Windsor RD	EACH	20	$ 15.00	$ 300.00	$ 30.00	$ 600.00
Baltimore Ave & Goethe Street	EACH	20	$ 288.00	$ 5,760.00	$ 160.00	$ 3,200.00
Williams RD @ Old Williams RD	EACH	20	$ 22.00	$ 440.00	$ 50.00	$ 1,000.00
Seton Drive @ Bishop Walsh RD	EACH	20	$ 15.00	$ 300.00	$ 20.00	$ 400.00
Kentucky Ave @ New Hampshire Ave	EACH	20	$ 38.00	$ 760.00	$ 60.00	$ 1,200.00
Brooke Ave next to 600 Washington Street	EACH	20	$ 49.00	$ 980.00	$ 50.00	$ 1,000.00
Arch St @ 1st Street	EACH	20	$ 25.00	$ 500.00	$ 35.00	$ 700.00
111 & 113-115- Independence Street	EACH	20	$ 58.00	$ 1,160.00	$ 50.00	$ 1,000.00
27 Ridgeway Terrace	EACH	20	$ 48.00	$ 960.00	$ 35.00	$ 700.00
319-321 Columbia Street	EACH	20	$ 58.00	$ 1,160.00	$ 30.00	$ 600.00
910 Maryland Ave	EACH	20	$ 43.00	$ 860.00	$ 45.00	$ 900.00
Columbia Street Addresses	EACH	20	$ 88.00	$ 1,760.00	$ 150.00	$ 3,000.00
231 Henderson Ave	EACH	20	$ 43.00	$ 860.00	$ 30.00	$ 600.00
604-606 Hill Street	EACH	20	$ 50.00	$ 1,000.00	$ 60.00	$ 1,200.00
332-334 Davidson Street	EACH	20	$ 38.00	$ 760.00	$ 40.00	$ 800.00
130 Columbia Street	EACH	20	$ 33.00	$ 660.00	$ 50.00	$ 1,000.00
659-661 Greene ST to Billboards	EACH	20	$ 68.00	$ 1,360.00	$ 100.00	$ 2,000.00
547 Eastern Ave	EACH	20	$ 43.00	$ 860.00	$ 50.00	$ 1,000.00
Chestnut St @ Independence St	EACH	20	$ 28.00	$ 560.00	$ 30.00	$ 600.00
451 Pine Ave	EACH	20	$ 48.00	$ 960.00	$ 40.00	$ 800.00
305-307 Industrial Blvd	EACH	20	$ 32.00	$ 640.00	$ 40.00	$ 800.00
423 Acension Street	EACH	20	$ 35.00	$ 700.00	$ 50.00	$ 1,000.00

728 Baker Street	EACH	20	$ 43.00	$ 860.00	$ 90.00	$ 1,800.00
2 Altamont Terrace	EACH	20	$ 43.00	$ 860.00	$ 40.00	$ 800.00
532 N. Centre Street	EACH	20	$ 43.00	$ 860.00	$ 40.00	$ 800.00
218 Park Street	EACH	20	$ 28.00	$ 560.00	$ 30.00	$ 600.00
602-604 Maryland Avenue	EACH	20	$ 43.00	$ 860.00	$ 40.00	$ 800.00
			Part 1 Bid $	$ 32,180.00		$ 35,300.00

Casey Smith LLC DBA Service Pro
16706 Fireclay Mountain RD NW
Mount Savage, MD 21545

LOT SIZE	UNITS	A Est # of Properties	B UNIT PRICE PER CUTTING	C Est # of Cuttings	TOTAL COST (AxBxC)
1-7,500 SF	EACH	9	$ 30.00	20	$ 5,400.00
7,501 - 15,000 SF	EACH	1	$ 35.00	20	$ 700.00
			PART 2 BID$		$ 6,100.00

Casey Smith LLC DBA ServicePro
Total BID **$ 38,280.00**

Arnold Lawn Care
143 E. Offutt Street
Cumberland, MD 21502

LOT SIZE	UNITS	A Est # of Properties	B UNIT PRICE PER CUTTING	C Est # of Cuttings	TOTAL COST (AxBxC)
1-7,500 SF	EACH	9	$ 50.00	20	$ 9,000.00
7,501 - 15,000 SF	EACH	1	$ 100.00	20	$ 2,000.00
			PART 2 BID$		$ 11,000.00

Arnold Lawn Care
Total Bid **$ 46,300.00**

Regular Council Agenda
June 21, 2016

Description

Order accepting the proposal of Casey Smith, LLC, dba Service Pro for City Project "2016 Grass Mowing - City Owned Residential Properties" (8-16-M) in the estimated unit cost of $38,280.00 to include 34 City-owned properties, with the option to add 10 properties as needed throughout the fiscal year

Approval, Acceptance / Recommendation

After a review of all bids received, it is staff's recommendation to award City Project 08-16-M to the apparent low responsive bidder, Casey Smith, LLC, d/b/a Service Pro, in the amount of $38,280. This contract will include 34 City owned properties and the option to add 10 properties as needed throughout the fiscal year. One other bid was received from Arnolds Lawncare in the unit price amount of $46,300.

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

$38,280.00

Source of Funding (if applicable)

001.078.201000

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 21, 2016__

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

THAT the proposal of Casey Smith, LLC, dba Service Pro, 16706 Fireclay Mountain Road, NW, Mount Savage, Maryland, 21545 for City Project "2016 Grass Mowing Contract, Non-Residential City-Owned Properties" (09-16-M), to include 15 non-residential City-owned properties, be and is hereby accepted in the estimated unit price of Thirty-six Thousand, Six Hundred Forty Dollars and No Cents ($36,640.00); and

BE IT FURTHER ORDERED, that all other bids received for this service be and are hereby rejected.

_____

Mayor Brian K. Grim

Contractor	*Bid Amount*
Casey Smith, LLC, dba Service Pro	$36,640.00
Arnolds Lawn Care	$40,800.00
Biser Lawn Care and More	$46,900.00

Funding: $1,060.00 001.032.20100
$2,120.00 001.048.20100
$7,380.00 002.230.20100
$26,080.00 001.078.20100

Project Information

Project Title: 2017 Grass Mowing Contract - Non Residential Properties

Project Description: Mowing of Non Residential City Owned Properties

City Project: 09-16-M

Bid Opening

Date and Time: June 1, 2016@ 2:30 PM

Location: Council Chambers, City Hall, Cumberland, MD 21502

			Casey Smith LLC DBA Service Pro 16706 Fireclay Mountain RD NW Mount Savage, MD 21545		Arnold Lawn Care 143 E. Offutt Street Cumberland, MD 21502		Biser Lawn Care & More 14401 Spruce Springs RD Cresptown, MD 21502	
LOCATION	**UNITS**	**Est. # of cuttings per contract period**	**UNIT PRICE PER CUTTING**	**TOTAL COST FOR LOCATION**	**UNIT PRICE PER CUTTING**	**TOTAL COST FOR LOCATION**	**UNIT PRICE PER CUTTING**	**TOTAL COST FOR LOCATION**
McMullen Bridge/ Giaritta Park	EACH	20	$ 246.00	$ 4,920.00	$ 295.00	$ 5,900.00	$ 450.00	$ 9,000.00
High Bedford Street	EACH	20	$ 136.00	$ 2,720.00	$ 120.00	$ 2,400.00	$ 125.00	$ 2,500.00
Chamber of Commerce & City Hall	EACH	20	$ 53.00	$ 1,060.00	$ 100.00	$ 2,000.00	$ 60.00	$ 1,200.00
Lamont Street	EACH	20	$ 110.00	$ 2,200.00	$ 150.00	$ 3,000.00	$ 150.00	$ 3,000.00
Queen City Drive	EACH	20	$ 171.00	$ 3,420.00	$ 200.00	$ 4,000.00	$ 125.00	$ 2,500.00
Ridgedale Reservoir and Pump Station	EACH	20	$ 205.00	$ 4,100.00	$ 200.00	$ 4,000.00	$ 300.00	$ 6,000.00
Oldtown RD @ White Oaks Plaza	EACH	20	$ 46.00	$ 920.00	$ 50.00	$ 1,000.00	$ 60.00	$ 1,200.00
Public Safety Building	EACH	20	$ 106.00	$ 2,120.00	$ 100.00	$ 2,000.00	$ 115.00	$ 2,300.00
Memorial Hospital Campus	EACH	20	$ 241.00	$ 4,820.00	$ 300.00	$ 6,000.00	$ 400.00	$ 8,000.00
Memorial Hospital Parking Areas	EACH	20	$ 31.00	$ 620.00	$ 75.00	$ 1,500.00	$ 85.00	$ 1,700.00
Fort Hill Reservoir	EACH	20	$ 81.00	$ 1,620.00	$ 150.00	$ 3,000.00	$ 85.00	$ 1,700.00
East Side School	EACH	20	$ 220.00	$ 4,400.00	$ 150.00	$ 3,000.00	$ 200.00	$ 4,000.00
411 Frederick Street (Firehouse)	EACH	20	$ 52.00	$ 1,040.00	$ 50.00	$ 1,000.00	$ 75.00	$ 1,500.00
Viaduct Area (between Mechanic and Centre Sts)	EACH	20	$ 51.00	$ 1,020.00	$ 50.00	$ 1,000.00	$ 45.00	$ 900.00
Seneca Water Tank and Pump Station	EACH	20	$ 83.00	$ 1,660.00	$ 50.00	$ 1,000.00	$ 70.00	$ 1,400.00
TOTAL BID				$ 36,640.00		$ 40,800.00		$ 46,900.00

Regular Council Agenda
June 21, 2016

Description

Order accepting the bid of Casey Smith LLC DBA Service Pro, for City Project "2016 Grass Mowing - Non Residential City-Owned Properties (9-16-M), in the estimated unit price of $36, 640.00, to include the mowing of 15 non-residential City-owned properties.

Approval, Acceptance / Recommendation

It is staff's recommendation to award City Project 09-16-M to the responsive low bidder, Casey Smith, LLC, d/b/a Service Pro, in the unit price amount of $36,640.00. Two other bids were received: one from Arnolds Lawn Care in the amount of $40,800 and one from Biser Lawncare & More in the amount of $46,900. This contract will include mowing of 15 non-residential City-owned properties.

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

$46,900

Source of Funding (if applicable)

$1,060.00 001.032.20100
$2,120.00 001.048.20100
$7,380.00 002.230.20100
$26,080.00 001.078.20100

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 21, 2016__

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

THAT, the City Administrator be and is hereby authorized to execute a grant agreement with the Maryland Smart Energy Communities (MSEC) Program under the Maryland Energy Administration to provide the City a grant award in the amount of Forty-three Thousand, One Hundred Dollars ($43,100.00) for energy efficiency improvements and project preparation costs (up to 30%).

_____

Brian K. Grim, Mayor

Grant 2016-03-420S1

MARYLAND SMART ENERGY COMMUNITIES GRANT AGREEMENT
(Existing Maryland Smart Energy Communities)

STATE OF MARYLAND
MARYLAND ENERGY ADMINISTRATION
1800 Washington Blvd, Suite 755
Baltimore, MD 21230

hereinafter "MEA"

and

Fiscal Year 2016 Existing Maryland Smart Energy Community:
City of Cumberland
57 N. Liberty Street, Cumberland, MD 21502

hereinafter "Grantee"

PREMISES

The Maryland Energy Administration (MEA) developed and administers the Maryland Smart Energy Communities (MSEC) Grant Program pursuant to the authority provided in Sections 9-2003 and 9-20B-01 *et seq.* of the Maryland Code, State Government Article. The MSEC Grant Program is funded through the Strategic Energy Investment Fund (SEIF). *See* Md. Code, Section 9-20B-05 *et seq.* of the State Government Article. By statute, the use of SEIF is divided into different sub-categories, including investments in cost effective energy efficiency and conservation programs, low and moderate income energy efficiency and conservation programs, and renewable and clean energy resources.

The purpose of the MSEC Grant Program is to encourage local Maryland governments, including counties and municipalities, to voluntarily adopt formal policies to encourage energy efficiency, renewable energy development, and/or reduce reliance on petroleum as a fuel for transportation, and to implement projects to achieve the objectives of such policies. To implement this purpose, the Program has two separate but related components, policy development and project development. Grantee has complied with the requirements for new Maryland Smart Energy Communities, which includes the development and formal adoption of policies promoting energy-efficiency and renewable-energy generation; and developing both a baseline for energy measures and an energy plan. Grantee has also received funding under an FY15 Program grant to retrofit lighting at three City-owned facilities in addition to HVAC retrofits at the Waste Water Treatment Plant Administrative Building in furtherance of its commitment to reduce municipal electricity consumption.

MEA issued a notice of opportunity for funding through the MSEC Grant Program for FY 2016 and, upon evaluating Grantee's application of a project concept to procure and install electronically controlled valves as part of the aeration operation at the Cumberland Waste Water Treatment Plant, MEA has determined that Grantee is eligible for an award in FY 2016 for a Program grant as an Existing MSEC. The amount and authorized uses of the Grant Award, as well as terms, conditions, and restrictions, are set forth in this Grant Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

I. Purpose of Grant

(A) Purpose. The purpose of this Maryland Smart Energy Communities Grant (the "Grant") to an Existing MSEC is to provide technical assistance and funding as part of the Program to assist Grantee in replacing the manual valves on the three basin aeration pipes with electronically controlled valves; and to install flow control by installing a pressure sensor in the manifold to equalize dissolved oxygen levels ("the Project"). This work is part of the Aeration Operation at the Cumberland Waste Water Treatment Plant

II. Project Description and Costs Eligible for Reimbursement

A. Project Description.

(1) MEA is making available this grant award for the proposed project, whose scope shall be determined through the following process. Funding is not guaranteed until the detailed project scope is approved by MEA, using the process specified herein in section (A)(1).

(a) The Grantee shall complete both Attachment A "MSEC Project Development Form" and any necessary supporting documentation requested by MEA and submit to MEA by November 15, 2016, as specified herein in section (C)(1), unless a request for an Attachment A deadline extension is submitted to MEA by November 2, 2016 and approved in writing by the MEA Program Manager. The project described in Attachment A shall be consistent with subsection (1) above. Detailed project specific information, including but not limited to actual vendor pricing and detailed project savings estimates to be submitted by Grantee as Attachment A, is necessary so that MEA may determine whether the final project scope ultimately funded through MSEC meets all Program requirements.

(b) MEA will not approve a project submitted by Grantee in Attachment A that is inconsistent with the project described in Grantee's application, or inconsistent with the allowable uses and requirements of the MSEC Grant Program outlined in this Grant Agreement . MEA Project approval is dependent on an MEA determination that the Project,

Project approval is dependent on an MEA determination that the Project, as set forth by Grantee in Attachment A, meets all program requirements. If Grantee anticipates any deviation from the original project described in Grantee's application, Grantee must consult with the MEA Project Manager prior to November 15, 2016 and any modification to the original project is subject to MEA approval.

Grantee must provide complete and accurate information in Attachment A in order for a project to be considered for MEA approval. Submission of incomplete or inaccurate information may delay approval and ultimately prevent Grantee from meeting the timeframes set forth in Section II(c) below.

(c) After review of a complete and accurate Attachment A and determination by MEA that the Project meets all program requirements as outlined in this Agreement, MEA will provide Grantee with a completed "Project Approval Form" using Attachment B, which will describe the project approved by MEA ("the Approved Project").

(d) Once MEA has issued a Project Approval Form (Attachment B), additional energy measures not specifically included under Section I(A) are *not* eligible for funding under this Agreement.

(2) The completed Project Approval Form indicating the Approved Project shall be incorporated into this Agreement as Attachment B. Attachment B (Approved Project) shall not contain any terms or conditions other than a Project Description and Project Completion timeline. If Attachment B (Approved Project) contains any terms and conditions other than a Project Description and Project Completion timeline, such terms and conditions are not incorporated into this agreement, and are not agreed to by MEA. In the event of any conflicts between Attachment B (Approved Project) and this Agreement, the terms of this Agreement shall control.

(3) The Approved Project shall meet the following requirements to be funded as an MSEC Energy Efficiency and Conservation project:

(a) Be at least 10% more efficient than local codes or federal standards require;

(b) Be cost effective, which is defined as having a simple payback time that is less than the useful life of the Project; and

(c) Provide substantial electricity savings that allows Grantee to make significant progress in meeting its electricity consumption reduction goal.

MEA shall have the complete and sole discretion to determine when these requirements are met.

(B) Reimbursable Costs
Only those costs or expenditures specified below are eligible for reimbursement under this Grant.

(1) Direct Project Costs –At least 70% of the Grant Award shall be for reimbursement of approved expenditures associated with the Approved Project such as labor, equipment and material.

(2) Project Preparation Costs –

(a) Only up to 30% of the Grant Award may be used to reimburse the local jurisdiction for approved expenditures associated with: the development and adoption of Policies, Plans or Baselines; Project design and development; feasibility studies; energy audits; reasonable administrative costs; staff time or consultant fees.

(b) When applicable, prior to beginning any feasibility study, the Grantee shall first gain approval by MEA. The Grantee shall show how each measure can be installed within 5 years of the Baseline year and the need for the feasibility study before embarking on a project.

(c) Administrative Costs – Only up to 10% of the total amount of the grant may be used for reasonable administrative costs; staff time or non-energy auditing consultant's fees needed to implement MSEC programmatic activities. If Grantee uses less than 10% of the total amount of the grant for Administrative Costs, Grantee may use the remaining portion for Policy and Project Preparation Costs, consistent with subsection (a) herein above.

(C) Program Timing and Deadlines Grantee shall comply with the following deadlines unless an extension is given in writing by the Program Manager, consistent with this section:

(1) By November 15, 2016 - Grantee shall submit to MEA a completed Attachment A "MSEC Project Development Form".

(2) May 15, 2017 - Grantee shall complete the Project(s) approved by MEA and specified on the completed Project Approval Form.

(3) By June 15, 2017 – Grantee shall submit to MEA all Reports and final invoices requesting Program cost reimbursements consistent with Section IV (B).

Extensions may be requested in writing in advance of a deadline, but are not guaranteed. Extensions shall only be permitted for good cause shown, such as circumstances outside

of Grantee's control, as determined solely by MEA in writing. Extensions shall not be granted for any energy measures not listed in Section I(A) of this Agreement.

(D) Program Requirements and Restrictions

(1) No Project supported with the Grant Award may begin until after each of the following occurs:

(a) Grantee submits to MEA a completed MSEC Project Proposal Form, attached hereto as Attachment A;

(b) MEA's historic preservation specialist determines that the Project will have no adverse effect on historic properties;

(c) Grantee receives the MSEC Project Approval Form, attached hereto as Attachment B, signed by MEA; and,

(d) Grantee has obtained all required local, State and federal licenses, permits, and other authorizations.

(2) A project proposed for facilities or property owned by the Grantee shall be given priority. A project proposed for facilities or property not owned by the Grantee may be considered for approval by MEA, but funding for such projects are not guaranteed.

(3) Failure to formally adopt the Policies or complete the Project by the deadlines set forth herein may result in Grantee having to reimburse Grant funds to MEA, unless such delay is caused by factors outside of Grantee's control, as determined by MEA.

(4) MEA does not intend to fund energy efficiency projects that involve fuel switching. The decision to fund a project shall be at the sole discretion of MEA.

(5) If at any time MEA determines that Grantee has not demonstrated sufficient progress toward meeting the Policy and Project deadlines set forth above, MEA may terminate this Agreement and may require that Grantee reimburse Grant funds to MEA, unless such delay is caused by factors outside of Grantee's control.

(6) Expenditures on Policy or Project development, Plans or Baselines that have not been pre-approved in writing by MEA may not be reimbursed with Grant funds.

(7) Reports and Invoices with appropriate documentation received by MEA after any applicable deadline may not be eligible for reimbursement with Grant funds, as determined by MEA.

(8) All Projects must be constructed, installed and operated in compliance with all applicable local, State and federal laws, regulations, ordinances, licenses, permits, standards, and other requirements.

(9) Grantee must comply with any procurement requirements that may apply to it with regard to Grant Program activities for which reimbursement is sought.

(10) Grantee shall cooperate with MEA and MEA's technical contractor(s) to identify and develop the most appropriate Project scope of work for this Program.

(a) The primary purpose of a proposed energy efficiency project must be to reduce electricity consumption, as determined solely by MEA

(b) Grantee shall work diligently to develop credible project-specific data estimates on project costs and energy savings through a project bid and/or energy audit, or other appropriate means approved in writing by MEA.

(c) Grant funds may not be used for a project the primary purpose of which is "maintenance", as determined solely by MEA.

(11) Any rebates and incentives obtained through the Grantee's electric utility shall be applied to Grant Program costs before use of Grant funds.

(12) All new construction must occur in a Priority Funding Area. A map of Priority Funding Areas, including a search by address feature, can be found on the Maryland Department of Planning website: http://www.mdp.state.md.us/OurProducts/pfamap.shtml.

Priority Funding Areas are existing communities and places where local governments want State investment to support future growth. The following areas qualify as Priority Funding Areas:

a. Every municipality, as they existed in 1997;
b. Areas inside the Washington Beltway and the Baltimore Beltway
c. Areas already designated as enterprise zones, neighborhood revitalization areas, heritage areas and existing industrial land.

III. Amount and Duration of the Grant

(A) Amount of Grant Award

(1) The Grant Award shall be **up to Forty-Three Thousand, One Hundred Dollars ($43,100).** As of the Effective Date of the Agreement as defined below,

Grantee may use up to 30 % of the Grant Award for Policy and Project Preparation Costs that are pre-approved by MEA in writing and consistent with Article II(B). Policy and Project Preparation Costs that are not pre-approved by MEA in writing shall not be reimbursed by MEA.

(2) The total amount of the Grant shall be used for the Approved Project.

(B) This Agreement must be signed by the Grantee and received by MEA no later than June 10, 2016. If this properly signed Grant Agreement is not received by MEA on or before June 10, 2016, the grant award shall automatically be revoked, and this Agreement is void unless an extension is given in writing by the MEA Program Manager.

(C) The Effective Date of this Agreement is the date that the properly executed Agreement is received by MEA, as determined by the official MEA date stamp on the first page of the Agreement.

(D) Unless an extension is permitted as described below, all activities must be completed by no later than **May 15, 2017** with all required documentation under Section IV (B) completed and submitted to MEA by no later than **June 15, 2017**. Extensions may be requested in writing in advance of a deadline, but are not guaranteed. Extensions shall only be permitted for good cause shown, such as circumstances outside of Grantee's control, as determined solely by MEA in writing.

IV. Reporting and Reimbursement Requirements

(A) The Grantee shall retain bills of sale or other satisfactory evidence of the acquisition of any real or personal property, as well as reports, activity logs, timelines, estimated and actual energy savings and/or generated, supporting documentation for any other expenses that are covered in whole or in part by any Grant Funds, and any other information related to Grant activities for at least three years from the date that the Grantee receives final reimbursement from MEA. MEA, MEA's agents, the Department of Budget and Management, the State Comptroller, the Legislative Auditor, or any of them, may examine and audit this evidence on request, at any reasonable time within the retention period. In addition, the Grantee shall also make the worksite available to MEA, or its agents, upon request at any reasonable time for at least three years from the date that the Grantee receives final reimbursement from MEA.

(B) Program Reporting and Invoicing.

(1) Separate Expenditure Categories. When a Grant Award is divided into separate expenditure categories (energy efficiency, low and moderate income energy efficiency, renewable development, or petroleum reduction), Grantee shall maintain records separately for each distinct category. In addition, Grantee shall account for and invoice MEA separately for each distinct category.

(2) Reporting. Grantee shall submit MSEC reports ("Reports") to MEA on a monthly basis. Reports and Invoices are due to MEA by the 20th day of the month

following the previous month's reporting period. The first monthly Report shall be submitted for the first full month following the Effective Date, as defined above, and for each month thereafter.

(a) For any month that Grantee submits an invoice to MEA, Grantee shall also provide a completed report using Attachment C (Maryland Smart Energy Communities Grant Program Invoice Report). For any month that Grantee does not submit an invoice to MEA, Grantee shall submit a brief written summary of MSEC progress during the last month.
(b) Reporting shall continue until the Project described in Section I(A) is complete, Grant funds have been completely expended, or the Grantee has notified MEA in writing that no additional funding will be requested under the Grant.

(3) Invoicing and Reporting.

(a) To be reimbursed, Grantee shall provide invoices, a completed Maryland Smart Energy Communities Grant Program Invoice Report (Attachment C) and relevant documentation.

(b) MEA may only provide Grant funds for reimbursement after receipt of appropriate invoices and reports with sufficient documentation of expenditures, as determined by MEA and consistent with Article II(B). Such documentation may include but is not limited to, contractor and/or vendor invoices, receipts, detailed timekeeping records including at a minimum, hourly rate, time, and task, and detailed mileage logs.

(c) All Invoices shall be submitted on Grantee letterhead. All invoices shall contain the MEA Grant number, Grantee contact information, and a detailed description of the equipment, material, and/or labor or other expenses being invoiced. No personally identifiable information (PII) shall be submitted to MEA as part of the invoicing documentation.

(d) MEA will reimburse Grantee for approved costs only after any incentives provided by Grantee's utility have been applied to the total cost of the Project. Grant Award is to be used for net costs, after application of utility rebates and incentives.

(C) Grantee may submit Reports, Invoices and other documents electronically to MSEC.MEA@maryland.gov after obtaining authorization in writing from MEA. If authorization has not been obtained, Grantee shall mail Reports, Invoices and other documents to MEA at the following address:

Maryland Energy Administration
Attn: Maryland Smart Energy Communities Program

1800 Washington Blvd, Suite 755
Baltimore, MD 21230

After review of the Reports, Invoices and any supporting documents or information requested by MEA, MEA shall make a final determination of whether the Grantee has met all Program requirements, terms and conditions, and process the grant award for payment as promptly as possible, if warranted. Grant funds shall not be provided for work that has yet to be performed, costs that have yet to be incurred or are not sufficiently documented, or are inconsistent with the purpose, terms and conditions of the Grant.

(D) For monitoring and evaluation purposes, the Grantee shall make available to MEA, or its agents, all reports, activities logs, work sites, timelines, estimated and actual energy savings and/or generated, or other information related to the Grant activities during regular business hours. Reporting metrics (electricity consumption data) shall be made available by the grantee to MEA for a period of five years after the project for which grant funding is received.

(E) No grant monies will be funded for costs or obligations incurred, or work performed, prior to the Effective Date of this Agreement.

(F) Prior to execution of this Agreement, Grant funds are subject to change in amount and existence based on funding availability.

(G) Multiple renewable projects on contiguous parcels of property will be considered one Project for purposes of MEA funding.

(H) An Approved Project may not receive more than one Maryland Smart Energy Communities grant from MEA.

(I) Projects must be located within the State of Maryland.

V. General Conditions

(A) Any expenditure of Grant funds that is not consistent with the purposes of the grant award, or that violates any requirement, term or condition of the Grant Program or this Agreement, may, in the sole judgment of MEA, be disallowed. Should any expenditure be disallowed, the State may require repayment to MEA for reimbursement of the Strategic Energy Investment Fund, an offset from any State grant to the Grantee in the current or succeeding fiscal year, or other appropriate action. The Grantee shall immediately repay to the State any part of the Grant that is not used for the purposes of the Program.

(B) Grantee may not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or any other characteristic forbidden as a basis for discrimination by applicable laws, and certifies that its Constitution or by-

laws contains a non-discrimination clause consistent with the Governor's Code of Fair Practices.

(C) Grantee shall ensure that all work performed pursuant to the Grant and this Agreement is completed by contractors and/or staff holding all necessary certifications and licenses. Additionally, all work performed pursuant to the Grant shall comply with all applicable local, State, and federal building codes and other applicable laws and regulations.

(D) The person executing this Agreement on behalf of the Grantee certifies, to the best of that person's knowledge and belief, that:

(1) He or she is authorized to sign this Agreement on behalf of the Grantee and to commit the Grantee to the obligations set forth herein.

(2) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee involved in obtaining contracts with or grants from the State or any subdivision of the State, has engaged in collusion with respect to the Grantee's application for the Grant or this Agreement or has been convicted of bribery, attempted bribery, or conspiracy to bribe under the laws of any state or the United States;

(3) Neither the Grantee, nor any of its officers or directors, nor any employee of the Grantee has engaged in any practice with regard to this Grant that is inconsistent with General Provisions Article, § 5-502, Maryland Code Ann. (2014).

(4) Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Grantee, to solicit or secure the Grant or this Agreement, and the Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or this Agreement;

(5) Grantee, if a business or non-profit organization, is incorporated or is registered to do business in the State, and is in good standing with the Maryland State Department of Assessments and Taxation;

(6) Grantee, if a health or social welfare organization as defined by Section 7-403 of the State Finance and Procurement Article of the Annotated Code of Maryland, shall keep financial records in accordance with uniform accounting standards, as more fully described in Section 7-403;

(7) Neither the Grantee, nor any of its officers or directors, nor any person substantially involved in the contracting or fund-raising activities of the Grantee, is currently suspended or debarred from contracting with the State or any other public entity or subject to debarment under Regulation 21.08.04.04 of the Code of Maryland Regulations; and

(8) The Grantee is not in default on any financial obligation to the State or MEA.

VI. False Statement or Report

A person may not knowingly make or cause to be made any false statement or report in any document required to be furnished by MEA in relation to the Grant Program. For a SEIF-funded Grant, any violation of this provision is a misdemeanor and on conviction is subject to a fine not exceeding $50,000.00 or imprisonment not exceeding 1 year or both. Md. Code, Section 9-20B-11 of the State Government Article.

VII. Historic Preservation Review

For each project being funded in whole or in part through this Agreement, a historical preservation review must first be completed by the Maryland Historical Trust (MHT) or MEA's historical preservation expert. This review ensures that no historical property is "adversely affected" through this Program. Prior to starting construction, Grantee shall assure that MEA has received documentation from MHT or MEA's historical preservation expert indicating that the Project will have no adverse effect on a historical property.

If necessary and when requested by MEA, Grantee shall provide to MEA any additional documentation needed to facilitate the required historic preservation review.

VIII. Maryland Saved Harmless

To the extent allowed by Maryland law, the Grantee agrees to defend, indemnify and hold MEA harmless from and against any and all damages, claims, lawsuits, actions, and reasonable out-of-pocket costs and expenses, in whatever form, arising from or related to the Grant. MEA expressly reserves the right of any immunity MEA or its employees may possess under State or federal law. If the Grantee is a Maryland State agency or local government, then each party shall be responsible for its own liability associated with the Grant, and neither party waives any applicable immunities.

IX. Environmental Standards and Liability

The Grantee shall ascertain and abide by all applicable environmental standards set by federal, state or local laws, rules or regulations related to the performance of the obligations pursuant to the Agreement (hereinafter referred to as "Environmental Standards"). The Grantee shall monitor its compliance with Environmental Standards and immediately halt and correct any incident of non-compliance.

In the event of any incident of non-compliance with Environmental Standards, the Grantee shall:

1. Give MEA immediate notice of the incident to the Agreement Representative, or designee, providing as much detail as possible;

2. If requested by MEA, submit a written report to MEA, identifying the source or cause of the non-compliance and the method or action required to correct the problem; and

3. Cooperate with MEA or its designated agents or contractors with respect to the investigation of such problem.

To the limits allowed by Maryland law (and without waiving any local or State government immunities that may apply if Grantee is a Maryland State or local government), the Grantee shall be liable for (a) all environmental losses, including but not limited to, costs, expenses, losses, damages, actions, claims, penalties, fines and remedial or cleanup obligations arising from its failure to comply with Environmental Standards; and (b)any hazardous material located or placed in the Project and any requirements imposed by any governmental authority with respect to hazardous materials, arising in connection with the Grant or the Project.

XI. Liability Insurance

(A) For all work performed by the Grantee that is to be funded in whole or in part with grant funds provided by MEA, Grantee shall purchase and maintain comprehensive third-party legal liability insurance or its equivalent. Grantee shall also maintain other such insurance as is appropriate for the work to be performed. **For a Maryland State or local government entity that is self-insured, a document detailing the statutory basis for self-insurance may be accepted by MEA as an equivalent form of insurance under this paragraph**.

(B) All insurance must name MEA as an additional insured. The insurance provided shall include, but not be limited to, insurance protecting MEA from bodily injury and property damage, including, but not limited to all workers' compensation insurance, and errors and omissions. Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA's status as an additional insured.

(C) Insurance requirements may be waived or modified by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties, and attached hereto and incorporated herein as part of this Agreement.

(D) Grantee shall include in all of its contracts for work that is to be funded in whole or in part with grant funds provided by MEA a provision or provisions requiring all contractors to purchase and maintain comprehensive third-party legal liability insurance and other such insurance as is appropriate for the work to be performed. All insurance provided by the contractor must name MEA as an additional insured. The insurance provided shall include, but not be limited to, insurance protecting MEA from bodily injury and property damage, including, but not limited to all workers' compensation insurance, and errors and omissions.

(E) Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed

appropriate by MEA, evidencing MEA's status as an additional insured. Insurance requirements may be waived by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties, and attached hereto and incorporated herein as part of this Agreement.

XI. MEA Access to Project Site and Ability to Use Project Information

(A) Grantee shall allow MEA employees or representatives access to the relevant building and structures so that MEA may perform monitoring visits to provide technical assistance and to ensure that project requirements are fully satisfied. Grantee shall also allow MEA employees or representatives access to the relevant project site in order to take photographs or video of the project for MEA use.

(B) The Grantee understands and agrees that MEA may use information about the project for reporting and marketing purposes, including but not limited to the project description, building type, energy measures, project costs, leveraged funds, energy and financial savings, and pictures and videos of the premises. MEA shall provide the Grantee an opportunity to review and consult with MEA to assure that a written case study, photo or video taken of its facility will not disclose confidential personal and/or business information.

(C) If the Project's location is owned or controlled by a third party at any time during the Grant period, the Grantee shall be responsible for obtaining written permission from the third party to allow MEA access to the property for all of the purposes described in this Agreement. MEA shall not provide any further reimbursement of funds under the Agreement until Grantee provides the relevant written permission.

XII. Maryland Law Prevails

The internal laws of Maryland shall govern the interpretation and enforcement of this Agreement, except for any choice of law provisions utilized by Maryland.

XIII. Agreement Binding on Successors and Assigns

This Agreement shall bind the respective successors and assigns of the parties.

XIV. Assignment or Transfer

The Grantee may not sell, transfer, or assign any of its obligations under this Agreement, or its rights, title, or interest in this Agreement, without further prior written consent of MEA.

XV. Amendments to the Grant

No amendment to this Agreement is binding unless it is in writing and signed by both parties.

XVI. Party Representatives

The following individuals shall have the authority to act under this Agreement for their respective parties, subject to all necessary approvals:

Caitlin Madera
Maryland Energy Administration
(410) 537-4074
(Or any such person as may be designated in writing by the Director of MEA.)

Raquel J. Ketterman, Environmental Specialist
City of Cumberland
(301) 759-6604
(Or any other person as may be designated in writing by the Grantee's City Administrator)

XVII. Merger

This Agreement and any terms and conditions expressly incorporated by reference herein embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations referring to the subject matter, other than those contained herein or incorporated herein by reference.

XVIII. Non-waiver of Rights; Remedies

No failure on the part of the State or MEA to exercise, and no delay in exercising, any right under this Agreement shall operate as a waiver thereof; nor shall any single or partial exercise of any such right preclude the State or MEA from further exercising that or any other right. The remedies provided under this Agreement are cumulative and not exclusive of any remedies provided by law.

THIS GRANT AGREEMENT HAS BEEN APPROVED BY THE ATTORNEY GENERAL'S OFFICE AT MEA. NO CHANGES, MODIFICATIONS, ADDITIONS OR DELETIONS TO THIS AGREEMENT ARE AUTHORIZED ABSENT SPECIFIC WRITTEN AGREEMENT BY THE PARTIES AND APPROVAL BY THE ATTORNEY GENERAL'S OFFICE AT MEA. ANY UNAUTHORIZED CHANGES, MODIFICATIONS, OR DELETIONS TO THIS FORM AGREEMENT WILL RENDER MEA'S OBLIGATIONS UNDER THIS AGREEMENT VOIDABLE AT MEA'S ELECTION.

IN **TESTIMONY WHEREOF, WITNESS** the hands and seals of the parties.

CITY OF CUMBERLAND

By: _____
Jeff Rhodes
City Administrator

MARYLAND ENERGY ADMINISTRATION

By: Mary Beth Tung 6/7/16
Mary Beth Tung
Director

Approved for Form and Legal Sufficiency
this 31st day of May, 2016

_____
Assistant Attorney General

Attachment A

MSEC Project Development Form

(This form denotes the information necessary to approve an MSEC funded project.)

1. Name of Grantee

2. Policies Passed:

☐ Energy Efficiency
☐ Renewable Energy
☐ Transportation Petroleum Reduction

3. Grant Amount

Total FY16 Grant Amount:

a. Direct Project Costs: At a **Minimum**, at least 70% of the total grant amount needs to go towards direct project costs	
b. Policy and Project Preparation Costs: **Maximum** of 30% of total grant amount	

4. Project Address (or addresses, for multiple locations)

5. Project Type

☐ A project focusing solely on energy efficiency (i.e., a lighting upgrade, adding insulation, etc.)
☐ A project focusing solely on renewable energy/clean transportation (i.e., adding solar panels to your roof)
☐ A project which combines energy efficiency and renewable energy/clean transportation

6. Amount of Grant Funds Requested Per Project and Per Funding Track *(e.g. energy efficiency, renewable energy, or transportation petroleum reduction).*

*For each project, please provide a breakdown of costs (e.g. equipment, material, labor, etc.) based on actual pricing obtained through your community's procurement process.

7. Project Narrative (For multiple projects, please include one narrative per project):

8. Total Project Cost, Other Sources of Funding ***(e.g. Jurisdiction Match, Rebates, Other Grants, etc.). For multiple projects, please provide complete information for question 8 on a project-by-project basis.***

9. Annual Energy Benefits Calculation/Estimate ***(e.g. kWh reduced, kw installed, gallons reduced)*** **and Source of Energy Estimates**

*Before approving any project, MEA must have a detailed estimate of projected energy savings that shows all assumptions, calculations, etc. If relying on an audit for projected energy savings, the audit should be submitted with this form. Calculations can be shown below or attached in a separate spreadsheet. Any project with incomplete or unsubstantiated energy savings estimates will not be approved. Energy efficiency project are required to be cost effective, with a simple payback (section #11) being less than the anticipated equipment life (section #10).

10. Expected Life of the Installed Equipment

11. Simple Payback of the Measures ***(e.g. Total project cost/annual anticipated energy savings)***

12. Electricity/Fuel Cost Information	
Electric utility provider and cost of electricity, $/kWh	
Building fuel oil cost ($/gallon)	
Natural gas utility provider and cost of natural gas ($/MMcf)	
Propane cost ($/gallon)	
Gasoline cost ($/gallon)	
Diesel cost ($/gallon)	
Other fuels not listed above (please specify):	
13. Utility Rebates (if applicable):	
14. Documentation of Maryland Historic Trust Review *(if applicable)*	

Attachment B

(To be completed by MEA and provided to the Grantee, once the project has been approved)

Maryland Energy Administration
Maryland Smart Energy Communities Program

MEA MSEC Project Approval

The _____ has been approved to commence with the Maryland Smart Energy Communities project Proposed in Attachment A, as modified by MEA, if necessary, in the Scope of Work section, below. The project has been determined to comply with the following requirements of the Maryland Smart Energy Communities program (all requirements must be met before proceeding):

- [x] Reviewed to confirm that the proposed project is eligible to receive MSEC funds based on the terms of the Agreement.
- [ ] Reviewed to verify that the project will cost effectively reduce electricity consumption and/or generate clean energy and/or reduce petroleum consumption.
- [ ] Reviewed and determined that the proposed project will have "no adverse effect" on any historic property.
- [ ] Reviewed to confirm that the Grantee has in place baselines and plans for the two policies they chose to pursue, and has adopted formal, written policies through their legislative or governing body committing the local government to the policies specified in the Policy Guidance Documents

DETAILED SCOPE OF WORK (Project address(es), detailed description of energy measure(s) to include system efficiency information (e.g., SEER rating, motor efficiency, etc.), if applicable):

_____

_____

_____

Project Reporting Metrics:

EXPECTED USEFUL LIFE (YEARS): _____

PAYBACK (YEARS, attach calculations as appropriate): _____

Approved by:

_____	_____	_____
Maryland Energy Administration	Signature	Date

Revised 5/23/16

Revised 4/12/16

Attachment C

Maryland Smart Energy Communities Grant Program Invoice Report

Instructions: Please complete and forward the MSEC Invoice Report to MEA along with the corresponding invoice requesting MSEC reimbursement.

1. Local Government Name and Address:	**2. Name/ Title/Phone Number of Report Submitter:**
3. Congressional District:	**4. Address of Project (if different than the address shown above)**
5. Reporting Period **Month:** _____ **Year:** _____ **Is this the final MSEC Invoicing report?** ☐ **Yes** ☐ **No**	**6. MEA Grant Number:**
7. Local Government Invoice Number (if invoices are being submitted to MEA for payment)	

8. MSEC Grant Expenditures
Please indicate the amount of MSEC grant funds spent during a. the reporting period and b. over the course of the project to date. Please note that if you are receiving funding from multiple funding categories, as specified in Section III of the Grant Agreement, you must track, invoice, and report this funding stream separately.

a. MSEC Grant Dollars Spent during this Reporting Period ($)	Direct Project Costs (minimum 70% of total Grant amount):	
	Policy and Project Preparation Costs (maximum 30% of total Grant amount):	
	Total grant funds requested, this reporting period (this number should match the	

	invoiced amount):	
b. MSEC Grant Dollars <u>Spent to date</u> ($)	Direct Project Costs (minimum 70% of total Grant amount):	
	Non-Project Costs (maximum 30% of total Grant amount):	
	Total grant funds requested, spent to date (this number should match the invoiced amount):	
9. Non-MSEC Grant Expenditures		
a. Utility Rebates, by energy measure ($) (if applicable)	**b. Other Project Expenditures ($)** Please include description and the $ amount (e.g., community matching funds)	
10. Policy Status Update		
a. Provide a brief narrative of the status of the baselines, plans, and policies required under this program.	Energy Efficiency:	
	Renewable Energy:	
	Transportation Petroleum:	
11. Project Status Update		
a. Provide a brief narrative of project milestones and/or accomplishments achieved during the reporting period.		
b. Were any obstacles encountered during the reporting period? If so, please explain.		
12. Is this your final report? ☐ Yes ☐ No		

13. Reporting Metrics: The required project reporting metrics are listed below.	
A. Jobs created (Hours worked) ***Required*** Please report the total number of hours worked (and paid for using Grant funds) by Grantee staff, contractors, and vendors	
B. Energy Cost Savings ($ saved per year due to project) ***Required***	
C. Building Energy Savings ***Required for all energy efficiency projects***	
i. **Reduction in annual electricity consumption (MWh)**	
ii. **Reduction in annual fuel oil consumption (gal)**	
iii. **Reduction in annual natural gas consumption (MMcf)**	
iv. **Reduction in annual propane consumption (gal)**	
v. **[Insert other measure]**	
vi. **[Insert other measure]**	
D. Renewable Energy Capacity and Generation ***Required for all renewable energy projects***	
i. **Amount of electricity generated by photovoltaic systems (MWh) annually**	
ii. **Amount of electricity generated by wind systems (MWh) annually**	

iii. **Amount of electricity generated by other renewable systems (MWh) annually**	
iv. **Installed photovoltaic system capacity (MW)**	
v. **Installed wind capacity (MW)**	
vi. **Installed capacity of all other renewable systems (MW)**	
vii. **[Insert other measure]**	
E. Transportation-Related Energy Savings *Required for all transportation petroleum reduction projects*	
i. **Reduction in annual gasoline consumption (gal)**	
ii. **Reduction in annual diesel consumption (gal)**	
iii. **[Insert other measure]**	
iv. **[Insert other measure]**	
F. Building Retrofits (number of buildings) – Required	

Regular Council Agenda
June 21, 2016

Description

Order authorizing the execution of a Grant Agreement with Maryland Smart Energy Communities under the Maryland Energy Administration to provide the City an award of $43,100 for energy efficiency improvements and project preparation costs (up to 30%)

Approval, Acceptance / Recommendation

The Engineering Division recommends that the Maryland Smart Energy Communities grant agreement be executed. Funding may only be used within City owned facilities. This grant is proposed for energy efficiency improvements at the WWTP. As a Maryland Smart Energy Community, the City of Cumberland will be required to show a good faith effort towards the achievement goals and objectives that lead to energy improvements as per the maintenance of policies and action plans in order to qualify for funding though the program.

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

$43,100

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 21, 2016__

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

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Grant for FY17 entitled "Overtime Patrol" in the amount of Five Thousand Dollars and No Cents ($5,000.00) for the period 8/1/16 to 6/30/17, providing police overtime support, school bus safety educational materials, and public service announcements through local media.

_____

Brian K. Grim, Mayor

Grant: SBSE-2017-1888

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION

300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828 / Toll-free: 1-877-687-9004
Fax: 410-321-3116
dlinfo_goccp@maryland.gov
goccp.maryland.gov

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

June 22, 2016

Chief Charles H Hinnant
Chief of Police
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: SBSE-2017-1888

Dear Chief Hinnant:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled **"Overtime Patrol"**, in the amount of $5,000.00 has received approval under the School Bus Safety Enforcement Md Criminal Procedure Annotated Code: MD Pub Safety Code § 4-202 (2013) program. Enclosed is the Grant Award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

> The Cumberland Police Department's Overtime Patrol program targets drivers who fail to stop for school buses that are loading and unloading passengers. The program supports proactive measures by assigning marked patrol vehicles to work bus routes or follow buses while transporting students. A public service announcement campaign will also be utilized through printed advertisements on student materials. Program funds provide overtime and public service announcements.

Please pay particular attention to the instructions included on the Grant Award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by GOCCP are located online, at http://www.goccp.maryland.gov/grants/general-conditions.php. The Chief Elected Official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the Grant Award, must sign the original Grant Award Acceptance form and return it to the Governor's Office of Crime Control and Prevention within **Twenty-One (21) Calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the Grant Award, Notification of Project Commencement, and Individual Project Reports has also been sent to the Project Director. The Project Director is responsible for completing these and other required forms now and at the end of each reporting period. If the Project Director changes, GOCCP must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the Grant Award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this Grant Award, please contact **Ellen Blonder**, your Regional Monitor, or **Tiffany Maclin**, Fiscal Specialist, at (410) 821-2828. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our State.

Sincerely,

V. Fueston
Executive Director

cc: Lieutenant Chuck Ternent

6/15/2016

Control Number: 31905
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Governor's Office of Crime Control & Prevention

Grant Award & Acceptance Form

Grant Award Number: SBSE-2017-1888
Sub-recipient: Cumberland Police Department
Project Title: Overtime Patrol
Implementing Agency: Cumberland Police Department
Award Period: **08/01/2016 - 06/30/2017**

CFDA: Special

Funding Summary			
	Grant Funds	100.0 %	**$5,000.00**
	Cash Match	0.0 %	**$0.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$5,000.00**

Budget Version: 0

This Grant Award is hereby made for financial assistance by the Governor's Office of Crime Control & Prevention in accordance with the

School Bus Safety Enforcement Md Criminal Procedure Annotated Code: MD Pub Safety Code § 4-202 (2013)

This Grant Award is subject to the General Conditions and any Special Conditions attached to this award, as well as all statutes and requirements of the State of Maryland.

This Grant Award incorporates all the information, conditions, representations and Certified Assurances contained in the grantee's application.

The Grant Award shall become effective as of the start date of the award, unless otherwise specified, and upon return, within twenty-one (21) calendar days, of a fully executed original of this document signed by the duly authorized official of the sub-recipient unit of government or sub-recipient agency receiving this Grant Award. Copies and faxes are not acceptable.

FOR THE STATE OF MARYLAND:

Executive Director
Governor's Office of Crime Control & Prevention

SUB-RECIPIENT ACCEPTANCE:

Signature of Authorized Official

Typed Name And Title

Date

Return original form signed in blue ink to:

GOCCP
300 E. Joppa Road, Suite 1105
Baltimore, MD 21286-3016
Attention: Control Desk

Special

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Grant Award - Special Conditions

Grant Award Number:	SBSE-2017-1888	**Sub-Recipient:**	Cumberland Police Department
Award Period:	08/01/2016 - 06/30/2017	**Implementing Agency:**	Cumberland Police Department
Project Title:	Overtime Patrol		

1 This grant award is subject to the General Conditions (POST AWARD INSTRUCTIONS) found on the GOCCP website (http://www.goccp.maryland.gov/grants/general-conditions.php). The aforementioned General Conditions/Post Award Instructions are REQUIRED to be reviewed, should be printed for your reference and are subject to change without written notice.

In addition, the Grantees Toolbox is provided as a resource on the GOCCP website (http://www.goccp.maryland.gov/grants/grantee-toolbox.php) to address frequently asked questions.

2 This grant may only be used for the following activities:

a. Sworn Employee School Bus Safety Enforcement overtime efforts related to vehicles illegally passing school vehicles.

Sworn Employee School Bus Safety Enforcement is defined as: observing and patrolling school bus routes and traffic along school bus routes, writing citations and warnings related solely to school bus enforcement, and preparing any necessary follow-up paperwork directly related to citations and warnings issued for violations of Annotated Code of Maryland, Transportation Article, Section 21-706.

Should infractions of other Maryland laws be observed by sworn employees working under the School Bus Safety Enforcement program, especially those that may put school children in danger, the sworn employees will be permitted to take action, but the primary purpose of this grant is to enforce the Annotated Code of Maryland, Transportation Article, Section 21-706.

If serious infractions of Maryland law leading to arrests are witnessed by sworn employees working under the School Bus Safety Enforcement grant, and the amount of time to process these arrests exceeds the hours previously assigned under the School Bus Grant, this grant will only pay for those hours previously approved.

b. Administrative Overtime includes only the time spent writing and completing citations and warnings issued under this grant.

Project funds may not be used for any purposes other than those stated in the Agency's approved Grant Application. Sub-recipients are not permitted to use RADAR, VASCAR, LIDAR, or any other type of speed enforcement devices while working on the School Bus Safety Enforcement program.
Any requests for changes or modifications to the Grant Award shall be made in writing to GOCCP using the GOCCP Modification Request form and shall require written approval before they are implemented.

Project funds may not be used to pay for the time it takes an officer to drive from his home to the School Bus Safety Enforcement grant targeted enforcement area.

3 SUPPLANTING: The agency may not use the grant as a substitute for money that otherwise would be available and used by the law enforcement agency for enforcement purposes related to vehicles illegally passing school bus vehicles.

4 All financial and programmatic documentation, (including time sheets, detailed verification of work performed, i.e. - bus routes patrolled, number of buses observed, approved overtime sheets, etc.) shall be maintained for a minimum of five years, and shall be made available for audit by GOCCP personnel upon request.

5 The Project Director shall be responsible for ensuring that all reports are completed and forwarded to GOCCP in a timely manner and shall monitor grant program activities to ensure that all requirements and conditions associated with the grant award are followed.

6 Sub-recipients are not permitted to exceed more than a total of 8 hours of overtime per day in relation to School Bus Safety Enforcement program. Any overtime hours worked in excess of the daily maximum hours will not be reimbursed.

7 Sub-recipients shall consult with their local school board and local pupil transportation system to identify locations of frequent violations. Sub-recipients shall work with these agencies in a cooperative effort to assess the effectiveness of current and prior enforcement efforts and to redirect enforcement efforts on problem areas to adjust for changing conditions. Press conferences, media releases, printed educational information, and other public announcements regarding this program shall be done in conjunction with these agencies.

8 Each sub-recipient must meet with the Maryland Association of Pupil Transportation Board for their county by December 31st of the current fiscal year (FY) to discuss the problem of drivers illegally passing school vehicles and their proposed enforcement strategy. By March 31st of the current FY, each sub-recipient will submit a letter from the Maryland Association of Pupil Transportation Board to confirm that the required meeting was held. The letter must also describe any problems addressed at the meeting and the proposed solutions.

9 When issuing public statements or other documents relating to this project, the source of funding of this project and role of GOCCP must be acknowledged. The sub-recipient will ensure that all publications resulting from this project will contain the following statement: "This publication was funded by the Governor's Office of Crime Control & Prevention under the Statewide School Bus Safety Enforcement Program."

10 At the request of GOCCP, any law enforcement sub-recipient shall provide a report, in the format provided by GOCCP, which details the number of fingerprint and palm print matches received from DPSCS and the number of associated arrests arising from those matches.

11 As requested, any law enforcement sub-recipient agrees to provide information to GOCCP on any matches, or "hits", between crime scene DNA evidence samples and the DNA profiles of known offenders contained in either the convicted offender or charge DNA databases.

12 Any law enforcement sub-recipient shall ensure that the Maryland State Police receive UCR data within 30 days of the close of every quarter.

13 Any law enforcement sub-recipient shall provide an annual report, in the format provided by GOCCP, on DNA crime scene evidence samples. DNA crime scene evidence samples are defined as crime scene evidence that has been collected AND submitted to a crime laboratory for DNA analysis.

14 Any law enforcement sub-recipient that maintains a SWAT team(s) shall provide a semi-annual report to GOCCP, in the format provided by GOCCP, on: 1) The number of times SWAT teams were deployed; 2) The locations where the SWAT teams were deployed; 3) The reasons for deployments; 4) The legal authority, including the type of warrant, if any, for each deployment; and 5) The result of each deployment, including: number of arrests; whether a forcible entry was made; whether a weapon was discharged by a SWAT team member; and whether a person or domestic animal was injured or killed by a SWAT team member.

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany

Budget Notice

Grant Award Number: SBSE-2017-1888
Sub-recipient: Cumberland Police Department
Project Title: Overtime Patrol
Implementing Agency: Cumberland Police Department
Award Period: **08/01/2016 - 06/30/2017**

CFDA: Special

Funding Summary			
	Grant Funds	100.0 %	**$5,000.00**
	Cash Match	0.0 %	**$0.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$5,000.00**

Personnel

Description of Position	Salary Type	Funding	Total Budget
Officers	Overtime	Grant Funds	$4,000.00
		Personnel Total:	$4,000.00

Other

Description	Funding	Quantity	Unit Cost	Total Budget
Bus Safety Ad	Grant Funds	1	$1,000.00	$1,000.00
			Other Total:	$1,000.00

Approved: Zina Weemo

GOCCP Authorized Representative

Effective Date: 8/1/2016

Governor's Office of Crime Control & Prevention

Programmatic Reporting

Control Number: 31905
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Maclin, Tiffany
Submitted Date:

Grant Award Number: SBSE-2017-1888
Sub-recipient: Cumberland Police Department
Project Title: Overtime Patrol
Implementing Agency: Cumberland Police Department
Award Period: **08/01/2016 - 06/30/2017**

CFDA: Special

The information collected on this form helps GOCCP measure the progress you are making in achieving your project's goals and objectives. It also helps us determine what, if any, technical assistance you may need in implementing your project.

Performance Measures (13)

1	Provide the number of citations issued for Violations of Transportation Article, 21-706 (illegally passing a school bus that is stopped and operating alternately flashing red lights) during the reporting period.	
2	Provide the number of written warnings issued for Violations of Transportation Article, 21-706 (illegally passing a school bus that is stopped and operating alternately flashing red lights) during the reporting period.	
3	Provide the number of complaints received for vehicles illegally passing a school bus during the reporting period.	
4	Provide the number of warning letters mailed for complaints of vehicles illegally passing a school bus.	
5	Provide the number of Safety Repair Orders (SERO's) issued during this reporting period.	
6	While utilizing grant funds during this reporting period, how many arrests were made?	
7	Please indicate the number of SBSE overtime hours worked during this reporting period.	
8	Provide the number of citations issued during this reporting period for stop sign violations.	
9	Provide the number of citations issued during this reporting period for seat belt violations.	
10	Provide the number of citations issued during this reporting period for DUI violations.	
11	Provide the number of citations issued during this reporting period for Other violations.	
12	Provide the written warnings issued during this reporting period for Other violations.	
13	Please indicate the number of buses followed during this reporting period.	

Progress Report Questions (4)

1	Describe barriers/challenges to implementing or completing any of the objectives. Include corrective actions taken or planned to overcome described barriers (include timeline). Are there any obstacles or barriers that could prevent you from expending all grant funds? Please include any requests for technical assistance needed.
2	Please list any successes and/or best practices developed through this GOCCP funded program.
3	Provide a brief summary of your meeting with the Board of Education, including the date of the meeting. Attach any additional information that you feel is relevant.
4	If no funds or minimal funds (less than 25%) were expended during this reporting period please provide an explanation as to why and when you anticipate requesting funds. Your detailed explanation should address each budget category.

Signed: _____ **Date:** _____

Project Director - Tement, Chuck *(Project Director is preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)*

Printed Name: _____ **Phone:** _____

Regular Council Agenda
June 21, 2016

Description

Order authorizing the Chief of Police to accept a GOCCP School Bus Safety Grant entitled Overtime Patrol for FY17 in the amount of $5,000 for police overtime and fringe benefits to enforce school bus safety laws, provide educational material for students and air public safety announcements

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:** __June 21, 2016__

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

THAT the Chief of Police be and is hereby authorized to accept a GOCCP Sex Offender Compliance and Enforcement in Maryland program grant for FY17 entitled "Monitoring Support Program," in the amount of Twenty-one Thousand Dollars and No Cents ($21,000.00) for the period 07/01/2016 to 06/30/2017, to provide equipment and overtime support to perform compliance checks by conducting home visits of registered sex offenders to confirm residency.

_____

Brian K. Grim, Mayor

Grant: SOCM-2017-1118

GOVERNOR'S OFFICE OF CRIME CONTROL & PREVENTION

300 E. Joppa Road, Suite 1105
Baltimore, Maryland 21286-3016
410-821-2828 / Toll-free: 1-877-687-9004
Fax: 410-321-3116
dlinfo_goccp@maryland.gov
goccp.maryland.gov

Larry Hogan
Governor

Boyd K. Rutherford
Lt. Governor

V. Glenn Fueston, Jr.
Executive Director

June 21, 2016

Chief Charles H Hinnant
Chief of Police
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: SOCM-2017-1118

Dear Chief Hinnant:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled **"Monitoring Support Program"**, in the amount of $21,000.00 has received approval under the Sex Offender Compliance and Enforcement in Maryland program. Enclosed is the Grant Award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

> The Cumberland Police Department's Monitoring Support Program tracks the compliance of local sex offenders who are required to register/re-register with the Maryland Sex Offender Registry. This program allows assigned officers to perform compliance checks by conducting home visits of registered sex offenders to confirm addresses. Grant funds provide overtime support and equipment.

Please pay particular attention to the instructions included on the Grant Award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by GOCCP are located online, at http://www.goccp.maryland.gov/grants/general-conditions.php. The Chief Elected Official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the Grant Award, must sign the original Grant Award Acceptance form and return it to the Governor's Office of Crime Control and Prevention within **Twenty-One (21) Calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the Grant Award, Notification of Project Commencement, and Individual Project Reports has also been sent to the Project Director. The Project Director is responsible for completing these and other required forms now and at the end of each reporting period. If the Project Director changes, GOCCP must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the Grant Award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this Grant Award, please contact **Ellen Blonder**, your Regional Monitor, or **Andrew Galarza**, Fiscal Specialist, at (410) 821-2828. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our State.

Sincerely,

V. Fueston
Executive Director

cc: Lieutenant Chuck Ternent

6/14/2016

Control Number: 31879
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Governor's Office of Crime Control & Prevention

Grant Award & Acceptance Form

Grant Award Number: SOCM-2017-1118
Sub-recipient: Cumberland Police Department
Project Title: Monitoring Support Program
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Funding Summary			
	Grant Funds	100.0 %	**$21,000.00**
	Cash Match	0.0 %	**$0.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$21,000.00**

Budget Version: 0

This Grant Award is hereby made for financial assistance by the Governor's Office of Crime Control & Prevention in accordance with the

Sex Offender Compliance and Enforcement in Maryland

This Grant Award is subject to the General Conditions and any Special Conditions attached to this award, as well as all statutes and requirements of the State of Maryland.

This Grant Award incorporates all the information, conditions, representations and Certified Assurances contained in the grantee's application.

The Grant Award shall become effective as of the start date of the award, unless otherwise specified, and upon return, within twenty-one (21) calendar days, of a fully executed original of this document signed by the duly authorized official of the sub-recipient unit of government or sub-recipient agency receiving this Grant Award. Copies and faxes are not acceptable.

FOR THE STATE OF MARYLAND:

Executive Director
Governor's Office of Crime Control & Prevention

SUB-RECIPIENT ACCEPTANCE:

Signature of Authorized Official

Typed Name And Title

Date

Return original form signed in blue ink to:

GOCCP
300 E. Joppa Road, Suite 1105
Baltimore, MD 21286-3016
Attention: Control Desk

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Grant Award - Special Conditions

Grant Award Number:	SOCM-2017-1118	**Sub-Recipient:**	Cumberland Police Department
Award Period:	07/01/2016 - 06/30/2017	**Implementing Agency:**	Cumberland Police Department
Project Title:	Monitoring Support Program		

1 This grant award is subject to the General Conditions (POST AWARD INSTRUCTIONS) found on the GOCCP website (http://www.goccp.maryland.gov/grants/general-conditions.php). The aforementioned General Conditions/Post Award Instructions are REQUIRED to be reviewed, should be printed for your reference and are subject to change without written notice.

In addition, the Grantees Toolbox is provided as a resource on the GOCCP website (http://www.goccp.maryland.gov/grants/grantee-toolbox.php) to address frequently asked questions.

2 Final quarterly programmatic reports indicating progress towards the attainment of each program/project objective must be submitted no later than 15 calendar days from the End Date of the sub-award. Financial reports will not be processed unless Programmatic Reports are in "submitted" status in the GMS.

The FINAL Financial Report must be submitted no later than 30 calendar days from the End Date of this sub-award and must be signed in blue ink.

If the initial 30 calendar day submission is not your actual FINAL report, the sub-recipient must mark "NOT FINAL" in red ink on the initial 30 day report submission.

Submission of a "Not Final" report will require a "Final/Revised" report to be submitted no later than 60 calendar days after the End Date of the sub-award. Revised reports may only be submitted if an initial 30 calendar day report was submitted as required. ALL Final financials must be submitted within the 60 days or GOCCP reserves the right to complete an administrative closeout on this grant award and de-obligate all remaining funds.

Revisions are a manual process that requires hand written corrections on a copy of the previously submitted 30 day report, with the word "FINAL" written in red ink. The corrections must be actual expenditures, not the variance. New signatures and current dates are required in blue ink.

3 At the request of GOCCP, any law enforcement sub-recipient shall provide a report, in the format provided by GOCCP, which details the number of fingerprint and palm print matches received from DPSCS and the number of associated arrests arising from those matches.

4 As requested, any law enforcement sub-recipient agrees to provide information to GOCCP on any matches, or "hits", between crime scene DNA evidence samples and the DNA profiles of known offenders contained in either the convicted offender or charge DNA databases.

5 Any law enforcement sub-recipient shall ensure that the Maryland State Police receive UCR data within 30 days of the close of every quarter.

6 Any law enforcement sub-recipient shall provide an annual report, in the format provided by GOCCP, on DNA crime scene evidence samples. DNA crime scene evidence samples are defined as crime scene evidence that has been collected AND submitted to a crime laboratory for DNA analysis.

7 Any law enforcement sub-recipient that maintains a SWAT team(s) shall provide a semi-annual report to GOCCP, in the format provided by GOCCP, on: 1) The number of times SWAT teams were deployed; 2) The locations where the SWAT teams were deployed; 3) The reasons for deployments; 4) The legal authority, including the type of warrant, if any, for each deployment; and 5) The result of each deployment, including: number of arrests; whether a forcible entry was made; whether a weapon was discharged by a SWAT team member; and whether a person or domestic animal was injured or killed by a SWAT team member.

Governor's Office of Crime Control & Prevention

GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew

Budget Notice

Grant Award Number: SOCM-2017-1118
Sub-recipient: Cumberland Police Department
Project Title: Monitoring Support Program
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

Funding Summary			
	Grant Funds	100.0 %	**$21,000.00**
	Cash Match	0.0 %	**$0.00**
	In-Kind Match	0.0 %	**$0.00**
	Total Project Funds		**$21,000.00**

Personnel

Description of Position	Salary Type	Funding	Total Budget
Allegany Officers	Overtime	Grant Funds	$10,000.00
Cumberland Officers	Overtime	Grant Funds	$10,000.00
		Personnel Total:	$20,000.00

Equipment

Description	Funding	Quantity	Unit Cost	Total Budget
Cameras	Grant Funds	10	$100.00	$1,000.00
			Equipment Total:	$1,000.00

Approved: Zina Weemo

GOCCP Authorized Representative

Effective Date: 7/1/2016

Governor's Office of Crime Control & Prevention

Programmatic Reporting

Control Number: 31879
GOCCP Regional Monitor: Blonder, Ellen
GOCCP Fiscal Specialist: Galarza, Andrew
Submitted Date:

Grant Award Number: SOCM-2017-1118
Sub-recipient: Cumberland Police Department
Project Title: Monitoring Support Program
Implementing Agency: Cumberland Police Department
Award Period: **07/01/2016 - 06/30/2017**

CFDA: State

The information collected on this form helps GOCCP measure the progress you are making in achieving your project's goals and objectives. It also helps us determine what, if any, technical assistance you may need in implementing your project.

Performance Measures (13)

1	Provide the number of registrants living in your jurisdiction during the reporting period.	
2	Of this number, how many are Tier 1 registrants.	
3	Of this number, how many are Tier 2 registrants.	
4	Of this number, how many are Tier 3 registrants.	
5	Provide the number of registrants living in your jurisdiction that were verified as compliant during this reporting period.	
6	Provide the number of registrants living in your jurisdiction that were verified and non-compliant during this reporting period.	
7	Provide the number of warrants obtained for non-compliance/absconders during this reporting period.	
8	While utilizing grant funds during this reporting period, how many warrants did your department serve?	
9	Provide the number of sexual offenders registered and re-registered during this reporting period.	
10	Provide the number of compliance verifications (through actual home visits or other investigative verification techniques) conducted to ensure that the information provided by the registrant at the time of registration is valid and current.	
11	Provide the number of sex crimes investigated during this reporting period.	
12	Provide the number of cases cleared during this reporting period.	
13	Provide the number of arrests that occurred during this reporting period.	

Progress Report Questions (3)

1	Every quarterly report should provide a brief narrative assessment of the projects effectiveness thus far. The brief narrative should include qualitative and quantitative evidence, as available, and also highlight factors that the author considers to have facilitated or impaired the project's effectiveness.
2	Describe barriers/challenges to implementing or completing any of the objectives. Include corrective actions taken or planned to overcome described barriers (include timeline). Are there any obstacles or barriers that could prevent you from expending all grant funds? Please include any requests for technical assistance needed.
3	If no funds or minimal funds (less than 25%) were expended during this reporting period please provide an explanation as to why and when you anticipate requesting funds. Your detailed explanation should address each budget category.

Signed: _____ **Date:** _____

Project Director - Tement, Chuck *(Project Director is preferred, Fiscal Contact or Authorized Official if Project Director is unavailable)*

Printed Name: _____ **Phone:** _____

Regular Council Agenda
June 21, 2016

Description

Order authorizing the Chief of Police to accept a GOCCP Sex Offender Compliance Grant titled "Monitoring Support" for FY17 in the amount of $21,000 for police overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency and to purchase digital cameras.

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:** June 21, 2016

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

THAT, the Mayor be and is hereby authorized to execute a Consultant Services Agreement by and between the Mayor and City Council of Cumberland and CBIZ Benefits & Insurance Services, Inc. (CBIZ), for services pertaining to the provision of a comprehensive Other Post-Employment Benefits report in accordance with GASB-45 standards; and

BE IT FURTHER ORDERED, that compensation to CBIZ for said services shall be a cost not to exceed Five Thousand Dollars and No Cents ($5,000.00).

_____

Mayor Brian K. Grim

Consultant Services Agreement

This AGREEMENT is made this _____ day of _____, 2016, by and between CBIZ Benefits & Insurance Services, Inc. (the "CONSULTANT"), having an address at 44 Baltimore Street, Cumberland, Maryland, 21502, and The City of Cumberland, (hereinafter referred to as "CLIENT"), having an address at 57 North Liberty Street, Cumberland, MD 21502.

Terms and Conditions

WHEREAS, the CLIENT desires to retain the services of the CONSULTANT, and

WHEREAS, the CONSULTANT desires to furnish services as hereinafter described to the CLIENT,

NOW, THEREFORE, in consideration of the covenants herein contained, of the sums hereinafter specified, and of the other valuable consideration, the parties hereto covenant and agree as follows:

The CONSULTANT shall and hereby agrees to perform those services and particular tasks for the CLIENT as provided for in Exhibit A, which is attached hereto and made a part hereof.

The CONSULTANT shall begin the work described in Schedule A immediately upon receipt of this signed agreement and requested materials (if any).

The CLIENT shall provide compensation to the CONSULTANT for the services rendered hereunder according to the schedule of services and fees in Exhibit A, attached hereto and made a part hereof. If the agreement is terminated by either party, the CLIENT agrees to pay for all time and expense charges incurred by the CONSULTANT through the agreement's termination date.

The term of this Agreement shall continue as proposed until cancelled in writing by either party under the section below, or completion of project.

This Agreement may be terminated by either party at any time with 60 days advance notice. In such event, the CLIENT shall pay CONSULTANT, in accordance with the above paragraph of this Agreement. If fees remain outstanding for a period exceeding 60 days, the CONSULTANT may cease to perform any services under the terms of this Service Agreement. Further, if the CLIENT terminates this Service Agreement, the CONSULTANT will not provide any requested information to the CLIENT or a new service provider until all outstanding fees have been paid.

The CONSULTANT will not proceed with any changes in the scope of work without prior approval of the CLIENT.

This Agreement may not be assigned by either party without the written consent of the other; and any attempt to assign any rights arising under this Agreement without such consent shall be void.

This Agreement supersedes all previous agreements, communications, and understandings, oral or written, between the parties with respect to the subject hereof, except to the extent incorporated herein. The term "this Agreement" as used herein includes any written amendments, modifications, or supplements later made in accordance herewith. If any provision or portion of this Agreement shall be found to be invalid under any applicable statute or rule of law, such provision shall not impair or affect the Agreement or any other provisions or terms thereof.

This Agreement shall be binding upon the heirs, executors, administrators, successors, and assignees of the respective parties hereto.

This Agreement is being delivered in, and shall be construed in accordance with and governed by the laws of the State of Maryland.

The performance of each party of its duties and obligations under this Agreement shall be that of an independent contractor and nothing herein contained shall create or imply an agency relationship between the parties, nor shall this Agreement be deemed to constitute a joint venture or partnership between the parties. As an independent contractor, the CONSULTANT shall pay all taxes and fees arising from the performance of services by the CONSULTANT as an independent contractor under this Agreement.

The parties hereto have caused this instrument to be duly executed as of the day and the year first written above.

Signatures

Client: The City of Cumberland

Authorized Signature _____ Date_____

Print Name_____ Title_____

Third Party Administrator: CBIZ Benefits & Insurance Services, Inc.

Signature_____ Date_____

Print Name_____ Title_____

Schedule A
Services and Applicable Fees
Effective Date: Plan Year Ending June 30, 2016

Preparation of Other Post-Employment Benefits Accounting Report:

The CONSULTANT will provide the CLIENT with a comprehensive Other Post-Employment Benefits report ("the OPEB report") detailing the post-retirement medical plan's liabilities and expenses in accordance with GASB-45 standards and in a format suitable for inclusion in the employer's financial statements.

The OPEB report shall be delivered within 6 weeks of receiving all the necessary data from the client.

Fees for Preparation of OPEB Accounting Reports:

The cost for the proposed services will be based on the applicable hourly rates of the OPEB report engagement team, as illustrated in Schedule B, with a total cost not to exceed $5,000 per valuation. This cost will be updated on a yearly basis. Out-of-pocket travel expenses will be billed as incurred.

Miscellaneous Charges:

Supplemental services such as, but not limited to, structuring funding methods for compliance with GASB-45 standards or additional actuarial analysis relating to any possible benefit structure changes will be subject to additional time and expense charges.

Each party acknowledges reading and understanding this agreement and agrees to be bound by it. Fees will be billed upon completion of the OPEB Accounting Report.

The City of Cumberland	**CBIZ Benefits & Insurance Services, Inc.**
_____	_____
Signature	Signature
_____	_____
Date	Date

Schedule B
Billing Rates
Effective Date: Plan Year Ending June 30, 2016

Typical hourly billing rates are as follows:

Senior / Internal Actuary	$370 / $275
Senior Consultant	$275
Senior / Associate Investment Analyst	$185 / $135
Staff Actuary / Associate Actuary	$185 / $135
Compliance Manager	$185
Employee Communication	$170/hr capped at $1,300
Senior / Associate Pension Analyst	$185 / $135
Assistant Administrator	$110
Trust Accounting	$150
Clerical	$90

Regular Council Agenda
June 21, 2016

Description

Order authorizing the execution of a Consultant Services Agreement with CBIZ Benefits and Insurance Services for the provision of a comprehensive Other Post-Employment Benefits (OPEB) report, for a cost not to exceed $5,000

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:** June 21, 2016

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

THAT, the Chief of Police be and is hereby authorized to execute a letter to Mr. Jason Layman setting forth terms and conditions pertaining to services he will provide as a volunteer nurse practitioner in connection with the deployment of the Cumberland Emergency Response Team (CERT).

_____

Mayor Brian K. Grim

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** June 21, 2016

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

THAT, the Chief of Police be and is hereby authorized to execute a letter to Mr. Jason Layman setting forth terms and conditions pertaining to services he will provide as a volunteer nurse practitioner in connection with the deployment of the Cumberland Emergency Response Team (CERT).

_____

Mayor Brian K. Grim

Regular Council Agenda
June 21, 2016

Description

Order authorizing the Chief of Police to execute a letter to Mr. Jason Layman setting forth terms and conditions pertaining to services he will provide as a volunteer nurse practitioner in connection with the deployment of the CERT Team

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:** __June 21, 2016__

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

THAT, the Mayor be and is hereby authorized to execute a Second Amendment to Parking Lease by and between the Mayor and City Council of Cumberland and EII Cumberland Associates, LLC as successor to S&N Realty, LLC, to extend the end date of the current lease at One Frederick Street Garage through April 9, 2026 and amend the mailing address for notices to reflect that of EII Cumberland Associates, LLC.

_____

Mayor Brian K. Grim

SECOND AMENDMENT TO PARKING LEASE

THIS SECOND AMENDMENT TO PARKING LEASE (the "Second Amendment") is made this 19th day of May, 2016, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND** (the "Landlord"), and **EII CUMBERLAND ASSOCIATES, LLC,** a Delaware limited liability company as successor-in-interest to **S&N REALTY, LLC** (hereinafter referred to as "Tenant").

WITNESSETH:

WHEREAS, Landlord and Tenant are parties to that certain Parking Lease dated May 21, 1997 (the "Original Lease"), as amended by First Amendment to Parking Lease dated January 5, 2016 (the "First Amendment") (the Original Lease as so amended being hereinafter the "Parking Lease"), and

WHEREAS. the First Amendment granted Tenant the option to the modify the end date of the Current Term to be the end date of Tenant's lease with the State of Maryland, excluding renewals, provided such revised end date is no later than June 30, 2026; and

WHEREAS, Tenant's lease with the State of Maryland has been amended with an end date of April 9, 2026; and

WHEREAS, Tenant wishes to exercise its option to modify the end date of the Current Term in accordance with said option;

NOW, THEREFORE, in consideration of the premises and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties do hereby amend the Parking Lease as follows:

1. Term. The end date for the Current Term (as identified in Section 2 of the First Amendment) is extended through April 9, 2026. The period of February 1, 2016 through April 9, 2026 shall now constitute the Current Term.

2. Notices. Section 13. of the First Amendment is hereby revised to reflect that any notice, request, demand, approval or consent given or required to be given under the Parking Lease to Tenant shall be provided to Tenant at the address stated below:

To Tenant: EII Cumberland Associates, LLC
P.O. Box 4257
Huntington, NY 11743-0777

With a copy to:

Richard F. Levin, Esq.
Grossberg, Yochelson, Fox & Beyda, LLP

1200 New Hampshire Ave. NW, Suite 555
Washington, DC 20036

3. **Binding Effect.** All of the covenants of the Parking Lease shall be binding upon and shall inure to the benefit of the parties hereto, their respective legal representatives, and permitted successors and assigns.

4. **Recitals, Certifications and Defined Terms.** The recitals set forth in the preamble are hereby incorporated in and made a part of this Second Amendment. Capitalized terms used herein that are defined in the Parking Lease and not defined herein shall have the meaning assigned to them in the Parking Lease.

5. **Ratification.** As amended by the First Amendment and this Second Amendment, the Parking Lease shall continue in full force and effect under the terms, provisions and conditions thereof. All other terms, covenants and conditions of the Parking Lease not herein expressly modified are hereby confirmed and ratified and remain in full force and effect.

6. **Entire Agreement.** The Parking Lease, the First Amendment, and this Second Amendment contain 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.

IN WITNESS WHEREOF, Landlord and Tenant have caused these presents to be signed and sealed as of the date first above written. The persons signing below in representative capacities for the parties to this Second Amendment declare and affirm under the penalties of perjury that they are duly authorized to execute this Second Amendment on behalf of the party each of them purports to represent.

(signature page follows this page)

WITNESS:

LANDLORD:

MAYOR AND CITY COUNCIL OF CUMBERLAND

_____
Marjorie A. Woodring, City Clerk

By: _____ [SEAL]
Brian K. Grim, Mayor

WITNESS:

TENANT:

EII CUMBERLAND ASSOCIATES, LLC,
a Delaware limited liability company

_____
James Brooke

By: _____
Name: Lee M. Elman
Title: Managing Member

Regular Council Agenda
June 21, 2016

Description

Order authorizing the execution of a Second Amendment to Parking Lease with EII Cumberland Associates, LLC as successor to S&N Realty, LLC, to extend the end date of the current lease at One Frederick Street Garage through April 9, 2026

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:** June 21, 2016

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

THAT, the proposal from Erie Insurance to provide insurance services for the City fleet and building and liability insurance for two (2) parking garages be and is hereby extended for one (1) year, effective July 1, 2016 – June 30, 2017, as follows:

Parking garage / building and liability coverage …… $ 4,709.00

Fleet Auto coverage …… . 91,415.00

Total …….$ 96,124.00

_____

Mayor Brian K. Grim

Invoice

Livengood, DeVore & Company Insurance
1214 National Hwy.
LaVale, MD 21502

Voice: (301) 729-2297
Fax: (301) 729-3048
Email: eric@livengoodinlavale.com

Invoice Number
604

Invoice Date
6/13/2016

Page
1

Insured:

Mayor & City Council
Cumberland City Hall Plaza
57 N Liberty St
Cumberland, MD 21501-2312

Invoice printed on 6/13/2016 11:52:14 AM

Sales Rep ID: Foose, Lora	**Date Due:** 7/15/2017

Item	Amount
UltraFlex - Q430152741 - Erie Insurance Exchange	$4,709.00
Fleet Auto - Q070140318 - Erie Insurance Exchange	$91,415.00

Original Amount Due: $96,124.00

Current Amount Due: **$96,124.00**

Description: Fiscal Year 2017

Note:

Have a great day!!

This is a confirmation of the date and time the information was entered and accepted. We reserve the right to refuse a payment if your payments are not current, if your policy is lapsed, or if your policy is pending cancellation. Please keep in mind that a credit to your account is dependent on the receipt of payment from your financial institution. If we do not receive payment from your financial institution (for example, because your account information is incorrect or your account has insufficient funds) your account will not be credited. Payments submitted after 6 p.m. EST may take an extra business day to process.

Livengood, Devore & Company

Exceptional People Representing an Extraordinary Company

www.LivengoodInLavale.com

Regular Council Agenda
June 21, 2016

Description

Order authorizing a one (1) year extension to the proposal from Erie Insurance to provide fleet insurance and building/liability insurance for two parking garages for the total amount of $96,124.00

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

June 16, 2016

Dear Mr. Rhodes,

On behalf of Western Maryland Scenic Railroad, I am asking for your help and generosity in allowing us to obtain the B&O Caboose that is currently located at Constitution Park, as well as the ability to have the time needed to find assistance and/or funding in order to relocate the caboose to WMSR property.

It is our hope that, with the acquisition of this caboose, that we can restore it to its original B&O livery (paint scheme) in time for the 175th anniversary of the Baltimore and Ohio Railroad. This caboose was completely manufactured in our area, and by being a part of our organization, it can be preserved and appreciated by current and future generations of railfans and Western Maryland Scenic Railroad guests. In order to honor its place of origin, we would name it "The Pride of Cumberland" in an effort to remind those who visit where this valuable piece of railroad history came from.

We want to thank you, in advance, for considering us for this acquisition.

Sincerely,

John Garner
Western Maryland Scenic Railroad

Regular Council Agenda
June 21, 2016

Description

Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate the B&O Caboose in Constitution Park to the WMSRR to be relocated to WMSRR property, properly restored to original B&O livery, and renamed "The Pride of Cumberland"

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

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

Regular Council Agenda
June 21, 2016

Description

Letter from John Garner, Executive Director of the Western MD Scenic Railroad, requesting that the City donate four unused bus stop shelters to the WMSRR to be used as covered shelters in newly designed picnic and rest areas along the railway route

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

CITY OF
CUMBERLAND
MARYLAND

June 17, 2016

Mayor and City Council of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

Dear Mayor and Council Members,

The deadline has passed for receiving a petition calling for a referendum on Ordinance No. 3795, which was approved to amend and supplement Ordinance No. 3793, passed December 15, 2015, to increase the amount of the General Obligation Bonds and Bond Anticipation Notes to finance, reimburse, or refinance costs of the Maryland Avenue Redevelopment Project from $2,500,000 to an aggregate principal amount not to exceed $3,500,000 each.

With no petition being filed, Ordinance No. 3795 became effective June 16, 2016.

Sincerely,

Marjorie A. Woodring
City Clerk

cc: Jeffrey D. Rhodes, City Administrator
Ken Tressler, City Comptroller

MAYOR
BRIAN K. GRIM

COUNCIL
NICOLE ALT-MYERS
SETH D. BERNARD
DAVID J. CAPORALE
RICHARD J. CIONI, JR.

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY SOLICITOR
MICHAEL SCOTT COHEN

CITY CLERK
MARJORIE A. WOODRING

MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)722-2000 • FAX (301)759-6438 • TDD (800)735-2258

Regular Council Agenda
June 21, 2016

Description

Letter from the City Clerk advising that Ordinance No. 3795, passed May 17, 2016 to amend and supplement Ordinance No. 3793, passed December 15, 2015, to increase the amount of the General Obligation Bonds and Bond Anticipation Notes to finance, reimburse, or refinance costs of the Maryland Avenue Redevelopment Project from $2,500,000 to an aggregate principal amount not to exceed $3,500,000 each, became effective June 16, 2016 as no petition for referendum was filed

Approval, Acceptance / Recommendation

☐ Budgeted

☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)