



**MAYOR**

Brian K. Grim

**CITY ADMINISTRATOR**

Jeff Rhodes

**CITY SOLICITOR**

Michael Scott Cohen

**COUNCIL**

Nicole Alt-Myers

Seth D. Bernard

David Caporale

David Kauffman

**CITY CLERK**

Marjorie A. Woodring

## AGENDA

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

DATE 12/1/2015

**\*Pledge of Allegiance**

**I. ROLL CALL**

**II. CERTIFICATES, AWARDS AND PRESENTATIONS**

- (A) Update from Kathy McKenney, Historic Planner, on the status of the Community Legacy funded Neighborhood Restoration Project

**III. DIRECTOR'S REPORT**

- (A) Administrative Services

1. Administrative Services Monthly Reports for September and October, 2015

**IV. APPROVAL OF MINUTES**

- (A) Administrative / Executive

1. Approval of the Administrative Session Minutes of October 6, 2015

**V. UNFINISHED BUSINESS**

- (A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing the execution of a deed to transfer property at 106 W. First Street to Caitlyn D. Rodenhauser for the purchase price of \$500

- (B) Orders

1. Order authorizing the execution of a Construction Agreement with CSX Transportation regarding the closure of the railroad crossing at Pear Street in consideration for CSXT's construction and installation of new concrete crossing surfaces at Valley and Knox Streets and the City's payment of \$20,000 to CSXT

## **VI. NEW BUSINESS**

### **(A) Ordinances**

1. Ordinance (*1st reading*) - authorizing the issuance and sale of \$2,500,000 in General Obligation Bonds to be used for the public purpose of financing, reimbursing or refinancing costs associated with the Maryland Avenue Redevelopment Project
2. Ordinance (*1st reading*) - authorizing the temporary use of up to \$1,746,000 in unexpended proceeds of the City's taxable redevelopment and refunding bonds of 2013 to meet temporary cash requirements related to the Maryland Avenue Redevelopment Project

### **(B) Orders (Consent Agenda)**

1. Order authorizing the execution of a First Amendment to Parking Lease with S&N Realty LLC to provide terms for the lease of 100 parking spaces in the Frederick St. Garage for an additional ten (10) years through December 31, 2025, with provisions for four (4) additional five (5) year terms
2. Order approving the award of Neighborhoods Matter grant funding, provided through the MD DHCD Community Legacy Program, to projects at 240 N. Mechanic St., 451 Goethe St., 111 Hanover St., 129 Polk St., 477 Goethe St., 15 S. Liberty St., and 462 Goethe St. in the total amount of \$ 27,994.10

## **VII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

## **VIII. ADJOURNMENT**



Regular Council Agenda  
December 1, 2015

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**Description**

Update from Kathy McKenney, Historic Planner, on the status of the Community Legacy funded Neighborhood Restoration Project

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
December 1, 2015

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**Description**

Administrative Services Monthly Reports for September and October, 2015

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

November 19, 2015

Honorable Mayor and City Council  
City Hall  
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for September, 2015

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of September, 2015.

### **Management Information Systems**

Management Information Systems reports the following activities for the month of September, 2015:

#### **Statistics**

476 completed help desk requests  
296 open help desk requests

#### **Activities**

Major department initiatives in the past month include:

- Continue to assist with CPD covert camera needs
- Continue working with vendor for replacement of card access/door security system
- Continue implementing different network connectivity at various city locations including mobile units
- Continue replacing aging wireless access points in various city buildings
- Continue working with vendor replacing parking ticket handheld system
- Continue to resolve miscellaneous issues with New World Systems .NET software
- Continue implementing downtown WiFi solution

### **Parks and Recreation**

Parks and Recreation reports the following information for the month of September, 2015:

**Pavilion Reservations** and usage for the month of September: 31 reservations utilized pavilions,  
5 new reservation were made in September

**Sunday in the Park Concert series:** The final concert of the season was held – at the Park Amphitheater in September. The Potomac Concert Band performed Sunday September 6.

**Baseball/ Softball League**

**Soccer/Football League** play and practices for September:

The City of Cumberland provides fields for the following leagues:

- JCP Soccer League
- Fort Hill Girls Soccer Teams
- Allegany Boys Soccer Teams
- Cumberland Cardinals Pee Wee Football
- Warriors Youth Football
- Adult flag football league
- 1 Pee Wee League Weigh in & Scrimmage games
- 1 Softball Tournament at Mason Sports Complex
- 1 Field usage for special events ( Archway Station)

**Constitution Park Pool**

- 3 Days of operation for the Park Pool (concludes the 2015 season)
- Total Paid Attendance - 247
- Total income for the Month of September \$ 517.00
- YMCA members - 40
- Attendance from pool passes - 2

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

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

**Fall Program Planning** for upcoming fall events

- Halloween Party at Constitution Park – Sunday October 25, 2015; 2-5 p.m.
- Halloween on the Downtown Mall – Saturday October 31, 11 – 1 p.m.
- Babysitters Training Course begin Thursday October 1, 4:30 – 5:30 p.m. for six weeks, Constitution Park Activities Building and Central Fire Station
- Halloween Parade float contest project with Marsha Thomas (Parade scheduled October 21)
- Organizational meeting for the Co-ed Volleyball League – Play begins in November
- Resume Recreation Advisory Board meeting on Monday October 5

**Meetings attended:**

- Meetings with seasonal employees- Pool manager, Day camp Director, etc. (wrap up)
- Frostburg State University Students for Halloween program
- Program 101 training
- YMCA Soccer coordinator Eleanor Madden

## **Community Development**

The Community Development Department reports the following activities for the month of September, 2015:

During September, staff completed the annual CDBG grantee performance report which requires a substantial amount of time to finalize and submit to the Department of Housing and Urban Development (HUD) for their review. HUD also provided CDBG staff with the results of its monitoring visit and recommended various changes to the Property Improvement Program to correct deficiencies. Work is underway to make the corrections needed to address the issues HUD identified. Staff was notified by HUD concerning

approval of the 2015-2019 CDBG consolidated plan which is a five year plan for CDBG activity needs within the community. HUD also approved the 2015 annual plan as a part of the process. Also, staff attended a Transportation Association of Maryland training concerning various ways to address transportation needs of low and moderate income residents. Staff also assisted the Cumberland Housing Authority with completion of the Public Housing Authority (PHA) 5 year plan and development of the Environmental review record necessary to release funds.

Community Services Specialist is working to edit and improve current permit checklists, site plan examples and spreadsheets and continues to assist with Neighborhoods Matter's façade grant program. Staff is working with Neighborhood Advisory Commission (which met on September 28) on development of community groups in all eleven of the City's designated neighborhoods. Staff completed final report to National Night Out and a wrap meeting was held on Sept 8. Staff continues to serve on the board with Mountain Maryland Trails as the City representative and serves as City liaison with the South Cumberland Business and Civic Association. Staff assisted MMT on bi-annual newsletter and is assisting with annual public meeting to be held in October.

### **Code Enforcement Activity**

- Delivered 46 Door Hangers for Nuisance Issues
  - 21 successes
  - 46% Success Rate
- Newly Opened Cases
  - 5 Nuisance
  - 19 Property Maintenance
- Action Plans Received to Resolve Property Maintenance Issues
  - 0
- 10 Citations Issued
  - 1 Nuisance
  - 9 Property Maintenance
- 8 Cases Adjudicated to District Court
  - 4 Nuisance
  - 4 Property Maintenance
- 16 Cases Heard in District Court
  - 4 Nuisance
  - 12 Property Maintenance
- 2 Bi-weekly Community Development Coordination meeting were conducted
- 2 Bi-weekly Code Enforcement meeting were conducted
  - Concentrating on focus and monitor groups
  - Focusing on the resolutions to problem cases
  - Beginning nuisance property abatements
- Continuing to concentrate code enforcement efforts in targeted neighborhoods.
- Continued door hangers as an initial form of contact with approximately 46% response rating for immediate call back and contact with citizen
- One (1) demolitions was conducted this month
  - 130 Columbia Street "unsafe" code enforcement

- Multiple residential and commercial projects in various stages of development
- One new single family home under construction on Hanover Street
- Love's Travel Plaza and Country project progressing with a November projected opening
- Sleep Inn framing underway

### Code Enforcement

Nuisance & Junk  
Vehicle Complaints  
Received: 22  
Corrected: 08

Property Maintenance  
Complaint's  
Received: 02  
Corrected: 08

Building Code  
Complaint's  
Received: 00  
Corrected: 00

Housing Code  
Complaints  
Received: 00  
Corrected: 00

Zoning Complaints  
Received: 00  
Corrected 00

### Permits, Applications, and Licenses

Building Permits  
Received 02  
Issued: 01

Residential Rental License  
Received: 48  
Issued: 48

Plan Reviews  
Received: 1  
Issued: 0

Occupancy Permit  
Received: 04  
Issued: 00

### Housing Inspections

Conducted 39  
Passed: 37

### Revenue

Building Permits:	\$479.00
Miscellaneous Permits:	597.12
Occupancy Permits:	90.00
Utility Permits:	00.00
Reviews, Amendments, and Appeals:	25.00
Rental Licenses:	2600.00
Paid Inspections:	25.00
<u>Municipal Infractions:</u>	<u>00.00</u>
TOTAL	\$3816.12
Demolition Permit (Bonds)	\$00.00

## Comptroller's Office

The Comptroller's office reports the following information for the month of September, 2015:

### **Cash Flow:**

Attached for your review is a Cash Flow Summary for the month of September 2015.

On September 1, 2015 the City had a positive Cash Balance of \$5,835,287. During September 2015, there were debt payments totaling \$26,012. The cash balance at September 30, 2015 was \$7,871,849.

As of September 30, 2015 the significant balances are:

<u>Taxes receivable (General Fund):</u>		<u>\$4,819,080</u>
FY 2016	\$3,306,865	
FY 2015	\$782,140	
FY 2014	309,148	
FY 2013	38,185	
FY 2012	36,506	
FY 2011	51,774	
Prior FY's	\$388,010	

The current year taxes of \$3,306,865 is comprised of the following major taxes:

Real property (non-owner occupied)	\$1,113,086
Non-Corp Personal Property	8,022
Corporate Personal Property	630,546
Real Property (Semiannual payments)	\$1,507,910

Accounts Payable: \$ 624,874

(This excludes upcoming debt service payments and payroll.)

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

<b>Cash Flow Summary</b>		
<b>September 2015</b>		
	<u>Operating</u>	
	<u>Cash</u>	<u>Investments</u>
Beginning Balance 9/1/2015	\$ 5,835,287	\$ 5,111,290
Plus:		
Total Cash Receipts	\$ 5,384,904	\$
Cash Transfers (to Investments)	\$	\$
Less:		
Total Cash Disbursements	\$ 2,898,342	
Ending Balance 9/30/2015	\$ 7,871,849	\$ 5,111,290

**Long Term Financing:**

CDA 2015 included financing in the amount of \$3,226,875 for the City of Cumberland closed on August 27, 2015 which provided the funds for the capital projects and capital equipment acquisitions approved in the FY 2016 Budget. The State of Maryland sold its bonds at a premium, where the City of Cumberland's share of the premium was \$65,348.59 (\$24,406.43 for the 10 yr. bonds; and \$40,978.16 for the 20 yr. bonds) and the interest rates over the life of the bond issue ranges from 3.1% to 3.8%.

The balance of restricted investments now includes the CDA 2012 bond proceeds for capital projects in the amount of \$117,464. This does not include any use of the GOB 2013 Bonds proceeds of approximately 1.5 million remaining from the demolition of the Memorial Hospital. GOB 2008 was finally fully expended in April 2015. For CDA 2014 of the total bond issue of \$7,533,069, there is a balance of \$3,980,285 available for Capital Projects and Capital Equipment budgeted in FY's 2013, 2014 and 2015.

**Cash Balances and Taxes Receivable status:**

There has not been any need to obtain any short-term borrowing. The cash balance has improved and is expected to remain stable during FY 2016. The tax receivables of \$4,819,080 includes taxes that were due September 30, 2015, and the **real property taxes of \$1,113,086 (non-residential) were due 9/30/2015 and the \$1,507,110 (residential) of these taxes (\$135,865) were due on 9/30/2015 and the balance of \$1,372,045 due on 12/31/2015.**

Respectfully submitted,



Jeff Rhodes  
City Administrator

November 25, 2015

Honorable Mayor and City Council  
City Hall  
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for October, 2015

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of October, 2015.

### **Management Information Systems**

Management Information Systems reports the following activities for the month of October, 2015:

#### **Statistics**

196 completed help desk requests  
356 open help desk requests

#### **Activities**

Major department initiatives in the past month include:

- Continue to assist with CPD covert camera needs
- Continue implementing different network connectivity at various city locations including mobile units
- Continue replacing aging wireless access points in various city buildings
- Continue working with vendor replacing parking ticket handheld system
- Continue implementing downtown WiFi solution

### **Parks and Recreation**

Parks and Recreation reports the following information for the month of October, 2015:

#### **Halloween Events:**

**Constitution Park Halloween Party** 300 Children + Adults  
Sunday October 25, 2015 2-5 p.m. *The Annual Halloween Party at Constitution Park*, (City Parks & Recreation Halloween Party) the event featured a costume contest, haunted house, games, crafts and refreshments. A group of FSU students from Dr. Natalia Buta's Fall Recreation Programming class organized the Costume contest event. Over 100 costumed children ages 0 to 13 participated in the contest. Prizes were awarded by age group. Parks & Recreation Department staff and volunteers provided a "Haunted" Hayride for participants. The event was very successful this year, weather conditions **Item # 2**

the day of the event were sunny with cool temperatures The event provided an opportunity for the Parks & Recreation Department, and FSU students, to work together to provide this annual community event.

**Downtown** – Halloween Event – Saturday October 31, 2015

Located on the downtown mall P&R distributed candy and pencils, operated games – prized distributed, a craft station was also available with Halloween pumpkin craft. The event had various businesses and agencies set up for “Trick or Treating” with a magic show and Balloon Art. 1000 + in attendance

**Halloween Parade and Shoe Box Float contest** – Sponsored by The Halloween Parade Committee, HRDC & Cumberland Parks & Recreation – The event is in its fourth year by Marsha Thomas and the Parade committee. School children from all local elementary schools were invited to construct a miniature Halloween theme parade float from an empty shoe box. The HRDC building was the collection and judging area. Winners were awarded a cash prize and road in the Halloween Parade in the Trolley Car.

**Babysitters Training Class:** 5 one hour session, each session covers an area of babysitting with a volunteer speaker on the subject. Total Attendance – 45  
October classes included Department staff coordinating the introduction class. The Cumberland Fire Department staff instructed two classes on Fire Safety and First Aid Safety related to babysitting. Sara Bernard and Lacie Ashby with the Maryland Cooperative Extension Office discussed the “business” of babysitting, nutritional snacks and preparing meal time while babysitting. Each participant received a goody bag compliments of the Sara & Lacie filled with resource materials for future babysitters. Janie Bucy and Gina Fairall from the Allegany County BOE, Family support network & Partners for success instructed a class on babysitting children with special needs.

**Field Usage:**

**Baseball/ Softball League**

**Soccer/Football League** play and practices for October:

The City of Cumberland provides fields for the following leagues:

- Girls Softball, Fall Instructional League
- JCP Soccer League
- Fort Hill Girls Soccer Teams
- Allegany Boys Soccer Teams
- YMCA Girls Soccer
- Cardinals Pee Wee Football
- Warriors Youth Football
- Cumberland Raiders (2 games only)
- Adult Flag Football League

Note – October will conclude regular field usage for the fall season with the exception of only special event practices.

**Pavilion Reservations** and usage for the month of October - 4 reservations

Pavilion reservations closed for the season to resume in the spring.

**Seasonal Employees** – October concluded the staffing of seasonal employees as park watchmen at both Constitution Park. Mason Sports has additional weeks in November for playoff and all-star team practices. Restrooms will be open on a daily basis only until Winterization of these facilities begins in late November.

**Annual Tree Light Ceremony** – Planning meeting for the Annual Tree Lighting Ceremony was held October 22. The event is scheduled for Friday November 27, 2015.  
 – Cooperating organizations – City of Cumberland, DDC, Downtown Mall Manager and Mayor Grim  
 Continue to work on seasonal wrap up and reports.

**Meetings attended:**

Monthly Recreation Advisory Board Meeting  
 Planning meeting for Downtown Halloween event  
 Halloween Parade and events meeting  
 Organizational meeting for the Co-ed Volleyball League  
 Annual Tree Lighting planning meeting  
 Frostburg State University Recreation Student

**Upcoming:**

Co-ed Volleyball League play begins  
 Final Babysitters training class  
 Preparation and planning for the Holiday seasonal events  
 Annual Tree Lighting Ceremony and arrival of Santa Downtown – Friday  
 November 27, 2015 – 7:00 p.m.  
 After School Christmas Party at Allegany County Museum December 14 & 15  
 Proposals for July 4, 2016 Fireworks

**Community Development**

The Community Development Department reports the following activities for the month of October, 2015:

During October, CDBG staff worked on several major activities that included facilitating the return of excess CNHS funds so that the funds could be included in our 2015 project list. These funds will be used for Cumberland Neighborhood housing homeownership grants for those potential homeowners completing the NHS class. Staff also worked on the 2015 environmental review process and postings necessary. Work necessary to develop 11 sub-recipient contracts and training related to the sub-recipient contracts was completed. Public services contracts were executed with the help of the Mayor and City Clerk. Environmental notices regarding the Public Housing Authority were also completed and the notification process started. Staff also assisted the YMCA regarding their environmental review record. As a result of the HUD monitoring concerning the PIP program, Lee Borrer completed a Policy and Procedure manual for the PIP program and compiled added forms requested by HUD. Based on HUD area office comments, staff addressed minor issues regarding the annual grantee performance report. HUD subsequently closed their review.

Staff began contacting property owners to clean up a list of 380 past due rental licenses before letters go out in January with \$500 citations per unit. Staff finished edits to permit checklists and site plan applications. Staff continues to assist with Neighborhoods Matter's façade grant program applicants. Staff met with neighborhood Advisory Commission met on Oct. 26 and completed FY16 updates to webpage. Staff continues to serve on the board with Mountain Maryland Trails as the City representative. Annual meeting with election of officers and fundraiser was held October 27. Staff continues as City liaison with the South Cumberland Business and Civic Association with 45 average attendance per meeting.

## Code Enforcement Activity

- Delivered 30 Door Hangers for Nuisance Issues
  - 25 successes
  - 83% Success Rate
- Newly Opened Cases
  - 5 Nuisance
  - 2 Property Maintenance
- Action Plans Received to Resolve Property Maintenance Issues
  - 0
- 0 Citations Issued
  - 0 Nuisance
  - 0 Property Maintenance
- 0 Cases Adjudicated to District Court
  - 0 Nuisance
  - 0 Property Maintenance
- 7 Cases Heard in District Court
  - 5 Nuisance
  - 2 Property Maintenance
- 2 Bi-weekly Community Development Coordination meeting were conducted
- 2 Bi-weekly Code Enforcement meeting were conducted
  - Concentrating on focus and monitor groups
  - Focusing on the resolutions to problem cases
  - Beginning nuisance property abatements
  - Working with Engineering to implement the GIS complaint tracking system
- Continuing to concentrate code enforcement efforts in targeted neighborhoods.
- Continued door hangers as an initial form of contact with approximately 83% response rating for immediate call back and contact with citizen
- One (1) demolitions was conducted this month
  - 730 Bedford Street, city owned –blight removal
- Several commercial projects in various stages of development
- One new single family home under construction on Hanover Street
- Love’s Travel Plaza and Country project progressing with a November projected opening
- Sleep Inn framing underway

## Code Enforcement

Nuisance & Junk  
Vehicle Complaints  
 Received: 13  
 Corrected: 00

Property Maintenance  
Complaints  
 Received: 01  
 Corrected: 00

Building Code  
Complaints  
 Received: 00  
 Corrected: 00

Housing Code  
Complaints  
 Received: 02  
 Corrected: 00

Zoning Complaints  
 Received: 00  
 Corrected 00

## Permits, Applications, and Licenses

<u>Building Permits</u>		<u>Residential Rental License</u>		<u>Plan Reviews</u>	
Received:	02	Received:	27	Received:	1
Issued:	01	Issued:	27	Issued:	0

<u>Occupancy Permit</u>	
Received:	05
Issued:	03

## Housing Inspections

Conducted:	38
Passed:	36

<u>Revenue</u>	
Building Permits:	\$168.00
Miscellaneous Permits:	139.00
Occupancy Permits:	150.00
Utility Permits:	00.00
Reviews, Amendments, and Appeals:	00.00
Rental Licenses:	1350.00
Paid Inspections:	00.00
<u>Municipal Infractions:</u>	<u>00.00</u>
<b>TOTAL</b>	<b>\$1807.00</b>
Demolition Permit (Bonds)	\$ 00.00

## Historic Planning/Preservation

The Cumberland Historic Preservation Commission met on Wednesday, October 14, at 4:00 p.m. in the City Hall Council Chambers. Three Certificates of Appropriateness were reviewed at the meeting. The agenda appeared as follows:

- A. 19 South George Street – BB&T Bank – Vicki Thomas (Western Maryland Signs)
- B. 32 Baltimore Street - Downtown Development Commission – Sandi Saville

## Comptroller's Office

The Comptroller's office reports the following information for the month of October, 2015:

**Cash Flow:**

Attached for your review is a Cash Flow Summary for the month of October 2015.

On October 1, 2015 the City had a positive Cash Balance of \$5,835,287. During October 2015, there were debt payments totaling \$991,715. The cash balance at October 31, 2015 was \$4,865,704.

As of October 31, 2015 the significant balances are:

<u>Taxes receivable (General Fund):</u>	<u>\$4,552,500</u>
FY 2016	\$3,072,780
FY 2015	\$738,711
FY 2014	294,507
FY 2013	35,552
FY 2012	34,735
FY 2011	51,774
Prior FY's	\$324,441

The current year taxes of \$3,072,780 is comprised of the following major taxes:

Real property (non-owner occupied)	\$ 862,263
Non-Corp Personal Property	13,172
Corporate Personal Property	786,443
Real Property (Semiannual payments)	\$1,383,498

Accounts Payable: \$ 582,375

(This excludes upcoming debt service payments and payroll.)

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

<b>Cash Flow Summary</b>		
<b>October 2015</b>		
	<u>Operating</u>	<u>Investments</u>
	<u>Cash</u>	
Beginning Balance		
10/1/2015	\$ 7,871,848	\$ 5,111,290
Plus:		
Total Cash Receipts	\$ 3,321,904	\$
		\$ 3,000,000
Cash Transfers (to	(\$3,000,000)	
Investments)	504,720	(\$504,720)
Less:		
Total Cash Disbursements	\$ 3,832,768	
Ending Balance 10/31/2015	\$ 4,865,704	\$ 7,606,570

**Long Term Financing:**

CDA 2015 included financing in the amount of \$3,226,875 for the City of Cumberland closed on August 27, 2015 which provided the funds for the capital projects and capital equipment acquisitions approved in the FY 2016 Budget. The State of Maryland sold its bonds at a premium, where the City of Cumberland's share of the premium was \$65,348.59 (\$24,406.43 for the 10 yr. bonds; and \$40,978.16 for the 20 yr. bonds) and the interest rates over the life of the bond issue ranges from 3.1% to 3.8%.

The balance of restricted investments now includes the CDA 2012 bond proceeds for capital projects in the amount of \$117,464. This does not include any use of the GOB 2013 Bonds proceeds of approximately 1.5 million remaining from the demolition of the Memorial Hospital. GOB 2008 was finally fully expended in April 2015. For CDA 2014 of the total bond issue of \$7,028,849, there is a balance of \$3,475,565 available for Capital Projects and Capital Equipment budgeted in FY's 2013, 2014 and 2015.

**Cash Balances and Taxes Receivable status:**

There has not been any need to obtain any short-term borrowing. The cash balance has improved and is expected to remain stable during FY 2016. The tax receivables of \$4,552,520 includes taxes that were due September 30, 2015, and the **real property taxes of \$862,623 (non-residential) were due 9/30/2015 and the \$1,383,498 (residential) of these taxes (\$11,453) were due on 9/30/2015 and the balance of \$1,372,045 due on 12/31/2015.**

Respectfully submitted,



Jeff Rhodes  
City Administrator



Regular Council Agenda  
December 1, 2015

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**Description**

Approval of the Administrative Session Minutes of October 6, 2015

**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

## Administrative Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Tuesday, October 6, 2015

5:15 p.m.

**PRESENT:** Brian K. Grim, President; Council Members Seth Bernard, David Caporale and David Kauffman

**ABSENT:** Council Member Nicole Alt-Myers

**ALSO PRESENT:** Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Shawn Hershberger, Economic Development Coordinator; David Cox, Building/Zoning Officer; Jonathan Hutcherson, Chairman of the Cumberland Economic Development Corporation; Marjorie Woodring, City Clerk;

**MOTION:** Motion to enter into closed Administrative Session to real estate matters and to consult with legal counsel pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (3) and (7) was made by Councilman Kauffman, seconded by Councilman Bernard and was approved on a vote of 4-0.

**AUTHORITY TO CLOSE SESSION:**

*Annotated Code of Maryland, State Government*

- Section 10-508 (a) (3): to consider the acquisition of real property for a public purpose and matters related directly thereto;
- Section 10-508 (a) (7): to consult with counsel to obtain legal advice on a legal matter

**TOPICS:** Real estate matter; consultation with legal counsel

Minutes approved on: \_\_\_\_\_

Brian K. Grim, Mayor \_\_\_\_\_

**ATTEST:**

Marjorie A. Woodring, City Clerk \_\_\_\_\_



Regular Council Agenda  
December 1, 2015

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**Description**

Ordinance (*2nd and 3rd readings*) - authorizing the execution of a deed to transfer property at 106 W. First Street to Caitlyn D. Rodenhauser for the purchase price of \$500

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING CERTAIN SURPLUS PROPERTY LOCATED AT 106 W. FIRST STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO CAITLYN D. RODENHAUSER."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of a certain unimproved parcel of real property located at 106 W. First Street, in the City of Cumberland, Allegany County, Maryland;

**WHEREAS**, the said property was declared to be surplus under the terms of Order No. 25,882, passed by the Mayor and City Council on October 6, 2015;

**WHEREAS**, Caitlyn D. Rodenhauser offered to purchase the said property for the sum of \$500.00; and

**WHEREAS**, the Mayor and City Council deem the acceptance of that offer to be in the interest of the City.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Mayor and City Council accepts Caitlyn D. Rodenhauser's offer to purchase the real property located at 106 W. First Street, Cumberland, MD 21502 for the purchase price of \$500.00, provided that all costs of effecting the transfer and all recordation and transfer taxes shall be borne by Ms. Rodenhauser and she shall be responsible for the payment of a prorated portion of the current year real estate taxes;

**SECTION 2:** AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed in the form attached hereto as Exhibit A or in a

similar form, conveying the aforesaid real property to Ms. Rodenhauser in exchange for the payment of the aforesaid purchase price;

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

Passed this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
Brian K. Grim, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

# **EXHIBIT A**

**NO TITLE SEARCH PERFORMED**

**THIS QUITCLAIM DEED**, made this 17th day of November, 2015, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, party of the first part, and **CAITLYN D. RODENHAUSER**, of Allegany County, Maryland, party of the second part.

**WITNESSETH:**

That for and in consideration of the sum of Five Hundred Dollars (\$500.00) 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, her personal representatives, heirs and assigns, all of the party of the first part's right, title, interest and estate in and to the following described property lying and being in the City of Cumberland, Allegany County, Maryland, to wit:

**ALL** that piece or parcel of ground situated on the northerly side of First Street in the City of Cumberland, Allegany County, Maryland, and being part of Lot No. 27 of the sub-division of Mary Ann O'Neal Estate, and more particularly described as follows, to-wit:

**BEGINNING** for the same at a point on the northerly side of First Street at the end of the fifth line of the parcel of ground conveyed by George Burns, et ux, to Julius Linaburg, dated June 26, 1899, and recorded among the Land Records of Allegany County, in Liber 86, folio 321, said point of beginning being also distant 19.46 feet, measured in a westerly direction along the northerly side of First Street from where it is intersected by the extension northerly of the westerly side of Springdale Street and running thence with the northerly side of First Street, North 75 degrees 13 minutes 20 seconds West 44.97 feet to the parcel of land conveyed by George Burns, et ux, to Mary C. Beck by deed dated October 6, 1898, and recorded in Liber 84, folio 238 of the Land Records of Allegany County (a confirmatory deed of the last mentioned deed being made by Burns and wife, to said Beck, July 31, 1909) thence with a line of said deed from Burns to Beck and at right angles to First Street, North 14 degrees 33 minutes East 74.41 feet to the southerly side of Dogwood Alley, thence with the southerly side of said alley, South 75 degrees 8 minutes 20 seconds East 44.53 feet to the end of the fourth line of the aforesaid deed from Burns to Linaburg, and thence with the fifth line thereof, South 14 degrees 54 minutes West 74.38 feet to the place of beginning

**IT BEING** the same property which was conveyed from Craig A. Robertson, Sheriff of Allegany County, Maryland to the Mayor and City Council of Cumberland by deed dated August 1, 2012 and recorded among the Land Records of Allegany County, Maryland in Book 1944, Page 55.

**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, her personal representatives, heirs and assigns, in fee simple forever.

**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**

\_\_\_\_\_  
**Marjorie A. Woodring, City Clerk**

By: \_\_\_\_\_ (SEAL)  
**Brian K. Grim, Mayor**

**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 **Brian K. Grim**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor 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 \$500.00. 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  
December 1, 2015

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**Description**

Order authorizing the execution of a Construction Agreement with CSX Transportation regarding the closure of the railroad crossing at Pear Street in consideration for CSXT's construction and installation of new concrete crossing surfaces at Valley and Knox Streets and the City's payment of \$20,000 to CSXT

**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: December 1, 2015

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

THAT, the Mayor be and is hereby authorized to execute a Construction Agreement by and between the Mayor and City Council of Cumberland and CSX Transportation, Inc., regarding the closure of the at-grade crossing of Pear Street in consideration for CSXT's construction and installation of new concrete crossing surfaces at the at-grade crossings at Valley and Knox Streets; and

**BE IT FURTHER ORDERED**, that the City shall reimburse CSXT the lump sum of \$20,000 (Twenty Thousand Dollars and No Cents) in connection with the project; and

**BE IT FURTHER ORDERED**, that the City agrees to the permanent closure of the Pear Street Crossing.

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**Brian K. Grim, Mayor**

Tabled September 15, 2015

Passed \_\_\_\_\_



Project: **Cumberland, MD**  
**Pear Street At-Grade Crossing Closure**  
**MP BF-178.87, DOT#145052U;**  
**CSXT OP# TBD**

### CONSTRUCTION AGREEMENT

This Construction Agreement (“**Agreement**”) is made as of \_\_\_\_\_, 2015, by and between CSX TRANSPORTATION, INC., a Virginia corporation with its principal place of business in Jacksonville, Florida (“**CSXT**”), and the Mayor and City Council of Cumberland, a body corporate and political subdivision of the State of Maryland (“**Municipality**”).

### EXPLANATORY STATEMENT

1. CSXT has requested and Municipality has agreed to allow the closure of the at-grade crossing of Pear Street (DOT number 145052U), located MP BF-178.87 (hereinafter, the "Pear Street Crossing") in consideration for CSXT's construction and installation of new concrete crossing surfaces at the at-grade crossings of CSXT railroad track at Valley Street (DOT number 145051M), located at railroad milepost BF-178.76, and Knox Street (DOT number 145050F), located at railroad milepost BF-178.56, all within the municipal corporate limits of the City of Cumberland, in Allegany County, Maryland, on CSXT's Baltimore Division, Keystone Subdivision (the "**Project**").
2. Municipality has obtained, or will obtain, all authorizations, permits and approvals from all local, state, and federal agencies and their respective governing bodies and regulatory agencies, necessary to proceed with the Project and to appropriate all funds necessary to construct the Project.
3. Municipality acknowledges that: (i) by entering into this Agreement, CSXT will provide services and accommodations to promote public interest in this Project, without profit or other economic inducement typical of other Municipality contractors; and (ii) CSXT retains the paramount right to regulate all activities affecting its property and operations.
4. It is the purpose of this Agreement to provide for the terms and conditions upon which the Project may proceed.

NOW, THEREFORE, in consideration of the foregoing Explanatory Statement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties, the parties agree as follows:

1. Intentionally deleted.
2. Allocation and Conduct of Work

Work in connection with the Project shall be allocated and conducted as follows:

- 2.1 CSXT Work. Subject to timely payment of Reimbursable Expenses as provided by Section 4, CSXT shall provide, or cause to be provided, the services as set forth by Exhibit A to this Agreement, the said services to be provided in a good and workmanlike manner. Municipality agrees that CSXT shall provide all services that CSXT deems necessary or appropriate (whether or not specified by Exhibit A) to preserve and maintain its property and operations in compliance with all applicable federal, state and local laws and regulations and CSXT's contractual obligations, including, but not limited to, CSXT's existing or proposed third party agreements and collective bargaining agreements.
- 2.2 Intentionally deleted.

- 2.3 Conduct of Work. CSXT shall commence its work under this Agreement following: (i) delivery to CSXT of a notice to proceed from Municipality; (ii) payment of Reimbursable Expenses (as provided by Section 4.1) as required by CSXT prior to the commencement of work by CSXT; and (iii) issuance of all permits, approvals and authorizations necessary or appropriate for such work. The initiation of any services by CSXT pursuant to this Agreement, including, but not limited to, the issuance of purchase orders or bids for materials or services, shall constitute commencement of work for the purposes of this Section. The parties intend that all work by CSXT or on CSXT property shall conclude no later than **December 31, 2015**, unless the parties mutually agree to extend such date.
3. Special Provisions. Intentionally deleted.
4. Cost of Project and Reimbursement Procedures
- 4.1 Reimbursable Expenses. Municipality shall reimburse CSXT a lump sum amount of twenty thousand dollars (\$20,000.00) toward costs and expenses incurred by CSXT in connection with the Project (the “**Reimbursable Expenses**”).
- 4.2 Intentionally deleted.
- 4.3 Payment Terms.
- 4.3.1 Municipality shall pay CSXT for Reimbursable Expenses in the amounts and on the dates set forth in the Payment Schedule as shown on the Exhibit B attached hereto and made a part hereof (the “Payment Schedule”).
- 4.3.2 In the event that Municipality fails to pay CSXT any sums due CSXT under this Agreement: (i) Municipality shall pay CSXT interest at the lesser of 1.0% per month or the maximum rate of interest permitted by applicable law on the delinquent amount until paid in full; and (ii) CSXT may elect, by delivery of notice to Municipality: (A) to immediately cease all further work on the Project, unless and until Municipality pays the entire delinquent sum, together with accrued interest; and/or (B) to terminate this Agreement.
- 4.3.3 All invoices from CSXT shall be delivered to Municipality in accordance with Section 16 of this Agreement. All payments by Municipality to CSXT shall be mailed to the following address or such other address as designated by CSXT’s notice to Municipality:
- CSX Transportation, Inc.  
P.O. Box 116651  
Atlanta, GA 30368-6651
- 4.4 Effect of Termination. Municipality’s obligation to pay to CSXT Reimbursable Expenses in accordance with Section 4 shall survive termination of this Agreement for any reason.
5. Appropriations. Municipality represents to CSXT that Municipality has appropriated funds sufficient to reimburse CSXT for the Reimbursable Expenses.

6. Easements and Licenses. CSXT shall acquire all necessary licenses, permits and easements required for the Project and Municipality shall cooperate with CSXT in its efforts to procure the same to the extent such cooperation is necessary or expedient.

7. Intentionally deleted.

8. Termination

8.1 By Municipality. For any reason, Municipality may, as its sole remedy, terminate this Agreement by delivery of notice to CSXT.

8.2 By CSXT. In addition to the other rights and remedies available to CSXT under this Agreement, CSXT may terminate this Agreement by delivery of notice to Municipality in the event Municipality or its Contractors fail to observe the terms or conditions of this Agreement and such failure continues more than ten (10) business days following delivery of notice of such failure by CSXT to Municipality.

8.3 Consequences of Termination. If the Agreement is terminated by either party pursuant to this Section or any other provision of this Agreement, the parties understand that it may be impractical for them to immediately stop the Work. Accordingly, they agree that, in such instance a party may continue to perform Work until it has reached a point where it may reasonably and safely suspend the Work. If Municipality terminates this Agreement without good cause, it shall reimburse CSXT pursuant to this Agreement for the Work performed, plus all costs reasonably incurred by CSXT to discontinue the Work and protect the Work upon full suspension of the same, the cost of returning CSXT's property to its former condition, and all other costs of CSXT incurred as a result of the Project up to the time of full suspension of the Work, said reimbursement to be provided only to the extent actual expenses have exceeded the amount of the Reimbursable Expenses. Termination of this Agreement or Work on the Project, for any reason, shall not diminish or reduce Municipality's obligation to pay CSXT for Reimbursable Expenses incurred in accordance with this Agreement. In the event of the termination of this Agreement or the Work for any reason, CSXT's only remaining obligation to Municipality shall be to refund to Municipality payments made to CSXT in excess of Reimbursable Expenses in accordance with Section 4 and to refund any of the Reimbursable Expenses not yet expended on the Project.

8.4 Damages. Neither party shall be entitled to pursue claims for consequential, direct, indirect or incidental damages or lost profits as a consequence of the other party's default or termination of this Agreement or work on the Project.

9. Insurance. Intentionally deleted.

10. Ownership and Maintenance

10.1 By Municipality. Municipality shall maintain and repair, at its sole cost and expense, all parts comprising the permanent aspects of the Project, consisting of roadway pavement up to the outer ends of the railroad cross ties, sidewalks, guardrails, and curbs, in good and safe condition to CSXT's satisfaction. In the event Municipality fails to do so after reasonable notice from CSXT (unless an emergency condition exists or is imminent in the opinion of CSXT that requires immediate action), CSXT may perform such maintenance and repair, at Municipality's sole cost and expense.

10.2 Alterations. Municipality shall not undertake any alteration, modification or expansion of the Project, without the prior written approval of CSXT, which may be withheld for any reason, and the execution of such agreements as CSXT may require.

11. Pear Street Crossing Closure.

11.1 Municipality agrees to the permanent closure of the Pear Street Crossing. Municipality and CSXT fully recognize that the closure of the Pear Street Crossing pursuant to this Agreement is intended to be perpetual, and that one Party shall not petition any other Party or entity to reopen the subject at-grade crossing. It is also agreed by CSXT and Municipality that no new at-grade public or private crossing will be opened in the vicinity of the closed crossing. Subject to the foregoing, closure of the Pear Street Crossing is not intended to impact any existing public utilities or Municipality's access to such utilities. In furtherance of but not as a condition precedent to the foregoing, upon the execution of this Agreement, CSXT shall immediately make application to the City for the closure of the applicable portion of Pear Street and shall pursue closure of the same in accordance with Municipality's road closing procedures. It is expected that if the applicable portion of Pear Street is closed pursuant to Municipality's road closing procedures, the City will retain rights to certain easements for utilities. CSXT shall not charge any crossing or other fees for those easements retained by the City for its own benefit or for the benefit of others. If CSXT is not able to obtain legal title to the Pear Street Crossing via Municipality's road closing procedures, the Pear Street Crossing shall nevertheless remain permanently closed under the terms of this Agreement and CSXT will remain responsible for the repair and maintenance of its right-of-way through the Pear Street Crossing.

11.2 Upon completion of the Project, after the Pear Street Crossing has been closed and the crossings at Valley and Knox Streets have been improved as described on Exhibit A, and after CSXT has received payment for the Reimbursable Expenses, CSXT will provide Municipality a \$7500 one-time contribution to use where and how Municipality sees fit.

12. Repair/Maintenance of Knox Street and Valley Street Crossings. CSXT shall repair and maintain the crossing surfaces at the Knox Street and Valley Street Crossings.

13. "Entire Agreement". This Agreement embodies the entire understanding of the parties, may not be waived or modified except in a writing signed by authorized representatives of both parties, and supersedes all prior or contemporaneous written or oral understandings, agreements or negotiations regarding its subject matter. In the event of any inconsistency between this Agreement and the Exhibits, the more specific terms of the Exhibits shall be deemed controlling.

14. Waiver. If either party fails to enforce its respective rights under this Agreement, or fails to insist upon the performance of the other party's obligations hereunder, such failure shall not be construed as a permanent waiver of any rights or obligations in this Agreement.

15. Assignment. CSXT may assign this Agreement and all rights and obligations herein to a successor in interest, parent company, affiliate, or future affiliate. Upon assignment of this Agreement by CSXT and the assumption of CSXT's assignee of CSXT's obligations under this Agreement, CSXT shall have no further obligation under this Agreement. Municipality shall not assign its rights or obligations under this Agreement without CSXT's prior consent, which consent may be withheld for any reason.

16. Notices. All notices, consents and approvals required or permitted by this Agreement shall be in writing and shall be deemed delivered upon personal delivery, upon the expiration of three (3) days

following mailing by first class U.S. mail, or upon the next business day following mailing by a nationally recognized overnight carrier, to the parties at the addresses set forth below, or such other addresses as either party may designate by delivery of prior notice to the other party:

If to CSXT: CSX Transportation, Inc.  
500 Water Street, J-301  
Jacksonville, Florida 32202  
Attention: Director Project Management – Public Projects

If to Municipality: City of Cumberland  
57 N. Liberty Street  
City Hall  
Cumberland, MD 21502  
Attn: Jeff Rhodes, City Administrator

17. Severability The parties agree that if any part, term or provision of this Agreement is held to be illegal, unenforceable or in conflict with any applicable federal, state, or local law or regulation, such part, term or provision shall be severable, with the remainder of the Agreement remaining valid and enforceable.
18. Applicable Law. This Agreement shall be governed by the laws of the State of Maryland, exclusive of its choice of law rules. The parties further agree that the venue of all legal and equitable proceedings related to disputes under this Agreement shall be situated exclusively in Allegany County, Maryland, and the parties agree to submit to the personal jurisdiction of the District Court of Maryland for Allegany County and the Circuit Court for Allegany County, Maryland and waive any claims that either of such courts are independent forums.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed in duplicate, each by its duly authorized officers, as of the date of this Agreement.

Mayor and City Council of Cumberland,  
Maryland

By: \_\_\_\_\_  
Brian K. Grim  
Mayor

CSX TRANSPORTATION, INC.

By: \_\_\_\_\_  
Tony C. Bellamy  
Director Project Management – Public Projects

**EXHIBIT A**  
**ALLOCATION OF WORK**

Subject to Section 2.1, CSXT shall perform or cause the following work to be performed in connection with the Project:

1. Reconstruct crossing/install new concrete crossing surface at both Valley Street and Knox Street at-grade crossings.
2. The removal of the crossing surface at Pear Street including the approach to Henderson Avenue, up to the curb line on the north side of railroad and the approach to the tracks on the south side of the railroad.
3. The removal of both active and passive crossing warning devices at Pear Street.
4. CSX will install barricades between the railroad tracks and the Pear Street turnaround.
5. CSX will install barricades between Henderson Avenue and the railroad to prevent access to the tracks
6. CSX will construct a paved turn around area on the south side of the railroad at Pear Street, without curbing, to be maintained by the city.
7. Flagging services and other protective services and devices as may be necessary.
8. CSXT shall be responsible for traffic control. Municipality shall provide such cooperation as is required.

**EXHIBIT B**

**PAYMENT SCHEDULE**

**Advance Payment in Full**

Upon execution and delivery of notice to proceed with the Project, Municipality will deposit with CSXT a sum equal to the Reimbursable Expenses of \$20,000.00.



Regular Council Agenda  
December 1, 2015

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**Description**

Ordinance (*1st reading*) - authorizing the issuance and sale of \$2,500,000 in General Obligation Bonds to be used for the public purpose of financing, reimbursing or refinancing costs associated with the Maryland Avenue Redevelopment Project

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



AGGREGATE PRINCIPAL AMOUNT OF ANY SUCH SERIES OF REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS REFUNDED THEREFROM; PROVIDING THAT ANY SUCH SERIES OF BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS SHALL BE SOLD BY PRIVATE (NEGOTIATED) SALE, UNLESS OTHERWISE DETERMINED BY THE MAYOR AND CITY COUNCIL BY RESOLUTION, AND AUTHORIZING THE MAYOR AND CITY COUNCIL TO DETERMINE CERTAIN MATTERS RELATING TO ANY SUCH SERIES OF BONDS, BOND ANTICIPATION NOTES OR REFUNDING BONDS BY RESOLUTION; PROVIDING FOR THE LEVY AND COLLECTION OF AD VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY TO, THE PROMPT PAYMENT OF THE PRINCIPAL OF AND INTEREST ON EACH SERIES OF THE BONDS, THE BOND ANTICIPATION NOTES AND THE REFUNDING BONDS ISSUED PURSUANT TO THE AUTHORITY OF THIS ORDINANCE (THE "OBLIGATIONS"); PROVIDING THAT THE PRINCIPAL OF AND INTEREST ON EACH SERIES OF THE OBLIGATIONS ALSO MAY BE PAID FROM ANY OTHER SOURCES OF REVENUE LAWFULLY AVAILABLE TO THE CITY FOR SUCH PURPOSE; AUTHORIZING AND DIRECTING OFFICIALS AND EMPLOYEES OF THE CITY TO TAKE ANY AND ALL ACTION NECESSARY TO COMPLETE AND CLOSE THE SALE, ISSUANCE AND DELIVERY OF THE OBLIGATIONS AUTHORIZED HEREBY; PROVIDING THAT ANY OF THE OBLIGATIONS AUTHORIZED HEREBY MAY BE

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time of one or more series of its general obligation refunding bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland (previously codified as Section 24 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Refunding Act”).

6. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on the bonds, bond anticipation notes and refunding bonds authorized hereby.

7. Although Section 82A of the Charter provides that the City shall determine the manner of selling any bonds, notes or other evidences of indebtedness by resolution, it is the expectation of the Mayor and City Council of the City (the “Mayor and City Council”) that any of the bonds, bond anticipation notes or refunding bonds authorized hereby shall be sold by private sale unless the Mayor and City Council determines otherwise by resolution. Bond counsel to the City has advised that, absent a change in applicable law, interest on any of the bonds, bond anticipation notes or refunding bonds authorized hereby shall be includable in gross income of the holders thereof for federal income tax purposes.

8. As provided in the Charter and other applicable law, the City shall issue any bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in the Sections of this

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Ordinance that are not otherwise defined herein shall have the meanings given to such terms in the Recitals to this Ordinance.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter or other applicable law to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter or other applicable law, (iii) to any person who serves in a "Deputy", "Associate" or "Assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the code of City ordinances (the "City Code"), the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. Pursuant to the authority of the Enabling Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing costs of any components of the Project. It is the intention of the Mayor and City Council that proceeds of the Bonds (as defined in Section 3(a) hereof) or of any of the BANs (as defined in Section 6 hereof), as applicable, may be spent on any applicable costs of the Project.

SECTION 3. (a) To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act and the Charter, hereby determines to issue and sell from time to time, in one or more series, upon its full faith and

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credit, its general obligation bonds in an aggregate principal amount not to exceed Two Million Five Hundred Thousand Dollars (\$2,500,000) (collectively, the “Bonds”). Any series of the Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form.

(b) In the event the City issues any series of the BANs identified in Section 6 of this Ordinance, proceeds of the Bonds of any series in anticipation of which such BANs were issued may also be applied to prepay or pay principal, premium and/or interest on such series of the BANs in accordance with the provisions of the Bond Anticipation Note Enabling Act, and such application shall be deemed the payment of costs of the Project for purposes of this Ordinance.

SECTION 4. The proceeds of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless a supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the Enabling Act, the Charter or other applicable law.

SECTION 5. Pursuant to the authority of the Charter and this Ordinance, the Mayor and City Council, prior to the issuance, sale and delivery of each series of the Bonds, shall adopt a resolution or resolutions (in each such case and, collectively, the “Resolution”) specifying, prescribing, determining, providing for or approving such matters, details, forms (including, without limitation, the complete forms of the Bonds of such series), documents or procedures as may be required by the Enabling Act, the Charter or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or redemption of or for such series of the Bonds. The Resolution shall set forth, determine or provide

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for the determination of, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Bonds; the date of issue of such series of the Bonds; the aggregate principal amount of such series of the Bonds; the denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds; the principal installment or installments payable on such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, payable on such series of the Bonds, which may be fixed or variable; provisions for the payment of late fees and/or additional interest or penalties payable on the Bonds of such series or adjustments to interest rates in appropriate circumstances; the purchase price for such series of the Bonds; provisions relating to the prepayment or redemption of such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Bonds to put or cause the prepayment or redemption of the same at their option; provisions relating to the sale of such series of the Bonds at private sale, unless the Resolution shall provide for the sale of the Bonds of such series at public sale and all matters in connection therewith, in which case the Resolution shall set forth the procedures for the sale of the Bonds of such series at public sale (including any advertising or bidding requirements) and the award of such series of the Bonds to the successful bidder, if appropriate; any limitations on the specific Project costs to be financed, reimbursed or refinanced from proceeds of such series of the Bonds; provisions for the appropriation, disposal and investment of proceeds of such series of the Bonds; provisions for the application of unexpended proceeds, any premium paid upon sale or investment earnings on proceeds of such series of the Bonds, which may include, without limitation, on costs of the Project or on debt service payable on such series of the Bonds, to the extent permitted by applicable law; the selection of any bond registrar, paying agent or

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other appropriate service providers in connection with such series of the Bonds; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered, including, without limitation, any determinations to be made or provided for by resolution as contemplated by Section 82A(d) of the Charter to the extent not determined or provided for in this Ordinance. Among other matters, the Mayor and City Council, pursuant to the Resolution, may authorize, approve or otherwise provide for (i) any commitment fee, closing fee or similar fee and other costs (including, without limitation, other parties' legal costs) payable in connection with any series of the Bonds and any compensation payable to the purchaser or purchasers of such series of the Bonds in the event the City fails to deliver such series of the Bonds, (ii) the obtaining of credit enhancement or liquidity support for any series of the Bonds (and the execution and delivery of any agreements or documents relating thereto), and (iii) any other agreements, documents, instruments or determinations necessary to enhance the marketability of or as security for any series of the Bonds, including (without limitation) any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12. References in this Section 5 to providing for determinations or approvals pursuant to the Resolution shall be construed to permit the Mayor and City Council to delegate to one or more officials the authority to make on behalf of the City any of the determinations contemplated by this Section 5. Any Resolution may determine the matters identified in this Section 5 for more than one series of the Bonds.

SECTION 6. (a) Pursuant to the authority of the Bond Anticipation Note Enabling Act, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate

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or without resale, together with any amendments or modifications to such series of the BANs and any related documentation.

SECTION 7. Pursuant to the authority of the Enabling Act, the Refunding Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds (collectively, the “Refunding Bonds”) for the purpose of currently refunding or advance refunding any of the Bonds authorized hereby then outstanding, including paying all or any portion of the following: outstanding principal, any prepayment or redemption premium and interest accrued or to accrue to the date of prepayment, redemption, purchase or maturity of the Bonds to be refunded, paying costs and expenses in connection with the issuance, sale and delivery of such Refunding Bonds, and, to the extent determined by the Mayor and City Council by resolution, paying interest on such Refunding Bonds, for the public purpose of realizing savings to the City in the total cost of debt service on a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds shall not exceed one hundred thirty percent (130%) of the outstanding aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of each series of the Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, describing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the Refunding Bonds, the same types of matters, details, forms,

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funds to meet the debt service requirements of such series of the Obligations. The City hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, (i) with respect to any series of the BANs, from proceeds of any series of the Bonds, and (ii) with respect to any series of the Bonds, from proceeds of any series of the Refunding Bonds) or from any other funds legally available for that purpose. Subject to the limitations of any applicable law, the City may apply to the payment of the principal of or interest on each series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the type of project which such series of the Obligations are issued to finance or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

SECTION 9. By resolution, the Mayor and City Council may determine that any of the Bonds, the BANs or the Refunding Bonds authorized hereby may be consolidated with any bonds, bond anticipation notes and/or refunding bonds authorized by the Mayor and City Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds.

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SECTION 10. The Mayor, the City Administrator, the Treasurer, the Comptroller, the City Clerk and all other appropriate officials and employees of the City are hereby authorized and directed to take any and all action necessary to complete and close the issuance, sale and delivery of any series of the Bonds, the BANs or the Refunding Bonds authorized hereby and to negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith.

SECTION 11. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 12. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 13. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

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MAYOR AND CITY COUNCIL OF  
CUMBERLAND

(SEAL)

\_\_\_\_\_  
Brian K. Grim  
Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

Introduced: \_\_\_\_\_, 2015

Passed: \_\_\_\_\_, 2015

Votes for passage: \_\_\_\_\_

Votes against passage: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Effective: \_\_\_\_\_, 2016

#181346;10002.062

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Regular Council Agenda  
December 1, 2015

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**Description**

Ordinance (*1st reading*) - authorizing the temporary use of up to \$1,746,000 in unexpended proceeds of the City's taxable redevelopment and refunding bonds of 2013 to meet temporary cash requirements related to the Maryland Avenue Redevelopment Project

**Approval, Acceptance / Recommendation**

- Budgeted
- 1st Reading
- 2nd Reading
- 3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**









time of one or more series of its general obligation refunding bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland (previously codified as Section 24 of Article 31 of the Annotated Code of Maryland), as replaced, supplemented or amended (the “Refunding Act”).

6. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on the bonds, bond anticipation notes and refunding bonds authorized hereby.

7. Although Section 82A of the Charter provides that the City shall determine the manner of selling any bonds, notes or other evidences of indebtedness by resolution, it is the expectation of the Mayor and City Council of the City (the “Mayor and City Council”) that any of the bonds, bond anticipation notes or refunding bonds authorized hereby shall be sold by private sale unless the Mayor and City Council determines otherwise by resolution. Bond counsel to the City has advised that, absent a change in applicable law, interest on any of the bonds, bond anticipation notes or refunding bonds authorized hereby shall be includable in gross income of the holders thereof for federal income tax purposes.

8. As provided in the Charter and other applicable law, the City shall issue any bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in the Sections of this

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Ordinance that are not otherwise defined herein shall have the meanings given to such terms in the Recitals to this Ordinance.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter or other applicable law to act in such titled official's stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting capacity under the Charter or other applicable law, (iii) to any person who serves in a "Deputy", "Associate" or "Assistant" capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the code of City ordinances (the "City Code"), the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

SECTION 2. Pursuant to the authority of the Enabling Act and the Charter, the City hereby determines to borrow money and incur indebtedness for the public purpose of financing, reimbursing or refinancing costs of any components of the Project. It is the intention of the Mayor and City Council that proceeds of the Bonds (as defined in Section 3(a) hereof) or of any of the BANs (as defined in Section 6 hereof), as applicable, may be spent on any applicable costs of the Project.

SECTION 3. (a) To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act and the Charter, hereby determines to issue and sell from time to time, in one or more series, upon its full faith and

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for the determination of, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Bonds; the date of issue of such series of the Bonds; the aggregate principal amount of such series of the Bonds; the denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds; the principal installment or installments payable on such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, payable on such series of the Bonds, which may be fixed or variable; provisions for the payment of late fees and/or additional interest or penalties payable on the Bonds of such series or adjustments to interest rates in appropriate circumstances; the purchase price for such series of the Bonds; provisions relating to the prepayment or redemption of such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Bonds to put or cause the prepayment or redemption of the same at their option; provisions relating to the sale of such series of the Bonds at private sale, unless the Resolution shall provide for the sale of the Bonds of such series at public sale and all matters in connection therewith, in which case the Resolution shall set forth the procedures for the sale of the Bonds of such series at public sale (including any advertising or bidding requirements) and the award of such series of the Bonds to the successful bidder, if appropriate; any limitations on the specific Project costs to be financed, reimbursed or refinanced from proceeds of such series of the Bonds; provisions for the appropriation, disposal and investment of proceeds of such series of the Bonds; provisions for the application of unexpended proceeds, any premium paid upon sale or investment earnings on proceeds of such series of the Bonds, which may include, without limitation, on costs of the Project or on debt service payable on such series of the Bonds, to the extent permitted by applicable law; the selection of any bond registrar, paying agent or

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other appropriate service providers in connection with such series of the Bonds; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered, including, without limitation, any determinations to be made or provided for by resolution as contemplated by Section 82A(d) of the Charter to the extent not determined or provided for in this Ordinance. Among other matters, the Mayor and City Council, pursuant to the Resolution, may authorize, approve or otherwise provide for (i) any commitment fee, closing fee or similar fee and other costs (including, without limitation, other parties' legal costs) payable in connection with any series of the Bonds and any compensation payable to the purchaser or purchasers of such series of the Bonds in the event the City fails to deliver such series of the Bonds, (ii) the obtaining of credit enhancement or liquidity support for any series of the Bonds (and the execution and delivery of any agreements or documents relating thereto), and (iii) any other agreements, documents, instruments or determinations necessary to enhance the marketability of or as security for any series of the Bonds, including (without limitation) any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12. References in this Section 5 to providing for determinations or approvals pursuant to the Resolution shall be construed to permit the Mayor and City Council to delegate to one or more officials the authority to make on behalf of the City any of the determinations contemplated by this Section 5. Any Resolution may determine the matters identified in this Section 5 for more than one series of the Bonds.

SECTION 6. (a) Pursuant to the authority of the Bond Anticipation Note Enabling Act, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an aggregate

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or without resale, together with any amendments or modifications to such series of the BANs and any related documentation.

SECTION 7. Pursuant to the authority of the Enabling Act, the Refunding Act and the Charter, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bonds (collectively, the “Refunding Bonds”) for the purpose of currently refunding or advance refunding any of the Bonds authorized hereby then outstanding, including paying all or any portion of the following: outstanding principal, any prepayment or redemption premium and interest accrued or to accrue to the date of prepayment, redemption, purchase or maturity of the Bonds to be refunded, paying costs and expenses in connection with the issuance, sale and delivery of such Refunding Bonds, and, to the extent determined by the Mayor and City Council by resolution, paying interest on such Refunding Bonds, for the public purpose of realizing savings to the City in the total cost of debt service on a direct comparison or present value basis or in order to accomplish any debt restructuring that is permitted by applicable law; provided that, the aggregate principal amount of any such series of the Refunding Bonds shall not exceed one hundred thirty percent (130%) of the outstanding aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of each series of the Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, describing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the Refunding Bonds, the same types of matters, details, forms,

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Item # 7



funds to meet the debt service requirements of such series of the Obligations. The City hereby covenants with the registered owner of each Obligation to take any action that may be lawfully appropriate from time to time during the period that such Obligation remains outstanding and unpaid to provide the funds necessary to pay promptly the principal and interest due thereon.

(c) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on any series of the Obligations from the proceeds of the sale of any other obligations of the City (including, without limitation, (i) with respect to any series of the BANs, from proceeds of any series of the Bonds, and (ii) with respect to any series of the Bonds, from proceeds of any series of the Refunding Bonds) or from any other funds legally available for that purpose. Subject to the limitations of any applicable law, the City may apply to the payment of the principal of or interest on each series of the Obligations any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the type of project which such series of the Obligations are issued to finance or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be levied may be reduced proportionately.

SECTION 9. By resolution, the Mayor and City Council may determine that any of the Bonds, the BANs or the Refunding Bonds authorized hereby may be consolidated with any bonds, bond anticipation notes and/or refunding bonds authorized by the Mayor and City Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds.

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SECTION 10. The Mayor, the City Administrator, the Treasurer, the Comptroller, the City Clerk and all other appropriate officials and employees of the City are hereby authorized and directed to take any and all action necessary to complete and close the issuance, sale and delivery of any series of the Bonds, the BANs or the Refunding Bonds authorized hereby and to negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection therewith.

SECTION 11. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 12. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 13. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

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MAYOR AND CITY COUNCIL OF  
CUMBERLAND

(SEAL)

\_\_\_\_\_  
Brian K. Grim  
Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring, City Clerk

Introduced: \_\_\_\_\_, 2015

Passed: \_\_\_\_\_, 2015

Votes for passage: \_\_\_\_\_

Votes against passage: \_\_\_\_\_

Abstentions: \_\_\_\_\_

Effective: \_\_\_\_\_, 2016

#181346;10002.062

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Regular Council Agenda  
December 1, 2015

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**Description**

Order authorizing the execution of a First Amendment to Parking Lease with S&N Realty LLC to provide terms for the lease of 100 parking spaces in the Frederick St. Garage for an additional ten (10) years through December 31, 2025, with provisions for four (4) additional five (5) year terms

**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: December 01, 2015

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

THAT, the Mayor be and is hereby authorized to execute a First Amendment to Parking Lease with S&N Realty, LLC, providing terms for the lease of 100 parking spaces in the Frederick Street Garage for an additional ten (10) years through December 31, 2025, with provisions for four (4) additional five (5) year terms.

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**Brian K. Grim, Mayor**



Regular Council Agenda  
December 1, 2015

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**Description**

Order approving the award of Neighborhoods Matter grant funding, provided through the MD DHCD Community Legacy Program, to projects at 240 N. Mechanic St., 451 Goethe St., 111 Hanover St., 129 Polk St., 477 Goethe St., 15 S. Liberty St., and 462 Goethe St. in the total amount of \$ 27,994.10

**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: December 1, 2015**ORDERED, By the Mayor and City Council of Cumberland, Maryland**

**THAT**, the following projects be awarded Neighborhoods Matter grant funding, supported by the MD Department of Housing and Community Development's Community Legacy Program, in the following amounts:

<b>PROJECT</b>	<b>FUNDING AMOUNT</b>
240 North Mechanic Street	\$ 2,690.63
451 Goethe Street	\$ 4,880.00
111 Hanover Street	\$ 5,000.00
129 Polk Street	\$ 4,673.47
477 Goethe Street	\$ 4,800.00
15 South Liberty Street	\$ 5,000.00
462 Goethe Street	\$ 950.00
Total	\$ 27,994.10

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**Brian K. Grim, Mayor**

**Funding: Community Legacy (114.199AF.201)**

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**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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**TO:** MAYOR AND CITY COUNCIL  
 JEFF RHODES, MARGIE WOODRING

**FROM:** KATHY MCKENNEY AND TERRI HAST

**SUBJECT:** NEIGHBORHOODS MATTER GRANT PROGRAM STAFF RECOMMENDATION

**DATE:** 11/25/15

**CC:** JAY OLIVER

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A total of \$75,000 was awarded to the City of Cumberland by the Maryland Department of Housing and Community Development's Community Legacy program to fund the Neighborhoods Matter grant program, a program to assist residential homeowners that received notices by code enforcement staff that they had property maintenance deficiencies. The recommendation for funding is based on the licensed contractor's estimate to correct the exterior work that has been identified by the code enforcement staff. Following two rounds of application solicitations and upon receiving a complete application from the eligible property owners to remediate these deficiencies along with the proper local permits and approvals in the State of Maryland's compliance process, funds are recommended for the following properties:

**Project Address**

240 North Mechanic Street	\$2,690.63	
451 Goethe Street	\$4,880.00	
111 Hanover Street	\$5,000.00	
129 Polk Street	\$4,673.47	
477 Goethe Street	\$4,800.00	
15 South Liberty	\$5,000.00	
462 Goethe Street	\$950.00	
Total	\$27,994.10	(Community Legacy 114.199AF.201)