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

# MINUTES

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

DATE 4/21/2015

***Pledge of Allegiance**

## I. ROLL CALL

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

ABSENT: Councilwoman Nicole Alt-Myers

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

SPECIAL GUESTS: Delegate Michael McKay

## II. PROCLAMATIONS

(A) Proclaiming the month of April, 2015 to be Fair Housing Month in Cumberland.

Mayor Grim read the proclamation and presented it to members of the Human Relations Commission who were in attendance.

## III. CERTIFICATES, AWARDS AND PRESENTATIONS

**Item Action:**Approved

(A) Presentation of City Star to Joe Metzner to recognize his clean-up efforts on Oldtown Road.

As Mr. Metzner was not in attendance at the start of the meeting, a motion was made by Councilman Kauffman to move the City Star Award to the end of the meeting to allow time for Mr. Metzner to arrive. Councilman Caporale seconded the motion and it was approved on a vote of 4-0. Mr. Metzner was not available to attend the meeting, however, and Mayor Grim noted that the award would be rescheduled.

## IV. DIRECTOR'S REPORT

(A) Police

1. Police Department monthly report for March, 2015.

**Item Action:**Approved

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

2. Report regarding the Frederick Street Bike Lane Study submitted by Lt. Chuck Ternent of the Cumberland Police Department.

**Item Action:**Approved

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

(B) Fire

1. Fire Department monthly report for March, 2015.

**Item Action:**Approved

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

(C) Public Works

1. Engineering Division monthly report for March, 2015.

**Item Action:**Approved

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

2. Maintenance Division monthly report for March, 2015.

**Item Action:**Approved

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

3. Utilities Division & Central Services Monthly Report for March, 2015.

**Item Action:**Approved

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

## V. APPROVAL OF MINUTES

(A) Administrative / Executive

1. Approval of the Administrative Session Minutes of March 3 and 17, 2015.

**Item Action:** Approved

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

MARCH 3, 2015 ADMINISTRATIVE SESSION

PRESENT: Mayor Brian K. Grim; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman; Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Police Chief; Marjorie Woodring, City Clerk

NOTICE of intent to hold an Administrative Session on March 3, 2015, at 5:00 p.m. was provided to the media on February 27, 2015.

MOTION to enter into closed session to discuss personnel matters, union negotiations, and to consult with the City Solicitor regarding a legal matter was made by Councilman Caporale, seconded by Councilman Kauffman, and passed on a vote of 5-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Article, Sections 10-508 (a) (1), (7), and (9).

TOPICS: Personnel matters, union negotiations, consultation with the City Solicitor regarding a legal matter

MARCH 17, 2015 ADMINISTRATIVE SESSION

PRESENT: Mayor Brian K. Grim; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman; Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

NOTICE of intent to hold an Administrative Session to discuss union negotiations was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and approved on a vote of 4-0 with Councilman Kauffman being absent at vote.

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

TOPICS: Union negotiations

## VI. NEW BUSINESS

### (A) Ordinances

1. Ordinance *(1st reading)* - to approve, with restrictions, conditions and limitations, an application by Thomas W. Pittman and Christina R. Pittman to rezone property located at 208-210 Oldtown Road from R-U (Urban Residential) To R-R (Rehabilitation and Redevelopment) in order to re-establish a commercial use at that location.

FIRST READING: Mr. Rhodes provided background on the intent of the ordinance. The Ordinance was presented in title only for its first reading. Motion to approve the first reading and table for two weeks was made by Councilman Caporale, seconded by Councilman Kauffman, and was passed on a vote of 4-0.

### (B) Resolutions

1. Resolution granting the Carver Community Center, Inc. property tax credits for the 2013-2014 and 2014-2015 tax years.

Mr. Rhodes reviewed the Resolution. The Resolution was presented in Title only and Mayor Grim called for questions or comments. Motion to approve the Resolution was made by Councilman Kauffman, seconded by Councilman Bernard and was passed on a vote of 4-0.

RESOLUTION NO. R2015-01

(C) Orders (Consent Agenda)

1. Order authorizing the execution of an "Amendment to Collective Bargaining Agreement" with the United Food and Commercial Workers Local 1994 MCGEO to modify the Collective Bargaining Agreement covering the period July 1, 2012 through June 30, 2015.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,800

2. Order authorizing the execution of an "Assignment and Assumption of Agreement for Payment in Lieu of Taxes" by and between Hampstead Cumberland Arms Partners, L.P. and Hampstead Cumberland Arms Partners II, L.P., and consented to by the City, pertaining to the original PILOT agreement with Hampstead relative to the Cumberland Arms Apartments.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote. Regarding this particular item, Mr. Cohen advised that Hampstead was transferring ownership to the new entity and this agreement would allow the PILOT agreement to be reassigned to that new entity. Their lender requested that the Mayor and City Council approve the transfer. The City would be dealing with the same general partner and the City's obligations would be unchanged. Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,801

3. Order accepting the sole source proposal from Skyline Technology Solutions to provide material and labor for the construction of MD Department of IT OMBN fiber to the Municipal Service Center and Wastewater Treatment Plant in an amount not to exceed $76,639.61, in conjunction with Allegany County Public School's fiber extension project for John Humbird Elementary School.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,802

4. Order lifting the provisions of Section 11-113 of the City Code to allow open containers of alcohol on the Downtown Mall between Centre and Liberty Streets and an extended walkway to 49 Baltimore Street for designated dates throughout the summer, with the exception that open glass containers shall not be permitted in the defined area.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments.

Councilman Kauffman stated that he was 100% in support of providing permission to lift the open container provisions again this year for the Friday events in the downtown. He stated that he had received comments this year that the activity during these events was escalating and questioned whether the City was able to stay in front of it and whether the restaurants should have a level of responsibility for oversight, as well. Captain Leake advised that the Cumberland Comes Alive events were smaller than the Hooley event, and took place in a confined area between Center and Liberty Streets. Two offices had been assigned to each event last year and no issues had been experienced. Because of the success of last year's events, the department would provide 1 office per event this year, with Code Enforcement Officers being on duty as well. Captain Leake stated that the bar and restaurant owners were policing their areas and keeping them clean. He felt there was a good cooperative effort between the downtown establishments and the City.

Councilman Kauffman further requested that Mr. Rhodes make sure the City address the concerns expressed this year during the organization process for next year's Hooley event. Mr. Rhodes and Cpt. Leake advised that City staff meets with the downtown establishment owners 3-4 weeks ahead of the Hooley to talk about control, garbage cans, porta-potties, extra personnel, etc. For the most part, the last 2 years has seen a safer and more controlled event and positive comments have been received. There is also a de-briefing session after each event.

Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

5. Order accepting the bid of Here at Home, Inc. to provide services for the operation of the concession stand at Constitution Park for the 2015 Season in the base amount of $1,250 plus 3% of the gross sales; authorizing execution of a contract for the services; and authorizing the option for two additional 1-year terms upon mutual consent.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,804

6. Order declaring a 2001 Chevrolet Pickup Truck (VIN: 1GCCS19W418203013) to be surplus equipment and authorizing its trade-in to Timbrook Automotive.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,805

7. Order declaring City-owned property at 446 Bond Street to be surplus property and declaring the City's intent to transfer the property to the adjacent property owner, Robert T. Fravel, for a purchase price of $1,500 after the passage of 20 days' public notice and subsequent Ordinance authorizing the transfer.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,806

8. Order authorizing a 5-year Historic Tax Credit for 518 Washington Street (Tax Acct. 06-029868) in the amount of $4,646.30 and a 2-year property tax freeze based on the pre-improvement market value of $184,259.

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 1-8 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,807

(D) Letters, Petitions

1. 2014 Award of Recognition from the PA Department of Environmental Protection presented to the City of Cumberland Water Treatment Facility for outstanding efforts toward optimizing filter plant performance. The City's facility was awarded this honor for the second consecutive year and was one of 13 out of 353 Surface Water Treatment Facilities in PA to be recognized.

The letter was acknowledged and entered into public record.

2. Letter from the Ed Mullaney, Flag Project Coordinator for the Let's Beautify Cumberland! Committee, asking permission to place 10 American Flags at the Veterans Memorial Park on South Centre Street and 8 American flags at the Giarritta Park opposite City Hall.

The letter was acknowledged and entered into public record.

The Mayor and Council provided a consensus to proceed with the project.

## VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Owen Rice, 510 Welch Avenue, expressed concern that only half of area of the proposed bike lane would be tested. He stated that he had witnessed only 6-8 bikes in the lane, with 4 traveling the wrong way. He suggested using the money to educate the bikers, and to establish both Bedford St. and Frederick St. as "share the road" areas. He further stated the City should work on getting the debt down rather than on bike lanes. He requested that the Mayor and Council reconsider putting the lane in because there would not be that many people using it.

Delegate Michael McKay advised that on Thursday, April 30, 2015, from 10:00 AM - 12:30 PM, the Executive Director of the Government Office of Crime Control and Prevention would be holding an open meeting at the Allegany College Theatre. He stated that citizens, elected officials, and law enforcement are invited to attend to talk about crime in the community. Mayor Grim stated that he would be in attendance.

Mayor Grim advised that a notice had been received from the offices of Senator Cardin and Congressman Delaney advising that $640,000 in ARC funding had been awarded for Mechanic Street Central Business District improvements.

## VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:50 p.m.

Minutes approved on: June 2, 2015

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk

Regular Council Agenda
April 21, 2015

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**Description**
Proclaiming the month of April, 2015 to be Fair Housing Month in Cumberland.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

Regular Council Agenda
April 21, 2015

---

**Description**
Presentation of City Star to Joe Metzner to recognize his clean-up efforts on Oldtown Road.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# City of Cumberland Department of Police

**Monthly Report**

# March 2015

# City of Cumberland Department of Police

## Monthly Report

## March 2015

### Part 1 Crimes for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Aggravated Assaults | 2 | 2 | B & E (All) | 26 | 23 | Murder | 0 | 0 | Rape | 1 | 2 |
| Robbery | 1 | 2 | Theft - Felony | 2 | 5 | Theft - Vehicle | 3 | 1 | | | |

### Selected Criminal Complaints for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Theft - Misdemeanor | 39 | 34 | Theft - Petty | 28 | 60 | Domestic Assaults | 30 | 26 | CDS | 46 | 59 |
| Disturbances | 158 | 212 | DOP/Vandalism | 32 | 25 | Indecent Exposure | 2 | 2 | Sex Off - Other | 3 | 4 |
| Suicide | 0 | 0 | Suicide - Attmpt. | 1 | 2 | Tampering M/V | 0 | 0 | Abuse - Child | 4 | 2 |
| Trespassing | 12 | 9 | Assault on Police | 2 | 0 | Assault Other | 58 | 51 | | | |

### Selected Miscellenous Incidents for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Alcohol Volations | 5 | 2 | Juvenile Compl. | 18 | 14 | Missing Persons | 14 | 10 | School Resource | 89 | 101 |
| School Threat | 2 | 2 | Sex Off. Regist. | 28 | 26 | Truancy | 16 | 13 | Death Investigation | 3 | 3 |

### Selected Traffic Incidents for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| DWI | 8 | 15 | Hit & Run | 24 | 26 | M/V Crash | 80 | 79 | Traffic Stop | 628 | 375 |

### Selected Service Calls for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Alarms | 52 | 59 | Assist Motorist | 34 | 30 | Check Well-Being | 69 | 79 | Foot Patrol | 37 | 4 |
| Assist Other Agency | 53 | 76 | Bike Patrol | 1 | 0 | Special Events | 9 | 7 | Suspicious Activity | 82 | 63 |

### Arrests Totals for the Month

| | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 | | 2014 | 2015 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| M/V Citations | 115 | 95 | M/V Warnings | 523 | 274 | Adult Crim. | 149 | 171 | Juvenile Crim. | 30 | 24 |

| | 2014 | 2015 |
|---|---|---|
| **Total Incidents Reported :** | **2,644** | **2,218** |

**Charles Hinnant - Chief of Police**

# CUMBERLAND POLICE DEPARTMENT

## MONTHLY REPORT

## MARCH 2015

SWORN PERSONNEL: 51 SWORN OFFICERS

| | |
|---|---|
| Administration | 5 officers |
| Squad 1A | 8 officers |
| Squad 1B | 8 officers |
| Squad 2A | 9 officers |
| Squad 2B | 9 officers |
| C3I/C3IN | 7 officers |
| School Resource | 2 officers |
| Academy | 3 officers |

CIVILIAN EMPLOYEES: 6 full time, 6 part time

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

LEAVE REPORT

VACATION TAKEN: 477 HOURS — YEAR TO DATE (beginning 7/1/14): 7985 HOURS

COMP TIME USED: 178 HOURS — YEAR TO DATE (beginning 7/1/14): 1279 HOURS

SICK TIME USED: 405 HOURS — YEAR TO DATE (beginning 7/1/14): 2985 HOURS

OVERTIME REPORT

OVERTIME WORKED: 401 HOURS — YEAR TO DATE (beginning 7/1/14): 3239 HOURS

HOSPITAL SECURITY: 96 — YEAR TO DATE (beginning 7/1/14): 591 HOURS

COURT TIME WORKED: 30 HOURS — YEAR TO DATE (beginning 7/1/14): 274 HOURS

TRAINING REPORT

13 OFFICERS TRAINED FOR 234 HOURS — YEAR TO DATE (beginning 7/1/14) 3994 HOURS

**CPD ACTIVITY**
**OUTSIDE CPD JURISDICTION**

**MARCH 2015**

3/29/15 CPD responded to Artmor Plastic on Wills Mountain to assist State and County units with a trespassing complaint. Upon arrival officers assisted with several juvenile arrests.

3/1/15 CPD responded to Artmor Plastic on Wills Mountain for a report of a burglary. CPD checked the area for the suspects who fled the scene and were unable to locate anyone.

3/2/15 One of our female officers responded to MSP Barracks C to assist Troopers with a search of a female prisoner.

# *CUMBERLAND POLICE DEPARTMENT*

## Warrant Fugitive Initiative

March 2015 totals for warrant initiative, broken down by agency:

| | | | |
|---|---|---|---|
| CPD | 13 arrests | 13 warrants served | 1 criminal summons served |
| ACSO | 12 arrests | 20 warrants served | |
| MSP | 0 arrests | 0 warrants served | |
| FPD | 0 arrests | 0 warrants served | |
| C3I | 3 arrests | 3 warrants served | |
| C3IN | 0arrests | 0 warrants served | |
| OTHER | 0 arrests | 0 warrants served | |
| **TOTALS** | **28 arrests** | **36 warrants served** | **1 criminal summons served** |

Of these, Detective David Broadwater arrested 28 people, served 36 warrants, and 1 criminal summons.

He opened 30 "Fugitive" investigations and made arrests in 5 existing cases, for a total of 35 cases generated for the month.

**SIGNIFICANT CASES:**

1.) On March 9, 2015 Detective Broadwater received information on the whereabouts of a suspect, one of the Top 25 under the Safe Streets initiative, who was wanted for Violation of Probation (original charge – burglary) and who had been actively avoiding arrest. With the assistance of the Cumberland Police and the Allegany County Sheriff's Office, he responded to that location. A search of the residence was conducted and the suspect was located hiding in a detached garage. He was taken into custody at that time.

2.) On March 10, 2015 the C3I Narcotics Task Force served a search warrant at a private residence in Cumberland related to the manufacture and sale of methamphetamine. The suspect was wanted on a total of four different warrants in the State of Pennsylvania, all for Violation of Probation in CDS cases, in addition to Driving While Revoked charges in Maryland and the pending Meth charges in Maryland. The suspect was not home at the time of the search warrant and, despite an extensive search of the Cumberland area, was not located. When Detective Broadwater became aware of the situation, he began actively searching for the suspect. Within two hours he had located the suspect and placed the suspect under arrest. In addition, he contacted C3I Narcotics in order to facilitate a debriefing of the suspect.

3.) During the week of March 16-20, 2015 a warrant sweep was conducted in Allegany County as part of the "Safe Streets" initiative. Detective Broadwater was personally responsible for arresting 18 suspects and serving 18 warrants as well as 1 criminal summons during the week-long operation.

Regular Council Agenda
April 21, 2015

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**Description**
Police Department monthly report for March, 2015.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

To assist in the Frederick Street bike lane study the Cumberland Police Department deployed a Stealth Stat covert traffic measuring device in the mid-point of the study area in the 1100 block of Frederick Street just past Eichner Avenue. The Stealth Stat is an unmanned RADAR unit, which counts the number of passing vehicles and measures their speed and tracks the time of day. The amount of time the Stealth Stat device can be deployed is dependent on battery life.

On Monday, March 30, 2015, the Stealth Stat was placed on a telephone pole in the area of 1104 Frederick Street prior to any trial bike lane controls being done. The study lasted until Thursday, April 2, 2015.

During this time, 16,693 vehicles passed the device in 84 hours with an average speed of 28.94. The ten mile pace (the block, which the majority of the 16,693 vehicles traveled) was 25 to 34. Further, 50% of the vehicles passing the device traveled at 29 MPH or lower and 85% of the vehicles traveled at a speed of 34 MPH or lower (percentile).

A check of the collected data revealed that the times with the heaviest traffic load were between 14:15 and 17:15 daily.

Further, during this time period CPD worked their normal enforcement efforts along Frederick Street making six traffic stops for speeding violations with the speed violation averaging 39 MPH.

On Friday, April 3, 2015, the Stealth Stat was again placed in the same location in the area of 1104 Frederick Street after the City Street Department had placed a trial bike lane using traffic cones. The study lasted until Wednesday, April 8, 2015.

During this time, 16,554 vehicles passed the device in 116 hours with an average speed of 28.18. The ten mile pace (the block, which the majority of the 16,554 vehicles traveled) was 24 to 33. Further, 50% of the vehicles passing the device traveled at 28 MPH or lower and 85% of the vehicles traveled at a speed of 33 MPH or lower (percentile).

A check of the collected data revealed that the times with the heaviest traffic load was not as consistent in this study with the heaviest traffic load being between 16:30 and 17:15 with a few spikes 1400 Friday afternoon and 10:30 Friday morning.

Further, during this time period CPD worked their normal enforcement efforts along Frederick Street as well as monitoring the coned trial bike lane area for problems. During this time officers monitored traffic in the trial area recording the speeds which averaged 29 MPH, during this time one traffic stop was made for one vehicle going 44 MPH. During the early stages of the study officers noted that there did appear to be some confusion when vehicles encountered the cones, which is normal when a new

traffic pattern is encountered. These issues subsided as time passed and some signs were repositioned making the intent clearer to the drivers. One officer monitoring the traffic during school bus time did note that the traffic slowed and caused congestion while buses were making stops. One officer spoke to some residents who thought the trial area favorably slowed traffic and made it easier to enter Frederick Street from private driveways. Only one Officer reported seeing a bicyclist and spoke to him and he spoke favorable of the bike lane. Most officers reported that it appeared that traffic was traveling slower and safer.

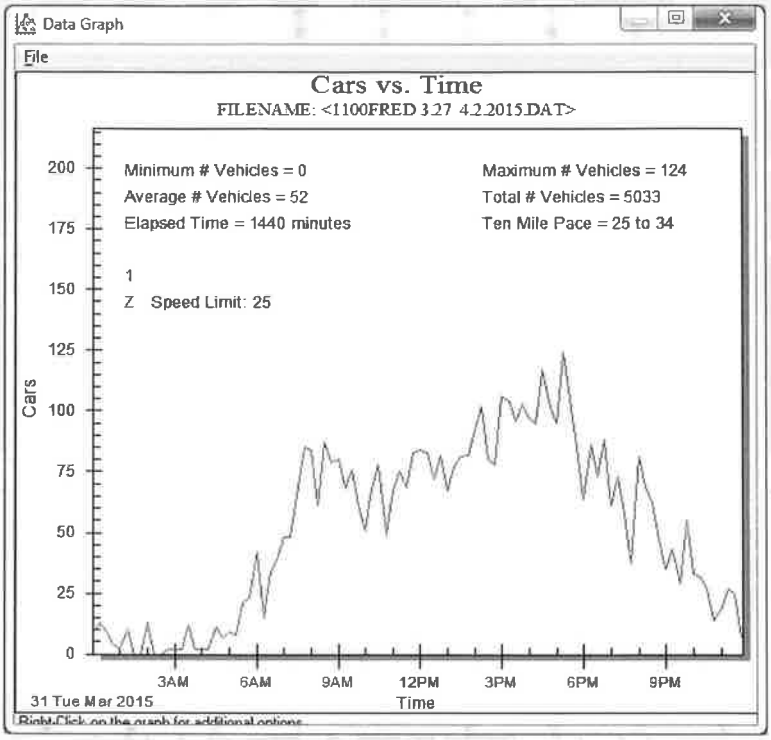
In comparison of the two studies, one with and one without the trial bike lane, there appeared to be little effect on traffic speeds. The study with the bike lane present reduced speeds by only .76 MPH with the pace and percentiles being within one mile per hour; however, it gave the perception of slower moving traffic.

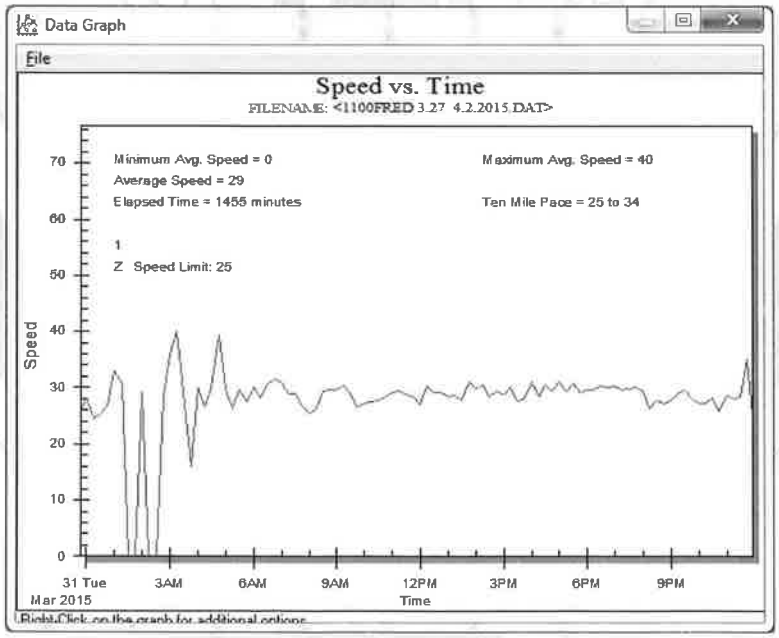
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

TUESDAY, March 31, 2015

1100 block Frederick Street

*No bike lanes*



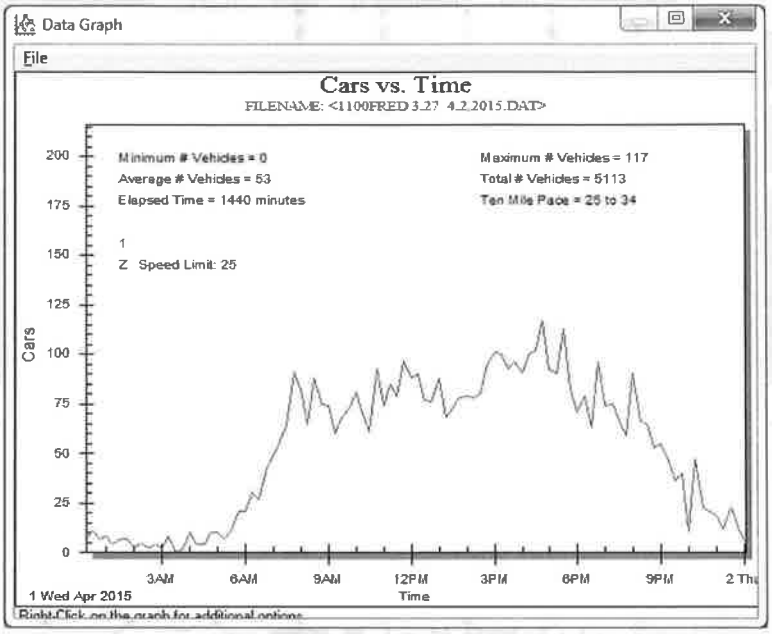



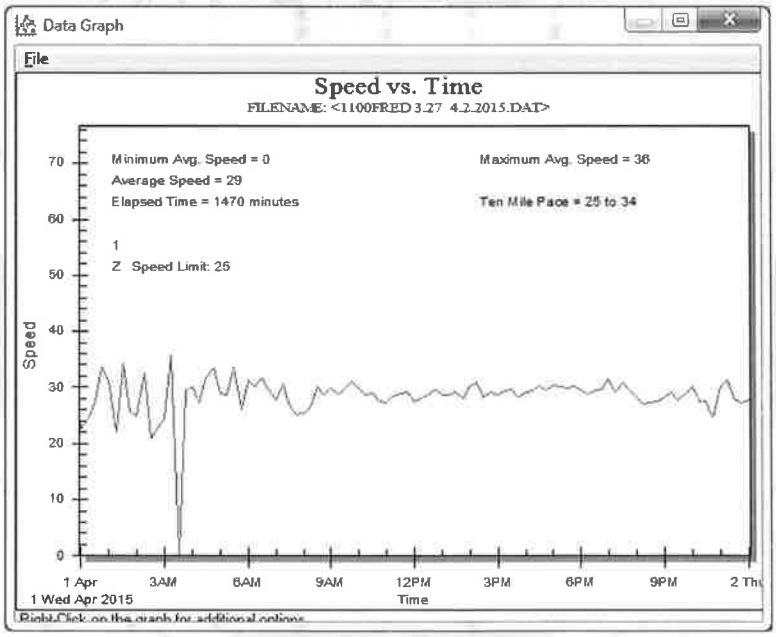
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Wednesday, April 1, 2015

1100 block Frederick Street

*No bike lanes*



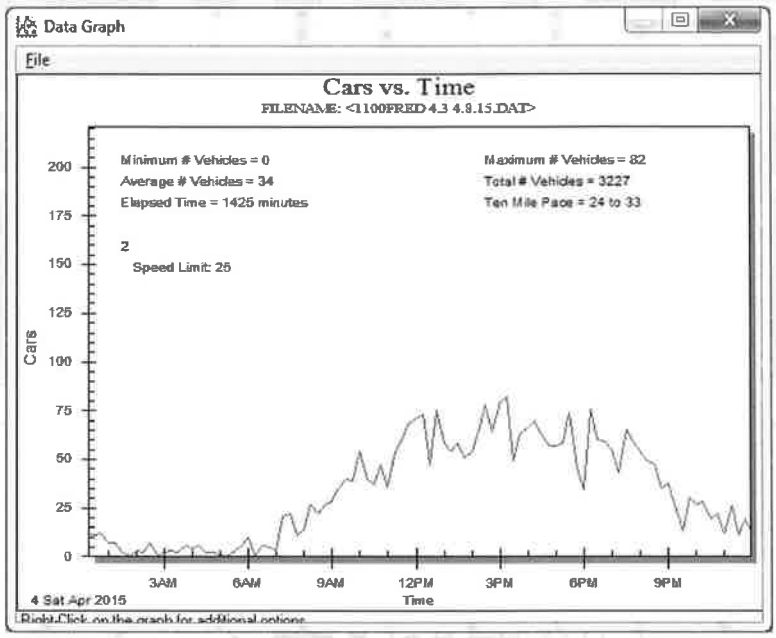



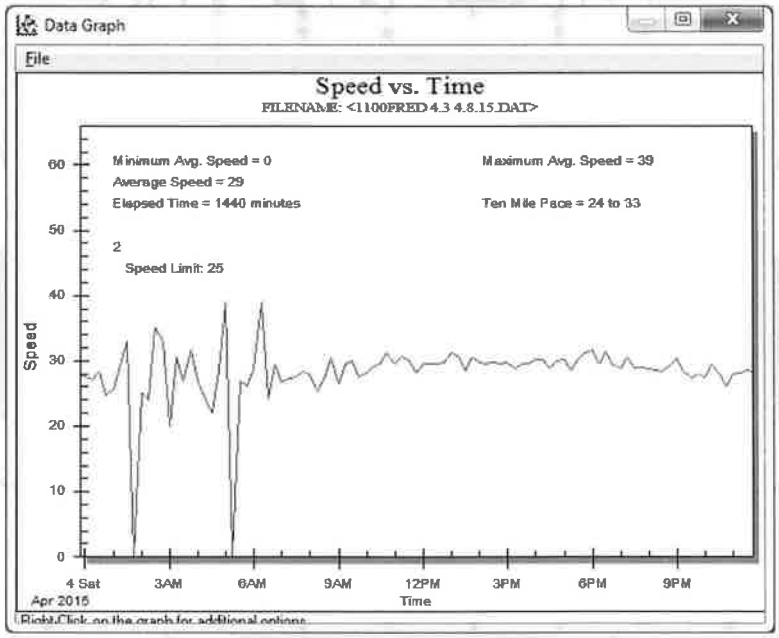
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

SATURDAY April 4, 2015

1100 block Frederick Street

*Bike lanes in place*



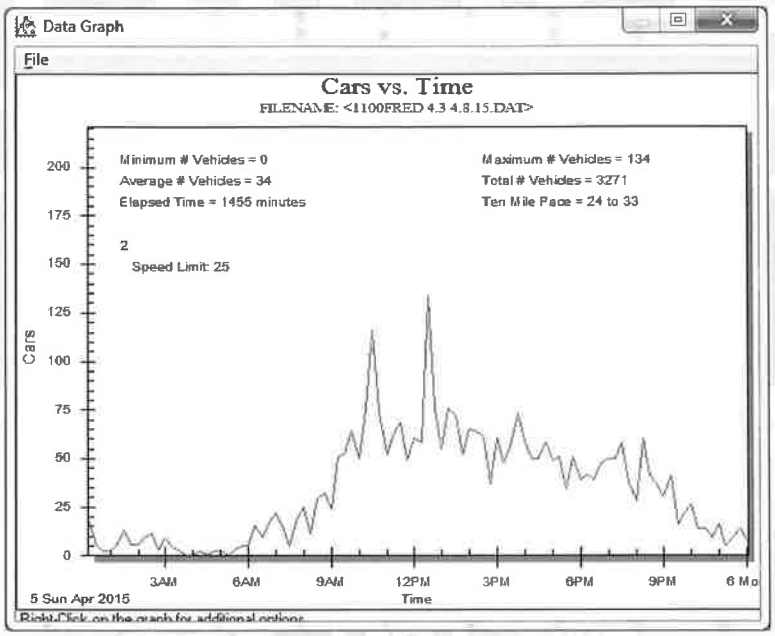



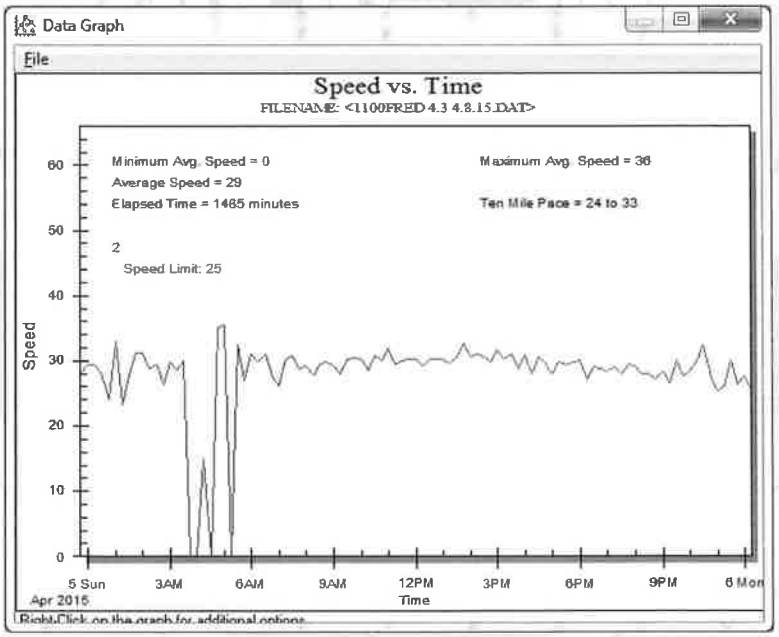
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Sunday, April 5, 2015

1100 block Frederick Street

*Bike lanes in place*



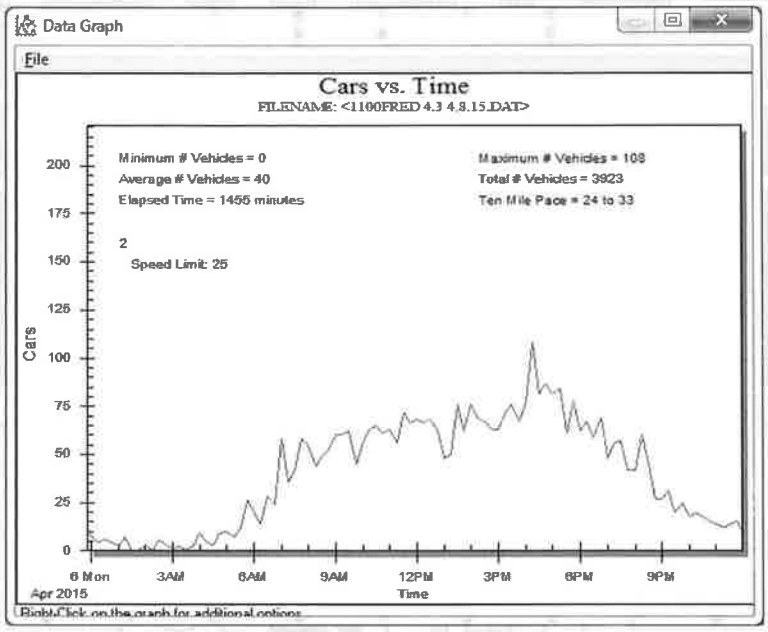



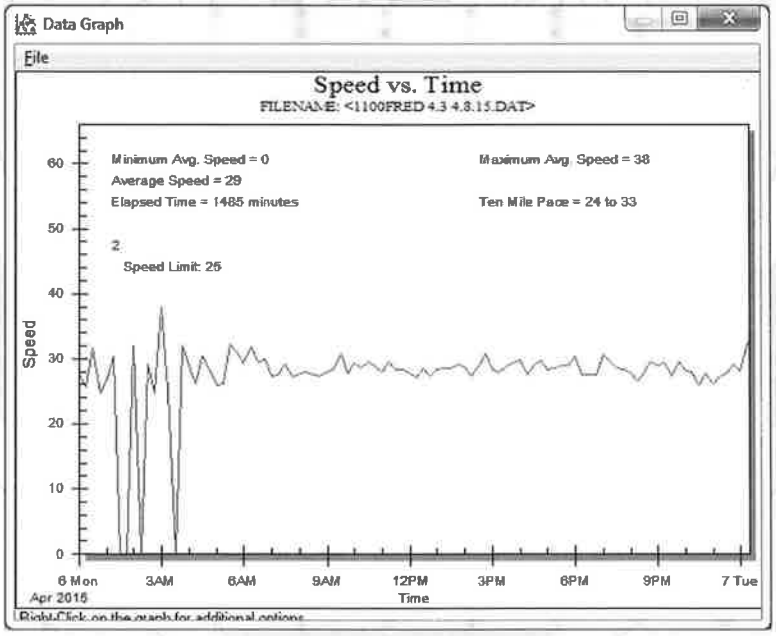
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Monday, April 6, 2015

1100 block Frederick Street

*Bike lanes in place*



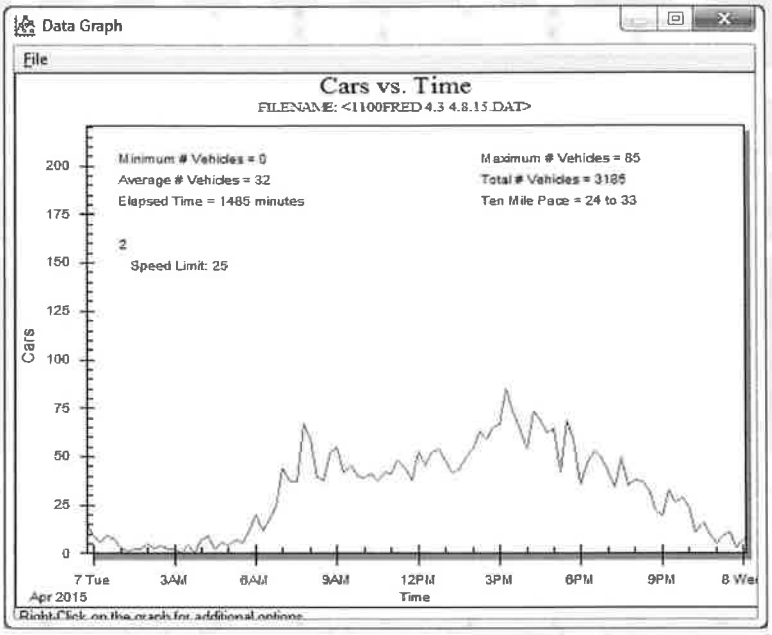



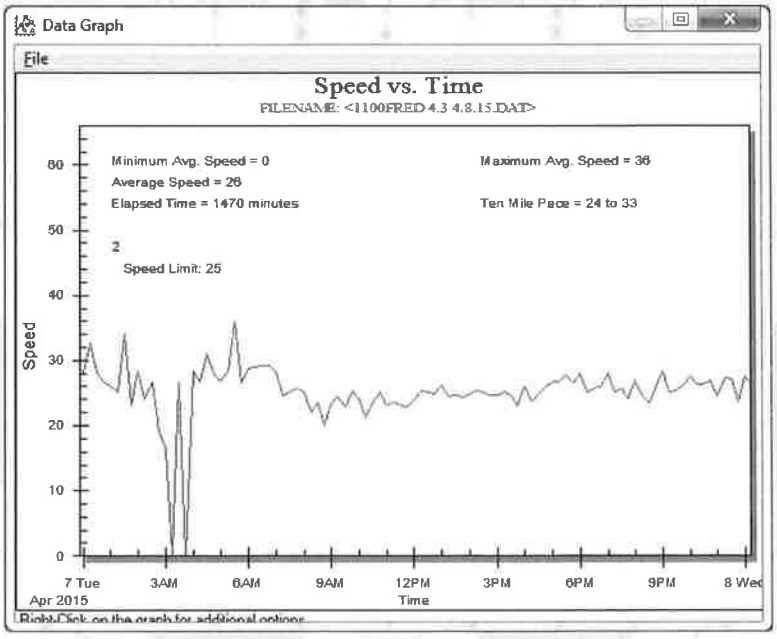
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Tuesday, April 7, 2015

1100 block Frederick Street

*Bike lanes in place*



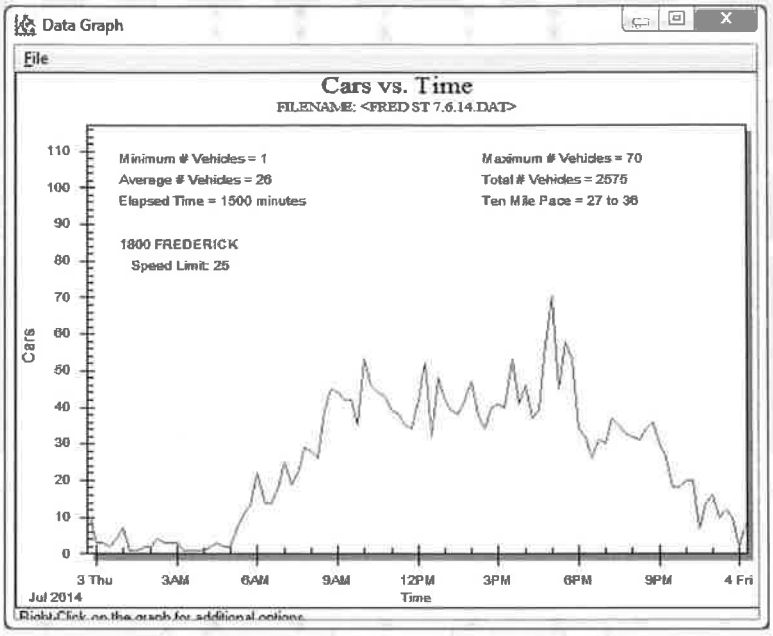



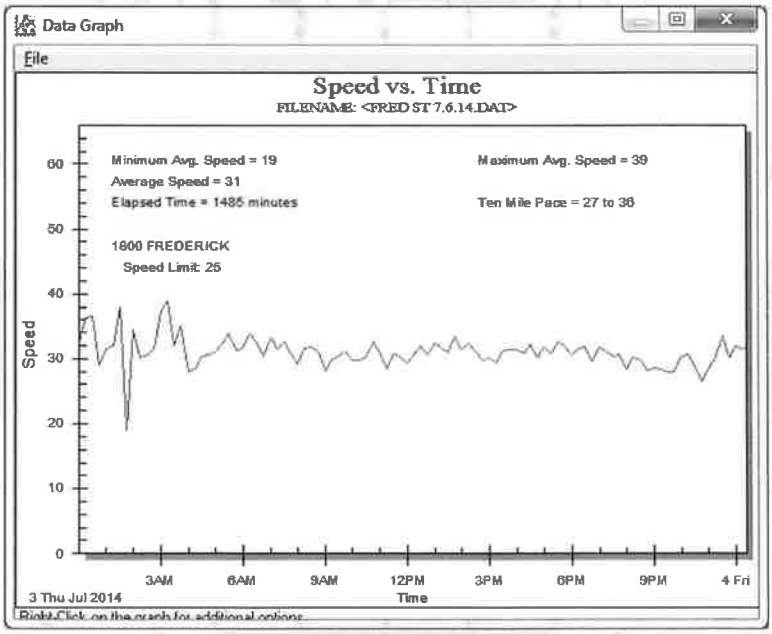
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Thursday, July 3, 2014

1800 block Frederick Street

*No bike lanes*



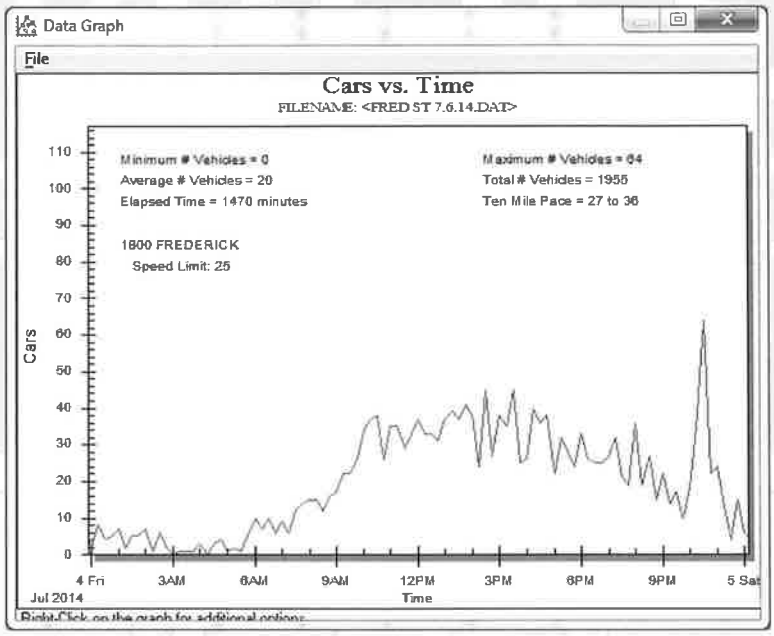



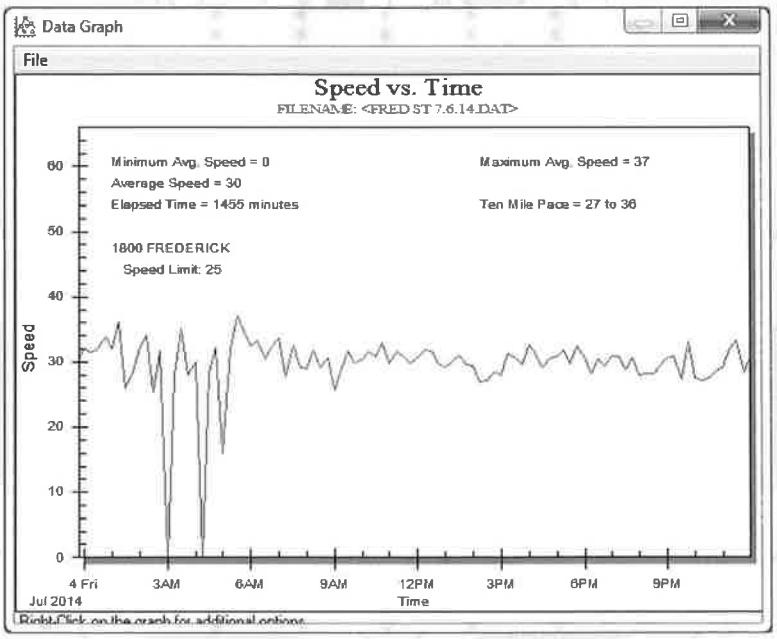
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Friday July 4, 2014

1800 block Frederick Street

*No bike lane*



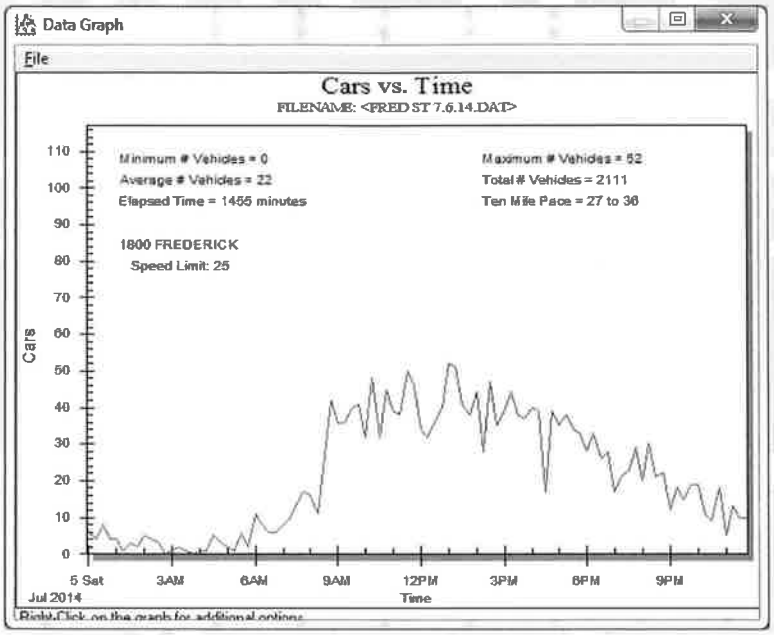



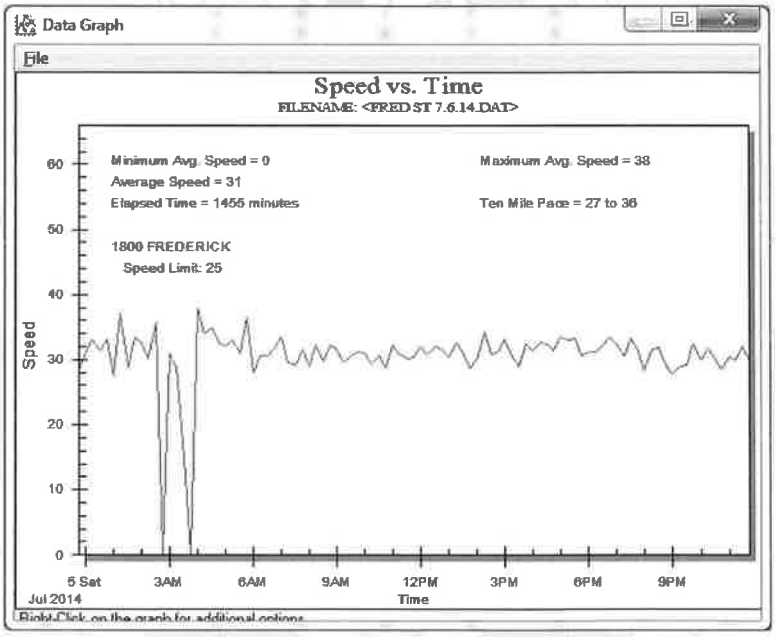
CUMBERLAND POLICE DEPARTMENT
FREDERICK STREET BIKE LANE STUDY

Saturday, July 5, 2014

1800 block Frederick Street

*No bike lane*



Regular Council Agenda
April 21, 2015

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**Description**

Report regarding the Frederick Street Bike Lane Study submitted by Lt. Chuck Ternent of the Cumberland Police Department.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

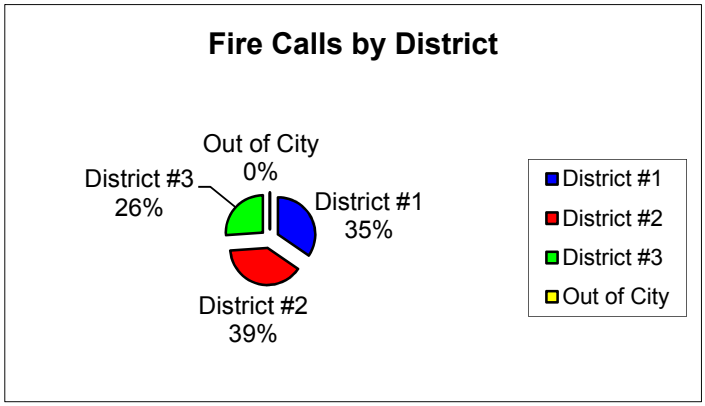
**Source of Funding (if applicable)**

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

**Cumberland Fire Department Responded to 107 Fire Alarms:**

Responses by District:

| | |
|---|---|
| District #1 | 37 |
| District #2 | 42 |
| District #3 | 28 |
| Out of City | 0 |
| | 107 |




Number of Alarms:

| | |
|---|---|
| First Alarms Answered | 107 |

Calls Listed Below:

Property Use:

| | |
|---|---|
| Public Assembly | 2 |
| Industry, Utility | 0 |
| Educational | 5 |
| Institutional | 8 |
| Residential | 57 |
| Manufacturing | 1 |
| Mercantile, Business | 3 |
| Storage | 0 |
| Special Properties | 31 |
| | 107 |

Type of Situation:

| | |
|---|---|
| Fire | 4 |
| Overpressure, Rupture | 2 |
| Rescue Calls | 51 |
| Hazardous Conditions | 11 |
| Service Calls | 12 |
| Good Intent Calls | 11 |
| False Calls | 16 |
| | 107 |

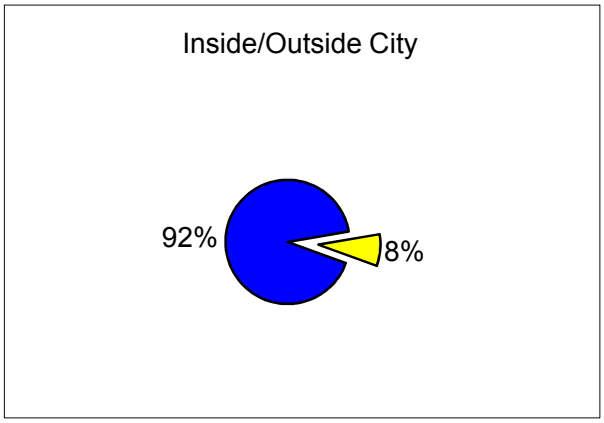
| | |
|---|---|
| Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in March: | $900.00 |
| Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date: | $24,110.00 |
| Fire Service Fees for Fire Calls Paid In March: | $1,150.00 |
| Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date: | $8,768.26 |

| | |
|---|---|
| Fire Service Fees for Inspections and Permits Billed in March: | $0.00 |
| Fire Service Fees for Inspections and Permits Paid in March: | $100.00 |

Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date: $900.00

**Cumberland Fire Department Responded to 472 Emergency Medical Calls:**

| | |
|---|---|
| In City Calls | 433 |
| Out of City Calls | 39 |
| Total | 472 |




Cumberland Fire Department provided 11 Mutual Aid Calls:

| | |
|---|---|
| 10 | Mutual Aid Calls within Allegany County |
| 1 | Mutual Aid Calls outside of Allegany County |
| 11 | |

Cumberland Fire Department provided 28 Medic Assist Calls:

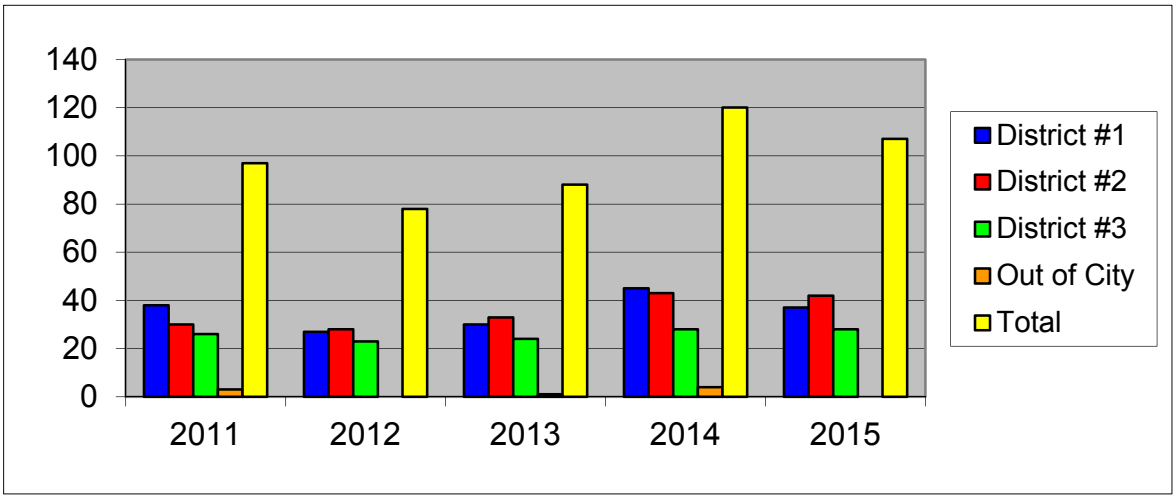
| | |
|---|---|
| 13 | Paramedic Assist Calls within Allegany County |
| 15 | Paramedic Assist Calls outside of Allegany County |
| 28 | |

| | |
|---|---|
| Total Ambulance Fees Billed by Medical Claim-Aid for March: | $147,661.00 |
| Ambulance Fees Billed Fiscal Year to Date: | $1,262,352.69 |
| Ambulance Fees Paid: Revenue Received in March: | $96,654.66 |
| FY2015 Ambulance Fees Paid in FY2015: | $681,665.17 |
| Total Ambulance Fees Paid in FY2015: | $810,700.26 |

(Includes all fees paid, previous and current fiscal years -- FY2015.)

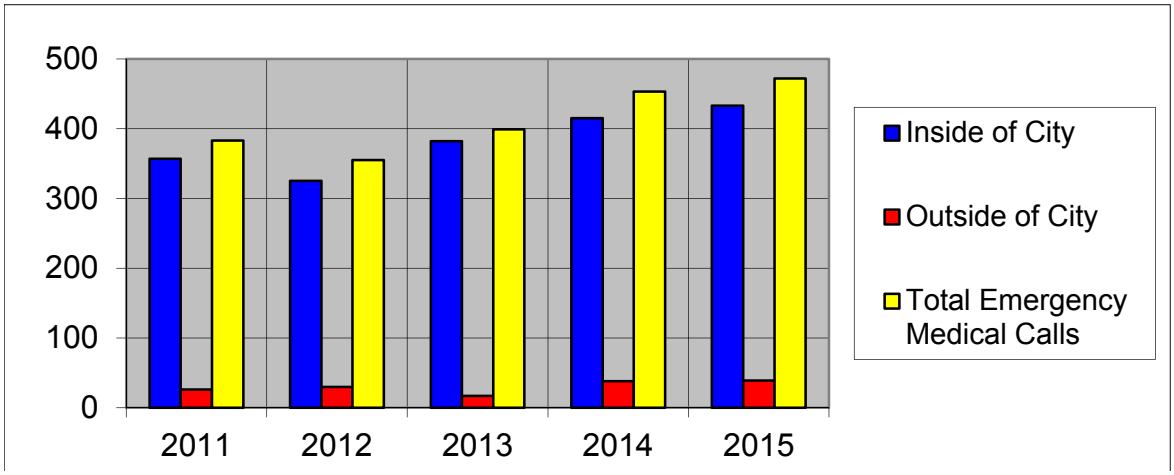
**Fire Calls in the Month of March for a Five-Year Period**

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|
| District #1 | 38 | 27 | 30 | 45 | 37 |
| District #2 | 30 | 28 | 33 | 43 | 42 |
| District #3 | 26 | 23 | 24 | 28 | 28 |
| Out of City | 3 | 0 | 1 | 4 | 0 |
| Total | 97 | 78 | 88 | 120 | 107 |



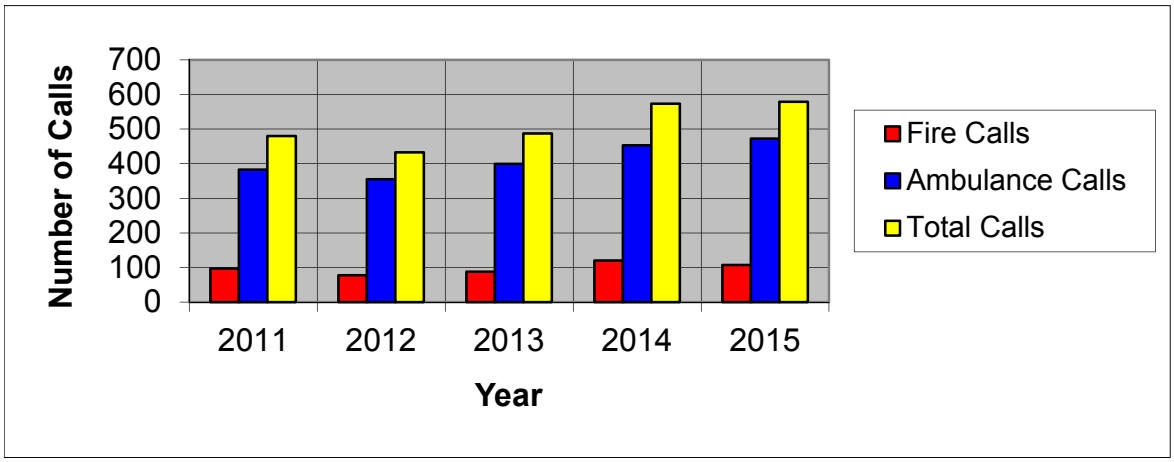

**Ambulance Calls in the Month of March for a Five-Year Period**

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|
| Inside of City | 357 | 325 | 382 | 415 | 433 |
| Outside of City | 26 | 30 | 17 | 38 | 39 |
| Total Emergency Medical Calls | 383 | 355 | 399 | 453 | 472 |



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

| | 2011 | 2012 | 2013 | 2014 | 2015 |
|---|---|---|---|---|---|
| Fire Calls | 97 | 78 | 88 | 120 | 107 |
| Ambulance Calls | 383 | 355 | 399 | 453 | 472 |
| Total Calls | 480 | 433 | 487 | 573 | 579 |




**Training:**

| | |
|---|---|
| Training Man Hours: | 209.00 |
| Training Listed Below: | |
| Administrative Policy and Procedures | 7.00 |
| Safety | 65.00 |
| SCBA Inspection and Care | 24.50 |
| Inservice Inspections | 6.00 |
| Fire Officer I | 24.50 |
| Meth Labs | 39.00 |
| Physical Fitness | 10.00 |
| Officer Meeting | 5.00 |
| Amtrak Emergencies | 16.00 |
| Tactical Medical Training | 12.00 |
| | 209.00 |

**Fire Prevention Bureau:**

| | |
|---|---|
| Complaints Received | 0 |
| Conferences Held | 43 |
| Correspondence | 3 |
| Inspections Performed | 18 |
| Investigations Conducted | 9 |
| Plan Reviews | 3 |
| Pre-Plans conducted by Crews | 6 |

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

Regular Council Agenda
April 21, 2015

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**Description**
Fire Department monthly report for March, 2015.

**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 | | | | | | March 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 | **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:<br><br>15-09-M will be the portion of project along the railroad tracks, and will be completed if and when funding allows.<br><br>10-14- M Baltimore Street Trail Connection, see project listed below.<br><br>11-15-M Baltimore Street Rail Connection, see project listed below.<br><br>12-14-M Canal Street Rehabilitation Improvements, see project listed below. | 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 | **No Change** - Specs revised to separate the basketball court work, since MDE won't fund that. | PJD | 4/9/2015 |
| 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 approved. Site work started last week of March, 2015. City-owned water line being extended into property. | PJD | 4/9/2015 |
| 2011 | 26-11-SWM | Chessie FCU-IB & Messick Road | SWM review for a proposed new branch office | Design | **No change** - 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 | 4/9/2015 |

# City of Cumberland, Maryland
## Engineering Division - Monthly Report

| Capital Projects | | | | | | March 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 slowed through he winter, but picked up in March with the installation of signs. That work will continue and we anticipate some pavement repairs being done in late April and may after the plants open. | JDF | 4/9/2015 |
| 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 | 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. We are also planning paving work for a portion of Mechanic Street and Centre Street, and that would be the best time to place markings. | JDF | 4/9/2015 |
| 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 | The design is in progress and plans for review are anticipated in April 2015. | JDF | 4/9/2015 |
| 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, however the condition of each of the three CSX Bridges is very poor. | 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 | Demolition is approximately 95% complete. Concrete and masonry crushing is approximately 75% complete. Final grading and topsoil placement expected to get underway for the Phase I area (former MOB site) the week of 4/13/15. | PJD | 4/9/2015 |
| 2013 | 1-13-FPM | Misc Flood Control System Concrete Repairs | Repairs to various points of FCS system per USACOE inspection | Design | **NO CHANGE** - 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 | 4/9/2015 |
| 2013 | 4-13-SWM | Avirett Development at 12313 Messick Road | Development at Messick Road, north of the proposed Chessie Federal Credit Union site. | Design | SWM submittal comments reviewed with Owner's Agent 4/1/15, awaiting response. | PJD | 4/9/2015 |
| 2013 | 5-13-WFP | Sodium Hypochlorite Conversion Feasibility Study | Investigate feasibility of converting from usage of chlorine gas to sodium hypochlorite. | Construction Bidding | Construction bidding to be scheduled shortly. | PJD | 4/9/2015 |
| 2013 | 6-13-RE | Cumberland Skate Park | | Study | The Skate Plaza will be located in Constitution Park, additional information should be in the next report. The Cumberland Recreation Board will need to be involved , and fund raising will need to start soon. | JDF | 4/9/2015 |

# City of Cumberland, Maryland
## Engineering Division - Monthly Report

| Capital Projects | | | | | | March 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. | Study | Plans for review should be available in April 2015 | JDF | 4/9/2015 |
| 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 | A test will take place in April 2015. Traffic and speed counts will be done with CPD equipment. | JRD | 4/9/2015 |
| 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 | **UPDATE -** Contractor removed trees and stumps along the flood wall in the Narrows. (Note added by JDF: communication with eh COE continues into April.) | PTE | 4/2/2015 |
| 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 | **NO CHANGE** - 2015 recycling calendar and new recycling outreach for the curbside program are available at City Hall and both Cumberland Libraries. | RJK | 4/6/2015 |
| 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** - A meeting to review preliminary alternatives took place on March 5, 2015. Serious problem with meeting required clearances was discussed, and alternative review with City staff and CSX staff. A public meeting is planned for the end of April | JDF | 4/9/2015 |
| 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-** Design work will start in April or May. | JDF | 4/9/2015 |
| 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 | Construction is expected to resume in April 2015. | JDF | 4/9/2015 |

# City of Cumberland, Maryland
## Engineering Division - Monthly Report

| Capital Projects | | | | | | March 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 Rail Connection | ADA improvements to curbs and sidewalks along Baltimore Street from George Street to Chessie System Railroad Tracks. | Design | Plans have been submitted to SHA and bidding is anticipated by the end of April or early May. | JDF | 4/9/2015 |
| 2014 | 10-14-M | Canal Street Rehabilitation Improvements | This project will make bicycle safety improvements to Canal Street. | 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. | Study | **NO CHANGE**- 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 | 4/6/2015 |
| 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 | | Design | **UPDATE -** EADS has been awarded the contract to prepare demolition plans and contract documents. | JDF | 1/5/2015 |
| 2014 | 18-14-SWM | New HS at site of SHH - SWM | SWM for new Allegany High School | Design | | | |
| 2014 | 19-14-M | Greene Street Complete Street Plan | | Planning | The Design Charrette took place on February 10 and 11 at the Allegany County Museum. The Plan is now being prepared by Alta Planning + Design for City review. | JDF | 4/9/2015 |

# City of Cumberland, Maryland
## Engineering Division - Monthly Report

| Program Projects Update | | | | | | March 31, 2015 | |
|---|---|---|---|---|---|---|---|
| **Order** | **Department** | **Program/Project Name** | **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 | **UPDATE** Sampling continues to occur concurent of Fibred-Maryland's industrial discharge sampling. The intention of Fibred is to continue to dewater Lagoons 3 & 4 then switch to a new permenant discharge point of Pond 2. WR&A are contracted to evaluate the impact of Fibreds pretreatment improvements on the City's WWTP.<br><br>A status meeting is scheduled for April 9, 2015. | RJK | 6-Apr-15 |
| | | POTW NPDES Permit | Requirements for compliance | | **UPDATE** The City was issued the new NPDES permit (13-DP-0567) for the WWTP effective April 1, 2015.<br><br>New sampling, reporting and monitoring is required within the permit. Monthly DMRs submitted electronically. Other reports either to be submitted electronically or both electronic or via mail.<br><br>A Waste Capacity Management Plan is complete for submittal April 1, 2015. A Flow Capacity Report is included within the WCMP submittal. A biomonitoring plan is in the process of being completed by MICROBAC. Bio & Toxics monitoring will take place annually starting February 2016. | RJK | 6-Apr-15 |
| | WWTP/CSO | CSO Consent Decree Compliance Reporting | Reporting/Inspections | Semi-Annual/As Needed | **UPDATE** The next semi-annual report is due July 10, 2015. Engineering continues to work with other Department's staff regarding future proposed connections. The City of Cumberland is limited annually to 23,000 gpd in connections (or about 92 new housing units). | RJK | 6-Apr-14 |
| | Watershed | Evitts Creek Steering Committee | Cross-jurisdictional committee working on source water protection efforts. | | **UPDATE** The next meeting is April 16. James Smith from PA Forest Service will provide an update on a proposed parking area within the adjacent (recently enlarged) Buchanan State Forest. | RJK | 6-Apr-15 |
| | STC | Shade Tree Commission | Care of trees along city rights of way and in parks. | NA | **UPDATE**<br>Planning for Spring planting season and Arbor Day Celebration on 4/30/2015. | PTE | 2-Apr-15 |

# City of Cumberland, Maryland
## Engineering Division - Monthly Report

| Program Projects Update | | | | | | March 31, 2015 | |
|---|---|---|---|---|---|---|---|
| **Order** | **Department** | **Program/Project Name** | **Description** | **Phase** | **Comments** | **Updated By** | **Date of Update** |
| | Evitts Creek Water Company | Forest Stewardship Plan (aka Resource Management Plan) | Management of the forested property around Lakes Gordon and Koon | NA | **UPDATE**<br>Met with stakeholders and interested parties about update of Lake Gordon/Koon property stewardship plan on March 2nd at Allegany College. | PTE | 2-Apr-15 |

Regular Council Agenda
April 21, 2015

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**Description**
Engineering Division monthly report for March, 2015.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# MAINTENANCE DIVISION REPORT
# March 2015

**Street Maintenance Report**

**Parks & Recreation Maintenance Report**

**Fleet Maintenance Report**

# PUBLIC WORKS/MAINTENANCE
# STREET BRANCH
# MONTHLY REPORT
# MARCH 2015

- POTHOLES AND COMPLAINTS
  - Potholed 14 days using approximately 15 ton of cold mix.

- UTILITY HOLE REPAIR
  - 3 Water Utility Hole Repairs using approximately 1 CY of concrete.

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 8 Traffic Control Signs.
  - Installed/Repaired 4 Street Name Signs.
  - Installed/ Removed 4 HC Sign.

- SWEEPER
  - Swept 29 curb miles (approx. 12 cubic yards of debris).

- MISCELLANOUS
  - SNOW REMOVAL-5 days with 6 shifts of overtime.
  - Removed Salt Barrels.
  - Cleaned snow equipment 2 days.
  - Hauled 30 ton of debris to landfill.
  - Repaired 3 Sink Holes.
  - Removed wash on Independence St from Water Leak.
  - Repaired 2 alleys with stone.
  - Installed 8 Bollards for Cumberland Fire Department.

| STREET MAINTENANCE - MARCH 2015 | | 3/1-3/7 | 3/8-3/14 | 3/15-3/21 | 3/22-3/28 | 3/29-3/31 | TOTAL |
|---|---|---|---|---|---|---|---|
| SERVICE REQUEST COMPLETED | | | | | | | 0 |
| PAVING PERFORMED | TONS | | | | | | 0 |
| CONCRETE WORK | CY | | | | | 6 | 6 |
| UTILITY HOLES REPAIRED | WATER | | | 2 | | 1 | 3 |
| | SEWER | | | | | | 0 |
| | CY | | | 1.00 | | | 1 |
| | TONS | | | | | | 0 |
| POTHOLES FILLED | STREETS | | | | | | 0 |
| | ALLEYS | | | | | | 0 |
| | DAYS | 2 | 4 | 3 | 4 | 1 | 14 |
| | Cold Mix | | | | | | 0 |
| | TONS | | | | | | 0 |
| PERMANENT PATCH | CY | | | | | | 0 |
| | TONS | | | | | | 0 |
| COMPLAINTS COMPLETED | | | | | | | 0 |
| | CY | | | | | | 0 |
| | TONS | | | | | | 0 |
| TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED | | | 2 | | 6 | | 8 |
| STREET NAME SIGNS REPAIRED/INSTALLED | | | 1 | | 3 | | 4 |
| HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED | | | | | | | 0 |
| | | | | | 1 | | 1 |
| | | | 2 | | 1 | | 3 |
| PAINTING PERFORMED | BLUE | | 3 | | 3 | | 6 |
| | YELLOW | | | | | | 0 |
| | RED | | | | 1 | | 1 |
| PAVEMENT MARKINGS INSTALLED | No. | | | | | | 0 |
| STREET CLEANING | LOADS | | | | | 3 | 3 |
| | MILES | | | | | 29 | 29 |
| SWEEPER DUMPS HAULED TO LANDFILL | TONS | | | | 26.8 | | 27 |
| SALT BARRELS | DAYS | 1 | | | Removed 1 | Removed 1 | 1 |
| CLEANED BALTIMORE ST. UNDERPASS | | | | | | | 0 |
| CLEAN SNOW EQUIPMENT | Days | | 1 | | 1 | | 2 |
| Check Drains/Clean Debris | DAYS | 1 | | | | | 1 |

| **Snow Removal** | 11-7 | 7-3 | 3-11 | Sidewalks | Pre-treat |
|---|---|---|---|---|---|
| 3/1/2015 | | 6 hrs - 2 trcks | 2 trcks - 8 hrs | | |
| 3/2/2015 | 8 hrs - 2 trcks | 3 trcks - 4 hrs | | 4 hrs | |
| 3/5/2015 | 8 hrs - 4 trcks | 7 trcks - 8 hrs | 5 trcks - 8 hrs | | |
| 3/6/2015 | | | | 4 hrs | |
| 3/20/2015 | 2 trcks - 8 hrs | 5 trcks - 8 hrs | | | |

**Sink Holes**

3/10/15 - Repaired Sink Hole on Maryland Ave
3/12/15 - Repaired Sink hole on Bopp
3/12/15 - Repaired Sink Hole on Johnson

**Road Repairs**

Clean up wash on Independence Street from Water Leak 3/11/15
Repaired Emily Street Ext with stone 3/12/15
Repaired Kinsley Place with stone on 3/17/15
Road Repair in Park 3/16/15-3/19/15, 3/24/15

Set out traffic control for Hooley
Excavate trench in Cavanaugh for Terry Boutwell for field light wire.3/23-3/24/15
Moved planters from Mason Complex to Harrison Street for Paul Erickson 3/27/15

**Bollards for CFD**

Excavated and poured 4 bollards under 68 @ Harrison 3 cy
Excavated and poured 4 bollards under 68 @ Salem 3 cy

**PUBLIC WORKS/MAINTENANCE**
**PARKS & RECREATION**
**MONTHLY REPORT**
**MARCH 2015**

- Snow Removal/Sidewalks
    - Worked on snow removal and sidewalks 4 days.

- Constitution Park
    - Turned water on at Restrooms and Pool House.
    - Repaired pool deck.
    - Replaced slide in Playground.
    - Removed tree in grove 4.
    - Repaired road in Grove 4 with 7 loads of stone. Still needs paved.

- Field Work
    - Began field work on Long, Cavanaugh, JC, Nonnennmann, and North Craft.
    - Long: worked 2 days with clean up, dragging field and turning water on.
    - Cavanaugh: worked 3 days on clean-up& turning water on. Also spiked, dragged and lined for AC and Washington Middle Girls SB 4 times.
    - Began work on Fields @ Riverside 3 days. Lined and dragged Nonnennmann and North Craft.
    - JC: worked 2 days on general clean up. Also, spiked and drug field.

| Parks and Recreation | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Field Work | | | | | | | | |
| March 2015 | | | | | | | | |
| | | Line | | Spike | | Drag | | General Cleanup Prior to Season |
| Flynn | | | | | | 1 | | 1 day |
| | | | | | | | | |
| North Craft | | 1 | | | | 1 | | 1 day |
| | | | | | | | | |
| Nonnenmann SF | | 1 | | | | 1 | | 1 day |
| | | | | | | | | |
| Galaxy | | 1 | | | | | | |
| | | | | | | | | |
| United | | 1 | | | | | | |
| | | | | | | | | |
| Long | | | | | | 1 | | 2 days, water turned on |
| | | | | | | | | |
| JC | | | | 1 | | | | 2 days, water turned on |
| | | | | | | | | |
| Cavanaugh | | 4 | | 1 | | 4 | | St. Dept. excavated trench & Terry Boutwell installed new wiring for field lights. Repaired score board |
| | | | | | | | | |
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| Parks and Recreation Department | | | | | |
|---|---|---|---|---|---|
| Grass Cutting | | | | | |
| March 2015 | | | | | |
| | | P&R | | | Seasonals |
| Fairmont | | | | | |
| Ridgedale | | | | | |
| Springdale | | | | | |
| Mason | | | | | |
| Park | | | | | |
| Long | | | | | |
| Cavanaugh | | | | | |
| Smith Park | | | | | |
| Vets Park | | | | | |
| Pine Ave | | | | | |
| JC | | | | | |
| Valley St Parklet | | | | | |
| Abrams | | | | | |
| Washington HQ | | | | | |
| Sundial | | | | | |
| Lucys Park | | | | | |
| MCS | | | | | |
| Evitts Creek | | | | | |
| Boat Ramp | | | | | |
| Davidson 332-334 | | | | | |
| Mullen | | | | | |
| 500 Block of Maryland Ave. | | | | | |
| 14 Somerville in Rear | | | | | |
| Old HRDC | | | | | |
| Rolling Mills Parklet | | | | | |
| East Side School | | | | | |
| Goethe | | | | | |
| Pistol Range | | | | | |
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| Parks and Recreation Department |
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| **Miscellaneous Work** |
| **March 2015** |
| |
| |
| Repaired pool deck – 8 days |
| Turned water on at all facilities and made repairs as needed |
| Tree work in Park – 1 day |
| Repaired slide in Park |

## Fleet Maintenance
## March 2015

| | |
|---|---|
| **Total Fleet Maintenance Projects** | **134** |
| Street Maintenance | 41 |
| Snow Removal | 6 |
| DDC | 1 |
| CPD | 22 |
| Water Distribution | 23 |
| P & R Maintenance | 5 |
| CFD | 1 |
| Sewer | 4 |
| Code Enforcement | 5 |
| Flood | 2 |
| PIP | 0 |
| WWTP | 0 |
| Engineering | 1 |
| Facility Maintenance | 0 |
| Fleet Maintenance | 0 |
| Central Services | 2 |
| Municipal Parking | 0 |
| Public Works | 0 |
| Water Filtration | 0 |
| Small Engine Repairs | 0 |
| Scheduled Preventive Maintenance | 16 |
| Field Service Calls | 5 |
| **Total Work Orders Submitted** | **42** |
| **Risk Management Claims** | **0** |
| **Fork Lift Inspections** | **0** |

Regular Council Agenda
April 21, 2015

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**Description**
Maintenance Division monthly report for March, 2015.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

Regular Council Agenda
April 21, 2015

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**Description**
Utilities Division & Central Services Monthly Report for March, 2015.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# Mayor and City Council of Cumberland

## Administrative Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502
Second Floor Conference Room
Tuesday, March 3, 2015
5:00 p.m.

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

**ALSO PRESENT:** Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Police Chief; Marjorie Woodring, City Clerk

**NOTICE:** Notice of intent to hold an Administrative Session on Tuesday, March 3, 2015 at 5:00 p.m. was provided to the media via email notification and posted to the City's website on February 27, 2015.

**MOTION:** Motion to enter into closed Administrative Session to discuss personnel matters, union negotiations, and to consult with the City Solicitor regarding a legal matter was made by Councilman Caporale, seconded by Councilman Kauffman, and approved on a vote of 5-0.

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

- Section 10-508 (a) (1): to discuss the appointment employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals;
- Section 10-508 (a) (7): to consult with counsel to obtain legal advice on a legal matter;
- Section 10-508 (a) (9): to conduct collective bargaining negotiations to consider matter that relate to the negotiations

**TOPICS:** Personnel matters, union negotiations, and consultation with the City Solicitor regarding a legal matter

Minutes approved on: _____

Brian K. Grim, Mayor _____

ATTEST:
Marjorie A. Woodring, City Clerk _____

# Mayor and City Council of Cumberland

## Administrative Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502
Second Floor Conference Room
Tuesday, March 17, 2015
5:45 p.m.

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

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

**NOTICE:** Notice of intent to hold an Administrative Session on Tuesday, March 17, 2015 at 5:45 p.m. was provided to the media via email notification and posted to the City's website on March 13, 2015.

**MOTION:** Motion to enter into closed Administrative Session to discuss union negotiations was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and approved on a vote of 4-0 with Councilman Kauffman being absent at vote.

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

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

**TOPICS:** Union negotiations

Minutes approved on: _____

Brian K. Grim, Mayor _____

ATTEST:
Marjorie A. Woodring, City Clerk _____

Regular Council Agenda
April 21, 2015

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**Description**
Approval of the Administrative Session Minutes of March 3 and 17, 2015.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**ORDINANCE NO. _____**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE APPROVING THE APPLICATION TO AMEND THE OFFICIAL ZONING MAP REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) TO REZONE PROPERTY LOCATED AT 208-210 OLDTOWN ROAD, CUMBERLAND, ALLEGANY COUNTY, MARYLAND FROM R-U (URBAN RESIDENTIAL) TO R-R (REHABILITATION AND REDEVELOPMENT)."

**WHEREAS**, the property which is the subject of this Ordinance is presently owned by Thomas W. Pittman and Christina R. Pittman (the "Applicants"), is located at 208-210 Oldtown Road, Cumberland, Allegany County, Maryland, on the north side of Baltimore Avenue between Goethe Street and Bellevue Avenue, and is more particularly described in the Deed from Harold B. Rice to the Applicants, dated October 13, 2006 and recorded among the Land Records of Allegany County, Maryland in Book 1319, Page 200, the said property hereinafter being referred to as the "Subject Property."

**WHEREAS**, the Subject Property is presently zone R-U (Urban Residential) and is improved by a two-story building.

**WHEREAS**, the Applicants made application to the Planning and Zoning Commission of the City of Cumberland

(the "Planning Commission"), requesting that the Subject Property be rezoned to R-R (Rehabilitation and Redevelopment) in order to re-establish a commercial use at that location.

**WHEREAS**, the first floor of the structure was formerly used for commercial purposes under the nonconforming use provisions of the City of Cumberland Zoning Ordinance; however, since that use was abandoned more than 6 years ago, it cannot be re-established under existing zoning. *See* Zoning Ordinance Section 7.06.07(4).

**WHEREAS**, the second floor consists of two residential units, one of which is used by the Applicants as their principal residence, the other of which is available for or being used as a residential rental unit.

**WHEREAS**, if the requested rezoning is granted, the Applicants will establish a deli/market on the first floor of the Subject Property and they will continue the residential use of the second floor of the building.

**WHEREAS**, the Cumberland Planning Commission Staff issued a Report dated January 15, 2015 (the "Staff Report"), a copy of which is attached hereto and incorporated by reference herein as Exhibit 1, recommending that the proposed zoning map amendment be approved subject

to the 8 restrictions, conditions and limitations set forth on pages 5 and 6.

**WHEREAS**, among other things, the Staff Report includes Staff's findings relative to the required considerations set forth in Section 4-204(b)(1) of the Land Use Article of the Annotated Code of Maryland, i.e., population change, the availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the relationship of the proposed amendment to the local jurisdiction's plan.

**WHEREAS**, the Planning Commission held a hearing on March 23, 2015 for the purpose of considering the Applicants' request for a zoning map change, voting 4-0 (with the fifth member of the Planning Commission abstaining from the vote) to recommend that the Mayor and City Council approve the application (see Planning Commission Action attached hereto as Exhibit 2).

**WHEREAS**, as required by Section 15.04.05(1) of the Zoning Ordinance, the Planning Commission forwarded its recommendations relative to the proposed rezoning to the Mayor and City Council for action.

**WHEREAS**, as required by Section 4-203(b) of the Land Use Article and Section 15.04.06(1) of the Zoning Ordinance, the Mayor and City Council published notice of

the time and place of the public hearing before it on the matter of the rezoning which is the subject of this Ordinance together with a summary of the proposed rezoning in *The Cumberland Times News*, a newspaper of general circulation in Allegany County and the City of Cumberland, once each week for 2 successive weeks with the first notice being provided at least 14 days before the hearing. The notices were published on May 5, 2015 and May 8, 2015.

**WHEREAS**, as required by Section 4-203(b) of the Land Use Article and Section 15.04.07 of the Zoning Ordinance, a public hearing on the proposed rezoning was held before the Mayor and City Council on May 19, 2015, at which public hearing all parties in interest and citizens of the City of Cumberland were permitted to be heard concerning the proposed rezoning.

**WHEREAS**, having considered the evidence presented, the Mayor and City Council made the following findings:

1. Since the RR zone is a "floating zone," a determination of a substantial change in the character of the neighborhood or a mistake in the original zoning of the Subject Property under Section 4-204(b)(2) of the Land Use Article is not required. *Aubinoe v. Lewis*, 250 Md. 645, 652-53 (1968)

2. As required under the terms of the Court of Appeals' ruling in *Aubinoe*, the application complies with the express purposes for which the floating zone was established. The purpose of the RR Zone is to provide incentive for the reuse, rehabilitation and redevelopment of abandoned structures that were originally used for industrial, warehouse, or other employment purposes but which have become nonconforming in the district in which they are located. *See* Zoning Ordinance Section 5.01.12. The first floor of the structure on the Subject Property has been abandoned. By virtue of its design, it cannot feasibly be converted to a conforming use within the neighborhood. If left vacant, it would be likely to have a blighting influence in the neighborhood.

3. The reuse, rehabilitation and redevelopment of abandoned structures in an RR Zoning District should be conducted in a manner such that the integrity of the neighborhood can be preserved. *See* Zoning Ordinance Section 5.01.12. The applicable criteria (performance standards) for considering an application to rezone a property to the RR Zone in order to determine whether such a use is compatible with the neighborhood are set forth in Section 6.14.04 of the Zoning Ordinance. Additional

requirements relative to the establishment of an RR Zone are set forth in Section 6.14 of the Zoning Ordinance.

4. In addition to considering the aforesaid requirements, the Mayor and City Council are required to make findings relative to the required considerations set forth in Section 4-204(b)(1) of the Land Use Article which were identified previously herein.

5. The Mayor and City Council adopt the findings set forth in the Staff Report as its findings with respect to the subject application.

6. Although the Subject Property was referred to as 208 Oldtown Road in the Application, the State Department of Assessments and Taxation's assessment records reflect that the correct legal description is 208-210 Oldtown Road, Cumberland, MD 21502. Accordingly, the Application and the Planning Commission's recommendation shall be deemed to be applicable to 208-210 Oldtown Road.

**WHEREAS**, based upon the foregoing, the Mayor and City Council determined that the application for the rezoning of the Subject Property should be granted and the 8 restrictions, conditions and limitations recommended by the Planning Commission should apply.

**NOW, THEREFORE:**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the Applicants' application to rezone the Subject Property from R-U (Urban Residential) to R-R (Rehabilitation and Redevelopment) is granted. The Official Zoning Map referred to in Section 25-1 of the Code of the City of Cumberland (1991 Edition) be and is hereby amended to rezone the Subject Property accordingly.

**SECTION 2:** BE IT FURTHER ORDAINED, in accordance with Section 15.07 of the City of Cumberland Zoning Ordinance, the aforesaid rezoning is subject to the following restrictions, conditions and limitations:

1. Permitted uses for the Subject Property shall be limited to retail buildings (less than 5,000 square feet), repair services, personal service establishments, and professional services in accordance with the applicable standards for the B-L (Local Business Zone) and residential uses in accordance with the applicable standards for the R-U (Urban Residential Zone) as specified in the Development Regulations Table (Section 6.03.01 of the City of Cumberland Zoning Ordinance). All non-residential uses in the building on the Subject Property shall be confined to the first or ground

floor and the second or upper floor of the building shall only be used for residential uses permitted within the R-U Zone.

2. The proposed use shall satisfy all applicable off-street parking and loading requirements specified in Section 12 of the Zoning Ordinance.
3. The proposed use shall satisfy the applicable buffer requirements in Section 13 of the Zoning Ordinance.
4. The proposed use shall satisfy the signage restrictions of Section 6.14.04 (4) of the Zoning Ordinance, with the addition that no freestanding sign shall be permitted on the property.
5. The proposed use shall not generate more than 25 vehicle trips per day, as determined by the most recently published edition of the Institute of Traffic Engineers Trip Generation Manual.
6. No outdoor storage, display, or sales of materials or products shall be allowed on the Subject Property.
7. The business use shall not operate between the hours of 10:00 p.m. and 6:00 a.m.
8. Prior to the issuance of an occupancy permit for any proposed non-residential use in the building, the owner shall submit for review and approval an engineering and code inspection report documenting the

soundness of the structure for the proposed use and the compliance of all alteration work completed since 2008 with all applicable building, plumbing, and electrical code requirements. Where code deficiencies are identified in the first or ground floor alteration work, the owner shall undertake improvements, which shall be re-inspected upon completion, to achieve compliance with the applicable code requirements prior to the issuance of an occupancy permit for the first or ground floor commercial space.

**SECTION 3:** BE IT FURTHER ORDAINED, that the said change shall be made on the Official Zoning Map immediately by inserting an entry on said Map stating: "On _____, 2015, by official action of the Mayor and City Council of Cumberland, the following changes were made on the Official Zoning Map:

1. The property located at 208-210 Oldtown Road shall be zoned RR; and
2. The said property is and shall be subject to those certain restrictions, conditions and limitations set forth in the Exhibit A attached hereto."

The Exhibit A shall set forth the restrictions, conditions and limitations set forth in Section 2 of this Ordinance.

**SECTION 4:** AND BE IT FURTHER ORDAINED, That this Ordinance shall take effect on the eleventh day following its passage.

**PASSED** this _____ day of _____, 2015.

_____
Brian K. Grim,
Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

# EXHIBIT 1

## CUMBERLAND PLANNING COMMISSION STAFF REPORT

**ZMA 15-01 – 208 Oldtown Road – RR Rezoning**

January 14, 2015

**Overview:**

A petition has been submitted by Thomas Pitman to apply the RR – Rehabilitation and Redevelopment Floating Zone to property that he owns at 208 Oldtown Road. The applicant is seeking to re-establish a former commercial use designation for the ground floor of the two story building. The former commercial use was abandoned more than 6 years ago, and the ground floor has remained vacant over that time. The upper floor of the building has historically been divided into two apartment units, at least one of which is currently occupied by the owners (Thomas Pitman and his wife, Christina). The property is currently zoned R-U – Urban Residential, which, according to Section 6.14.01 of the Zoning Ordinance is a zoning district that is eligible to receive the proposed RR zoning. The property adjoins R-U zoned properties on all sides, but several grandfathered, non-conforming non-residential uses remain in the immediate neighborhood, including Corwell's market and Klauvan's moving company. The legal "grandfathered" status of the former first floor commercial use has expired in accordance with the terms of **Section 7.06.07 (4)**, which states:

> "When a nonconfoming use of a structure, land, or structure and land in combination is discontinued or abandoned for twenty-four (24) consecutive months, the structure, land, or structures and premises in combination shall not thereafter be used except in conformance with the regulations of the district in which it is located."

In the case of 208 Oldtown Road, the prior commercial use has been abandoned for at least 6 years and the owner has established the upper floor residential area as a primary residence, which is now consistent with the current R-U Zone. Furthermore, according to the Conceptual Future Land Use Map (Map 9) in the 2013 Comprehensive Plan City-Wide Element, the subject property and all adjoining parcels are planned for Residential Uses, which is consistent with the current R-U zoning and the current residential use of the building.

The applicant is proposing to establish a deli or market on the ground floor of the building, which he hopes to sell (see the attached site plan and summary for the ZMA 15-01 petition). To re-establish the proposed commercial use, the applicant is seeking application of the RR-Revitalization and Redevelopment Floating Zone to the property.

**Procedural Status:**

On August 6, 2008, Thomas and Christina Pitman filed a number of permit applications in support of a proposed grill and retail sales commercial operation on the first floor of the subject property. These applications included RB 889, a building permit application for a commercial alteration of the first floor space; EC 1688, an electrical permit application for wiring work in support of the proposed commercial operations; PP 648, a plumbing permit application for plumbing work in support of the proposed commercial operations; and OP 1145, an occupancy permit for proposed retail sales of beer and wine and a commercial grill. These permits were never approved for the following reasons:

1. The "grandfathered" status of the former first floor commercial use had expired.
2. The owner could not satisfy the off-street parking requirements for the proposed commercial use as required by Section 12 of the Zoning Ordinance.
3. The proposed commercial use was not permitted by the applicable R-U (Urban Residential) zoning of the property.

Both the first floor and the upper floor apartments in the building were vacant. In speaking with the owner at that time, staff apprised him that, if he could satisfy the off-street parking requirements for the proposed commercial use, he could petition the city for RR (Revitalization and Rehabilitation) zoning. The owner subsequently established a primary residential use in the upper floor of the building, thereby creating a permitted occupancy use within the building in accordance with the applicable zoning. Also during the intervening time, the owner acquired a vacant property across the street from the building as a potential future off-street parking area for his primary property.

On January 13, 2015, the owner filed a Zoning Map Amendment petition (ZMA 15-01) to request application of the RR – Revitalization and Rehabilitation Floating Zone to his property at 208 Oldtown Road with parking to be located on the vacant parcel across Gay Street from the principal building. Staff scheduled the petition for a February 9, 2015 public hearing before the Planning Commission.

**Staff Review:**

City records do confirm the previous ground floor commercial use of the building. That pre-existing, non-conforming (grandfathered) use has been abandoned for more than two years, and cannot be reinstated under the current R-U Zoning of the property. The upper floor of the building has been maintained as a principal residence for the owner since the 2008 permit denial.

Staff has not determined whether or not the commercial alteration work originally denied in 2008 was continued or completed without a valid permit and, if so, whether or not any such work was done in compliance with the applicable Building, Electrical, and Plumbing Codes. However the applicant did assert that his permits were approved and verbally acknowledged that the work was completed. Since staff never approved the original permits, no inspections of any alteration work undertaken in the building since 2008 has been conducted to ensure code compliance.

According to Section 5.01.12 of the Zoning Ordinance, the spirit and intent of the RR – Rehabilitation and Redevelopment Floating Zone is to allow certain abandoned buildings originally used for industrial, warehouse, or other employment uses that are no longer permitted by the current zoning to be re-established in a manner that will allow them to be occupied and contribute to the active tax rolls of the city. The zoning classification is customarily restricted to abandoned and vacant buildings which cannot, by virtue of their design, be feasibly converted to a conforming use within the neighborhood and would, if left vacant, create a blighting influence on the neighborhood. The R-U (Urban Residential) zoning district is specifically eligible for the RR Zone.

Although the building was initially vacant when acquired by the current owner (and the ground floor remains vacant today), the owner subsequently established a conforming use within the building.

The applicant's proposed uses are consistent with the historic uses for the buildings and are not inconsistent with the general development patterns that exist in the area. The owner also acquired an adjoining property on the opposite side of Gay Street from the principal building for a proposed parking area. The property is served by all necessary city utilities, including City water and sewer.

**Staff Recommendation:**

In support of the requested rezoning, the applicant has submitted a site plan of the property and adjoining parking area and current photographs showing both the building and adjoining vacant lot for the required off-street parking (see attached supporting documents to ZMA 15-01). However, the applicant did not submit the following supporting documents required in Section 6.14.03 of the Zoning Ordinance:

1. **An engineering report as to the soundness of the structure.** This document is especially important for the subject property, since evidence has been provided suggesting that alteration work was conducted within the building without valid permits and no code compliance inspections for any such work were completed.

2. **A justification statement as to why the structure should be converted to a non-residential land use and how the application satisfies the purpose and intent of the RR Floating Zone.** Again, this document is important since the building is not currently vacant and is being occupied and maintained for a conforming use within the R-U Zone. As such, the building is also actively generating property taxes to the city and does not appear to be visibly blighted.

3. **A proposed exterior plan of the structure including architectural modifications, changes, or additions to the façade, landscaping, screening, and other such information as the Zoning Administrator may require.** Since staff is not aware of any proposed or planned exterior modifications to the building, this requirement may be satisfied by a written statement to that effect by the property owner.

The applicable performance standards for the RR Floating Zone are specified in Section 6.14.04 of the Zoning Ordinance. These standards are as follows:

1. Comply with all applicable environmental standards and requirements listed in Section 6.08 (noise, lighting, vibrations, noise pollution, etc.);
2. Satisfy the off-street parking and loading requirements of Section 12;
3. Provide required buffers along existing residential uses required in Section 13;
4. Satisfy specific signage limitations;
5. Comply with certain trip generation limitations or provide a traffic study to show that the use will not exceed the capacity of local streets;
6. Require no access for loading and unloading from a local street;
7. Require no outside storage of materials or products associated with the use;
8. Ensure that any light manufacturing uses will be conducted in an entirely enclosed space; and
9. Comply with operating hours restrictions between 10:00 p.m. and 6:00 a.m.

Staff has not determined if the proposed parking depicted on the applicant's site plan is adequate to satisfy the applicable requirements for the proposed use, but the vacant lot *appears* to have adequate area to do so. The site plan does not appear to have been drawn to scale, which makes it impossible for staff to confirm that the proposed spaces can be accommodated on the property as depicted. However, if the requested rezoning is ultimately approved, the applicant would be required (at a minimum) to: provide handicapped accessible parking with more convenient and direct access to the building entrance than is depicted on the site plan, confirm that the parking spaces will comply with the required dimensions (the parking space dimensions shown on the site plan do not appear to conform with the applicable requirements), provide an on-site drive or access aisle, and document that the surface of the parking area will be constructed with a dustless, durable, all-weather pavement as required in Section 12 of the Zoning Ordinance. The applicant would also need to redesign the proposed parking area to ensure that parked cars will not be required to back out into an adjoining street in compliance with Section 12.02.012 (11) of the Zoning Ordinance.

Additionally, under the provisions of The Land Use Article of the Maryland Annotated Code, the Mayor and City Council must render a series of specific findings in making its decision regarding the proposed zoning. A recommendation regarding these findings must be made by the Planning Commission. The specific findings are outlined in Section 4-204 (b) (1) of the Land Use Article. Staff recommends the following findings be determined with respect to these statutory considerations:

1. **Population change**: Staff notes the findings in the 2013 Comprehensive Plan that the population of the City of Cumberland has been in decline since the 1940's. The Plan further notes that the city desires to reverse that trend and support the future growth and economic development of the city, and it contains a number of recommendations to support that goal. The plan calls for a 150% increase in the City's population over the next 20 years. The proposed zoning would provide for limited future economic expansion of the city's commercial base, thereby increasing employment opportunities, expanding the City's tax base, and promoting

population growth that could be consistent with the recommendations of the City's Comprehensive Plan.

2. **The availability of public facilities:** Public facilities in the City of Cumberland were designed to serve the City's peak population of 39,483 in 1940. With a current population of approximately 20,800, the Water Resources Element in the 2013 Comprehensive Plan documented that adequate capacity exists within the city's current public facilities to accommodate the city's planned growth. The subject property is already served by City water and sewer.

3. **Present & future transportation patterns:** The 2013 Comprehensive Plan and the 2011 Cumberland Area Long Range Transportation Plan have identified and scheduled transportation improvements necessary to serve planned growth and development. The subject property is directly accessed by Oldtown Road and Gay Street, which are functionally classified as local streets in that area. The potential traffic impacts of the proposed use are anticipated to be minor and would not reduce the level of service on the adjoining streets to "D" or lower. The property owner has acquired property to serve as off-street parking for the proposed uses, but no determination of adequacy under Section 12 of the Zoning Ordinance has been made at this time.

4. **Compatibility with existing and proposed development for the area:** The current zoning and immediately neighboring uses are vacant or residential in nature. Other commercial uses are scattered around the area. The proposed uses are generally consistent with the existing mix of uses in that area.

5. **Relationship of the proposed amendment to the local jurisdiction's plan:** The R-U (Urban Residential) base zoning classification of the property makes it eligible for application of the RR – Revitalization and Redevelopment Floating Zone. The current upper floor residential use is allowed by the R-U Zone and is consistent with the future uses contemplated by the 2013 Comprehensive Plan. The proposed ground floor use is not specifically consistent with the future uses contemplated by the 2013 Comprehensive Plan for the area. The ground floor of the building was clearly designed for commercial use, but the former commercial use has been abandoned for more than two years.

Should the Planning Commission and Mayor and Council agree to rezone the property as requested by the applicant, staff recommends that the following conditions be applied to ensure compliance with the applicable zoning requirements:

1. Permitted uses for the property at 208 Oldtown Road shall be limited to Retail buildings (less than 5,000 square feet), Repair services, Personal Service Establishments, and professional services in accordance with the applicable standards for the B-L (Local Business Zone) and residential uses in accordance with the applicable standards for the R-U (Urban Residential Zone) as specified in the Development Regulations Table (Section 6.03.01 of the Cumberland Zoning Ordinance. All non-residential uses in the building shall be confined to the first or

ground floor and the second or upper floor of the building shall only be used for residential uses permitted within the R-U Zone.

2. The proposed use shall satisfy all applicable off-street parking and loading requirements specified in Section 12 of the Zoning Ordinance.

3. The proposed use shall satisfy the applicable buffer requirements in Section 13 of the Zoning Ordinance.

4. The proposed use shall satisfy the signage restrictions of Section 6.14.04 (4) of the Zoning Ordinance, with the addition that no freestanding sign shall be permitted on the property.

5. The proposed use shall not generate more than 25 vehicle trips per day, as determined by the most recently published edition of the Institute of Traffic Engineers Trip Generation Manual.

6. No outdoor storage, display, or sales of materials or products shall be allowed on the property.

7. The business use shall not operate between the hours of 10:00 p.m. and 6:00 a.m.

8. Prior to the issuance of an Occupancy Permit for any proposed non-residential use in the building, the owner shall submit for review and approval an engineering and code inspection report documenting the soundness of the structure for the proposed use and the compliance of all alteration work completed since 2008 with all applicable Building, Plumbing, and Electrical Code requirements. Where code deficiencies are identified in the first or ground floor alteration work, the owner shall undertake improvements, which shall be re-inspected upon completion, to achieve compliance with the applicable code requirements prior to the issuance of an Occupancy Permit for the first or ground floor commercial space.

# EXHIBIT 2

**Planning Commission Action:**

[✓] Recommend adoption of the requested RR Zoning for the affected property at 208 Road to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

With Staff Conditions

[ ] Recommend denial of requested RR Zoning for the affected property at 208 Oldtown Road to the Mayor and City Council, based on the following findings:

Motion by: Lou Merrill

Seconded by: Ben Walters

Vote:

In favor of motion: 4 Opposed: 0 Abstained: 1

Number of voting members present: 5

Signed:

Chair, Cumberland Planning Commission Date: 3/23/15

Secretary, Cumberland Planning Commission Date: 3/23/15

Regular Council Agenda
April 21, 2015

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**Description**

Ordinance *(1st reading)* - to approve, with restrictions, conditions and limitations, an application by Thomas W. Pittman and Christina R. Pittman to rezone property located at 208-210 Oldtown Road from R-U (Urban Residential) To R-R (Rehabilitation and Redevelopment) in order to re-establish a commercial use at that location.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# City of Cumberland

- Maryland -

# RESOLUTION

RESOLUTION NO. _____

**A Resolution of the Mayor and City Council of Cumberland, Maryland, granting the Carver Community Center, Inc. property tax credits for the tax years 2013-2014 and 2014-2015 pursuant to Section 9-302 of the Tax-Property Article of the Annotated Code of Maryland.**

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

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

**WHEREAS,** the Carver Community Center, Inc. is a property owner designated in Section 9-302(b)(8) of the Tax-Property Article of the Annotated Code of Maryland; and

**WHEREAS,** the Carver Community Center, Inc. has, pursuant to Section 9-301(e)(1), applied for the property tax credit; and

**WHEREAS,** the Mayor and City Council of Cumberland desires to grant to the Carver Community Center, Inc. a property tax credit against the municipal corporation property tax imposed on the Carver Community Center, Inc., for the tax years 2013-2014 and 2014-2015.

**NOW, THEREFORE, BE IT RESOLVED THAT,** the Carver Community Center, Inc., be and is hereby granted a property tax credit against any and all municipal corporation property tax imposed upon it by the City of Cumberland for tax years 2013-2014 and 2014-2015.

*Given under our Hands and Seals this 21st day of April, 2015 with the Corporate Seal of the City of Cumberland hereto attached, duly attested by the City Clerk.*

Attest:

Mayor and City Council
Of Cumberland

_____

*Marjorie A. Woodring*
City Clerk

_____

*Brian K. Grim*
Mayor

***CARVER COMMUNITY CENTER, INC.***
***P.O. Box 241***
***340 FREDERICK STREET***
***CUMBERLAND, MD 21501-0241***

Mayor & City of Cumberland Council
57 N. Liberty Street
Cumberland, Maryland 21502

August 1, 2014

Dear Mayor & City of Cumberland Council

The Carver Community Center Inc. wishes to again request the tax fee waiver for our lot located on the corners of Frederick and Marshall Streets within the city of Cumberland. For the tax year of July 1, 2014- June 30, 2015 on the account numbers: 23-001233 and D0-5149406.

The Carver Community Center is a small local 501 C 3 nonprofit founded through various partnerships between the city, county, and state governments as well as many local church, community and civic organizations.

The Carver Community Center Inc., Board of Directors greatly appreciates any assistance that you can give to us in this matter and in support of all of our future endeavors.

Sincerely,

Bonita Austin

Bonita Austin
Carver Community Center Inc. Board of Directors

Regular Council Agenda
April 21, 2015

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**Description**

Resolution granting the Carver Community Center, Inc. property tax credits for the 2013-2014 and 2014-2015 tax years.

**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:** April 21, 2015

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

**THAT,** the Mayor be and is hereby authorized to execute an "Amendment to Collective Bargaining Agreement" by and between the Mayor and City Council of Cumberland (City) and the United Food and Commercial Workers Local 1994 MCGEO (Union) to modify the Collective Bargaining Agreement between the City and Union applicable to the period from July 1, 2012, through June 30, 2015.

_____

**Brian K. Grim, Mayor**

# AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT

**THIS AMENDMENT TO COLLECTIVE BARGAINING AGREEMENT** ("Amendment") is made and executed this ___ day of _____ 2015, by and between the **Mayor and City Council of Cumberland**, a municipal corporation of the State of Maryland, hereinafter referred to as the "Employer", and the **United Food and Commercial Workers Local 1994 MCGEO**, hereinafter referred to as the "Union".

## RECITALS:

**WHEREAS**, on or about March 26, 2013, the City and the Union entered into a collective bargaining agreement applicable to the period from July 1, 2012 through June 30, 2015 (the "Agreement"); and

**WHEREAS**, the parties have agreed to amend the Agreement in accordance with the following terms and conditions, which they deem to be in their respective best interests.

## WITNESSETH:

**NOW THEREFORE**, in consideration of these premises and other good and valuable consideration, the receipt and sufficiency of which are acknowledged by the parties to this Amendment, they hereby agree as follows:

**1. Recitals.** The Recitals set forth above are not merely prefatory. They are incorporated by reference in this Amendment and form a part of the same as though they were set forth in full herein.

**2. Modifications to Agreement**.

**2.1. Amendment to Section 10.3(a).** Effective as of and retroactive to December 1, 2014, Police Officers covered under the Agreement shall be compensated pursuant to the pay schedule located in Appendix 1 of this Amendment.

**2.2. Amendment to Section 10.3(b).** The parties agree to defer reopener negotiations for the third year of the Agreement until April of 2015, it being noted that the Employer has expressed doubt relative to the value of this provision given that the Agreement is set to expire on June 30, 2015.

**2.3. Amendment to Section 17.1.** Section 17.1 of the Agreement is deleted in its entirety and is replaced with the following language:

> **17.1** When a bargaining unit member is assigned to a unit that requires them to wear plain clothes, they shall be paid a $500.00 clothing stipend in January and a separate $500.00 clothing stipend

in July. The stipend payments shall be issued separately from payroll payments.

**2.4.** **Bonus**. For FY 2015, employees covered by the terms of the Agreement shall be paid a bonus equal to one percent (1%) of their annual salary, as stated in the Appendix 1 attached hereto, payable no later than thirty (30) days from the date of this Amendment.

**2.5.** **Salary Survey.** The City will complete a salary survey within six (6) months following the date of this Amendment. Government survey participants will be consistent with those utilized by the Employer for the September 5, 2013 survey performed by Hendricks & Associates, Inc. as to certain MIS and Public Works employees. The survey will be taken into consideration in future negotiations regarding wages and economics.

**3.** **Effective Date.** The effective date of this Agreement shall be the date and year first above written unless otherwise provided herein.

**4.** **Limited Modification.** Except as specifically modified by this Agreement, all terms and conditions of the Agreement remain unchanged, in full force and effect, and are hereby ratified and confirmed by the Employer and the Union.

**5.** **February 20, 2015 Correspondence.** The Employer notified the Union that the Agreement would not be renewed beyond June 30, 2015 by correspondence from the Employer's City Administrator to the Union's President dated February 20, 2015. The Union filed a grievance with respect to the matter. This Amendment has no affect upon the City's notification of nonrenewal or the Union's grievance.

**6.** **Miscellaneous Provisions.**

**6.1.** **Invalidity.** If any provision or part of any provision of this Amendment shall be found for any reason to be invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other sections or the remaining part of any effective section of this Amendment and this Amendment shall be construed as if such invalid, illegal or unenforceable provision or part thereof had never been contained herein, but only to the extent of its invalidity, illegality or unenforceability.

**6.2.** **Binding Effect.** This Amendment shall inure to the benefit of the parties hereto and it shall be binding upon their respective personal representatives, heirs, successors and assigns.

**6.3.** **Captions.** The captions and various sections and paragraphs of this Amendment have been inserted only for the purposes of convenience. Such captions are not a part of this Agreement and shall not be deemed in any manner to modify, explain, enlarge or restrict any of the provisions of this Amendment.

**6.4. <u>Construction of Agreement</u>.** This Amendment, having been executed in the State of Maryland, shall be construed, interpreted and enforced under the laws of the State of Maryland.

**6.5. <u>Entire Agreement</u>.** This Amendment constitutes and contains the entire agreement and understanding among the parties regarding its subject matter and may not be modified except in a subsequent writing signed by all of the parties hereto.

**IN WITNESS WHEREOF**, the Employer and Union acknowledge that this Amendment is their respective act and deed effective as of the date and year first above written and, in signing below, each of the signatories in their capacities as individuals certify under the penalties of perjury that they are duly authorized to execute this Amendment by their respective bodies on behalf of which they are signing.

**WITNESS/ATTEST:**

**MAYOR AND CITY COUNCIL OF CUMBERLAND**

_____ By:_____

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

**Brian K. Grim, Mayor**

**UNITED FOOD AND COMMERCIAL WORKERS UNION LOCAL 1994 MCGEO**

_____ **By:**_____

**Gino Renne, President**

**Appendix I**
**FY 2015**

| Step | Entry | 2 | 3 | 4 | 5 | 8 | 11 | 14 | 17 | 20 | 25 |
|---|---|---|---|---|---|---|---|---|---|---|---|
| Sergeant | 46,110 | 47,032 | 47,972 | 48,931 | 49,910 | 50,908 | 51,926 | 52,965 | 54,024 | 55,105 | 56,207 |
| Corporal | 42,575 | 43,426 | 44,295 | 45,180 | 46,084 | 47,006 | 47,947 | 48,906 | 49,884 | 50,882 | 51,902 |
| Patrolman | 36,300 | 37,027 | 37,767 | 38,522 | 39,293 | 40,059 | 40,881 | 41,701 | 42,532 | 43,383 | 44,250 |

Employees are to be compensated at each appropriate step on their anniversary date at the start of each designated longevity year.

Regular Council Agenda
April 21, 2015

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**Description**

Order authorizing the execution of an "Amendment to Collective Bargaining Agreement" with the United Food and Commercial Workers Local 1994 MCGEO to modify the Collective Bargaining Agreement covering the period July 1, 2012 through June 30, 2015.

**Approval, Acceptance / Recommendation**

Final draft of Agreement pending.

☐ 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:** __April 21, 2015___

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

**THAT,** the Mayor be and is hereby authorized to execute an "Assignment and Assumption of Agreement for Payment in Lieu of Taxes" by and between Hampstead Cumberland Arms Partners, L.P. and Hampstead Cumberland Arms Partners II, L.P., and consented to by the Mayor and City Council of Cumberland, pertaining to the Agreement for Payment in Lieu of Taxes (PILOT) Agreement dated November 5, 2013 between the City and Hampstead Cumberland Arms Partners, L.P. , relative to the Cumberland Arms Apartments.

_____

**Brian K. Grim, Mayor**

**ASSIGNMENT AND ASSUMPTION**
**OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES**

THIS ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES (the "**Assignment**"), is made and entered into as of the ____ day of April, 2015, by and between Hampstead Cumberland Arms Partners, L.P., a Maryland limited partnership ("**Assignor**"), and Hampstead Cumberland Arms Partners II, L.P., a Maryland limited partnership ("**Assignee**"), and consented to by the Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland (the "**City**").

W I T N E S S E T H:

WHEREAS, Assignor and the Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, entered into that certain Agreement for Payment in Lieu of Taxes dated as of November 5, 2013 (the "**Agreement**") (a copy of the Agreement is attached hereto as Exhibit "A" and made a part hereof), with respect to certain tax payments relating to the property commonly known as Cumberland Arms Apartments (the "**Property**"); and

WHEREAS, Assignor desires to assign the Agreement to Assignee, and Assignee desires to assume the Agreement from Assignor.

NOW, THEREFORE, for and in consideration of the premises, Ten and No/100 Dollars ($10.00) in hand paid by Assignee to Assignor, the mutual covenants contained herein and other good and valuable consideration, the receipt, adequacy, and sufficiency of which are hereby acknowledged, Assignor and Assignee do hereby agree as follows:

1. Assignment and Assumption. Pursuant to Section 6 of the Agreement, Assignor does hereby assign all of its right, title, and interest in and to, and obligations under, the Agreement to Assignee. Assignee does hereby accept the assignment and, for the benefit of Assignor, assume all obligations of Assignor under the Agreement.

2. Entire Agreement. This Assignment constitutes the entire agreement among the parties and supersedes any prior agreement or understanding among them respecting the subject matter of this Assignment.

3. Applicability. This Assignment shall be binding upon, and inure to the benefit of, the parties hereto and their respective heirs, executors or administrators, personal or legal representatives, members, authorized persons, successors and assigns.

4. Governing Law. This Assignment shall be governed by, interpreted and enforced in accordance with the laws of the State of Maryland (without regard to its provisions on choice-of-law or conflicts-of-law).

5. Counterparts. This Assignment may be executed in several counterparts, each of which shall constitute an original, and all of which together shall constitute one and the same instrument.

[SIGNATURES ON FOLLOWING PAGES]

[SIGNATURE PAGE TO ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES]

IN WITNESS WHEREOF, Assignor and Assignee have each caused this Assignment to be executed and delivered under seal, effective as of the day and year first above written.

**ASSIGNOR:**
**HAMPSTEAD CUMBERLAND ARMS PARTNERS, L.P.,** a Maryland limited partnership

By: Hampstead Cumberland II, LLC, a Maryland limited liability company, its General Partner

By: The Hampstead Group, Inc., a California corporation, its Sole Member

By: _____
Greg Gossard
Secretary

**ASSIGNEE:**
**HAMPSTEAD CUMBERLAND ARMS PARTNERS, L.P.,** a Maryland limited partnership

By: Hampstead Arms II, LLC, a Maryland limited liability company, managing general partner

By: Hampstead Partners, Inc., a California corporation, its Member

By:_____
Greg Gossard
Secretary

[SIGNATURES CONTINUE ON FOLLOWING PAGE]

[SIGNATURE PAGE TO ASSIGNMENT AND ASSUMPTION OF AGREEMENT FOR PAYMENT IN LIEU OF TAXES]

The undersigned consents to the assignment of the Agreement identified in the foregoing Assignment in the manner effected by the said Assignment.

**MAYOR AND CITY COUNCIL OF CUMBERLAND**

_____**(SEAL)**
**Brian K. Grim, Mayor**

**ATTEST:**

_____
**City Clerk**

**EXHIBIT "A"**

Exhibit A

## AGREEMENT FOR PAYMENT IN LIEU OF TAXES

**THIS AGREEMENT FOR PAYMENT IN LIEU OF TAXES** ("Agreement") is made and executed in duplicate this 5th day of November, 2013 (the "Effective Date"), by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a municipal corporation of the State of Maryland (the "City"), and **HAMPSTEAD CUMBERLAND ARMS PARTNERS, L.P.**, a Maryland limited partnership (the "Owner").

## RECITALS:

**WHEREAS**, the City recognizes the significant need for decent, safe and sanitary housing in Cumberland for people with low or limited income.

**WHEREAS,** the Owner purchased a parcel of real property at 64 Baltimore Street, Cumberland, Allegany County, Maryland, (Tax ID Nos. 14-003177 and 14-003169, more particularly described in the deed recorded among the Land Records of Allegany County, Maryland in Deed Book 1989, Page 123) which it is currently operating as a rental housing facility comprised of sixty-nine (69) units, known as Cumberland Arms Apartments (the "Project"), all or a portion of which assists individuals of lower limited income; and

**WHEREAS**, the general partner of the Owner is a wholly owned subsidiary of The Hampstead Group, Inc., (the "Developer"), which is the developer for the rehabilitation of the Project using federal and state low income housing tax credits and federal and state historic tax credits.

**WHEREAS**, the Owner intends to sell the Project to a limited partnership affiliate of the Owner in which the Developer or a wholly owned subsidiary of the Developer will be the managing general partner;

**WHEREAS**, the Department of Housing and Community Development of the State of Maryland is also expected to provide financing for the development of the Project in order to assist in making it financially feasible;

**WHEREAS,** the Project is subject to real property taxes pursuant to the laws of the State of Maryland and payable to the City;

**WHEREAS,** City, Owner and Developer have reached an agreement whereby the Owner (or a successor entity to which it will sell the Project and of which an affiliate of Developer is the general partner), shall pay a negotiated amount in lieu of applicable City real property taxes to City as authorized by Section 7-505 of the Tax Property Article of the Annotated Code of Maryland; and

**WHEREAS**, the parties hereto deem the entry into this Agreement to be in their respective best interests.

**WITNESSETH:**

**NOW, THEREFORE**, in consideration of the mutual covenants, terms and agreements hereof and pursuant to the power and authority of said Section 7-505, the parties hereto agree as follows:

1. The Recitals set forth above are not merely prefatory. They are incorporated by reference in and form a part of this Agreement as though they were set forth in full herein.
2. The Owner shall pay to the City in lieu of taxes a sum equal to $48,839.30 (as increased annually by the Consumer Price Index for All Urban Consumers ("CPI U"), the "Annual Payment") for the term of this Agreement, which amount represents the amount of real property taxes owed to the City for the Project, as calculated applying the City's real property tax rate to the assessment determined

by the Department of Assessments and Taxation for the tax year 2013.[1] The intent of the parties is to make static the amount of tax payments owed during the term of this Agreement to the level owed in tax year 2013, subject only to annual increases (but not decreases) equal to CPI U for each year after the first year hereof. The payments to be made by the Owner to the City, provided for herein with respect to the Project, shall be made by the Owner and accepted by the City only as long as: (1) the Project shall be owned and used for the provision of rental housing and "service facilities" as permitted by the said Section 7-505, as amended from time to time; (2) the Owner, in all respects, complies with and satisfies the requirements of Section 7-505 of the Tax Property Article of the Annotated Code of Maryland, as amended from time to time, pursuant to which the City is authorized to enter into an agreement for the payment of negotiated sums in lieu of taxes, and complies with all of its obligations under the terms of this Agreement; and (3) from time to time, upon the request of the City, the Owner provides the City or its authorized representative, all financial and other information required by the City in order to ensure the full and complete compliance with the terms of this Agreement and applicable law. Upon the termination or expiration of this Agreement, full taxes shall be paid based upon the assessed value of the properties comprising the Project and the applicable property rate in effect as such time.

3. It is expected that the Board of County Commissioners for Allegany County, Maryland (the "County") will be entering into an agreement for a payment in lieu of taxes with the Owner and/or Developer which will be similar to this Agreement and which will relate to the same property as this Agreement. In consideration of the Agreement to make the foregoing payments, the City agrees, pursuant to Section 7-505 of the Tax Property Article of the Annotated Code of Maryland, that, for the term of this Agreement, the Owner and Developer shall have no further liability for any and all applicable City real property taxes in connection

[1] Acct. No. 14-003177 is assessed for $3,386,500.00 and 14-003169 is assessed for $49,500.00. At the City tax rate of .9654 per $100.00 is assessed value, the taxes due would be $33,171.14. Additionally, the property is located in the primary DDC district subject to a special tax at the rate of .456 per $100.00 is assessed value which adds $15,668.16. The total amount of the payment in lieu of taxes is based upon the 2013 City real estate and special taxing district taxes.

with the properties comprising the Project beyond the obligations undertaken herein.

4. The accommodations provided to the Owner under the terms of Section 2 of this Agreement shall be provided commencing upon the first day of the first tax period after the Effective Date and continuing for a term of seventeen (17) years.
5. This Agreement shall be subject to all applicable federal, state and municipal laws and regulations relative to its subject matter.
6. This Agreement shall not be subject to assignment without the written consent of the City; provided, however, no consent shall be required if the assignment is to a limited partnership of which the Developer or its wholly owned affiliate is the general partner. Upon such permitted assignment, "Owner" shall mean the limited partnership of which Developer or its wholly owned affiliate remains a general partner.
7. This Agreement shall be interpreted in accordance with the laws of the State of Maryland, and any action to enforce this Agreement shall be brought to the Circuit Court for Allegany County, Maryland.
8. This Agreement constitutes the full and complete agreement among the parties, and no amendments thereto shall be valid, except in writing and duly approved and executed by the parties.

**[SIGNATURES TO FOLLOW]**

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

**MAYOR AND CITY COUNCIL OF CUMBERLAND**

_____ **(SEAL)**
**Brian K. Grim, Mayor**

**ATTEST:**

_____

**City Clerk**

**HAMPSTEAD CUMBERLAND ARMS PARTNERS, L.P.,**
a Maryland limited partnership

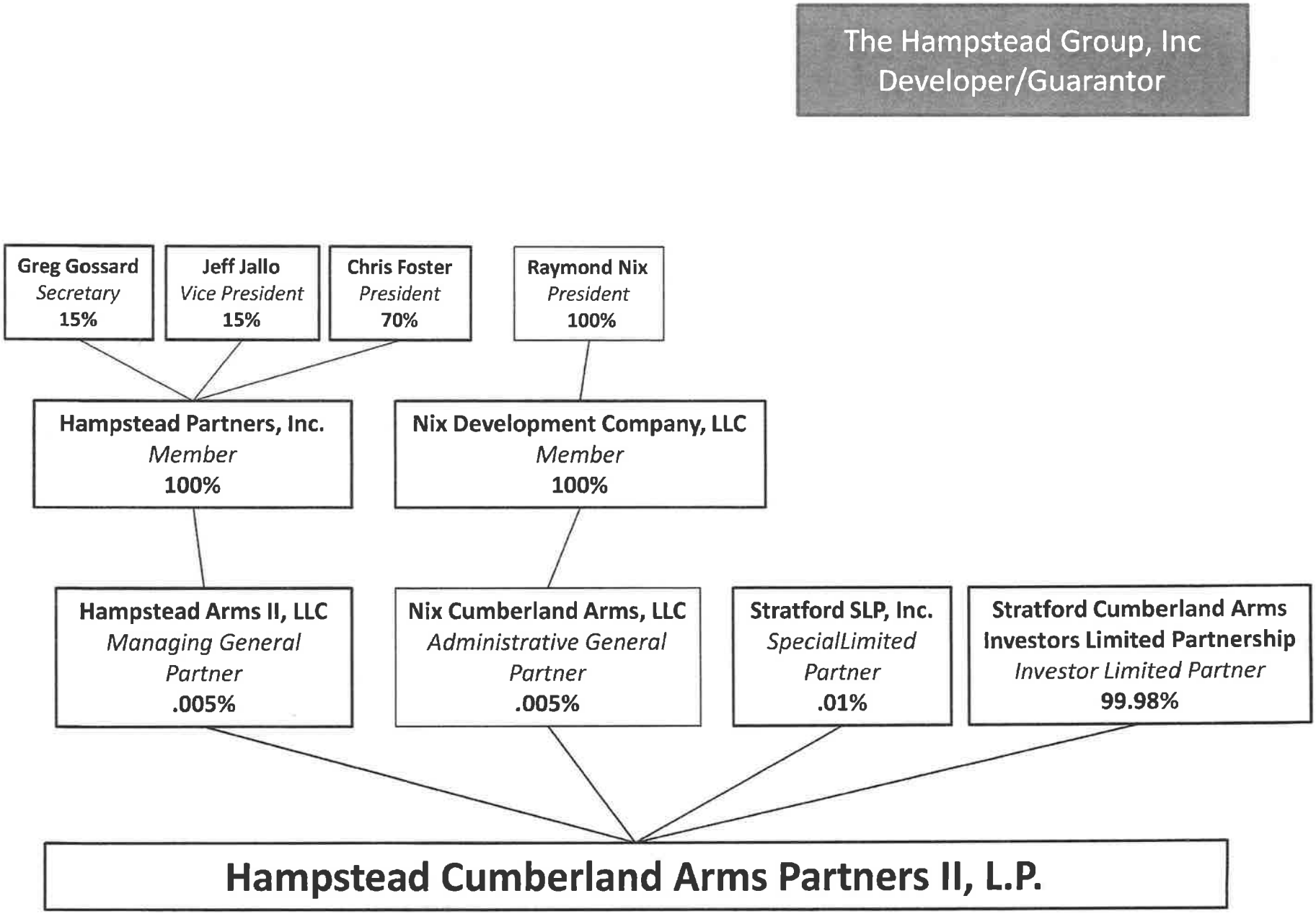
By: Hampstead Cumberland II, LLC,
a Maryland limited liability company,
its General Partner

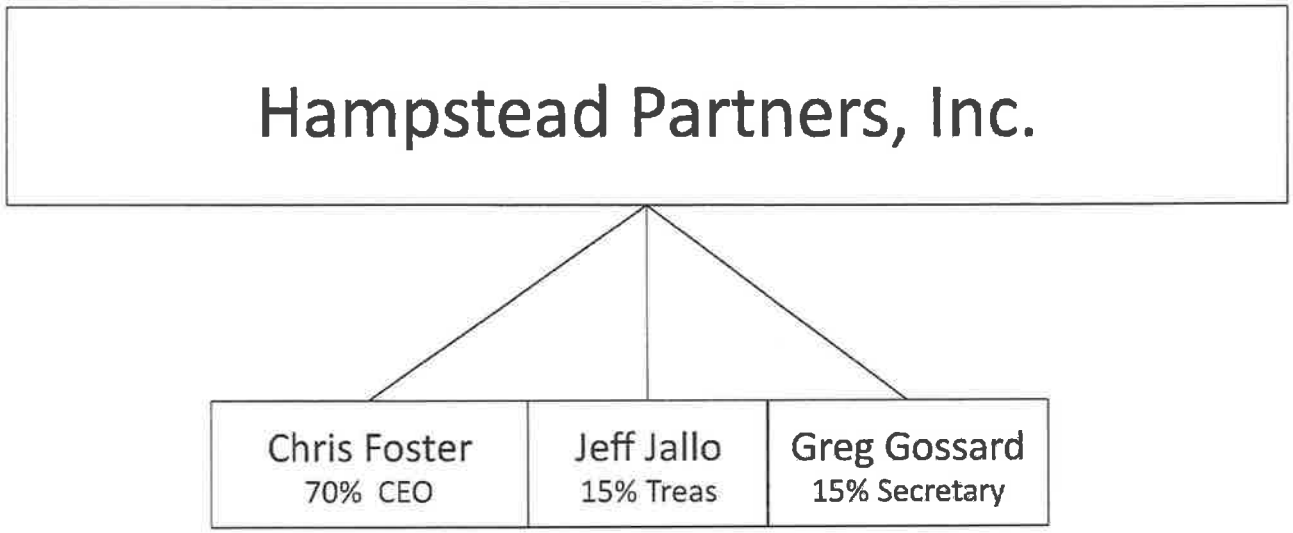
By: The Hampstead Group, Inc.,
a California corporation,
its Sole Member

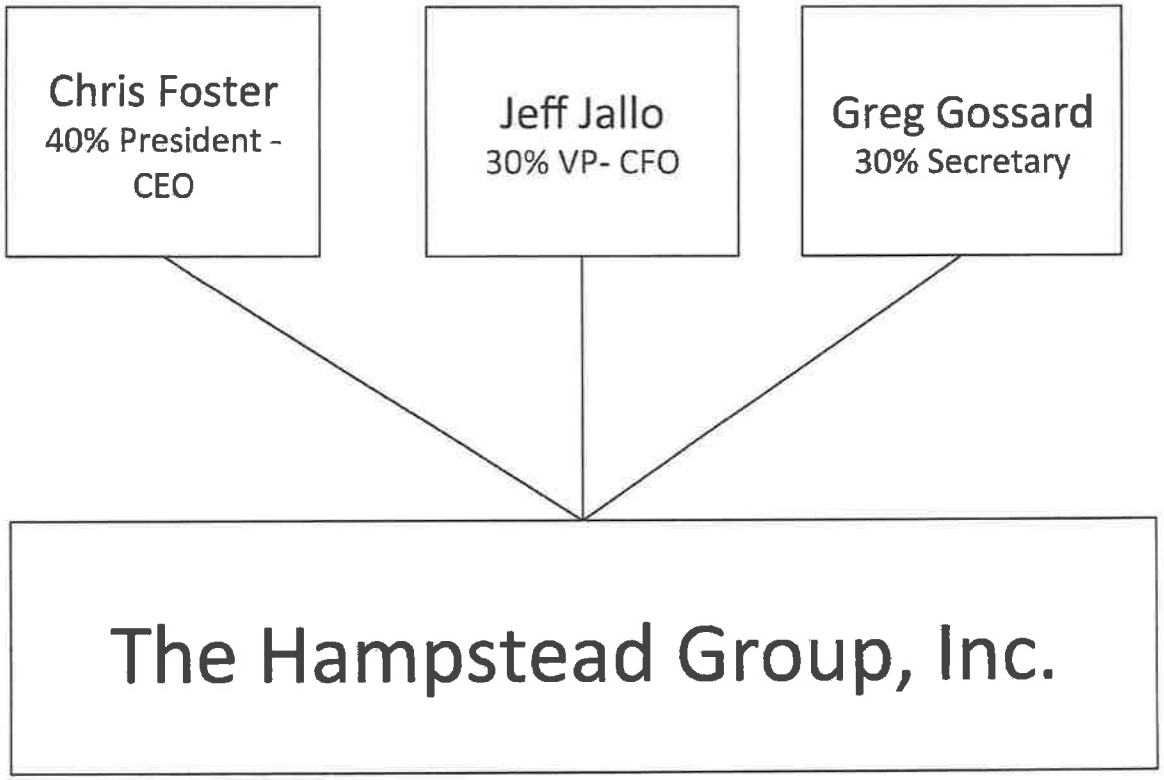
**BY:** _____ **(SEAL)**
Name: Jeff Jallo
Title: Vice-President

**WITNESS:**

_____


The Hampstead Group, Inc
Developer/Guarantor
Greg Gossard
Secretary
15%
Jeff Jallo
Vice President
15%
Chris Foster
President
70%
Raymond Nix
President
100%
Hampstead Partners, Inc.
Member
100%
Nix Development Company, LLC
Member
100%
Hampstead Arms II, LLC
Managing General Partner
.005%
Nix Cumberland Arms, LLC
Administrative General Partner
.005%
Stratford SLP, Inc.
SpecialLimited Partner
.01%
Stratford Cumberland Arms Investors Limited Partnership
Investor Limited Partner
99.98%
Hampstead Cumberland Arms Partners II, L.P.


Hampstead Partners, Inc.
Chris Foster
70% CEO
Jeff Jallo
15% Treas
Greg Gossard
15% Secretary


Chris Foster
40% President - CEO
Jeff Jallo
30% VP- CFO
Greg Gossard
30% Secretary
The Hampstead Group, Inc.

THE HAMPSTEAD COMPANIES

Patrick Harper
patrick@hampstead.com
(240) 800-3986

April 10, 2015

VIA EMAIL

Mr. Jeffrey Rhodes
City of Cumberland
57 N. Liberty St.
Cumberland, MD 21502

Re: Request for Consent to Assignment of Agreement for Payment in Lieu of Taxes by and between the Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland (the "City") and Hampstead Cumberland Arms Partners, L.P. ("Hampstead") dated as of November 5, 2013 (the "PILOT Agreement")

Dear Mr. Rhodes:

As we discussed, on behalf of The Hampstead Companies, I am writing you to formally request the consent of the City to an assignment of the PILOT Agreement (a copy of which, together with the Assignment and Assumption, is attached hereto). As you may recall, Hampstead Cumberland Arms Partners, L.P. acquired the apartment complex consisting of 69 units of senior affordable housing and the commercial retail space located at 10 N. Liberty Street, Cumberland, Maryland in July 2013.

Paragraph 6 of the PILOT Agreement contemplated an assignment of this type to a new limited partnership in preparation for the upcoming tax credit closing. Paragraph 6 states that the consent of the City is not required "if the assignment is to a limited partnership of which the Developer or its wholly owned affiliate is the general partner." As you can see from the attached organizational chart, Hampstead Cumberland Arms Partners II, L.P., the purchaser/assignee, consists of two general partners. The managing general partner is Hampstead Arms II, LLC, which is wholly owned by Hampstead Partners, Inc. Hampstead Partners, Inc. is not a wholly owned affiliate of the Developer, however, it is owned by the same three shareholders/principals as the Developer (the organizational charts of Hampstead Partners, Inc. and The Hampstead Group, Inc. (the Developer) are attached hereto).

I have attached the Assignment and Assumption of Agreement for Payment In Lieu of Taxes executed by the Hampstead entities. If it is acceptable, I would be happy to swing by and pick up the Assignment after it has been executed by the City. Please let me know a date and time that would be convenient for you. If you have any questions, please do not hesitate to contact me at the above referenced number or on my cell phone at (301) 379-9614.

Sincerely,

Patrick Harper
Asset Manager

Regular Council Agenda
April 21, 2015

---

**Description**

Order authorizing the execution of an "Assignment and Assumption of Agreement for Payment in Lieu of Taxes" by and between Hampstead Cumberland Arms Partners, L.P. and Hampstead Cumberland Arms Partners II, L.P., and consented to by the City, pertaining to the original PILOT agreement with Hampstead relative to the Cumberland Arms Apartments.

**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:** __April 21, 2015__

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

**THAT** the sole source proposal from Skyline Technology Solutions, 6956 Aviation Blvd., Suite F, Glen Burnie, MD 21061, to provide labor and materials to construct MD Department of IT OMBN fiber to the Municipal Service Center and the Wastewater Treatment Plant in an amount not to exceed Seventy-six Thousand, Six Hundred Thirty-nine Dollars and Sixty-one Cents ($76,639.61), be and is hereby accepted; and

**BE IT FURTHER ORDERED**, that this pricing is provided in conjunction with the Allegany County Public Schools project to extend fiber to John Humbird Elementary School.

_____

**Mayor Brian K. Grim**

Funding:
2014 CDA Bond 001.033.64000

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001780 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Municipal Srvc. Ctr |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|
| MISC JOB MATERIALS | 1.00 | EA | 0.00 | 2,752.5300 | 0.00 | 2,752.53 |
| Misc. Job Materials | | | | | | |
| Notes: | | | | | | |
| PROJECT MANAGER | 6.00 | EA | 0.00 | 140.0000 | 0.00 | 840.00 |
| Project Manager | | | | | | |
| Notes: | | | | | | |
| SR. NETWORK ENGINEER | 8.00 | EA | 0.00 | 130.0000 | 0.00 | 1,040.00 |
| Senior Network Engineer | | | | | | |
| Notes: | | | | | | |
| JR. NETWORK ENGINEER | 16.00 | EA | 0.00 | 110.0000 | 0.00 | 1,760.00 |
| Jr. Network Engineer | | | | | | |
| Notes: | | | | | | |
| OUTSIDE PLANT ENG | 68.00 | EA | 0.00 | 110.0000 | 0.00 | 7,480.00 |
| Outside Plant Engineer | | | | | | |
| Notes: | | | | | | |
| OUTSIDE PLANT TECH | 30.00 | EA | 0.00 | 90.0000 | 0.00 | 2,700.00 |
| Outside Plant Technician | | | | | | |
| Notes: | | | | | | |
| FIBER OPTIC LINE TEC | 24.00 | EA | 0.00 | 160.0000 | 0.00 | 3,840.00 |
| Fiber Optic Line Technician/Splicer | | | | | | |
| Notes: | | | | | | |

Continued

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001780 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Municipal Srvc. Ctr |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|
| STRUCTURE CABLE TECH | 20.00 | EA | 0.00 | 60.0000 | 0.00 | 1,200.00 |

Structured Cable Tech

Notes: Provide OSP ( Outside Plant ) engineering and aerial fiber construction services to construct approximately .39 aerial miles of one ( 1 ) aerial 12 count single mode fiber and one ( 1 ) and .10 miles of underground & ISP 12 count single mode fiber.

Splice and test one 12 count fiber DoIT OMBN Fiber backbone splice point in proximity to Virginia Avenue and E. Offutt Street and splice and terminate ( 1 ) 12 ct. rack mount term. panel data room.
Test fiber link to NWMD Museum POP and provide the test documentation to the District of Cumberland IT Dept.
Engineer & secure Utility pole attachment permits for aerial construction route ( 5 to 6 month Utility Company engineering make ready process on average.

Skyline Quote includes anticipated First Energy & Verizon new pole application and Utility make ready costs.
I recommend budgeting $6,500 for District of Cumberland budgeting purposes ( 6 new pole attachments requiring new utility pole applications and make ready).
( includes First Energy Application Fee & Verizon Engineering Fees).
This estimate is based on previous per mile average for New Utility Pole Application submission and make ready costs in Allegany County during the OMBN Stimulus fiber project pursuant to Verizon & First Energy.

| | | | | | | |
|---|---|---|---|---|---|---|
| MISC JOB MATERIALS | 1.00 | EA | 0.00 | 6,500.0000 | 0.00 | 6,500.00 |

Misc. Job Materials

Notes: Utility Company Pole Application & Make Ready Costs

Continued

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001780 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Municipal Srvc. Ctr |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|

Prices subject to change- we shall not be liable for any loss of profits, business, goodwill, data, interruption of business, nor for incidental or consequential warranty of merchantability or fitness for a particular purpose, and damages related to this agreement. Minimum 20% restocking fee with original packaging .

Make Purchase Orders to:

Skyline Technology Solutions
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
410.553.2600 FAX 410.787.2551

Order Instructions

Please Include the Following Information on your PO:

Customer Address and Email
Ship to Address and Contact Name
Invoice Name and Address
PO Number
Quantities and Part Numbers
Order Date
Chassis Serial #(s) - Maintenance Requests
F.O.B. = Origin

Vendor Authorization:

Contract Vehicle

CCPN RFP# 49-F-2-13.14

| | |
|---|---|
| Total | 28,112.53 |
| Total Misc. Charges | 0.00 |
| Sales Tax | 0.00 |
| **TOTAL** | 28,112.53 |

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001779 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Wastewater Plant |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|
| MISC JOB MATERIALS | 1.00 | EA | 0.00 | 4,117.0800 | 0.00 | 4,117.08 |
| Misc. Job Materials | | | | | | |
| Notes: | | | | | | |
| PROJECT MANAGER | 8.00 | EA | 0.00 | 140.0000 | 0.00 | 1,120.00 |
| Project Manager | | | | | | |
| Notes: | | | | | | |
| SR. NETWORK ENGINEER | 12.00 | EA | 0.00 | 130.0000 | 0.00 | 1,560.00 |
| Senior Network Engineer | | | | | | |
| Notes: | | | | | | |
| JR. NETWORK ENGINEER | 24.00 | EA | 0.00 | 110.0000 | 0.00 | 2,640.00 |
| Jr. Network Engineer | | | | | | |
| Notes: | | | | | | |
| OUTSIDE PLANT ENG | 103.00 | EA | 0.00 | 110.0000 | 0.00 | 11,330.00 |
| Outside Plant Engineer | | | | | | |
| Notes: | | | | | | |
| OUTSIDE PLANT TECH | 32.00 | EA | 0.00 | 90.0000 | 0.00 | 2,880.00 |
| Outside Plant Technician | | | | | | |
| Notes: | | | | | | |
| FIBER OPTIC LINE TEC | 28.00 | EA | 0.00 | 160.0000 | 0.00 | 4,480.00 |
| Fiber Optic Line Technician/Splicer | | | | | | |
| Notes: | | | | | | |

Continued

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001779 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Wastewater Plant |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|
| STRUCTURE CABLE TECH | 40.00 | EA | 0.00 | 60.0000 | 0.00 | 2,400.00 |

Structured Cable Tech

Notes: Provide OSP ( Outside Plant ) engineering and aerial fiber construction services to construct approximately .53 new aerial miles and .17 new underground miles of 12 count single mode fiber through five ( 5) existing manholes, fiber install ISP 12 count single mode fiber. Total miles : .70 miles.

Splice and test one 12 count fiber DoIT OMBN Fiber backbone splice point in proximity to Virginia Avenue and E. Offutt Street and splice and terminate ( 1 ) 12 ct. rack mount term. panel data room.
Test fiber link to NWMD Museum POP and provide the test documentation to the District of Cumberland IT Dept.
Engineer & secure Utility pole attachment permits for aerial construction route ( 5 to 6 month Utility Company engineering make ready process on average.

Skyline Quote includes anticipated First Energy & Verizon new pole application and Utility make ready costs.
I recommend budgeting $18,000 for District of Cumberland new utility pole attachment budgeting purposes ( 18 new pole attachments @ $1,000 each requiring new utility pole applications).
( includes First Energy Application Fee & Verizon Engineering Fees).

Exclusions: The field suvey that Skyline conducted with Terry Boutwell, Central Services Coordinator, during the first week of December indicated that a new, 35 foot class 4 utility pole will need to be installed near the manhole system on the County property approximately 150 feet from the last telco pole. The Customer will need to install the utility pole, or cover the costs
for contractor to furnish and install the utility pole.

| | | | | | | |
|---|---|---|---|---|---|---|
| MISC JOB MATERIALS | 1.00 | EA | 0.00 | 18,000.0000 | 0.00 | 18,000.00 |

Misc. Job Materials

Notes: Utility Company Pole Application & Make Ready Costs

Continued

**Skyline Technology Solutions**
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
Phone: (410) 553-2600
Fax: (410) 787-2551

# QUOTATION

| | |
|---|---|
| Quote No. | Q0001779 |
| Customer ID | CITY OF CU |
| Quote Date | 4/14/2015 |
| Buyer | |
| Project Name | Wastewater Plant |

| BILL TO: | SHIP TO: |
|---|---|
| City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 | City of Cumberland<br>57 North Liberty Street<br>Cumberland, MD 21502 |

| F.O.B. POINT | SHIP VIA | ORDERED BY |
|---|---|---|
| | | |

| QUOTE DATE | TERMS | SALES PERSON | EXPIRATION DATE |
|---|---|---|---|
| 4/14/2015 | Net 30 Days | John Eichhorn | 4/13/2016 |

| PART NUMBER | QUANTITY | UNITS | M.S.R.P. | UNIT PRICE | DISC % | EXTENDED PRICE |
|---|---|---|---|---|---|---|

Prices subject to change- we shall not be liable for any loss of profits, business, goodwill, data, interruption of business, nor for incidental or consequential warranty of merchantability or fitness for a particular purpose, and damages related to this agreement. Minimum 20% restocking fee with original packaging .

Make Purchase Orders to:

Skyline Technology Solutions
6956 Aviation Blvd., Suite F
Glen Burnie, MD 21061
410.553.2600 FAX 410.787.2551

Order Instructions

Please Include the Following Information on your PO:

Customer Address and Email
Ship to Address and Contact Name
Invoice Name and Address
PO Number
Quantities and Part Numbers
Order Date
Chassis Serial #(s) - Maintenance Requests
F.O.B. = Origin

Vendor Authorization:

Contract Vehicle

CCPN-RFP#49-F-2-13.14

| | |
|---|---|
| Total | 48,527.08 |
| Total Misc. Charges | 0.00 |
| Sales Tax | 0.00 |
| **TOTAL** | 48,527.08 |

Gmail by Google

Margie Woodring <margie.woodring@cumberlandmd.gov>

# Sole source for state fiber connectivity to Service Center/WWTP

1 message

**Johnna Byers** <johnna.byers@cumberlandmd.gov> Tue, Apr 14, 2015 at 1:59 PM
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

MIS requests approval for a sole source purchase from Skyline Technology Solutions for labor and materials to construct Maryland Department of IT OMBN fiber to the city's municipal service center and wastewater treatment plant. The price quotes are based on building a 48 count fiber backbone in conjunction with an Allegany County Public Schools project extending fiber to John Humbird School.

Cost:

| | |
|---|---|
| Municipal Service Center | $28,112.53 |
| Wastewater Plant | $48,527.08 |
| Total | $76,639.61 |

Amount is to be charged to 001.033.64000 as part of the 2014 CDA Bond.

I will forward the email from Jeff indicating sole source approval.

Thanks,
Johnna

**2 attachments**

**Skyline Q0001779- City of Cumberland Wastewater Plant.pdf**
66K

**Skyline Q0001780- City of Cumberland Municipal Service Center.pdf**
66K

Gmail by Google

Margie Woodring <margie.woodring@cumberlandmd.gov>

# Fwd: Fiber to John Humbird School - city WWTP - city service center

1 message

**Johnna Byers** <johnna.byers@cumberlandmd.gov> Tue, Apr 14, 2015 at 1:59 PM
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

-------- Forwarded message --------
From: **Jeff Rhodes** <jeff.rhodes@cumberlandmd.gov>
Date: Thu, Apr 9, 2015 at 8:44 PM
Subject: Re: Fiber to John Humbird School - city WWTP - city service center
To: Johnna Byers <johnna.byers@cumberlandmd.gov>

Primarily identify the funding and then prepare a Council Order as a sole source due to the BOE arrangement with the provider.

On Thursday, April 9, 2015, Johnna Byers <johnna.byers@cumberlandmd.gov> wrote:

> Jeff,
>
> Nil Grove, ACPS, just "unofficially" notified us that the grant funding for state fiber to John Humbird school was approved.
>
> Once she receives the official grant award, she will be issuing a purchase order to Skyline to begin construction on the fiber. The city should issue a PO to Skyline at the same time so that they can do all of the work while they are here. (decreased costs)
>
> I can send you up the pricing I have from Skyline to run fiber to WWTP and the service center. What do we need to do to proceed with this process?
>
> Thanks,
>
> Johnna

--

Jeffrey D. Rhodes, ICMA-CM
City Administrator
City of Cumberland, Maryland

301-759-6424
jeff.rhodes@cumberlandmd.gov

Regular Council Agenda
April 21, 2015

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**Description**

Order accepting the sole source proposal from Skyline Technology Solutions to provide material and labor for the construction of MD Department of IT OMBN fiber to the Municipal Service Center and Wastewater Treatment Plant in an amount not to exceed $76,639.61, in conjunction with Allegany County Public School's fiber extension project for John Humbird Elementary School.

**Approval, Acceptance / Recommendation**

The MIS Department requests approval for a sole source purchase from Skyline Technology Solutions for labor and materials to construct Maryland Department of IT OMBN fiber to the City's Municipal Service Center and Wastewater Treatment Plant. The price quotes are based on building a 48 count fiber backbone in conjunction with an Allegany County Public Schools project extending fiber to John Humbird School.

Cost:

| | |
|---|---|
| Municipal Service Center | $28,112.53 |
| Waste Water Treatment Plant | $48,527.08 |
| Total | $76,639.61 |

Jeff Rhodes provided approval for a sole source purchase due to the Allegany County Board of Education's arrangement with the provider.

Amount is to be charged to 001.033.64000 as part of the 2014 CDA Bond.

☐ 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:** April 21, 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 on the following Fridays in 2015: May 29; June 5, 19, and 26; July 3, 10, 17, 24; and August 7, 14, 21, 28; on Saturday, June 6, 2015, and Wednesday, May 20, 2015, from 5:00 P.M. until 10:00 P.M. within the designated area on the Downtown Mall (Baltimore Street) between Centre and Liberty Streets with an extended walkway extending to 49 Baltimore Street, as shown on the attached map.

**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**

# CUMBERLAND
## DOWNTOWN DEVELOPMENT COMMISSION
A Main Street Maryland Community

April 14, 2015

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

Dear Mayor & Council:

On behalf of the Downtown Development Commission, I would like to respectfully request the following:

- The alcohol open container area be extended on
  - (12) Fridays: May 29, June 5, 19, 26, July 3, 10, 17, 24, August 7, 14, 21, 28
  - (1) Saturday: June 6 for Cumberland Comes Alive Event
  - (1) Wednesday: May 20 for Bluegrass on the Bricks
    from 5:00 pm until 10:00 pm in the area represented by blue on the map.

We will require <u>all</u> open containers must be in plastic or aluminum.

This request is made in cooperation and with guidance from Chief Hinnant and Captain Leake of the Cumberland City Police Department.

The goal of this commission is to create a positive experience in downtown and this request would enhance the entertainment experience.

Respectfully,

Steven Leyh
Downtown Promotions Director

Downtown Development Commission
City Hall - 57 North Liberty Street
Cumberland, Maryland 21502
301-759-6443

Parking
LIBERTY ST.
CENTRE ST.
ROB & WELSH
LEPLEYS
ALLEGANY PAWNSHOP
CULINARY CAFE
DOLAR GENERAL
14
CUMBERLAND ARMS
BALT. ST GRILL
CAFE MARK
M&M BAK
ROBERTS CONFEC-TIONS
EDWARD JONES
MONKEY BUSINESS
ANIMAL WELFARE SOCIETY
RBC WEALTH MANAGEMENT
HALLMARK
RAY'S JEWELERS
48
ALLGANY COUNTY MUSEUM
F&M BANK & TRUST
69
MANHATTON
65
61
MANHATTON GALLERY
59
CITY LIGHTS
57
AMERICAN GEN
55
FORT CUMBERLAND EMPORIUM
49
EMBASSY THEATRE
47
ART GALLERY
43
41
JEWELRY STORE
BALTIMORE STREET COLLECTIBLES
GLOBAL MARKETING
MERCHANT'S ALLEY

Regular Council Agenda
April 21, 2015

---

**Description**

Order lifting the provisions of Section 11-113 of the City Code to allow open containers of alcohol on the Downtown Mall between Centre and Liberty Streets and an extended walkway to 49 Baltimore Street for designated dates throughout the summer, with the exception that open glass containers shall not be permitted in the defined 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:** __April 21, 2015___

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

**THAT,** the bid of Here at Home, Inc., 4599 Chestnut Ridge Road, Grantsville, MD 21536, to provide services for the operation of the Concession Stand at Constitution Park Pool for the base amount of One Thousand Two Hundred Fifty Dollars ($1,250.00) plus three percent (3%) of the gross sales for the period; and

**BE IT FURTHER ORDERED**, that no other bids were received for these services; and

**BE IT FURTHER ORDERED**, that the Mayor be and is hereby authorized to execute a Concession License Agreement by and between the Mayor and City Council of Cumberland and Here at Home, Inc., detailing the provision of these services; and

**BE IT FURTHER ORDERED**, that the services shall be provided for the 2015 operating season, as defined by the contract, and shall be renewable for two (2) additional years upon mutual consent of both parties.

_____

**Brian K. Grim, Mayor**

*Bids:*

| | | |
|---|---|---|
| Here at Home, Inc. | $1,250.00 | 3% |

*Fund:*
General Fund / Parks and Rec Department

# Bid Sheet

## BID FOR THE OPERATION OF THE CONCESSION STAND AT CONSTITUTION PARK POOL

**Tentative Hours of Operation and other specific activities:**

As outlined in bid packet page 4 of 9

Any other scheduled activities on park grounds

**Total Amount of Base Bid:** 1,250.00, Plus

**Total Percent of Gross Sales** 3 percent

**Bidders Name, Address, Phone and email (Please print):**

Here at Home Inc. 501(c)(3)

4599 Chestnut Ridge Rd., Grantsville MD 21536

(301) 676-3638

marvinmurphy@hereathomeinc.org

www.hereathomeinc.org

**Signature:**

**Date:** March 31 2015

**SPECIFICATIONS FOR OPERATION OF CONCESSION STAND AT CONSTITUTION PARK POOL**

**THE LESSEE AGREES:**

1. To operate said concession for the 2015 Season during the following periods:

- From approximately Memorial Day through Labor Day.
- All days that the park pool is in operation; swimming is normally scheduled seven days a week.
- During the time of scheduled swimming or pool activities.

2. To sell at reasonable prices such commodities that are usually sold at such concessions, including soft drinks, ice cream, coffee, potato chips, sandwiches, candy, etc., but in no circumstances to sell any beers, wines, or intoxicating liquors. All liquids must be served in paper cups.

3. To pay all State and local license fees and sales and other taxes as fixed by the statute for the operation of such business. This includes "a permit to operate a food service facility" from the Allegany Count Health Department, Environmental Health Division.

4. To keep accurate true and fully itemized accounts and records of all receipts costs and expenditures directly involved in the operation of said concession and to make these accounts and records available at all reasonable times for inspection by the Recreation Board or the Director of Parks and Recreation.

5. To confine all signs and advertising material to the inside of the concession stand and to display no signs or advertisements except those which name flavors of ice cream, kinds of sandwiches, flavors of soft drinks, etc.

6. To operate no loud radios or voice amplifying equipment.

7. To keep the premises in a clean and sanitary condition at all times. Any equipment if provided by the City shall be cleaned according to manufacturer's recommendations or as directed by the Recreation Department.

8. To conduct said concession in an attractive and orderly manner.

9. To employ at his own expense such help and labor as may be necessary to operate said concession in accordance herewith and to leave the premises in as good repair and condition as found, or failing to do so, to make prompt restitution to the City for any and all damages done by him or his employees to City property.

10. To be subject to such rules and regulations as the Lessor has established or may hereafter establish for the use of said recreation area by the general public.

11. To vacate said premises and remove his property with fifteen (15) days after termination of this agreement.

12. The lease agreement for operation of this concession may be terminated either for failure to carry out its provisions upon 15 days written notice to the Lessee, or for unsuccessful operation of the concession upon 15 days written notice to the City.

13. The Lessee, at the discretion of the City, shall have the option of leasing this property annually under such terms and conditions as the City may from time to time impose for a period of two (2) additional years. The City of Cumberland reserves the right to renew without bid to successful operators, the operation of the concession stand in future years.

14. Prior to the start of operation of the concession, the Lessee shall supply to the City a price list of all items for sale to the public.

15. Fees to be paid by the Lessee shall be paid at the Cumberland Parks and Recreation Department Office.

16. Prior to the start of operation of the concession, the Lessee shall provide a Certificate of Insurance to the City indicating that the Lessee carries:

- Commercial General Liability Insurance not less than a Combined Single Limit for Bodily Injury, Property Damage, and Personal Injury Liability of $300,000 per occurrence and $300,000 aggregate;
- Commercial Workers Compensation – Statutory

The Certificate of Insurance will name the **"Mayor and City Council of Cumberland"** as an additional insured and will include an endorsement requiring the insurer to provide the City with no less than thirty (30) days advance notice of its cancellation.

<u>For additional information contact:</u>

Diane Johnson, Director Parks & Recreation, City of Cumberland
57 N. Liberty Street (Lower Level)
City Hall, Cumberland, MD 21502
301-759-6636
diane.johnson@cumberlandmd.gov

Office hours are 8:00 a.m. to 4:00 p.m., Monday – Friday.

TENTATIVE SCHEDULING INFORMATION – CONSTITUTION PARK POOL

Concession Stand should be open during the regular operation of the park pool

- Daily 12:00 noon – 7:00 p.m. – May, June & July
- Daily 12:00 noon – 6:00 p.m. August & September
- Approximate season: Memorial Day to Labor Day – Weekends only while public school is in session
- Special events at the pool – Movie Night, Pool parties, other

- **Optional** – Sunday evening concerts at the Amphitheater Memorial Day to Labor Day, July 4th Firework celebration with special location.

Regular Council Agenda
April 21, 2015

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**Description**

Order accepting the bid of Here at Home, Inc. to provide services for the operation of the concession stand at Constitution Park for the 2015 Season in the base amount of $1,250 plus 3% of the gross sales; authorizing execution of a contract for the services; and authorizing the option for two additional 1-year terms upon mutual consent.

**Approval, Acceptance / Recommendation**

The Department of Parks and Recreation recommends accepting the bid from Here at Home to provide services for the operation of the concession stand at Constitution Park for the 2014 Season. No other bids were received.

☑ 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:** April 21, 2015

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

**THAT** the Mayor and City Council of Cumberland is the record owner of a 2001 Chevrolet Pickup Truck; and

**WHEREAS,** the Mayor and City Council have determined said vehicle to be surplus equipment;

**IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT:**

1. The following vehicle is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland and is hereby authorized for trade-in to Timbrook Automotive, 10345 Mt. Savage Road, NW, Cumberland, MD 21502:

- 2001 Chevrolet Pickup Truck - VIN #1GCCS19W418203013

_____

**Brian K. Grim, Mayor**

Gmail by Google

**Margie Woodring <margie.woodring@cumberlandmd.gov>**

# Vehicle Title

1 message

**Dave Curry** <dave.curry@cumberlandmd.gov> Tue, Apr 7, 2015 at 3:06 PM
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

Margie, we are trading in a Park and Rec pick up truck to Timbrook for a newer one. They will need the title for the existing one.

It is vehicle #502 License # LG 61710 2001 Chevy

Vin 1GCCS19W418203013

Thanks

Regular Council Agenda
April 21, 2015

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**Description**

Order declaring a 2001 Chevrolet Pickup Truck (VIN: 1GCCS19W418203013) to be surplus equipment and authorizing its trade-in to Timbrook Automotive.

**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:** ___April 21, 2015_____

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

**WHEREAS,** the Mayor and City Council of Cumberland is the record owner of a certain parcel of real property together with the improvements thereon which are known as 446 Bond Street, Cumberland Maryland 21502 (hereinafter referred to as the "Property"), the Property being more particularly described as follows:

**ALL** that lot or parcel of ground situated on the Southwesterly side of Bond Street in the City of Cumberland, Election District No. 5, Allegany County, Maryland, known and designated as part of Lot No. 4 in Gephart's Second Addition to Cumberland, which is more particularly described as follows, to-wit:

**BEGINNING** for the same on the Southwesterly side of Bond Street at the end of the division line between Lots Nos. 3 and 4 in said addition, and running then with the Southwesterly side of Bond Street South 61-3/4 degrees East 25 feet, then South 28 1/4 degrees West 70 feet, then parallel with Bond Street North 61-3/4 degrees West 25 feet to the aforesaid division line, and then with part of said division line North 28-1/4 degrees East 70 feet to the place of beginning.

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

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

**TO HAVE AND TO HOLD** the above-described property unto the parties of the second part, their personal representatives, heirs and assigns, in fee simple forever as tenants by the entireties.

**WHEREAS,** the Property has been determined to be surplus property by the Mayor and City Council of Cumberland.

**IT IS, THEREFORE, ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT:**

1. The Property is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland.

2. **BE IT FURTHER ORDERED**, that, the Mayor and City Council intend to sell the Property to Robert T. Fravel, who owns adjacent parcels on both sides of the Property, for a purchase price of $1,500, which reflects the assessed value of the undevelopable land.

3. **BE IT FURTHER ORDERED**, that after passage of twenty (20) days from the date of this Order and the passage of an Ordinance authorizing the execution of the Deed effecting the conveyance of the Property, formal transfer of the Property to Robert T. Fravel may proceed.

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**Mayor Brian K. Grim**

Regular Council Agenda
April 21, 2015

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**Description**

Order declaring City-owned property at 446 Bond Street to be surplus property and declaring the City's intent to transfer the property to the adjacent property owner, Robert T. Fravel, for a purchase price of $1,500 after the passage of 20 days' public notice and subsequent Ordinance authorizing the transfer.

**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: ___April 21, 2015_____**

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

**THAT** property located at 518 Washington Street, owned by Christopher Stevens (Tax Account #06-029868) be and is hereby granted a one-time Historic District Property Tax Credit commencing with the 2014 Tax Year, in the amount of Four Thousand, Six Hundred Forty-six Dollars and Thirty Cents ( $4,646.30) to be used within five (5) years; and

**BE IT FURTHER ORDERED,** that the property assessment for 518 Washington Street be frozen at the 2014 Tax Year pre-improvement market value of One Hundred Eighty-four Thousand, Two Hundred Fifty-nine Dollars ($ 184,259.00) for a period of two (2) years; and

**BE IT FURTHER ORDERED**, that this application was approved by the Historic Preservation Commission at their meeting on April 8, 2015.

_____

**Mayor Brian K. Grim**

**Historic District Tax Incentive Program**
Staff Recommendation
By Terri Hast
518 Washington Street
Owner: Christopher Stevens
Contact: Christopher Stevens
Tax Account: 06-029868

A Historic District Tax Incentive Application has been received from the owner of the property located at 518 Washington Street. Based on research, calculations, and materials received, I would like to make the following recommendation:

- City of Cumberland property tax credit recommended in the amount of $4,646.30 (10% of total eligible project costs of $46,462.95). The credit will be applied to real estate property taxes and is valid for a total of five years. Any credits remaining after that time will expire.
- Property tax assessment freeze recommended for 2 years based on a calculated pre-improvement market (Tax Year = 2014) value of $184,259. This is a residential property.

Regular Council Agenda
April 21, 2015

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**Description**

Order authorizing a 5-year Historic Tax Credit for 518 Washington Street (Tax Acct. 06-029868) in the amount of $4,646.30 and a 2-year property tax freeze based on the pre-improvement market value of $184,259.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

ASDWA
Association of State Drinking Water Administrators

pennsylvania
DEPARTMENT OF ENVIRONMENTAL PROTECTION

AREA WIDE OPTIMIZATION PROGRAM
AWOP

# 2014
# AWOP Award

**Is Hereby Awarded to**

*Evitts Creek Water Company*

*Treatment Plant*

**For Outstanding Efforts Toward Optimizing Filter Plant Performance**

Lisa D. Daniels
Director
Bureau of Safe Drinking Water
PA Dept. of Environmental Protection

Regular Council Agenda
April 21, 2015

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**Description**

2014 Award of Recognition from the PA Department of Environmental Protection presented to the City of Cumberland Water Treatment Facility for outstanding efforts toward optimizing filter plant performance. The City's facility was awarded this honor for the second consecutive year and was one of 13 out of 353 Surface Water Treatment Facilities in PA to be recognized.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

Let's Beautify Cumberland!

April 9, 2015

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

As you know, Let's Beautify Cumberland! initiated a United States flag memorial project in the spring of 2014. Over 65 American flags donated by Woodmen of the World and poles/holders professionally installed by Upright Fencing have been placed along Queen City Drive.

This year, we are looking at placing 18 additional flags at two locations on properties owned by the city of Cumberland. They are: Giarritta Park opposite City Hall, 10 flags, and the Veterans Memorial Park on South Centre, 8 flags. I have spoken with Dave Cox in Community Development, and he recommended a letter be written to the Mayor and City Council seeking your permission to go forward with this project.

As we did along Queen City Drive, we will contact Miss Utility to make sure that the placement of the flags do not interfere with any underground utilities. Once again, the flags/pole/holders will be professionally installed by Upright Fencing.

Thank you for your quick attention to this matter and for your continued support of Let's Beautify Cumberland!

Sincerely,

Ed Mullaney
Let's Beautify Cumberland!
Flag Project Coordinator

Regular Council Agenda
April 21, 2015

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**Description**

Letter from the Ed Mullaney, Flag Project Coordinator for the Let's Beautify Cumberland! Committee, asking permission to place 10 American Flags at the Veterans Memorial Park on South Centre Street and 8 American flags at the Giarritta Park opposite City Hall.

**Approval, Acceptance / Recommendation**

☐ Budgeted

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

**Value of Award (if applicable)**

**Source of Funding (if applicable)**