



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

MINUTES

**Mayor and City Council of Cumberland
City Hall Council Chambers
Room 212
12:00 A.M.**

DATE 3/3/2015

***Pledge of Allegiance**

I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman.

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

II. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Presentation of the 2014 Officer of the Year Award to PFC Brett Leedy

Police Chief Charles Hinnant introduced Officer Brett Leedy as the 2014 Officer of the Year. Chief Hinnant reviewed the program requirements and noted Officer Leedy's accomplishments and service that lead to his selection for the award. Mayor Grim presented the award to Officer Leedy and expressed gratitude on behalf of the entire Mayor and Council for his service to the community.

(B) Oath of Office to be taken by Patrol Officer Nicole Zanoni and Patrolmen Justin Gordon, Vincent Monteleone, and Alan Zapf

Police Chief Charles Hinnant introduced each officer and provided some personal and service background on each. Mayor Grim administered the Oath of Office to the officers and welcomed them into the City of Cumberland organization.

III. CITY ADMINISTRATOR'S REPORT

(A) Presentation of a draft Driver's Policy for City employees

Mr. Rhodes advised that a Drivers Policy was being presented in draft form this evening for the Mayor and Council's review. The policy had been provided to the bargaining units for their review as well. He stated that

City had had 3 employee driving situations, which had prompted staff's investigation into the establishment of a driver's policy. The proposed documents corrects problem issues without going overboard.

Rhodes stated that the policy would protect the City and tax payers in the instance in which an employee was unable to fully perform his/her job because he/she was deemed uninsurable and therefore unable to drive a city vehicle. He stated the decision as to whether employees were or were not insurable would be made by the insurance company, not the City. Mr. Rhodes reviewed highlights of the proposed policy and stated that comments would be received for two weeks.

Mr. Cohen stated that the policy would put employees on notice that how they drive outside the hours of their work day will have an impact on their employment with the City and that they should use care and caution in their driving habits because their job could be affected.

Councilman Kauffman stated he had received an email from the IAFF president on this issue but had not had the chance to review it yet. He requested that additional time be allowed for conversation on this issue and suggested that formal consideration of the policy be postponed for a month. Mr. Rhodes stated that the additional time would not be an issue.

IV. DIRECTOR'S REPORT

(A) Fire

1. Fire Department Monthly Report for January, 2015

Item Action:Approved

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

(B) Administrative Services

1. Administrative Services Monthly Report for December, 2014

Item Action:Approved

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

(C) Public Works

1. Engineering Division Monthly Report for January, 2015

Item Action:Approved

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

V. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Work Session Minutes of January 5, 2015 and Public Meeting Minutes of January 20, 2015

Item Action:Approved

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

(B) Administrative / Executive

Item Action:Approved

1. Approval of the Administrative Session Minutes of December 29, 2014

Item Action:Approved

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

ADMINISTRATIVE SESSION - December 29, 2014

PRESENT: Brian K. Grim, Mayor; Council Members Nicole Alt-Myers; David Caporale, David Kauffman

ABSENT: Councilman Nicholas Scarpelli

ALSO PRESENT: Jeff Rhodes, City Administrator; Seth Bernard, Councilman-elect; Marjorie Woodring, City Clerk

NOTICE of intent to hold an Administrative Session on Tuesday, December 29, 2014, at 5:00 p.m. was provided to the media via email notification and posted to the City's website on December 24, 2014.

MOTION to enter into closed Administrative Session to discuss union negotiations was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

AUTHORITY TO CLOSE the session was provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (9)

TOPIC: Union negotiations

VI. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order authorizing the execution of Change Order No. 1 with The EADS Group for the project "Inspection and EAP Updates - Lake Gordon and Lake Koon Dams" (9-13-WFP), in the increased amount of \$120.55, with no extra work days added to the contract

Item Action:Approved

Mr. Rhodes reviewed each Consent Agenda item prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

ORDER NO. 25,784

2. Order authorizing the Sole Source purchase of a used Caterpillar CAT 420E IT Backhoe Loader S/N PHC-01011 in the amount of \$67,000 from Cleveland Brothers Equipment Company, Inc.

Item Action:Approved

Mr. Rhodes reviewed each Consent Agenda item prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

ORDER NO. 25,785

3. Order authorizing that Section 11-113 of the City Code pertaining to "Open Containers of Alcohol"

be lifted within certain confines of the downtown mall from 12:00 p.m. on March 14, 2015, through 2:00 a.m. on March 15, 2015, with the stipulation that open glass containers of alcohol shall not be permitted in this area

Item Action:Approved

Mr. Rhodes reviewed each Consent Agenda item prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

ORDER NO. 25,786

4. Order rescinding Order No. 25,495 and approving a revolving yearly water/sewer credit of 222,000 cu. ft. for the Riverside YMCA in exchange for parks and recreations services, YMCA memberships for Police and Fire Department employees, Senior Memberships for JFK Apartments and Queen City Tower senior residents, and lifeguard training and re-certifications

Item Action:Approved

Mr. Rhodes reviewed each Consent Agenda item prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

ORDER NO. 25,787

5. Order appointing Paige McFarland as a Primary District representative to the Downtown Development Commission, representing CBIZ Insurance Services, Inc., for a 3-year term effective March 3, 2015 through March 3, 2018

Item Action:Approved

Mr. Rhodes reviewed each Consent Agenda item prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and passed on a vote of 4-0.

ORDER NO. 25,788

(B) Letters, Petitions

Item Action:Approved

PROPOSED BIKE LANE: Mayor Grim advised that he has received a document with 54 signatures in opposition to the bike lane, 106 signatures supporting the bike lane, and 342 on-line signatures in support of the bike lane. In addition, he had received a letter from the Chamber of Commerce in support of the lane.

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Ken McKenzie, President of the IAFF #1715, expressed several concerns regarding the proposed Drivers Policy. Regarding the policy's language on control of the vehicle and its contents, he stated the department vehicles were often out of the employees' sight during an emergency with no way to lock the vehicles when on call. He questioned the definition of an at-fault accident, noting concern over the size of department vehicles versus the size of the streets, and stated he was in disagreement over the need for such a policy.

Cory McKenzie stated he was speaking for a larger group of riders and skaters in thanking the Mayor and Council for their consideration and support of a skate park, which was needed in the area.

Laura Tingler, 11711 Ioka Drive, Cumberland, spoke on behalf of the Bradley Bridges Awareness (BBA) campaign and her parents, stating that she was in favor of a bike lane and skate park and the BBA group would be involved with helmets for the

park. She stated that if the city had had a skate park in the past, she might still have her brother.

Corey Zinkin spoke on behalf of the skateboarders and bikers who were unable to attend the last meeting, stating he was very grateful for the Mayor and Council's time and consideration and felt they understood the positive aspects of both proposals.

VIII. ADJOURNMENT

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

Minutes approved on April 7, 2015

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk



Regular Council Agenda
March 3, 2015

Description

Presentation of the 2014 Officer of the Year Award to PFC Brett Leedy

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
March 3, 2015

Description

Oath of Office to be taken by Patrol Officer Nicole Zanoni and Patrolmen Justin Gordon, Vincent Monteleone, and Alan Zapf

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
March 3, 2015

Description

Presentation of a draft Driver's Policy for City employees

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

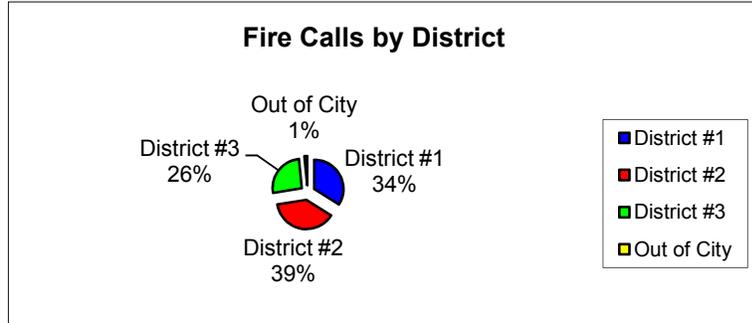
Value of Award (if applicable)

Source of Funding (if applicable)

REPORT OF THE FIRE CHIEF FOR THE MONTH OF JANUARY, 2015
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 127 Fire Alarms:

Responses by District:	
District #1	43
District #2	49
District #3	33
Out of City	<u>2</u>
	127



Number of Alarms:	
Regular Alarms Answered	125
Working Alarms Answered	<u>2</u>
	127

Calls Listed Below:	
Property Use:	
Public Assembly	1
Institutional	7
Residential	89
Manufacturing	1
Stores and Offices	9
Storage	1
Special Properties	<u>19</u>
	127

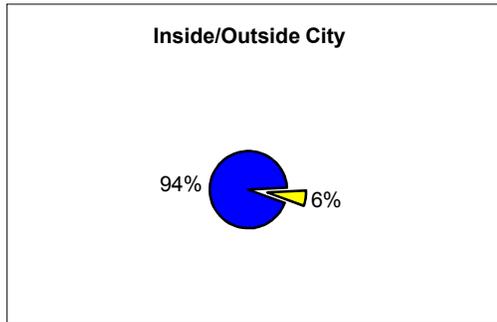
Type of Situation:	
Fire or Explosion	10
Rescue Calls	67
Hazardous Conditions	20
Service Calls	13
Good Intent Calls	9
Severe Weather	1
Special Incident	1
False Calls	<u>6</u>
	127

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in January:	\$2,870.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$19,600.00
Fire Service Fees for Fire Calls Paid in January:	\$1,920.00
Total Fire Service Fees Paid in FY2015:	\$7,118.26

Fire Service Fees for Inspections and Permits Billed in January:	\$100.00
Fire Service Fees for Inspections and Permits Paid in January:	\$100.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$750.00

Cumberland Fire Department Responded to 549 Emergency Medical Calls:

In City Calls	514
Out of City Calls	35
Total	<u>549</u>



Cumberland Fire Department provided 8 Mutual Aid Calls:

8 Mutual Aid calls within Allegany County
0 Mutual Aid calls outside of Allegany County
<u>8</u>

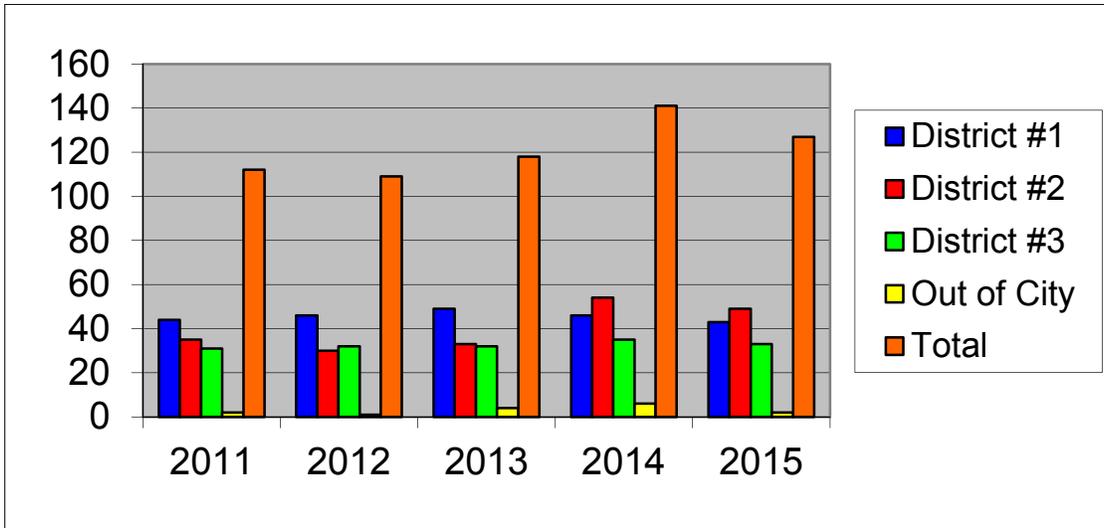
Cumberland Fire Department provided 27 Paramedic Assist Calls:

15 Paramedic Assist calls within Allegany County
12 Paramedic Assist calls outside of Allegany County
<u>27</u>

Total Ambulance Fees Billed by Medical Claim-Aid in January:	\$179,844.50
Ambulance Fees Billed Fiscal Year to Date:	\$993,093.18
Ambulance Fees Paid: Revenue received in January:	\$95,040.25
FY2015 Ambulance Fees Paid in FY2015:	\$487,270.83
Total Ambulance Fees Paid in FY2015: (All fees, previous and current fiscal years, paid in FY2015.)	\$604,494.45

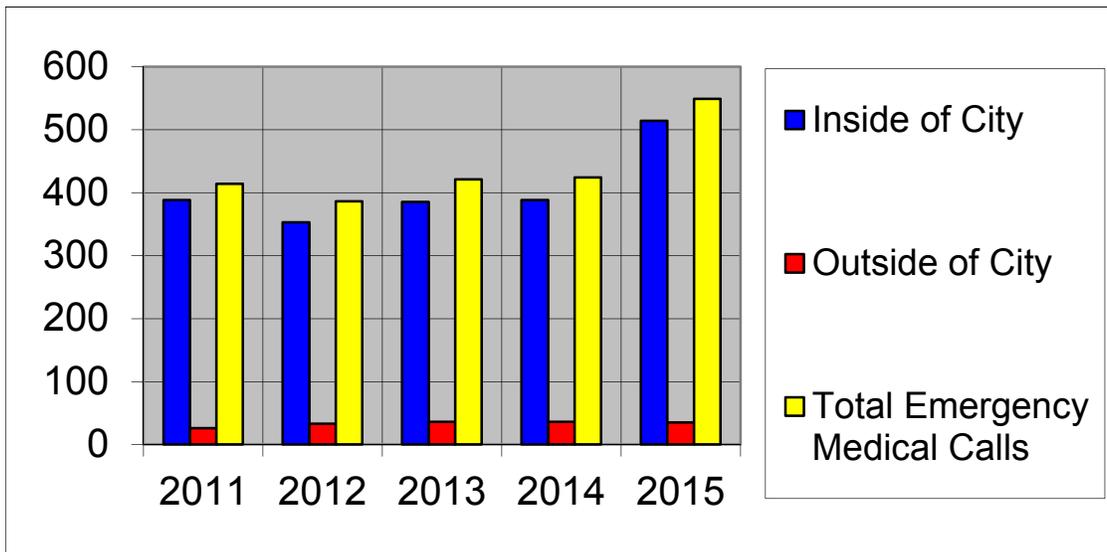
Fire Calls In the Month of January For Five-Year Period

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
District #1	44	46	49	46	43
District #2	35	30	33	54	49
District #3	31	32	32	35	33
Out of City	<u>2</u>	<u>1</u>	<u>4</u>	<u>6</u>	<u>2</u>
Total	112	109	118	141	127



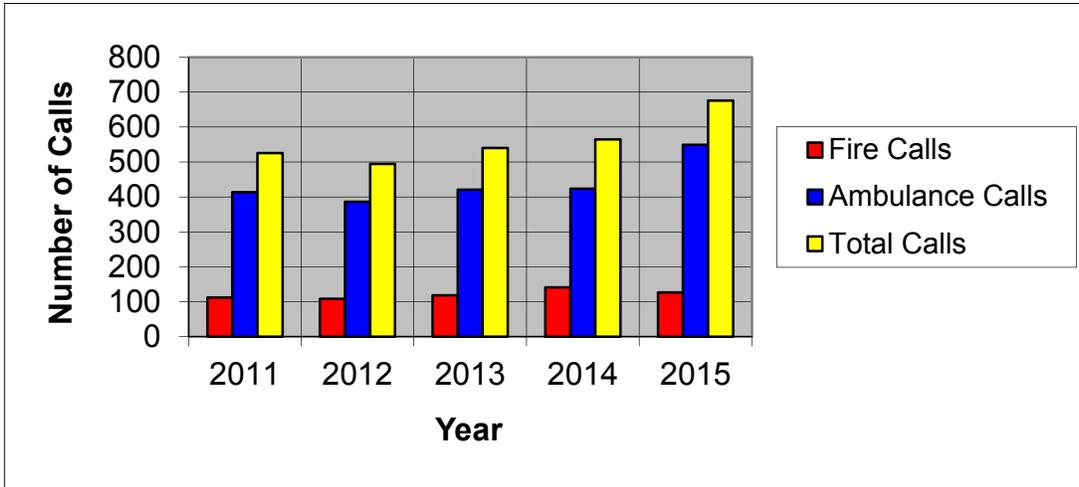
Ambulance Calls in the Month of January for Five-Year Period

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Inside of City	388	353	385	388	514
Outside of City	<u>26</u>	<u>33</u>	<u>36</u>	<u>36</u>	<u>35</u>
Total Emergency Medical Calls	414	386	421	424	549



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

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Fire Calls	112	109	119	141	127
Ambulance Calls	414	386	421	424	549
Total Calls	526	495	540	565	676



Training

Training Man Hours: 297.00
 Training Listed Below:

Automatic External Defibrillators	14.00
Pediatric Education Pre-Hospital	40.00
CPR Recertification	67.00
Pediatric Advanced Life Support	12.00
ACLS Recertification	60.00
Fire Behavior	21.00
Strategic and Tactical Operations	21.00
Annual Refresher	24.00
Physical Fitness	12.00
Extrication	6.00
Water Rescue	20.00
	297.00

Fire Prevention Bureau

Complaints Received	1
Conferences Held	59
Correspondence	9
Inspections Performed	1
Investigations Conducted	8
Plan Reviews	3
Pre-Plans conducted by Crews	6

Personnel

Total Hours Paid in January:

11456.29 Hours Paid

Pay Code	Description	Hours
0	Zero Hours	0.00
3	Union Business	16.00
76	Training	115.50
8	Make-Up	567.00
9	Kelly Days	1280.00
10	Regular	6861.50
15	Overtime	579.00
20	Double Time	1.50
23	Fire Holiday Premium Pay	69.29
40	Comp. Time Used	89.00
45	Comp. Time Earned	32.50
49	Comp. Time Earned	2.50
50	Sick	840.00
51	Bereavement	64.00
60	Vacation	778.50
67	Pall Bearer	0.00
70	Holiday	136.00
120	Personal	0.00
140	Birthday	24.00
	Total	11456.29

Statistics Compiled by Julie A. Davis, Fire Administrative Officer



Regular Council Agenda
March 3, 2015

Description

Fire Department Monthly Report for January, 2015

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

February 11, 2015

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for December, 2014

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of December, 2014.

Management Information Systems

Management Information Systems reports the following activities for the month of December, 2014:

Statistics

286 completed help desk requests
251 open help desk requests

Activities

Major department initiatives in the past month include:

- Continued working with New World Systems on Finance/HR system replacement
- Continued to assist with CPD covert camera needs
- Continued deploying DVR units to various remote camera sites
- Ordered upgrade to parking ticket handheld system
- Install upgrade to backup software for virtual servers
- Set up new PC's for Public Works departments

Parks and Recreation

Parks and Recreation reports the following information for the month of December, 2014:

Christmas Activity Program for the After School Students

The Cumberland Parks & Recreation Department organized the annual Christmas program for the 21st Century after School Program. Programs were held Monday, December 15, for John Humbird and Northeast Elementary Schools, and Tuesday December 16, for West Side and School South Penn Elementary.

Participants were divided into two groups, Grades 1, 2, & 3, events were held at the Allegany Museum on Pershing Street; Grades 4 & 5 events held at City Hall Rotunda & Council Chambers. Activities for the younger children included making a Christmas ornament, Snowman story book reading and activities, Sugar cookie decorating and snacks, Christmas Tattoos, and Christmas games station with prizes. The Children also

enjoyed a visit from Santa, Mrs. Clause, and Rudolf Santa had treats and gifts for all the participants.

Gary Bartik spoke to the children about the Allegany Museum. Volunteers with Museum activities included Jill Frank, Carol Brown, Dale Burgess, Linda Burgess, and Mike Nicholson. The older children's activities were hosted by the City of Cumberland at City Hall. Students were given a tour of the Rotunda, viewed the eight decorated Christmas trees and watched a holiday movie in the Council Chambers receiving holiday treats before returning to their schools. Each session was attended by approximately 125 students, plus adult teachers and supervisors. This event is anticipated each year by the Children and Teachers attending the 21st Century after School Program and enjoyed by all involved.

Co-ed Volleyball League - 7 teams, 50 participants, games are played weekly on Wednesday nights at South Penn Elementary School. Play is under the direction of Carol Brown. Began season on Wednesday December 3, 2014 and continues through April 15, 2015

3 weeks of games – 9 matches - Attendance 125

Field Usage: Complete for the season – no usage

Activities Building used for the annual Cumberland Fire Department's Children Christmas Party on Sunday December 14, 2014

Meetings:

- Staff meetings
- Planning for after school Christmas Program (as described above)
- Cooperative Extension of MD personnel – possible collaboration of programs.
- Meeting related to Fireworks held on New Year's Eve/Ball Drop
- Payroll training.

Other items:

- Seasonal holiday items working with Jennifer Light & Steve Lhye, Downtown Mall managers.
- Request for Quotes for 2015 July 4th Fireworks.
- Began work on upcoming 2015 season.
- Parks & Recreation/Rec Board/Volunteers/ Christmas Party.

Upcoming:

- Recreation Advisory Board Meeting – Monday January 26, 2015
6:30 p.m. – Conference Room, Community Development.
- Seasonal employment applications for Lifeguards, Day camp counselors, Park watchman, and Field supervisor are scheduled to be taken.
- Constitution Park Pavilion reservations to begin Monday February 2, 2015
- Planning for 2015 Spring/Summer/Fall season

*Note – December is traditionally a slower month which allows for staff to use up some vacation time.

Community Development

The Community Development Department reports the following activities for the month of December, 2014:

Community Development Block Grant

CD staff began assessment meetings with various groups during the month in order to determine projected needs for the next funding year. A calendar is also being developed

regarding the one year and five year plan completion. Staff also set up projects and undertook revisions related to draw entries and completed remediation for several projects as requested by HUD. Two environmental reviews were also completed. Lee Borrer worked on the National Night Out schedule during the month. Staff has also been working on the strategic plan regarding Fair Housing and the Human Relations Commission. An RFP has been developed toward soliciting an Assessment of Impediments update. Staff completed the revision of the 2014 Comprehensive Annual Performance and Evaluation report due to a change in the HUD format for the financial part of the report. Concerning Historic issues, Terri Hast has been working with Kathy McKenney concerning items that need to be addressed. The HPC chairman has also been helping staff regarding items needing to be done.

Code Administration

- Demolition of 249 and 251 Columbia Street completed
- Demolition of 216 Knox Street Underway
- Begin negotiations of the acquisition of 250 Columbia Street and 247 Bond Street/ future demo project
- Concentrating code enforcement efforts in this Columbia and Knox Street Areas
- Continue efforts on the acquisition of 443 Baltimore Avenue
- Recommendation of tax sale properties completed and forwarded to finance
- Developing "brain storming" sessions with staff to streamline code enforcement efforts for upcoming season
- Relocation of MRI trailer at WMHS – WAC
- Reviewed outstanding Occupancy Permit violations in the Central Business District
- Multiple Commercial and Residential Projects in in various stages of development

Code Enforcement Activity

- Newly Opened Cases
 - 26 Nuisance
 - 20 Property Maintenance
- Closed Cases
 - 13 Nuisance
 - 3 Property Maintenance
- Citations Issued
 - 11 Nuisance
 - 9 Property Maintenance
- Cases Heard in District Court
 - 1 Nuisance
 - 1 Property Maintenance
- Staff also assisted in the review of submitted applications Neighborhood Matters Housing Grant Program
- Participated in code enforcement and blight inter-office meeting concentrating on targeting neighborhoods and streamlining efforts for better efficiency

Code Enforcement

Nuisance & Junk	Property Maintenance	Building Code
<u>Vehicle Complaints</u>	<u>Complaints</u>	<u>Complaints</u>
Received: 13	Received: 03	Received: 0
Corrected: 04	Corrected: 01	Corrected: 0

Housing Code

Complaints

Received: 00
Corrected: 00

Zoning Complaints

Received: 00
Corrected: 00

Permits, Applications, and Licenses

Building Permits

Received: 04
Issued: 02

Residential Rental License

Received: 05
Issued: 05

Plan Reviews

Received: 0
Issued: 0

Occupancy Permit

Received: 03
Issued: 04

Housing Inspections

Conducted: 35
Passed: 35

Court Activity

Municipal Infractions

Written: 19
Adjudicated: 10

Revenue

Building Permits:	\$ 2062.00
Miscellaneous Permits:	\$ 139.00
Occupancy Permits:	\$ 150.00
Utility Permits:	\$ 00.00
Reviews, Amendments, and Appeals:	\$ 00.00
Rental Licenses:	\$ 125.00
Paid Inspections:	\$ 00.00
<u>Municipal Infractions:</u>	<u>\$ 00.00</u>
TOTAL	\$ 2476.00
Demolition Permit (Bonds)	\$ 00.00

Historic Planner/Preservation Coordinator

Historic Preservation Commission did not meet in December. Both D. Macy and H. Bullamore were approved by M&CC to serve on the HPC for another term. Advertisement for the HPC Vacancy (Cumberland resident) was advertised.

Herman and Stacia Miller photo collection - 3 prints were requested.

Tax Credit Application is being reviewed for 518 Washington Street for completeness and scope of work.

Routine reports are due to the State Highway Administration, Maryland Historical Trust, and Department of Housing and Community Development. Those projects include:

CLG / Historic Context Guidelines update - Thirteen parties were sent RFPs. Addendum #1 was created re: questions relative to the RFP and sent to all. The bid opening was December 17 in City Hall with 4 bids received. The City Lawyer, HPC

and City Clerk are determining acceptance re: requirements. The bids will then be reviewed and one chosen by the HPC for recommendation to M&CC, then to MHT for final approval and finally the award of the contract.

SGIF / East Side School – E.D. Coordinator sent a reimbursement request to DHCD. No updates have been provided for staff to report.

SHA / Amtrak Entryway Improvement Project and CL / Amtrak Entryway Improvement Project – Bid and award made for the Trail Connection. Coordination with the SHA staff is underway for the Rail Connection project using TEP funds. Plans and Specs for rails connection are close to 75% complete. The weather has been a major obstacle in the completion of this project, although a Notice to Proceed was given and work will be completed in a timely manner. A modification to the scope of the award has been approved by DHCD staff.

CL / Upper Story Redevelopment Program –The committee recommended and M&CC approved \$50,000 to one of two applications received. MHT and Codes review is underway.

CL / 19 Frederick St. - The contractor is 99% complete with the elevator work awaiting approval from City for the invoice to be paid. Additional accessibility improvements are awaiting approval for use of funds.

CL / CL Residential Shade Tree Project - Total trees planted within the project area throughout the life of the project: 190. 100% of funds have been expended at this time. Activities related to this project have prompted a partnership between Braddock Middle School, Canal Place, community members and the City of Cumberland. Two service learning projects were completed as part of the project. During the second service learning project, almost 200 students performed property maintenance and clean-up in addition to planting 36 trees at Canal Place. The Canal Place tree planting project was a great example of coordinating available resources and community needs.

CL / Neighborhoods Matter Grant - City staff is reviewing 7 applications with \$26,549.57 being requested and \$1,035.00 in owner contribution. Local review and MHT and Codes review are needed before final compliance review.

CL / Friends Aware Expansion - The construction is underway on the project with an expected completion date of January 31st, 2015. Enough progress has been completed that a request for total funding payment of \$100,000.00 has been made.

CL / CNHS Restoration - Cumberland Neighborhood Housing Services has targeted 8 properties within a two block area adjacent to neighborhood Playground and are working on acquisitions and demolition. Behind schedule due to acquisition but services will continue to pursue acquisition of the targeted properties with contracts contingent upon the approval of all Community Legacy compliance reviews. Plans are to submit the compliance reviews in the next quarter.

Planning

Planning activities for the month of December, 2014 include:

2013 Comprehensive Plan Implementation – Coordinated with Steve Resh (Allegany College) on the status of the Riverwalk design effort and arranged a meeting in January to review the draft concept.

Cumberland Bicycle Advisory Committee – Attended the December 11 CBAC meeting. Prepared and distributed a meeting summary for the December 11 meeting and a tentative agenda for the February 12 meeting. Responded to a project status inquiry from a prospective Skatepark design consultant. Requested a meeting with Mayor and Council to seek further direction on the proposed Bedford/Frederick Street Bikeway and the Skatepark projects.

Subdivision/Site Plan Reviews - Provided guidance to the owner of 616/618 Maryland Avenue regarding the potential and procedures for a minor subdivision of the property.

Zoning Amendment Petitions – Responded to a citizen letter and a citizen e-mail regarding the proposed Zoning Map revisions for the 2013 Comprehensive Rezoning. Prepared and finalized a Planning Commission Issue Paper to address December 8 Planning Commission public hearing comments and concerns raised regarding proposed zoning text amendments to the definition of an Auto Impoundment Area in the 2013 Comprehensive Rezoning. Posted public inspection copies of the Issue paper on the City's web site and in the Community Development office.

Planning Commission Administration – Attended the December 8 Planning Commission meeting and public hearing for the 2013 Comprehensive Rezoning. Compiled documentation from the December 8 public hearing. Responded to a citizen request for a copy of the Comprehensive Rezoning Public Hearing Powerpoint presentation. Requested background data for the 2014 Planning Commission annual report from Community Development staff. Began preparing the 2014 Planning Commission Annual Report. Submitted a draft narrative of the Infrastructure section of the 2014 Annual Report to Engineering staff for review and comment. Finalized the agenda and prepared a meeting packet for the January 12 Planning Commission meeting.

Board of Appeals Administration – Finalized the agenda and prepared a BOA meeting packet for the December 17 meeting. Attended the December 17 BOA meeting. Prepared and mailed a BOA decision letter for ZA 125 – 64 Baltimore Street Sign Variance. Canceled the December 21 BOA meeting due to a lack of agenda items. Confirmed Mayor and Council reappointment of Earl Royce to the BOA.

MDP/MML Coordination – Attended a December 5 MML/MACO joint planning director's meeting in Annapolis.

Annexation Petitions – No work was conducted on this task during the month of December.

Street Closure/Naming Petitions – Reviewed and provided comments on a proposed street closure petition for Spruce Alley. Attended a December 15 staff coordination meeting to further discuss the alley closure petition.

Economic Development – Attended the December 2 Heritage Association meeting. Reviewed a revised draft work program and other materials for the Rural Growth Task Force of the MD Sustainable Growth Commission. Participated in a December 15 teleconference for the Rural Growth Task Force. Coordinated with Les Knapp (MACO) regarding the revised Rural Growth Task Force objectives and subcommittee recommendations. Responded to a Phase I Environmental Assessment public information request for a project on Wineow Street.

General Transportation Issues/Projects – Provided comments to Allegany County staff regarding an MPO request for Transit budget adjustments and a review of the draft

Purpose and Needs narrative for the U.S. 220 Corridor Phase II study. Coordinated with Allegany County staff regarding unresolved MPO voting representation questions. Scheduled a meeting in January with the Mayor and City Administrator to discuss and seek guidance regarding city MPO voting representation options. Requested information regarding new street addresses and address ranges approved during the fourth quarter of 2014 for the January 2015 quarterly report to Allegany County. Reviewed the city's 2014 Transportation Priorities and project descriptions for changes and corrections and submitted comments to Allegany County.

Greene Street Complete Street Plan – Coordinated with the Director of Engineering regarding applicable historic and current street design standards for Greene Street.

TMDL/Stormwater Management Coordination and Implementation - No work was conducted on this task during the month of December.

Zoning Administration – Responded to a zoning classification and land use consistency inquiry from a Long and Foster Realtor for a Greene Street property. Responded to a complaint from an anonymous resident regarding city code restrictions on a neighbor's outdoor Christmas display and lighting. Responded to an inquiry from an Industrial Boulevard business regarding basic zoning requirements for a wall sign. Responded to an inquiry from a First Street homeowner regarding off-street parking requirements for a potential apartment conversion. Coordinated with the Building/Zoning officer regarding the Loves Travel Plaza sign package. Coordinated with the Building/Zoning Officer regarding a zoning violation for an off-premise event advertising sign that was posted without a permit.

Western Maryland Local Government Exchange Board of Directors – Attended a December 12 meeting of the Local Government Exchange Board in Keedysville to begin outlining the agenda for the 2015 workshop. Reviewed the draft meeting notes for the December 12 meeting.

West Side CSX Bridge Study – No work was conducted on this task during the month of December.

Miscellaneous Other Activities – Prepared a monthly Planning Staff Activities reports for November and December. Completed a six-month review of the FY15 Planning Budget. Closed out 2014 Calendar Year project files, established 2015 project files, and finalized the 2015 calendar. Responded to questions from a Times-News reporter regarding American Community Survey data and how it is compiled. Reviewed the Cumberland Housing Authority's 5-year plan for consistency with the 2013 Comprehensive Plan and provided comments to the City Administrator. Resolved a computer screen malfunction with MIS. Reviewed housing data for Cumberland provided by Community Development for the 2015 CDBG Consolidated Plan update and offered planning assistance. Prepared a Powerpoint presentation regarding Planning Division responsibilities and projects for the new Councilman orientation meeting.

Comptroller's Office

The Comptroller's office reports the following information for the month of December, 2014:

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of December 2014. On December 1, 2014 the City had a positive Cash Balance of \$6,996,300. During December 2014, there were no debt payments made. The cash balance at December 31, 2014 was \$2,878,339. There was a transfer to investments of \$3.0 million during December 2014.

As of December 31, 2014 the significant balances are:

<u>Taxes receivable (General Fund):</u>		<u>\$3,195,881</u>
FY 2015	\$1,829,883	
FY 2014	651,307	
FY 2013	298,741	
FY 2012	61,034	
FY 2011	55,332	
Prior FY's	299,584	

The current year taxes of \$1,829,883 is comprised of the following major taxes:

Real property (non-owner occupied)	\$ 669,910
Non-Corp Personal Property	9,076
Corporate Personal Property	444,214
Real Property (Semiannual payments)	\$ 690,319

Accounts Payable: \$ 387,822

(This excludes upcoming debt service payments and payroll.)

Payroll expenses for the upcoming month are an estimated \$1,100,000. MSRS retirement contributions of \$1,851,502 was made on December 29, 2014.

The balance of restricted investments now includes the CDA 2012 bond proceeds for capital projects in the amount of \$866,352. This does not include any use of the GOB 2013 Bonds proceeds on \$3,313,413 for the demolition of the Memorial Hospital. The total of all of these funds are only available for the payment of bond-funded capital projects (CDA 2012 and GOB 2008) totals \$2,226,170. The closing for CDA 2014 was on August 28, 2014, and during the month a total draw of \$1,674,133 was made for equipment purchases made prior to the bond closing. Of the total bond issue of \$7,533,069, there is a balance of \$5,858,936 available for Capital Projects and Capital Equipment budgeted in FY's 2013, 2014 and 2015.

Cash Flow Summary

December 2014

	<u>Operating Cash</u>	<u>Investments</u>
Beginning Balance 12/1/2014	\$ 6,996,300	\$ 2,226,170
Plus:		
Total Cash Receipts	\$ 3,475,315	\$
Cash Transfers (to Investments)	\$ (3,000,000)	\$ 3,000,000
Less:		
Total Cash Disbursements	\$ 4,593,277	
Ending Balance 12/31/2014	\$ 2,878,339	\$ 5,226,170

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 2015. The tax receivables of \$3,195,881 will definitely impact our cash balance. **The real property taxes of \$669,910 (non-residential) were due on 9/30/2013 and the \$690,319 (residential) taxes were due on 12/31/2014.**

Respectfully submitted,



Jeff Rhodes
City Administrator



Regular Council Agenda
March 3, 2015

Description

Administrative Services Monthly Report for December, 2014

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							January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update	
2009	15-09-M	Amtrak Station Streetscape Improvements	Replacement of all sidewalk, surface drain, and light fixtures on Queen City Pavement from Baltimore St to Union St, ADA ramps at the intersections Baltimore St with Queen City Dr, George St, and Mechanic St.	Design	<p>UPDATE - This project has been split into multiple projects in order to complete the project within the time allotments of the various funding sources. These projects are as follows:</p> <p>15-09-M will be the portion of project along the railroad tracks, and will be completed if and when funding allows.</p> <p>10-14- M Baltimore Street Trail Connection, see project listed below.</p> <p>11-15-M Baltimore Street Rail Connection, see project listed below.</p> <p>12-14-M Canal Street Rehabilitation Improvements, see project listed below.</p>	JRD	11/5/2014	
2009	12-09-T	Circulation, TAC Signing and Traffic Signal Studies	Three traffic related planning studies	Study	No Change - Allegany County Tourism has take the lead role in this project. A meeting to review this project has been scheduled for August 14, 2014 and another meeting will be schedule to review it at a Mayor and City Council Meeting in September.	JDF	8/4/2014	
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Design	Bill considering funding has been supported by officials' testifying.	PJD	2/17/2015	
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. Includes approximately 960 feet of 12", 350 feet of 6" and 1,200 feet of 10" main, as well as a stream crossing.		NO CHANGE - The water line installation is complete. It can't be extended to Loves until after site excavation is complete, but that will be done under a separate contract. Progress has been made on the site work at Love's in September and October, 2013.	JDF	10/31/2013	
2011	25-11-SWM	25-11-SWM Love's Country Store and Travel Stop	SWM review for a proposed development	Construction	SWM submittal for hotel addition received and under review	PJD	2/17/2015	
2011	26-11-SWM	Chessie FCU-IB & Messick Road	SWM review for a proposed new branch office	Design	UPDATE - SWM Plan approved (but still waiting on signed O & M Agreement). Design drawings for sanitary line, to ECPS, from the Owner's agent received. Bidding documents to be prepared.	PJD	2/17/2015	

City of Cumberland, Maryland Engineering Division - Monthly Report

Capital Projects							January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update	
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	UPDATE - Work continues on ADA and drainage improvements. Paving has started with the installation of leveling course of hot mix asphalt. The surface course of hot mix asphalt is scheduled to occur in November.	JRD	11/5/2014	
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	NO CHANGE - This project was to be designed by SHA, however they have not been able to get design plans done and have asked that the City take on the responsibility. We can do that, but need to resolve the general issues related to the Frederick Street / Bedford Street Bike improvements before we start another Bike Project	JDF	3/6/2014	
2012	12-12-SWM	Canal-River-Tunnel Park	Proposed campground near Elizabeth Street	Construction	NO CHANGE - Meeting held 1/28/14. Response to the owner to be developed.	PJD	1/5/2015	
2012	13-12-T	MD 51 at Virginia Ave. Intersection Study (2012)	SHA traffic study of the signal and intersection	Study	No Change - SHA tells us that preliminary design has started.	JDF	2/5/2015	
2012	15-12-BR	Washington Street Bridge - Emergency Lane Closing and Inspection	Work with CSX to get the bridge inspected and then repaired or replaced as soon as possible.	Inspection	See Project No. 21-13-BR West Side Planning Study related to CSX Bridges. There has been no change to the status of the Washington Street Bridge.	JDF	4/3/2014	
2012	19-12-M	Demolition of Memorial Hospital	Demolish the site and restore to grade contours, except for portions of structures that are going to be turned over to other entities for their use.	Construction	Major structures have been demolished. Parking garage is approximately 40% demolished. Miscellaneous recyclable scrap metal has been removed from site, except for at most a small amount.	PJD	2/17/2015	
2013	1-13-FPM	Misc Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	Specifications 90% complete. Awaiting response from USACE re one other item, the extension of short lengths of the floodwall. Drafting of the items currently in scope will be started in March, 2015.	PJD	2/17/2015	
2013	4-13-SWM	Avirett Development at 12313 Messick Road	Development at Messick Road, north of the proposed Chessie Federal Credit Union site.	Design	Next SWM submittal received, and is under review.	PJD	2/17/2015	
2013	5-13-WFP	Sodium Hypochlorite Conversion Feasibility Study	Investigate feasibility of converting from usage of chlorine gas to sodium hypochlorite.	Study	Received PA DEP response, awaiting MDE response	PJD	2/17/2015	
2013	6-13-RE	Cumberland Skate Park		Concept	NO CHANGE - Cumberland Bike Committee plans to review work to date with the Mayor and City Council and ask that a location be selected so this can go to the next phase. That meeting is planned for February 17, 2015.	JDF	2/10/2015	

City of Cumberland, Maryland Engineering Division - Monthly Report

Capital Projects						January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update
2013	9-13-WFP	2013 Dam Inspections and EAP update	RFP from consultants for the 2013 Annual Inspection of the Dams, and an EAP update that has been requested from PADEP	Design	2014 Inspection reports completed and submitted in December 2014.	JDF	1/5/2015
2013	10-13-M	MD 51 Intersection Modeling	This is the second part of a traffic study for the Rte. 51 / Virginia Avenue Intersection.	SHA Study	No Change - SHA has the design underway. The modeling is complete. This is the same project as 13-12-T	JDF	7/10/2014
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	The plans have been reviewed and accepted by SHA. The local public remains against the project. A test plan is being planned for spring.	JRD	1/5/2015
2013	12-13-FPM	Flood Control Encroachment Tree Project	Removal of Trees along Flood Wall and Levees per requirements of US Army Corps of Engineers specifications	RFP	NO CHANGE - Flood Control Department and Natural Resources Specialist (NRS) removing trees on City maintained property adjacent to flood wall and levee. NRS to send out bid request for larger tree removal. NRS will be inspector on trees	PTE	2/17/2015
2013	17-13-M	Municipal Solid Waste Service	Cumberland's curbside trash hauling contract will be up in July 2014. Services to be rebid winter/spring 2014.	RFP	UPDATE 2015 recycling calendar and new recycling outreach for the curbside program are available at City Hall and both Cumberland Libraries.	RJK	2/17/2015
2013	18-13-M	Chase Street Improvements	Reconstruction of Chase Street after a water line leak and full water line replacement.	Design	NO CHANGE - The water line replacement by the Water Department is complete, and a project to reconstruct the pavement will be bid out for construction this coming construction season.	JRD	2/6/2014
2013	21-13-BR	West Side Planning Study related to CSX Bridges	A planning study to determine the best alternative to handle traffic over and under CSX track in the West Side and also provide modern clearance over CSX	Planning	UPDATE - HDR, Inc. is currently working on the project, which has been delayed while getting information from CSX. A meeting to review preliminary alternatives is expected in February or March 2015.	JDF	2/10/2015
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 - WR&A will submit the draft report in November 2014. Now that the digester is back in service it is very important that the rags and rag material be removed from the sludge before it gets into the digester.	JDF	11/5/2014

City of Cumberland, Maryland Engineering Division - Monthly Report

Capital Projects							January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update	
2014	10-14-M	Amtrak Station Streetscape Improvements - Baltimore Street Trail Connection	ADA improvements to curbs and sidewalks along Baltimore Street from Mechanic Street to Canal Street. Also included with be the replacement /adjustment of utility frames in the street.	Construction	NEW - Bids were received October 15, 2014, and the construction contract was awarded to Shaffer Construction on October 21, 2014. Work will begin in November and is scheduled to be completed prior to Christmas.	JRD	11/5/2014	
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.	Planning/ Design	NEW - Design is scheduled to occur in early 2015, with a Spring or Summer 2015 construction schedule.	JRD	11/5/2014	
2014	10-14-M	Canal Street Rehabilitation Improvements	This project will make bicycle safety improvements to Canal Street.	Planning/ Design	NEW - Design is scheduled to occur in early 2015, with a Spring or Summer 2015 construction schedule.	JRD	11/5/2014	
2014	13-14-M	Mechanic Street Access Road Improvements	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.	Planning / Design	UPDATE - The ARC application for \$640,000 for the street work portions of the project was submitted (corrected name Access Roads) in late December 2014. Staff is in the process of completing the Environmental Reviews with the assistance of SHA.	RJK	2/17/2015	
2014	16-14-M	2014 Fall Tree Removal Project	Removal of Trees along streets.	Complete	NO CHANGE - Work completed for removal of hazardous street trees. Last report on this project.	PTE	2/17/2015	
2014	17-14-M	Demolition of East Side School		RFP	UPDATE - EADS has been awarded the contract to prepare demolition plans and contract documents.	JDF	1/5/2015	
2014	19-14-M	Greene Street Complete Street Plan		Planning	UPDATE -A Design Charrette is planned for February 10 and 11 at the Allegany County Museum.	JDF	1/5/2015	

Program Projects Update							January 31, 2015	
Order	Department	Program/Project Name	Description	Phase	Comments	Updated By	Date of Update	

City of Cumberland, Maryland Engineering Division - Monthly Report

Capital Projects						January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update
	WWTP	Cumberland Pretreatment Program	City Ordinance No. 3251 regulates industrial and significant dischargers to Cumberland's sewer and POTW. There are 4 Significant Industrial Users (SIUs) permitted under this Ordinance. Program may also regulate non-significant users that pose a threat or cause problems to the system or POTW.	Regulatory	<p>UPDATE Fibred- MD has requested to terminate Addendum 1 of their Discharge Permit to the City. Termination of the Addendum 1 was issued Feb 5.</p> <p>Fibred-MD requested a permit Addendum for the discharge from Lagoon #3 as they were out of water from Lagoon #4 and not equipped to discharge from Pond 2 at this time. Addendum 2 was issued Feb 9.</p> <p>A salesperson for SteriMed medical waste treatment had contacted the City in regards to installing an alternative treatment system at WMHS RMC. Staff is reviewing information and analytical data for the possibility of including the treatment in the WMHS RMC Wastewater Contribution Permit.</p>	RJK	17-Feb-15
		POTW NPDES Permit	Requirements for compliance		<p>UPDATE The City received a revised draft of the new NPDES permit for the WWTP on December 2. City staff accepted the changes. A comment period, public hearing and final draft are anticipated for winter 2015.</p> <p>The comment period ended Feb 2. No further communication has been received from MDE regarding the permit.</p>	RJK	17-Feb-15
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	<p>UPDATE Report was submitted Jan 5, 2015. The CSO project schedule was updated and submitted with this report. A copy of the report can be requested by contacting Raquel.</p>	RJK	9-Jan-14
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.		<p>UPDATE The next meeting is April 16.</p>	RJK	17-Feb-15

City of Cumberland, Maryland Engineering Division - Monthly Report

Capital Projects						January 31, 2015	
Order	Project No.	Project Nam	Description	Phase	Comments	Updated By	Date of Update
	Engineering	2007 SWM Act (MDE)	New State SWM regulations finalized in May.	MDE Review	Complete. New ordinance is in effect		
	STC	Shade Tree Commission	Care of trees along city rights of way and in parks.	NA	UPDATE Planning for Spring planting season.	PTE	17-Feb-15
	Evitts Creek Water Company	Forest Stewardship Plan (aka Resource Management Plan)	Management of the forested property around Lakes Gordon and Koon	NA	NO CHANGE Began planning for data collection for update of Lake Gordon/Koon property stewardship plan.	PTE	17-Feb-15



Regular Council Agenda
March 3, 2015

Description

Engineering Division Monthly Report for January, 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

Work Session Minutes

Third Floor Conference Room
Western Maryland Station Center
13 Canal Street, Cumberland, MD 21502

Monday, January 5, 2015

12:00 noon

PRESENT: Mayor Brian Grim; Council Members Nicole Alt-Myers, David Caporale; Senator George Edwards; Delegates Jason Buckel, Wendell Beitzel, and Mike McKay

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; John DiFonzo, City Engineer; Shawn Hershberger, Economic Development Coordinator; Cady Kirkwook, Economic Development Assistant; Marjorie Woodring, City Clerk; Stu Czapski, Executive Director of the Allegany County Chamber of Commerce; Kim McMillan, Sen. Edwards' Office; Media

Mayor Grim read for the record a letter to the Western MD Delegation from Councilman David Kauffman, who was unable to attend the meeting. The letter urged the Delegation to embrace the need for the community to speak with one voice in communicating local needs to Annapolis.

Mayor Grim identified several priority areas for which the City was requesting the support of the Delegation through legislation and other measures. *(A copy of Mayor Grim's statement is attached.)*

1. **Combined Sewer Overflow State Mandates**

Mayor Grim advised that the City was undertaking the design and construction of a \$30 million combined sewer overflow (CSO) storage facility in order to comply with State mandates. The project has, however, been ruled ineligible for Bay Restoration Funding (BRF). The City is therefore seeking the Delegation's assistance to fund the project through BRF's by amending language in Title 9, Subtitle 16 of the Annotated Code.

Delegate Beitzel stated the overriding concern regarding the City's request for funding is how the cost of the upgrades will be distributed to the outlying affected areas because Frostburg has already done work to separate their storm drains from their sewer drains; the County has been working to reduce their storm water; and LaVale Sanitary has undertaken work as well. Delegate Beitzel stated the issue of any cost share should be resolved before the City enters into these additional expenditures so that disputes aren't raised and taken before the Public Service Commission. He encouraged Cumberland to work with the other users to put an agreement in place before expecting them to contribute to the cost of the upgrades.

Delegate Beitzel also questioned whether the City would expect to continue to have over flows and additional penalties after the upgrades took place.

Mayor Grim stated that the underground storage project was expected to reduce overflows by 85%. Additional work would still need to be done to reach 100% compliance. The City had already spent over \$12 million towards the project, but it will be a regional commitment and the City will be asking others to participate in helping to fund the mandate. The City's request to the Delegation did not seek to lay the burden on the backs of the other communities, but rather was directed towards State assistance.

Delegate McKay asked the City to reach out to the County as well as the other communities that would be affected to consider a different solution. He would like to see the City avoid the same problem that resulted from the Georges Creek wastewater treatment plant where \$8 million was left for a small number of users to pay.

Delegate Buckel suggested that the City look into a modification of the consent agreement to extend the life of the decree and thereby extend the years under which the project could be funded. Mr. DiFonzo stated that the current decree ended in 2023.

Delegate Buckel questioned why the City was ineligible for Bay Restoration Fund (BRF) monies. Mr. DiFonzo stated that the Bay funds were primarily for construction to reduce nutrient values, which the City took advantage of early on. That pot of State funding ran out within 3 years and funding is now only available for wastewater treatment plant construction for ENR projects. Mr. DiFonzo also noted that the original BRF legislation allowed CSO projects, but that funding stream has also gone away.

(Proposed draft language to amend the BRF was provided to the Delegation with Mayor Grim's letter.)

Delegate Buckel stated that changing the language made sense, but may not solve the problem if there was no money in the budget. He questioned whether there was a technical or financial reason not to separate the lines.

Mayor Grim advised that the cost to separate the lines in Cumberland would be in the \$100 million and there was no way for the City to take on that burden. Another option would be for the State to build a regional facility to handle the overflows. The lowest cost solution would be the underground storage tank with a price tag of around \$90 million.

Delegate Beitzel stated that the storage facility will be a short term solution to a long term problem since the sewer lines will continue to deteriorate if not replaced. He stated that if a comprehensive approach was not taken, the area could end up with two competing systems instead of one modern state of the art system. Mayor Grim stated the City was looking out for the tax payers by seeking a language change that would allow the City to access the BRF funds. Separating the lines would create significant cost increases and a higher burden on the citizens.

Senator Edwards stated that there was some money left in the BRF. He stated the Delegation would be supportive of seeking funding for the mandate. He noted that the State would look heavily at allowing other plants to be built and his concern was that the City would still have overflow even with the underground storage facility, which could lead to the City eventually being sued by the State. He stated some communities have separated their worst areas to reduce overflow to the plant, which would reduce the size of the holding facility that would be needed, and suggested using BRF funding to take out the worst areas of infiltration.

Senator Edwards further stated that a change in legislation may be possible and he believed there was some flexibility in use of the BRF money. He felt the State would be helpful in this issue and requested more information about why the City previously qualified but no longer did. He stated that although the delegation had voiced support in helping to modify the language, they were asking the City to work with the County and other cities involved to determine if there was flexibility in splitting out some of the lines.

Delegate McKay suggested that the County would supply a dedicated person to review the long term plan because at the end of the day, the City's burden is also the County's burden.

2. Investing State resources into City infrastructure

Mayor Grim stressed the need for full restoration of Highway User Revenues as well as State Highway Administration funding to significantly improve arterial highway designated as alternate state highway routes through the city.

Delegate Bietzel advised that the Hogan administration has stated that the restoration of HUR's will be a major priority, though the restoration may occur in incremental stages. He stated the fund may be impacted by projects down state, including mass transit projects. Mayor Grim stated his appreciation for the Delegation's support of this request in the past and asked that it be re-emphasized again this year.

3. Promoting business development in rural Maryland

Mayor Grim asked for assistance in advancing the City of Cumberland's population growth goal through economic development initiatives, including 1) the One Maryland Rural Tax Credit Program; 2) the need for regional bidding incentives; 3) regionalization of SHA permitting; and 4) funding for the Footer Dye Works building.

Senator Edwards stated the Governor-elect was aware of the One Maryland program and its advantages to rural areas and the benefits the state as a whole would derive from additional income and sale tax revenues, but the structural deficit would take priority. He advised that a program would be out this year or next to target rural parts of the state and parts that have high unemployment and low income.

Delegate Buckel discussed his intent to see about increasing the Cyber Security Tax Fund and introduce some special incentives to target relocation of cyber and bio security firms in Allegany County to broaden the scope of these types of jobs throughout the state.

Delegate Buckel asked for clarification on how the City viewed the future of Canal Place. Mayor Grim advised that Canal Place was a state entity. It was also an important part of the downtown and the City had great interest in seeing it succeed. The Footers building physically separates the downtown from Canal Place and the success of that building would bring the two together and create a huge win. There was currently a very real opportunity for a private developer to make it work, but a small gap in funding for the remaining portion of the necessary capital needs.

Delegate Buckel questioned Mayor Grim on the long term sustainability of Canal Place and who should ultimately run it. He stated he had concerns about what was being "propped up" under the Canal Place Authority. Mayor Grim stated he could not say who should be in charge but the developer was a reputable person with whom the City had dealt with before and the City had faith in his ability to complete the project. He stated that with such a small funding gap of \$1 million compared to the multimillion dollar investment being proposed, it made sense for the State to invest this small amount into a resource it owned to see if the project could, in fact, be transformative for the area.

Delegate Beitzel stated that he felt Canal Place was a critical issue and questioned where funding for the cost of demolition of the Footer building would come from if the CPPDA were to be dissolved. He stated that if a developer is genuinely interested, it seemed to be wiser to invest \$1 million towards having a viable operation rather than tearing it down. Additionally, there would be a long struggle with the Heritage Trust to obtain permission to have the building torn down and, if nothing moved forward, it would continue to deteriorate. Delegate Buckel stated he was not enthused about supporting the funding until he knew more about how much funding was being invested directly by the developer.

Delegate McKay stated that he was dead set against asking for \$1.5 million, however the Delegation did all support sending a letter to the Historic Trust to address the window issue. If the cost of the windows could be reduced, he could support funding a \$200,000-\$300,000 gap.

Senator Edwards stated the Delegation had sent a letter to the Historic Trust asking for approval to use energy efficient windows rather than historically accurate windows, which would save several hundred thousand dollars and reduce the funding gap. He stated that \$1.5 million was designated in the State budget for the long term plan of Canal Place, therefore he had no problem asking to use that money for the Footer building. He further stated a group had been designated to look at the management of the CPPDA but, as yet, no final report had been disseminated. Overriding questions remain, therefore, as to what role the City should play in the future of Canal Place. Senator Edwards stated that the Delegation was not going to send a letter asking for capital money until a decision on the windows was made by the Historic Trust. At that point, the Delegation would meet and decide from there what direction to take.

4. Mayor Grim asked the Delegation to continue to provide support for the Safe Streets initiatives of the Governor's Office of Crime Control and Prevention, and to consider efforts to promote prison inmate rotations as well as strengthening judicial sentencing guidelines to prevent repeat offenders from walking free.

Delegate Buckel stated that the City and County did have a crime problem and one of the big concerns for him was the adverse effect it could have on economic development prospects. He stated that a comprehensive plan was needed to address the problem, with pressure being put on the State's Attorney and the judicial system to work together to turn the situation around. If the City was serious about pursuing these avenues, he would help. Buckel suggested focusing on certain areas with a top-down, systematic approach.

5. Mayor Grim asked the Delegation to support Corridor B as part of the North-South Corridor upgrades, and stressed the need for an alignment of Route 220 with the terminus at Exit 42 (Greene Street / McMullen Highway) on Interstate 68 rather than a spur along Winchester Road.

III. ADJOURNMENT

With no further business at hand, the meeting adjourned at 1:20 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Approved: _____

CITY OF CUMBERLAND MARYLAND

January 5, 2015

Respected Members of the Western Maryland Delegation,

Please accept my regrets for being unable to attend today's meeting. I am working in New York City presenting the Cumberland Jazz Society's educational outreach initiative – The Mid-Atlantic Collegiate Jazz Orchestra – at Dizzy's Club Coca Cola, an event that was scheduled prior to finalizing today's meeting with you,.

As the City of Cumberland articulates its priorities with you today, I can only hope that you embrace the need for our community to speak with one voice in communicating our needs locally and in Annapolis.

Cumberland, while nearly half the population it was in its prime, remains the population center for Allegany County and for the state west of Hagerstown. As such, the people of Cumberland (Allegany County and Maryland residents alike) need for you to view our expressed needs as critical to the successful restoration of Western Maryland to financial viability.

MAYOR
BRIAN K. GRIM

As we work together to increase population in our city, we need for you to embrace *with* us the role that positive development in Cumberland's corporate limits plays in the success of Western Maryland.

COUNCIL
NICOLE ALT-MYERS
SETH D. BERNARD
DAVID J. CAPORALE
DAVID F. KAUFFMAN

For years, our community has struggled in part due to elected officials working at crossed purposes, ultimately undermining our ability to be successful in promoting growth locally. Collectively, we have the opportunity to develop a shared mission of growth and prosperity for our community that can only be achieved through collaboration and cooperation.

CITY ADMINISTRATOR
JEFFREY D. RHODES

I look forward to working with you towards that goal.

CITY SOLICITOR
MICHAEL SCOTT COHEN

Respectively,

CITY CLERK
MARKORIE A. WOODRING

David F. Kauffman, Councilman
City of Cumberland, MD
Allegany County
State of Maryland



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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CITY OF CUMBERLAND, MD

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www.CumberlandMD.gov

January 5, 2015

MAYOR

Brian K. Grim

COUNCIL

*David F. Kauffman
Nicholas J. Scarpelli
Nicole L. Alt-Myers
David Caporale*

The Honorable George Edwards, Maryland State Senator
The Honorable Wendell Beitzel, Maryland State Delegate
The Honorable Kevin Kelly, Maryland State Delegate
Mr. Jason Buckel, Maryland State Delegate-Elect
Mr. Michael McKay, Maryland State Delegate-Elect

CITY ADMINISTRATOR

Jeffrey D. Rhodes

Gentlemen:

CITY SOLICITOR

Michael Scott Cohen

The City of Cumberland appreciates the opportunity to address priorities established by the Mayor and City Council, to you, as local advocates in the Maryland legislature. We have carefully considered the many needs of our community and identified three priority areas for 2015, for which we request your support and advocacy through legislative and other measures of support.

CITY CLERK

Marjorie A. Woodring

Over all, we believe that unifying behind a singular voice, representing the needs of Allegany County, is most important, including municipal, county and state officials. For that reason, we are very thankful for this opportunity to address our state priorities with you. These three priorities are in no particular order and all rank as our collective “top” priorities.

• **Meet the Challenge of Fulfilling State Mandates**

The City of Cumberland has completed design for the combined sewer overflow (CSO) storage facility. The estimated cost of Phase I of the project is nearly \$30 million (2013-2014 estimate). The construction is directly connected to the City’s effort to comply with the MDE Administrative Complaint and Order to eliminate CSO’s. Construction will reduce total nitrogen (TN) and total phosphorus (TP) and is directly linked to the Chesapeake Bay restoration efforts. However, the project has been ruled as ineligible for Bay Restoration Funding. The City is therefore unable to proceed with fulfilling the mandate because the service base of the City’s regional sewer service cannot afford this financial burden. We therefore request assistance to fund Cumberland’s CSO mandated reduction and elimination strategy of a storage facility to prevent overflows. Support is requested by way of state funding through Chesapeake Bay restoration funds, by amending language in Title 9, Subtitle 16 of the Annotated Code that would allow the City to apply for and receive state funding of 87.5% of the nearly \$30 million cost of the first phase of the project to fulfill the state mandate. Proposed legislative language is attached, as this is not a direct request for funding. Support for this project and approach has been documented from MDE as well as Allegany County, which determined the project to be an “Immediate Priority” (“Allegany County Water and Sewerage Plan,” April 10, 2014).



*Member Maryland
Municipal League (MML)*

- **Invest State Resources in Infrastructure**

The City of Cumberland aims to improve road infrastructure in the city but needs full restoration of Highway User Revenues (HURs) as well as State Highway Administration funding to significantly improve arterial highways designated as alternate state highway routes through the City of Cumberland. Several arterial and collector highways that provide critical regional traffic and circulation support to and from Interstate 68, Route 220, Route 51 and Route 40 require improvements. The City receives inadequate financial assistance to maintain these highways, though they serve a vital regional transportation role. Greene Street, Mechanic Street, Braddock Road, Bedford Street, Frederick Street and Centre Street are examples of such highways. The City requires additional state support through HUR **and** SHA funding to maintain and improve these vital regional routes, particularly given the recent demand, stress and wear placed on them during a two year highway (Interstate 68) improvement program.

- **Promote Business Development in Rural Maryland**

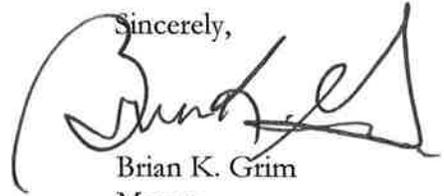
Assistance is requested to advance the City of Cumberland's population growth goal through economic development initiatives including advocating for the One Maryland or a similar Rural Maryland tax credit program. We believe in the need to encourage regional bidding of state contracts and promote Western Maryland as a location for biomedical, science and technological industries. As development becomes increasingly difficult in rural communities, we join with Allegany County officials in encouraging that SHA permitting be regionalized as it was prior to 8 years ago, so that decisions in Western Maryland could be made at the District 6 location rather than in Baltimore. Additionally, and critical to efforts in Downtown Cumberland, we request funding for the remaining portion of the necessary capital needs of the state-owned Footer Dye Works building to promote private development of the building in an effort to make it a tax generating, operational building once again. The developer has already been approved for redevelopment tax credits and the economic impact study predicts job creation of 100 jobs with an incremental state tax revenue of \$500,000.00, annually. City officials have held meetings with an anchor tenant for the property and expect a public announcement of intent to locate in the structure in the near future.

Crime is a concern for the city and we applaud the announced intentions of Governor-Elect Hogan to encourage efforts to combat drugs. We ask that you continue to provide your support to the Safe Streets initiative of the Governor's Office of Crime Control and Prevention, and that you also consider efforts to promote prison inmate rotation as well as strengthening judicial sentencing guidelines to prevent repeat offenders from walking free.

As plans for the upgraded North-South Corridor continue, the City continues to stress the need for an alignment of Route 220, following the plan for Corridor B, with the terminus at Exit 42 (Greene Street/McMullen Highway) on Interstate 68, rather than a spur along Winchester Road.

On behalf of the Mayor and City Council of the City of Cumberland, I respectfully request your support for these priorities and I look forward to working with you to advance these causes.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian K. Grim". The signature is stylized and written over the word "Sincerely,".

Brian K. Grim
Mayor

CC: The Honorable William R. Valentine, Allegany County Commissioner
The Honorable Creade V. Brodie, Allegany County Commissioner
The Honorable Jake Shade, Allegany County Commissioner
The Honorable David F. Kauffman, Cumberland City Councilman
The Honorable David Caporale, Cumberland City Councilman
The Honorable Nicole Alt-Myers, Cumberland City Councilwoman
The Honorable Nicholas Scarpelli, Cumberland City Councilman
Mr. Seth D. Bernard, Cumberland City Councilman-Elect
Mr. Jeffrey Rhodes, Cumberland City Administrator

Combined Sewer and Storm Systems



See Page 9 for proposed change

ENVIRONMENT
TITLE 9. WATER, ICE, AND SANITARY FACILITIES
SUBTITLE 16. MARYLAND WATER QUALITY FINANCING ADMINISTRATION
PART II. POWERS AND DUTIES

Md. ENVIRONMENT Code Ann. § 9-1605.2 (2013)

THIS SECTION HAS MORE THAN ONE DOCUMENT WITH VARYING EFFECTIVE DATES.

§ 9-1605.2. Bay Restoration Fund [Subject to amendment effective July 1, 2030; amended version follows this section]

(a) Established; legislative intent. --

(1) There is a Bay Restoration Fund.

(2) It is the intent of the General Assembly that the Bay Restoration Fund be:

(i) Used, in part, to provide the funding necessary to upgrade any of the wastewater treatment facilities that are located in the State or used by citizens of the State in order to achieve enhanced nutrient removal where it is cost-effective to do so; and

(ii) Available for treatment facilities discharging into the Atlantic Coastal Bays or other waters of the State, but that priority be given to treatment facilities discharging into the Chesapeake Bay.

(3) The Bay Restoration Fund shall be maintained and administered by the Administration in accordance with the provisions of this section and any rules or program directives as the Secretary or the Board may prescribe.

(4) There is established a Bay Restoration Fee to be paid by any user of a wastewater facility, an onsite sewage disposal system, or a holding tank that:

(i) Is located in the State; or

(ii) Serves a Maryland user and is eligible for funding under this subtitle.

(b) Bay Restoration Fee. --

(1) (i) Beginning on July 1, 2012, the Bay Restoration Fee is:

1. For each residential dwelling that receives an individual sewer bill and each user of an onsite sewage disposal system or a holding tank that receives a water bill:

A. \$ 2.50 per month if the wastewater generated by a residential dwelling is treated at a wastewater facility that does not discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed;

B. \$ 2.50 per month if the onsite sewage disposal system or holding tank is

See Page 9 for proposed change

not located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

C. \$ 5.00 per month if the wastewater generated by a residential dwelling is treated at a wastewater facility that does discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed; and

D. \$ 5.00 per month if the wastewater onsite sewage disposal system or holding tank is located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

2. For each user of an onsite sewage disposal system that does not receive a water bill:

A. \$ 30 per year if the onsite sewage disposal system is not located within the Chesapeake Bay Watershed or the Coastal Bays Watershed; or

B. \$ 60 per year if the onsite sewage disposal system is located within the Chesapeake Bay Watershed or the Coastal Bays Watershed;

3. For each user of a sewage holding tank that does not receive a water bill:

A. \$ 30 per year if the sewage holding tank is not located within the Chesapeake Bay Watershed or the Coastal Bays Watershed; and

B. \$ 60 per year if the sewage holding tank is located within the Chesapeake Bay Watershed or the Coastal Bays Watershed; and

4. For a building or group of buildings under single ownership or management that receives a sewer bill and that contains multiple residential dwellings that do not receive an individual sewer bill or for a nonresidential user:

A. For each equivalent dwelling unit not exceeding 2,000 equivalent dwelling units, \$ 2.50 per month if the wastewater generated by a building or group of buildings containing multiple residential dwellings is treated at a wastewater facility that does not discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed;

B. For each equivalent dwelling unit not exceeding 2,000 equivalent dwelling units, \$ 5.00 per month if the wastewater generated by a building or group of buildings containing multiple residential dwellings is treated at a wastewater facility that does discharge into the Chesapeake Bay Watershed or the Coastal Bays Watershed; and

C. For each equivalent dwelling unit exceeding 2,000 equivalent dwelling units, zero.

(ii) For a nonresidential user, the Bay Restoration Fee may be calculated based on an estimate of equivalent dwelling units of wastewater effluent generated, if the nonresidential user's wastewater bill is based on wastewater generated and not on water usage.

(2) (i) For a residential dwelling that receives an individual sewer bill, a user of an onsite sewage disposal system or a holding tank that receives a water bill, a building

See Page 9 for proposed change

or group of buildings under single ownership or management that receives a water and sewer bill and that contains multiple residential dwellings that do not receive an individual sewer bill, and a nonresidential user, the restoration fee shall be:

1. Stated in a separate line on the sewer or water bill, as appropriate, that is labeled "Bay Restoration Fee"; and

2. Collected for each calendar quarter, unless a local government or billing authority for a water or wastewater facility established some other billing period on or before January 1, 2004.

(ii) 1. A. If the user does not receive a water bill, for users of an onsite sewage disposal system and for users of a sewage holding tank, the county in which the onsite sewage disposal system or holding tank is located shall be responsible for collecting the restoration fee.

B. A county may negotiate with a municipal corporation located within the county for the municipal corporation to collect the restoration fee from onsite sewage disposal systems and holding tanks located in the municipal corporation.

2. The governing body of each county, in consultation with the Bay Restoration Fund Advisory Committee, shall determine the method and frequency of collecting the restoration fee under subparagraph 1 of this subparagraph.

(3) The total fee imposed under paragraph (1) of this subsection may not exceed \$ 120,000 annually for a single site.

(4) (i) For purposes of measuring average daily wastewater flow, the local government or billing authority for a wastewater facility shall use existing methods of measurement, which may include water usage or other estimation methods.

(ii) The averaging period is:

1. The billing period established by the local government or billing authority;
or

2. If a billing period is not established by the local government or billing authority, a quarter of a calendar year.

(5) (i) The Bay Restoration Fee under this subsection may not be reduced as long as bonds are outstanding.

(ii) Any change in the manner of determining the Bay Restoration Fee may not reduce the amount of funds available for the payment of outstanding bonds.

(c) Exemptions. -- A user of a wastewater facility is exempt from paying the restoration fee if:

(1) (i) 1. The user's wastewater facility's average annual effluent nitrogen and phosphorus concentrations, as reported in the facility's State discharge monitoring reports for the previous calendar year, demonstrate that the facility is achieving enhanced nutrient removal, as defined under § 9-1601(m) of this subtitle; or

See Page 9 for proposed change

2. The Department has determined that the wastewater facility does not discharge nitrogen or phosphorus and is not required to monitor for nitrogen or phosphorus in its discharge permit; and

(ii) The user's wastewater facility has not received a State or federal grant for that facility;

(2) (i) The user's wastewater facility discharges to groundwater and the annual average nutrient concentrations in the wastewater prior to discharge to groundwater have not exceeded 3 milligrams per liter total nitrogen and 0.3 milligrams per liter total phosphorus, as demonstrated by analysis of the groundwater from monitoring wells located on the property and as reported in discharge monitoring reports for the previous calendar year; and

(ii) The user's wastewater facility has not received a federal or State grant for that facility; or

(3) The Department determines that:

(i) The user's wastewater facility discharges noncontact cooling water, water from dewatering operations, or reclaimed wastewater from a facility whose users pay in to the Fund; and

(ii) The discharge does not result in a net increase in loading of nutrients compared to the intake water.

(d) Collection; hardship exemption. --

(1) Subject to the approval of the Administration, a local government or a billing authority for a water or wastewater facility shall establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate substantial financial hardship as a result of the restoration fee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (i) This paragraph applies only in Dorchester County.

(ii) An unpaid Bay Restoration Fee shall be a lien against the property served by

See Page 9 for proposed change

a wastewater facility, onsite sewage disposal system, or holding tank.

(iii) A notice of lien shall be recorded in the land records of Dorchester County.

(iv) The County Council may collect the Bay Restoration Fee on behalf of the Dorchester County Sanitary District.

(5) (i) In Caroline County, an unpaid Bay Restoration Fee shall be a lien against the property served by a wastewater facility, onsite sewage disposal system, or holding tank.

(ii) A notice of lien shall be recorded in the land records of Caroline County.

(e) Return and remittance; applicable law; powers of Comptroller. --

(1) A local government, the billing authority for a water or wastewater facility, or any other authorized collecting agency shall complete and submit, under oath, a return and remit the restoration fees collected to the Comptroller:

(i) On or before the 20th day of the month that follows the calendar quarter in which the restoration fee was collected; and

(ii) For other periods and on other dates that the Comptroller may specify by regulation, including periods in which no restoration fee has been collected.

(2) Except to the extent of any inconsistency with this subsection, the provisions of Title 13 of the Tax - General Article that are applicable to the sales and use tax shall govern the administration, collection, and enforcement of the restoration fee under this section.

(3) The Comptroller may adopt regulations necessary to administer, collect, and enforce the restoration fee.

(4) (i) From the restoration fee revenue, the Comptroller shall distribute to an administrative cost account the amount that is necessary to administer the fee, which may not exceed 0.5% of the fees collected by the Comptroller.

(ii) After making the distribution required under subparagraph (i) of this paragraph, the Comptroller shall deposit the restoration fee in the Bay Restoration Fund.

(5) The State Central Collection Unit may collect delinquent accounts under this section in accordance with § 3-302 of the State Finance and Procurement Article.

(f) Nature of Fund; accounting, investment, and audits. --

(1) (i) The Bay Restoration Fund is a special, continuing, nonlapsing fund that is not subject to § 7-302 of the State Finance and Procurement Article and shall be available in perpetuity for the purpose of providing financial assistance in accordance with the provisions of this section.

(ii) Money in the Fund may not revert or be transferred to the General Fund or a special fund of the State.

See Page 9 for proposed change

(2) The Bay Restoration Fund shall be available for the purpose of providing financial assistance in accordance with the provisions of this section for:

(i) Eligible costs of projects relating to planning, design, construction, and upgrades of wastewater facilities to achieve enhanced nutrient removal as required by the conditions of a grant agreement and a discharge permit; and

(ii) All projects identified in subsections (h) and (i) of this section.

(3) Subject to the provisions of any applicable bond resolution regarding the holding or application of amounts in the Bay Restoration Fund, the Treasurer shall separately hold, and the Comptroller shall account for, the Bay Restoration Fund.

(4) Subject to the provisions of any applicable bond resolution governing the investment of amounts in the Bay Restoration Fund, the Bay Restoration Fund shall be invested and reinvested in the same manner as other State funds.

(5) Any investment earnings shall be retained to the credit of the Bay Restoration Fund.

(6) The Bay Restoration Fund shall be subject to audit by the Office of Legislative Audits as provided under § 2-1220 of the State Government Article.

(7) The Administration shall operate the Bay Restoration Fund in accordance with §§ 9-1616 through 9-1621 of this subtitle.

(g) Deposits. -- There shall be deposited in the Bay Restoration Fund:

(1) Funds received from the restoration fee;

(2) Net proceeds of bonds issued by the Administration;

(3) Interest or other income earned on the investment of money in the Bay Restoration Fund; and

(4) Any additional money made available from any sources, public or private, for the purposes for which the Bay Restoration Fund has been established.

(h) Separate accounting for and use of certain funds. --

(1) With regard to the funds collected under subsection (b)(1)(i)1, from users of an onsite sewage disposal system or holding tank that receive a water bill, (i)2, and (i)3 of this section, beginning in fiscal year 2006, the Comptroller shall:

(i) Establish a separate account within the Bay Restoration Fund; and

(ii) Disburse the funds as provided under paragraph (2) of this subsection.

(2) The Comptroller shall:

(i) Deposit 60% of the funds in the separate account to be used for:

See Page 9 for proposed change

1. Subject to paragraph (3) of this subsection, with priority first given to failing systems and holding tanks located in the Chesapeake and Atlantic Coastal Bays Critical Area and then to failing systems that the Department determines are a threat to public health or water quality, grants or loans for up to 100% of:

A. The costs attributable to upgrading an onsite sewage disposal system to the best available technology for the removal of nitrogen;

B. The cost difference between a conventional onsite sewage disposal system and a system that utilizes the best available technology for the removal of nitrogen;

C. The cost of repairing or replacing a failing onsite sewage disposal system with a system that uses the best available technology for nitrogen removal;

D. The cost, up to the sum of the costs authorized under item B of this item for each individual system, of replacing multiple onsite sewage disposal systems located in the same community with a new community sewerage system that is owned by a local government and that meets enhanced nutrient removal standards; or

E. The cost, up to the sum of the costs authorized under item C of this item for each individual system, of connecting a property using an onsite sewage disposal system to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment; and

2. The reasonable costs of the Department, not to exceed 8% of the funds deposited into the separate account, to:

A. Implement an education, outreach, and upgrade program to advise owners of onsite sewage disposal systems and holding tanks on the proper maintenance of the systems and tanks and the availability of grants and loans under item 1 of this item;

B. Review and approve the design and construction of onsite sewage disposal system or holding tank upgrades;

C. Issue grants or loans as provided under item 1 of this item; and

D. Provide technical support for owners of upgraded onsite sewage disposal systems or holding tanks to operate and maintain the upgraded systems; and

(ii) Transfer 40% of the funds to the Maryland Agriculture Water Quality Cost Share Program in the Department of Agriculture in order to fund cover crop activities.

(3) (i) Funding for the costs identified in paragraph (2)(i)1 of this subsection shall be provided in the following order of priority:

1. For owners of all levels of income, the costs identified in paragraph (2)(i)1A and B of this subsection; and

2. For low-income owners, as defined by the Department, the costs identified

See Page 9 for proposed change

in paragraph (2)(i)1C of this subsection:

- A. First, for best available technologies for nitrogen removal; and
- B. Second, for other wastewater treatment systems.

(ii) Funding for the costs identified in paragraph (2)(i)1D of this subsection may be provided if:

1. The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;
2. It can be demonstrated that:
 - A. The replacement of the onsite sewage disposal system with a new community sewerage system is more cost effective for nitrogen removal than upgrading each individual onsite sewage disposal system; or
 - B. The individual replacement of the onsite sewage disposal system is not feasible; and
3. The new community sewerage system will only serve lots that have received a certificate of occupancy, or equivalent certificate, on or before October 1, 2008.

(iii) Funding for the costs identified in paragraph (2)(i)1E of this subsection may be provided only if all of the following conditions are met:

1. The environmental impact of the onsite sewage disposal system is documented by the local government and confirmed by the Department;
2. It can be demonstrated that:
 - A. The replacement of the onsite sewage disposal system with service to an existing municipal wastewater facility that is achieving enhanced nutrient removal level treatment is more cost-effective for nitrogen removal than upgrading the individual onsite sewage disposal system; or
 - B. The individual replacement of the onsite sewage disposal system is not feasible;
3. The project is consistent with the county's comprehensive plan and water and sewer master plan;
4. The onsite sewage disposal system was installed as of October 1, 2008, and the property the system serves is located in a priority funding area, in accordance with § 5-7B-02 of the State Finance and Procurement Article; and
5. The local government has adopted a policy or procedure that will guarantee that any future connection to an existing municipal wastewater facility that is funded under paragraph (2)(i)1E of this subsection will meet all of the requirements under this subparagraph.

(4) The Comptroller, in consultation with the Administration, may establish any

See Page 9 for proposed change

other accounts and subaccounts within the Bay Restoration Fund as necessary to:

(i) Effectuate the purposes of this subtitle;

(ii) Comply with the provisions of any bond resolution;

(iii) Meet the requirements of any federal or State law or of any grant or award to the Bay Restoration Fund; and

(iv) Meet any rules or program directives established by the Secretary or the Board.

(i) Use of Fund. --

(1) In this subsection, "eligible costs" means the additional costs that would be attributable to upgrading a wastewater facility from biological nutrient removal to enhanced nutrient removal, as determined by the Department.

(2) Funds in the Bay Restoration Fund shall be used only:

(i) To award grants for up to 100% of eligible costs of projects relating to planning, design, construction, and upgrade of a wastewater facility for flows up to the design capacity of the wastewater facility, as approved by the Department, to achieve enhanced nutrient removal in accordance with paragraph (3) of this subsection;

(ii) 1. In fiscal years 2005 through 2009, inclusive, for a portion of the costs of projects relating to combined sewer overflows abatement, rehabilitation of existing sewers, and upgrading conveyance systems, including pumping stations, not to exceed an annual total of \$ 5,000,000;

2. In fiscal years 2010 and thereafter, for a portion of the operation and maintenance costs related to the enhanced nutrient removal technology, which may not exceed 10% of the total restoration fee collected from users of wastewater facilities under this section by the Comptroller annually;

3. IN FISCAL YEAR 2014 AND THEREAFTER, UP TO 87.5 % OF ELIGIBLE COST OF PROJECTS RELATED TO COMBINED SEWER OVERFLOWS WITHIN THE CHESAPEAKE BAY WATERSHED;

(3) 4. In fiscal years 2018 and thereafter, after payment of outstanding bonds and the allocation of funds to other required uses of the Bay Restoration Fund for funding in the following order of priority:

A. For funding an upgrade of a wastewater facility to enhanced nutrient removal at wastewater facilities with a design capacity of 500,000 gallons or more per day;

B. For funding for the most cost-effective enhanced nutrient removal upgrades at wastewater facilities with a design capacity of less than 500,000 gallons

See Page 9 for proposed change

per day;

C. For costs identified under subsection (h)(2)(i)1 of this section; and

D. With respect to a local government that has enacted and implemented a system of charges under § 4-204 of this article to fully fund the implementation of a stormwater management program, for grants to the local government for a portion of the costs of the most cost-effective and efficient stormwater control measures, as determined and approved by the Department, from the restoration fees collected annually by the Comptroller from users of wastewater facilities under this section;

(iii) As a source of revenue or security for the payment of principal and interest on bonds issued by the Administration if the proceeds of the sale of the bonds will be deposited in the Bay Restoration Fund;

(iv) To earn interest on Bay Restoration Fund accounts;

(v) For the reasonable costs of administering the Bay Restoration Fund, which may not exceed 1.5% of the total restoration fees imposed on users of wastewater facilities that are collected by the Comptroller annually;

(vi) For the reasonable administrative costs incurred by a local government or a billing authority for a water or wastewater facility collecting the restoration fees, in an amount not to exceed 5% of the total restoration fees collected by that local government or billing authority;

(vii) For future upgrades of wastewater facilities to achieve additional nutrient removal or water quality improvement, in accordance with paragraphs (6) and (7) of this subsection;

(viii) For costs associated with the issuance of bonds; and

(ix) Subject to the allocation of funds and the conditions under subsection (h) of this section, for projects related to the removal of nitrogen from onsite sewage disposal systems and cover crop activities.

(3) The grant agreement and State discharge permit, if applicable, shall require an owner of a wastewater facility to operate the enhanced nutrient removal facility in a manner that optimizes the nutrient removal capability of the facility in order to achieve enhanced nutrient removal performance levels.

(4) The grant agreement shall require a grantee to demonstrate, to the satisfaction of the Department, that steps were taken to include small business enterprises, minority business enterprises, and women's business enterprises by:

(i) Placing qualified small business enterprises, minority business enterprises, and women's business enterprises on solicitation lists;

(ii) Assuring that small business enterprises, minority business enterprises, and women's business enterprises are solicited whenever they are potential sources;

See Page 9 for proposed change

(iii) Dividing total requirements, when economically feasible, into small tasks or quantities to permit maximum participation of small business enterprises, minority business enterprises, and women's business enterprises;

(iv) Establishing delivery schedules, where the requirement permits, that encourage participation by small business enterprises, minority business enterprises, and women's business enterprises; and

(v) Using the services and assistance of the Maryland Department of Transportation and the Governor's Office of Minority Affairs in identifying and soliciting small business enterprises, minority business enterprises, and women's business enterprises.

(5) If the steps required under paragraph (4) of this subsection are not demonstrated to the satisfaction of the Department, the Department may withhold financial assistance for the project.

(6) (i) All wastewater facilities serving Maryland users that have contributed to the Bay Restoration Fund are eligible for grants under this section, including the Blue Plains Wastewater Treatment Plant in the District of Columbia.

(ii) Grants issued under paragraph (2)(i) of this subsection for upgrades to the Blue Plains Wastewater Treatment Plant may be awarded only if each party to the Blue Plains Intermunicipal Agreement of 1985 contributes a proportional share of the upgrade costs in accordance with the Blue Plains Intermunicipal Agreement of 1985, as revised and updated.

(7) Priority for funding an upgrade of a wastewater facility shall be given to enhanced nutrient removal upgrades at wastewater facilities with a design capacity of 500,000 gallons or more per day.

(8) (i) The eligibility and priority ranking of a project shall be determined by the Department based on criteria established in regulations adopted by the Department, in accordance with subsection (k) of this section.

(ii) The criteria adopted by the Department shall include, as appropriate, consideration of:

1. The cost-effectiveness in providing water quality benefit;
2. The water quality benefit to a body of water identified by the Department as impaired under Section 303(d) of the Clean Water Act;
3. The readiness of a wastewater facility to proceed to construction; and
4. The nitrogen and phosphorus loads discharged by a wastewater facility.

(9) A wastewater facility that has not been offered or has not received funds from the Department under this section or from any other fund in the Department may not be required to upgrade to enhanced nutrient removal levels, except as otherwise required under federal or State law.

(j) Bay Restoration Fund Advisory Committee. --

See Page 9 for proposed change

(1) There is a Bay Restoration Fund Advisory Committee.

(2) The Committee consists of the following members:

(i) The Secretaries of the Environment, Agriculture, Planning, Natural Resources, and Budget and Management, or their designees;

(ii) One member of the Senate, appointed by the President of the Senate;

(iii) One member of the House of Delegates, appointed by the Speaker of the House of Delegates;

(iv) Two individuals representing publicly owned wastewater facilities, appointed by the Governor;

(v) Two individuals representing environmental organizations, appointed by the Governor;

(vi) One individual each from the Maryland Association of Counties and the Maryland Municipal League, appointed by the Governor;

(vii) Two individuals representing the business community, appointed by the Governor;

(viii) Two individuals representing local health departments who have expertise in onsite sewage disposal systems, appointed by the Governor; and

(ix) One individual representing a university or research institute who has expertise in nutrient pollution, appointed by the Governor.

(3) The Governor shall appoint the chairman of the Committee from the designated members of the Committee.

(4) The Committee may consult with any stakeholder group as it deems necessary.

(5) (i) The term of a member is 4 years.

(ii) A member continues to serve until a successor is appointed.

(iii) The terms of the members appointed by the Governor are staggered as required by the terms provided for members of the Committee on October 1, 2004.

(iv) At the end of a term, a member continues to serve until a successor is appointed and qualifies.

(v) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.

(6) The Committee shall:

(i) Perform an analysis of the cost of nutrient removal from wastewater facilities;

See Page 9 for proposed change

(ii) Identify additional sources for funding the Bay Restoration Fund;

(iii) Make recommendations to improve the effectiveness of the Bay Restoration Fund in reducing nutrient loadings to the waters of the State;

(iv) Make recommendations regarding the appropriate increase in the restoration fee to be assessed in fiscal year 2008 and subsequent years as necessary to meet the financing needs of the Bay Restoration Fund;

(v) In consultation with the governing body of each county:

1. Identify users of onsite sewage disposal systems and holding tanks; and

2. Make recommendations to the governing body of each county on the best method of collecting the Bay Restoration Fee from the users of onsite sewage disposal systems and holding tanks that do not receive water bills;

(vi) Advise the Department on the components of an education, outreach, and upgrade program established within the Department under subsection (h)(2)(i)2 of this section;

(vii) Study the availability of money from the Fund for the supplemental assistance program within the Department to provide grants to smaller, economically disadvantaged communities in the State to upgrade their wastewater collection and treatment facilities;

(viii) Advise the Secretary concerning the adoption of regulations as described in subsection (k) of this section; and

(ix) Beginning January 1, 2006, and every year thereafter, report to the Governor and, subject to § 2-1246 of the State Government Article, the General Assembly on its findings and recommendations.

(7) Members of the Committee:

(i) May not receive compensation; but

(ii) Are entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

(8) The Department of the Environment, Department of Agriculture, Department of Planning, Department of Natural Resources, and Department of Budget and Management shall provide staff support for the Committee.

(k) Joint report. --

(1) Beginning January 1, 2009, and every year thereafter, the Department and the Department of Planning shall jointly report on the impact that a wastewater treatment facility that was upgraded to enhanced nutrient removal during the calendar year before the previous calendar year with funds from the Bay Restoration Fund had on growth within the municipality or county in which the wastewater treatment facility is located.

See Page 9 for proposed change

(2) (i) In preparing the report required under paragraph (1) of this subsection, the Department of the Environment and the Department of Planning shall:

1. Include the number of permits issued for residential and commercial development to be served by the upgraded wastewater treatment facility; and

2. Determine what other appropriate information is to be included in the report.

(ii) In determining the information that should be included in the report under subparagraph (i) of this paragraph, the Department of the Environment and the Department of Planning shall act:

1. In consultation with the Bay Restoration Fund Advisory Committee; and

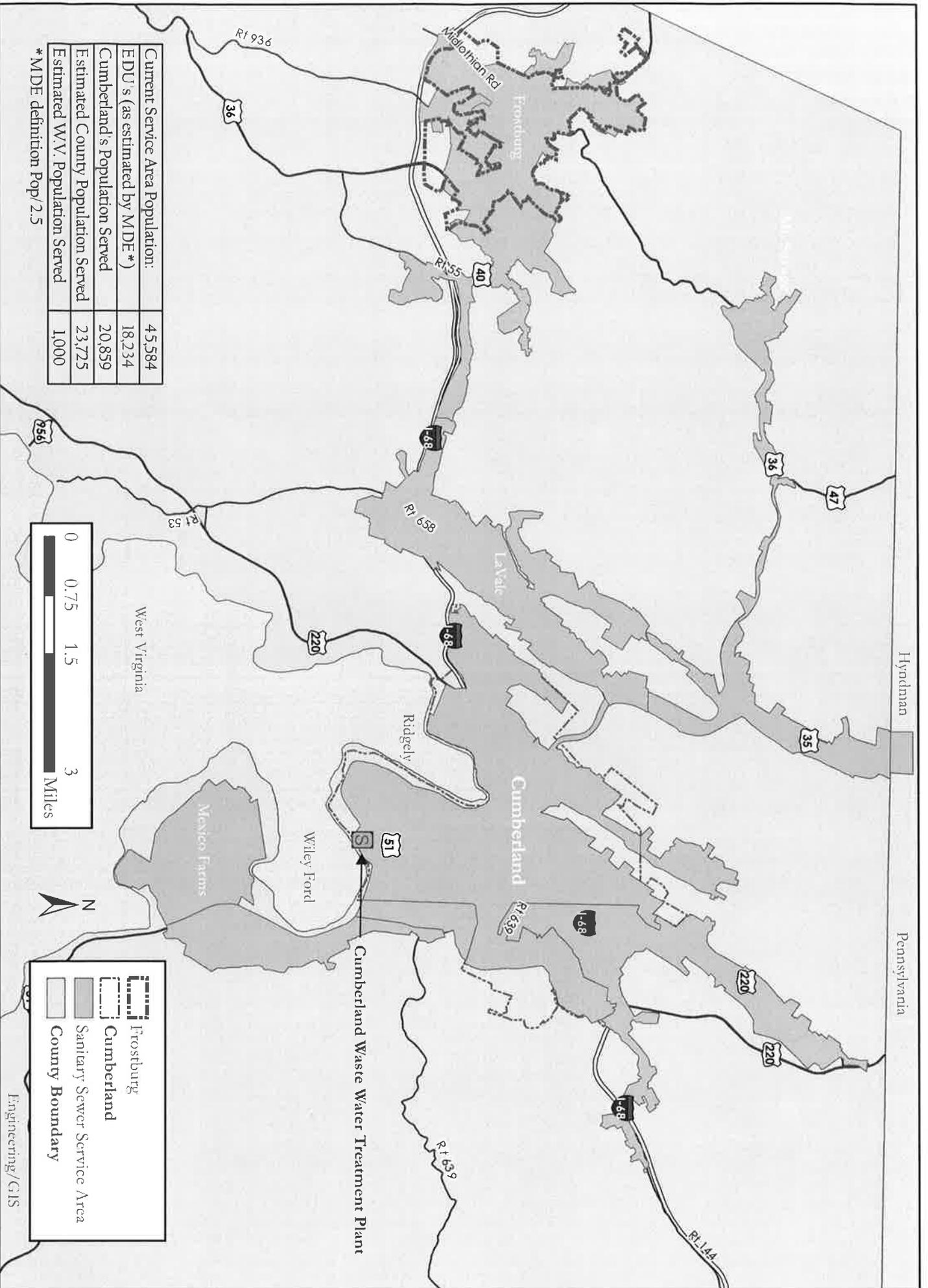
2. With the assistance of the municipality and county in which an upgraded wastewater treatment facility is located.

(3) The Department and the Department of Planning shall submit the report required under paragraph (1) of this subsection to the President of the Senate, the Speaker of the House, the Senate Budget and Taxation Committee, the Senate Education, Health, and Environmental Affairs Committee, the House Appropriations Committee, the House Environmental Matters Committee, and the Governor, in accordance with § 2-1246 of the State Government Article.

(l) Regulations. -- The Department shall adopt regulations that are necessary or appropriate to carry out the provisions of this section.

HISTORY: 2004, ch. 428; 2006, ch. 462; 2007, ch. 257; 2008, ch. 36, § 6; ch. 225, § 2; ch. 226, § 2; ch. 666; 2009, ch. 127; 2010, chs. 381, 455; 2011, chs. 492, 493; 2012, ch. 66, § 1; ch. 97; ch. 150, § 1; 2013, ch. 43.

Cumberland's Sanitary Sewer Service Area



GEORGE C. EDWARDS
1st Legislative District
Garrett, Allegany, and Washington Counties

Budget and Taxation Committee



The Senate of Maryland
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 322
Annapolis, Maryland 21401
410-841-3565 · Fax 410-841-3552
800-492-7122 Ext. 3565

District Office
Western Maryland Railway Station
13 Canal Street, Room 304
Cumberland, Maryland 21502
301-722-4780 · 866-430-9553
Fax 301-722-4790

December 23, 2014

Mr. Michael Day, Chief
Maryland Historic Trust
100 Community Place
3rd Floor
Crownsville, MD 21032

Dear Mr. Day:

We, the District 1 Delegation, are writing regarding the Footer Dye Works building, located in Allegany County, Maryland. Mr. Michael Joy is the developer currently working to restore this building.

It is our understanding that there are ongoing negotiations with regard to the replacement/restoration of 144 windows located in this building. The cost to restore the windows has been estimated at \$550,000.00, while the estimate to replace the windows with **energy efficient replicas** is \$275,000.00.

The effort to restore the Footer Dye Works building has been a long time in coming. We cannot understate the value that this project will bring to Allegany County, both in terms of tourism and economic development. There are firm commitments by at least two entities who wish to relocate to this building already.

Mr. Joy has proposed to restore the windows on the East and West side of the building, while documenting both the metal and wooden windows that were original to the building. He would also propose to replace all the windows on the North and South side with energy efficient windows. His plan is to install a geothermal system that will be much more energy efficient and will not impede the view of the building. Environmentally friendly, efficient, Geothermal systems will not be an option if Mr. Joy must restore all the windows.

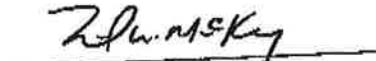
We strongly recommend that the Maryland Historic Trust accept Mr. Joy's proposal for the Footer Dye Works building. Time is of the essence, since winter is upon us and more delays will certainly impact the current condition of the building. Please take our request with the utmost urgency and accommodation.

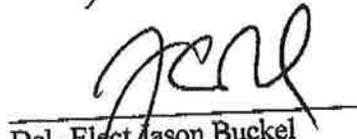
Thank you for your time and assistance with this very important matter.

Sincerely,


Del. Wendell Beitzel


Sen. George C. Edwards


Del.-Elect Michael McKay


Del.-Elect Jason Buckel



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

COUNCIL
Nicole Alt-Myers
Seth D. Bernard
David J. Caporale
David F. Kauffman

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: January 20, 2015

***Pledge of Allegiance**

I. ROLL CALL

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman

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) State of the City Address by Mayor Brian Grim

Mayor Grim provided a "State of the City" address highlighting the progress made during the past year, new projects and initiatives undertaken, and goals for the coming year. *(Copy of Address attached.)*

III. DIRECTOR'S REPORT

(A) Police

1. Police Department Monthly Report for December, 2014

Item Action: Approved

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

(B) Fire

1. Fire Department Monthly Report for December 2014

Item Action: Approved

Motion to approve the report was made by Councilwoman Alt-Myers, seconded by Councilman

Kauffman, and passed on a vote of 5-0.

(C) Administrative Services

1. Administrative Services Monthly Report for November, 2014

Item Action: Approved

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

(D) Public Works

1. Engineering Monthly Report for December, 2014

Item Action: Approved

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

2. Maintenance Division Monthly Reports for November and December 2014

Item Action: Approved

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

3. Utilities Division & Central Services Monthly Reports for November & December, 2014

Item Action: Approved

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

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Work Session Minutes of December 29, 2014 and the Regular Session Minutes of January 6, 2015

Item Action: Approved

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

V. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order accepting the Sole Source purchase of an update to the existing Fire Alarm System at the Public Safety Building at 20 Bedford Street from Simplex Grinnell, LP, in the amount of \$71,178

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1,2,4 and 5 was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,773

2. Order accepting the Sole Source purchase of an upgrade to the Ridgeley Flood Pump Station electrical switch gear from Capital Tristate, in the amount of \$80,745

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1,2,4 and 5 was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,774

3. Order authorizing the execution of a First Amendment to Non-Standard Water Tank Lease with Option with T-Mobile Northeast, LLC, regarding City property located at 700 Bishop Walsh Road, stating that T-Mobile shall pay an additional \$250/month rent following the start of new construction at this site

Item Action: Rescheduled

Mr. Rhodes requested that Consent Agenda Item No. 3 be removed from the agenda to allow staff to resolve a problem with an address listed in the contract.

Motion to remove Consent Agenda Item No. 3 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

4. Order authorizing the execution of a Letter of Amendment with AT&T Corporation granting a second extension to the Lease Agreement dated December 6, 1985, for space on the third floor and roof of the Public Safety Building, to extend the term through April 30, 2015, at the current rental rate of \$998.50/month

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1,2,4 and 5 was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,775

5. Order declaring a 1995 Ford F250 Pickup (VIN No. 2FTHF26H9SCA69825) and a 1991 Chevrolet CG11305 Van (VIN No. 1GCDG15Z0M7114930) to be surplus equipment and authorized for disposal

Item Action: Approved

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1,2,4 and 5 was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,776

(B) Letters, Petitions

1. Letter from the Department of Housing and Community Development advising that the City's request for FY15 Community Legacy Funding has been awarded in the amount of \$50,000, which is to be targeted toward the proposed Facade Improvement Program

The letter was acknowledged and entered into public record. Councilman Kauffman remarked on the Economic Development Commission's initiative to review current regulations on commercial signage and the potential for the Facade Program to assist properties in obtaining contemporary signage.

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Mayor Grim recognized Boy Scouts Troop No. 10 who were in attendance to work on their merit badges.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:38 p.m.

Minutes approved on: _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

“State of the City – 2015”

The past year has been a busy one in Cumberland, but a productive one just the same. The Council and I established a vision for our community and together, Nick, Dave, Dave, Nicole and I worked to continue to move our city forward.

There is no question that our city finances remain fragile, but there's good news. Four years ago, the city was experiencing significant challenges financially. Within one year, the city had ended the dependency on tax anticipation notes. By year three, the city was “in the black.” And again in 2014, the city remained “in the black,” maintaining a positive fund balance. It hasn't been all easy decisions, but the Administration remained committed to being responsible financial stewards. We remained committed to moving Cumberland forward without tax rate increases. We've made tough choices but along with the City Administrator, the City Comptroller, and city staff, the city's bottom line continues to get better. Things are getting better in Cumberland and more than anything, I am happy to report to you that the state of our city is improving. At a time when we've paved more streets, removed more blight, and marketed our community for economic development and tourism, the achievements the city has made this past year are without a doubt the story of the year in our community!

Throughout 2014, the city has remained committed to delivering essential government services. While the financial situation has improved, there is still much more work to be done. And don't mistake the financial improvement for anything other than that necessary to effectively operate our city. Responsible stewardship of city funds has provided the capital our city needs to function every day rather than taking out massive, short term loans that cost city taxpayers tens or hundreds of thousands of dollars each year in interest. The city is turning the corner, but work continues and will continue for years to come.

This past year, we moved forward many initiatives. An economic development strategic plan was completed and accepted by the Council after months of data collection and public meetings for input.

The City took ownership of the former East Side School with the assistance of state funding and will now clean up the entranceway into the city further by demolishing the former school in 2015.

The city's economic development department budgeted \$250,000 for the purpose of removing blight in areas that could encourage growth and development in the city. A partnership between the city and Allegany College of Maryland created the Center for Excellence in IT and Cybersecurity. Funding was secured for pursuit of incubation programs in Downtown Cumberland. The city worked with governmental partners to complete a feasibility study for additional hotel opportunities that should see significant announcements coming in early 2015.

Unemployment declined again from 6.6% in 2013 to 5.9% in 2014.

The City continued its commitment to making our cityscape green by planting more than 175 trees in coordination with other community groups and students and was named a Tree City USA for the 17th year.

The city's community development department processed 166 building permits for a total estimated improvement value of eleven million dollars. More than 20 blighted structures were removed from the city, many of which were aggressively targeted and acquired by the city.

The city's technology department created computer forensics and weapons tracking systems to compliment the police department. City email addresses all successfully switched to CumberlandMD.gov addresses and the city's Economic Development department launched ChooseCumberland.org.

The Parks & Recreation Department oversaw 12 operating game fields and made upgrades to Long Field. Ash trees were removed from throughout Constitution Park.

The city surpassed the 100th year of operation of the Evitt's Creek Water Company, specifically of the dam. The Water Company received an award at the Pennsylvania Rural Water Conference in Pennsylvania, making the Cumberland facility one of only 9 facilities in Pennsylvania to receive the award in 2014. The plant operated continuously, 24/7/365 in 2014 thanks to a dedicated staff there. Our water is clean, clear, and natural and we are proud of that! Nearly 3 billion gallons of water were treated and used this past year.

The City Council decision to shut down and raze the former Memorial Hospital began, and to date, nearly the entire structure is gone. The hospital, in a semi-used, semi-mothballed status, was costing the city as much as \$1 million per year. For less than \$3 million, the building will be razed and the property will be available for a taxable use once again, in a quality, stable residential neighborhood.

The city engaged in a Health Care Cooperative for city staff that would drive down healthcare costs for city employees and save the city hundreds of thousands of dollars.

The city's finance department received a Certificate of Excellence in Financial Reporting for the 7th consecutive year in 2014.

The City Fire Department responded to a record high number of calls. The City Council approved the purchase of an additional ambulance to replace an ambulance in inventory. The Council also approved the purchase of an additional emergency response vehicle and upgraded the South Cumberland Fire Station with new electric, plumbing, heating, air conditioning, windows, doors, and sidewalks. The department installed 300 smoke alarms within the past year.

The Cumberland Police Department oversaw a 5% reduction in Part 1 serious crime, in part due to the efforts of the Safe Streets initiative. The police received an on-site CALEA inspection for national accreditation and of the 482 standards of the accreditation, the inspection team indicated that all were met, due to the professionalism of the management of the department and the exceptional training and conduct of the city police officers. Three new officers were hired in 2014, retaining the department's full staffing level. Eleven new police vehicles were purchased and put immediately into service. Two all terrain vehicles were purchased from grant funding to be shared by the police and fire department and the police department saw the addition of two new bicycles to compliment bicycle patrols.

In 2014, more than 3,000 feet of water lines were replaced in the city, with a continued commitment to repairing and replacing aging infrastructure. Repairs were also made to 38 water line breaks or leaks in the past year. Over 4,500 service calls were answered by the water department as a result of unusually low temperatures during the winter season and subsequent line freezing and breaks.

74 underground pipes and conduits leading to the flood protection system, through the walls and levees were inspected by city crews, along with the Army Corps of Engineers and the Corps conducted a three day inspection of the full flood control system.

Infrastructure improvements continued with the replacement of the valves at the Fort Hill Reservoir, which better regulate pressure in city water lines, prevent water line breaks, and improve city water pressure.

The City worked with CSX to plan out bridge repairs on Washington Street, Cumberland Street, Fayette Street and the Greene Street Underpass.

The City continued to see major street improvements with the completion of the Baltimore Avenue corridor project that included street repaving, new sidewalks, a new retaining wall, and significant blight removal along the street. The city engaged in widespread milling and paving work including improving Greene Street, N. Centre Street, Louisiana Avenue, Ashland Avenue, Lee Street and Virginia Avenue. Major or complete street repaving was done on Winifred Road, Beall Street and White Avenue. In cooperation with Columbia Gas, another nearly 1.5 miles of streets were repaved or patched to fulfill their maintenance schedule, thereby preventing newly paved streets from being cut and patched after utility work.

A curbside recycling program was initiated and begun with no additional cost to city residents. To date, 200 tons of co-mingled glass bottles, plastic bottles and cans have been collected, diverted away from the landfill and recycled. Another 100 tons of paper have been recycled. And, the rate of recycling continues to increase with a better than 30% participation rate and expanded collection services have been implemented for 2015.

The City engaged in an impressive effort to clean and restore City Hall, having the building power washed, vegetation removed, vegetation replanted, the plaza replanted, and new LED lighting installed to uplift the building as well as LED lights on top of the building. The cleaning, replanting and lighting efforts have made the building truly glow and the new LED lights will save on electricity costs.

The city identified to the Western Maryland Delegation, for 2015, the need for the State of Maryland to fund the otherwise unfunded state mandates. The City of Cumberland has completed design for the combined sewer overflow storage facility. The estimated cost of Phase I of the project is nearly \$30 million. However, the City is unable to proceed with fulfilling the mandate because the service base of the City's regional sewer service cannot afford this financial burden. The City has therefore requested the assistance of the Delegation to fund Cumberland's CSO mandated reduction and elimination strategy of a storage facility to prevent overflows.

The City has requested that the state assist in efforts to improve road infrastructure in the city but needs full restoration of Highway User Revenues as well as State Highway Administration funding to significantly improve arterial highways designated as alternate state highway routes through the City of Cumberland, such as Greene Street, Mechanic Street, Braddock Road, Bedford Street, Frederick Street and Centre Street.

And, we identified as a 2015 priority, the need for assistance to advance the City of Cumberland's population growth goal through economic development initiatives including advocating for the One Maryland or a similar Rural Maryland tax credit program. We believe in the need to encourage regional bidding of state contracts. As development becomes increasingly difficult in rural communities, we join with Allegany County officials in encouraging that SHA permitting be regionalized as it was prior to 8 years ago, so that decisions in Western Maryland could be made at the District 6 location rather than in Baltimore.

Additionally, and critical to efforts in Downtown Cumberland, we support the request for state funding for the remaining portion of the necessary capital needs of the state-owned Footer Dye Works building, to promote private development of the building in an effort to make it a tax generating, operational building once again. The developer has already been approved for redevelopment tax credits and the economic impact study predicts job creation of 100 jobs with an incremental state tax revenue of \$500,000.00, annually. City officials have held meetings with interested development and anchor tenants and today, Councilman Caporale announced at the Canal Place Meeting, that the city has built a strong relationship with an anchor tenant for the first story of the building. Gary Brooks, the owner of Barley and Hops in Frederick, is committed to bringing brewing back to Cumberland with a microbrewery brewpub. We welcome this relationship, we welcome a brewpub that compliments the city's history, and we are excited about the prospects for the Footer Building with a tenant of such high standing and a developer with a history of local successes, and we encourage our Delegation to support the project as well.

As plans for the upgraded North-South Corridor continue, the City continues to stress the need for an alignment of Route 220, following the plan for Corridor B, with the terminus at Exit 42 (Greene Street/McMullen Highway) on Interstate 68, rather than a spur along Winchester Road.

Blight removed.

Streets paved.

Taxpayer dollars saved.

The city is "in the black" for the second consecutive year.

That's a significant list of achievements in one year.

Yes, the state of our city is strong, and I applaud residents for working with the city. I appreciate the dedication and devotion of all city staff for working to make our city a better place. And I appreciate the cooperation and efforts of the City Council for keeping our city strong.

Thanks to the leadership of former Councilman Nick Scarpelli, and welcome again to the newest member of the City Council, Seth Bernard. I look forward to another successful year in 2015 with this new Administration.



Regular Council Agenda
March 3, 2015

Description

Approval of the Work Session Minutes of January 5, 2015 and Public Meeting Minutes of January 20, 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 Conference Room
Tuesday, December 29, 2014
5:00 p.m.

PRESENT: Mayor Brian Grim; Council Members Nicole Alt-Myers, David Caporale, David Kauffman

ABSENT: Councilman Nicholas Scarpelli

ALSO PRESENT: Jeff Rhodes, City Administrator; Seth Bernard, Councilman-elect; Marjorie Woodring, City Clerk

NOTICE: Notice of intent to hold an Administrative Session on Tuesday, December 29, 2014, at 5:00 p.m. was provided to the media via email notification and posted to the City's website on December 24, 2014.

MOTION: Motion to enter into closed Administrative Session to discuss union negotiations was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman and passed on a vote of 4-0.

AUTHORITY TO CLOSE SESSION:

Annotated Code of Maryland, State Government:

- Section 10-508 (a) (9): to conduct collective bargaining negotiations or consider matters that relate to the negotiations

TOPICS: Union negotiations

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: _____
Marjorie A. Woodring, City Clerk



Regular Council Agenda
March 3, 2015

Description

Approval of the Administrative Session Minutes of December 29, 2014

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: March 3, 2015

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

THAT, the City Administrator be and is hereby authorized to execute Change Order No. 1 to the existing contract with The EADS Group, Inc., 450 Aberdeen Drive, Somerset, PA 15501 for City Project "Inspection and EAP Update of Lake Gordon and Thomas W. Koon Dams" (9-13-WFP), in the increased amount of One Hundred Twenty Dollars and Fifty-five Cents (\$120.55), with no extra work days added to the contract.

Brian K. Grim, Mayor

9-13-WFP	Amount
Original Contract	\$ 32,000.00
Change Order No. 1	\$ 120.55
New Contract Total	\$ 32,120.55

Funding: 002.230.201000



Regular Council Agenda
March 3, 2015

Description

Order authorizing the execution of Change Order No. 1 with The EADS Group for the project "Inspection and EAP Updates - Lake Gordon and Lake Koon Dams" (9-13-WFP), in the increased amount of \$120.55, with no extra work days added to the contract

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to execute Change Order No 1 in the increased amount of \$120.55 for the project "Inspection and EAP Updates - Lake Koon and Lake Gordon." This increase is for added inspection work that was needed to complete the project. There will be no time added to the contract with this Change Order.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$32,000.00 Original Contract

\$120.55 Change Order No. 1

\$32,120.55 New Contract total

Source of Funding (if applicable)

002.230.201000

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

ORDER NO. _____

DATE: March 3, 2015

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

THAT, the Sole Source purchase of a used Caterpillar CAT 420E IT Backhoe Loader S/N PHC-01011 from Cleveland Brothers Equipment Company, Inc., 4565 William Penn Highway, Murrysville, PA, 15668 is hereby approved in the amount of Sixty-seven Thousand Dollars and No Cents (\$67,000.00).

Brian K. Grim, Mayor

Source of Funding: 001.056.64000



CONSTRUCTION EQUIPMENT QUOTATION/OFFER TO SELL AND SECURITY AGREEMENT

TO: CITY OF CUMBERLAND
57 N LIBERTY ST
CUMBERLAND, MD 21502-2312

DATE: February 17, 2015

ATTENTION:

ONE USED CATERPILLAR CAT 420E IT BACKHOE LOADER S/N PHC-01011

420E BHL IT ACERT TIER 3 14FT
STABILIZER PADS, FLIP-OVER
BELT, SEAT, 2" SUSPENSION
CONTROL, IT AUX ATTACHMENTS
BATTERY, HEAVY DUTY
LOCK, VANDALISM, PARALLEL LIFT
HEATER, ENGINE COOLANT, 120V
COUNTERWEIGHT, 1075 LBS
QUICK COUPLER
24" HEAVY DUTY BUCKET

LINES, COMBINED AUX, E-STICK
PLATE GROUP - BOOM WEAR
TIRES 4WD BIAS FIRESTONE
CAB, DELUXE W / AC
E-STICK
HYDRAULICS, BH, 6 FUNCTION
POWERTRAIN, 93HP, 4WD, AUTOSHIFT
RIDE CONTROL
1.3 CYD BUCKET

Selling Price: \$67,000.00

Warranty: 1yr. 500 hrs Extended Power Train and Hydraulics Warranty \$0.00

Finance Summary:
Selling Price \$67,000.00
State Sales Tax: 0% --- \$0.00
Net Selling Price \$67,000.00

Remarks: Unit will be inspected, Serviced and shipped to City of Cumberland.

- Includes new 24 in bucket Teeth
Replacement of rear window gasket
E-stick to be adjusted

THE FOREGOING QUOTATION IS EFFECTIVE FOR 30 DAYS.

STANDARD TERMS: SUBJECT TO CREDIT APPROVAL: NET 10 DAYS. UCC-1 FINANCING STATEMENT WILL BE FILED AND A \$300.00 DOCUMENTATION FEE WILL BE CHARGED IF NOT PAID IN FULL ON OR BEFORE 15 DAYS FROM DELIVERY DATE UNLESS OTHERWISE NOTED ON THE SALES CONTRACT.

BY: Jason N Harper

APPROX. SHIPPING DATE: To be determined at the time of order.

DELIVERY: LEAD TIME:

ATTENTION: THE TERMS AND CONDITIONS ON THE FACE AND REVERSE SIDE OF THIS QUOTATION/OFFER TO SELL - INCLUDING DISCLAIMERS OF WARRANTIES (INCLUDING MERCHANTABILITY), DISCLAIMERS OF TORT LIABILITY (INCLUDING NEGLIGENCE AND STRICT LIABILITY), LIMITATION OF REMEDIES AND EXCLUSIONS OF AND ANY ATTACHMENTS INCORPORATED HEREIN CONSTITUTE THE TERMS, CONDITIONS AND COVENANTS OF THIS QUOTATION/OFFER TO SELL.



Regular Council Agenda
March 3, 2015

Description

Order authorizing the Sole Source purchase of a used Caterpillar CAT 420E IT Backhoe Loader S/N PHC-01011 in the amount of \$67,000 from Cleveland Brothers Equipment Company, Inc.

Approval, Acceptance / Recommendation

This sole source purchase was approved by the City Administrator and Comptroller since this backhoe is used and is available only through this vendor.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$67,000.00

Source of Funding (if applicable)

001.056.64000

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

ORDER NO. _____

DATE: March 3, 2015

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

THAT, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted for the defined period of 12:00 p.m. on March 14, 2015 through 2:00 a.m. on March 15, 2015, within the confines of the following areas:

- Mechanic at Bedford Street south to Harrison Street;
- Harrison East to Queen City Drive
- Queen City Drive north to Baltimore Street;
- Baltimore Street west to George Street;
- George Street north to Butler Alley;
- Butler Alley to Frederick and Bedford Streets by way of Centre Street;
- with extensions to Queen City Pavement / Gulf Memorial Drive.

Notwithstanding the foregoing, open glass containers shall not be permitted in the area defined above and Section 11-113 (a) of the City Code shall remain in force and effect as to glass open containers of alcoholic beverages in that area.

Brian K. Grim, Mayor

Open Container Area



0 105 210 420 630 Feet



Open Container Area



Regular Council Agenda
March 3, 2015

Description

Order authorizing that Section 11-113 of the City Code pertaining to "Open Containers of Alcohol" be lifted within certain confines of the downtown mall from 12:00 p.m. on March 14, 2015, through 2:00 a.m. on March 15, 2015, with the stipulation that open glass containers of alcohol shall not be permitted in this area

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: March 3, 2015

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

THAT, Order No. 25,495 dated February 12, 2013, be and is hereby rescinded; and

BE IT FURTHER ORDERED, that a revolving water/sewer credit in the amount of Two Hundred Twenty-two Thousand (222,000) cu. ft. per year, beginning each December 1st and extending through each November 30th, for the Cumberland YMCA Riverside Recreation Center, 601 Kelly Road, Cumberland, MD, be and is hereby approved; and

BE IT FURTHER ORDERED, that this credit shall be provided in exchange for:

- 1) Parks and recreation services;
- 2) Twenty (20) YMCA memberships for City Police Department employees;
- 3) Fifteen (15) Senior Memberships for seniors living at either the JFK Apartments or Queen City Towers;
- 4) Ten (10) YMCA memberships for Cumberland Fire Department employees;
- 5) Lifeguard re-certification for ten (10) lifeguards.

Brian K. Grim, Mayor



FOR YOUTH DEVELOPMENT
FOR HEALTHY LIVING
FOR SOCIAL RESPONSIBILITY

January 12, 2015

Mayor and City Council
Re: Jeff Rhodes
City of Cumberland
Cumberland, Maryland 21502

Dear Mayor & City Council:

The Cumberland YMCA is requesting that the City of Cumberland establish another Water/Sewer Credit based on usage. More specifically, the Y will have a cap of 222,000 cubic feet per year for water usage. Above the cap the Y will pay, otherwise the yearly exchange of 20 memberships and lifeguard training/recertification for ten individuals will suffice as payment for these services.

The Y will install water saving shower heads and toilets during the next two years to lower the volume of water used. The monthly allotment of water consumption is 18,500 cubic feet of water. The Y will pay the amount that exceeds this threshold.

Thank you for support our community organization and your consideration in continuing this arrangement.

Respectfully,

Don Enterline
CEO, Cumberland YMCA



Regular Council Agenda
March 3, 2015

Description

Order rescinding Order No. 25,495 and approving a revolving yearly water/sewer credit of 222,000 cu. ft. for the Riverside YMCA in exchange for parks and recreations services, YMCA memberships for Police and Fire Department employees, Senior Memberships for JFK Apartments and Queen City Tower senior residents, and lifeguard training and re-certifications

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: March 3, 2015

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

THAT, Ms. Paige McFarland be and is hereby appointed as a Primary District representative to the Downtown Development Commission, representing CBIZ Insurance Services, Inc., for a three-year term effective March 3, 2015 through March 3, 2018.

Brian K. Grim, Mayor



Regular Council Agenda
March 3, 2015

Description

Order appointing Paige McFarland as a Primary District representative to the Downtown Development Commission, representing CBIZ Insurance Services, Inc., for a 3-year term effective March 3, 2015 through March 3, 2018

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)