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 6/2/2015

***Pledge of Allegiance**

I. ROLL CALL

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

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

II. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of April 7 and April 21, 2015

Item Action: Approved

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

III. PUBLIC HEARINGS

(A) Public Hearing - to receive comment on the proposed Ordinance providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A"

Mayor Grim convened the public hearing at 6:24 p.m.

Mr. Rhodes advised that the proposed Ordinance would authorize the Mayor and City Council to issue and sell $3,260,000 in General Obligation Bonds, the proceeds of which would be used for construction and infrastructure projects, as well as the acquisition of equipment.

Mayor Grim opened the floor for public comment and no comments were put forth.

Mayor Grim adjourned the public hearing at 6:26 p.m.

IV. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A," for the purpose of (I) providing all of a portion of the funds necessary for financing or refinancing costs of (a) improvements to the water system and the sewer system, (b) Facility and property improvements, (c) information systems improvements and equipment, (d) other street improvements, and (e) acquisition of new and/or replacement vehicles and equipment, (II) funding a portion of a capital reserve fund, and (III) paying issuance and other costs related to the bonds

SECOND READING: The Ordinance was read in Title only for its second reading. Motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on vote of 5-0.

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

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

ORDINANCE NO. 3777

2. Ordinance *(2nd and 3rd readings)* - 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

Mr. Rhodes provided background on the Ordinance which would approve the rezoning of property at 208-210 Oldtown Road from R-U to R-R to allow for the establishment of a market/deli in the first floor. A public hearing on the matter had been held May 19, 2015.

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

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

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

ORDINANCE NO. 3778

3. Ordinance *(2nd and 3rd readings)* - providing for the City Tax Levy for FY 16

Mr. Rhodes advised that the revised Ordinance being presented this evening included updated numbers from the Ordinance presented at the May 19, 2015 meeting. He asked that Council adopt the amended ordinance. He advised that the City's tax rate would remain at $0.9654 for Real Property and $2.6480 for Personal Property.

MOTION to accept the amended Ordinance as presented with updated numbers was made by Councilwoman Alt-Myers, seconded by Councilman Bernard, and was passed on a vote of 5-0.

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

Mayor Grim entertained questions or comments and the Ordinance proceeded to this third reading.

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

ORDINANCE NO. 3779

V. NEW BUSINESS

(A) Ordinances

1. Ordinance *(1st reading)* - providing for the annual appropriation for the General Fund for FY16

Mr. Rhodes introduced the Ordinance and provided budgeted amounts for the various funds within the General Fund. The General Fund would be budgeted for FY16 at $21,107,756.

FIRST READING: 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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

2. Ordinance *(1st reading)* - providing for the annual appropriations for the Water Fund for FY16

Mr. Rhodes introduced the Ordinance and provided a breakdown of the amounts budgeted for this fund.

FIRST READING: 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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

3. Ordinance *(1st reading)* - providing for the annual appropriation for the Sewer Fund for FY16

Mr. Rhodes introduced the Ordinance and provided a breakdown of the amounts budgeted for this fund.

FIRST READING: 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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

4. Ordinance *(1st reading)* - providing for the annual appropriations for the special purpose funds for FY16

Mr. Rhodes introduced the Ordinance and provided a breakdown of the amounts budgeted for this fund.

FIRST READING: 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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

5. Ordinance *(1st reading)* - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY16 at the rate of $1.2560 per $100 or real property assessable base and $0.00 per $100 of personal property assessable base

Mr. Rhodes introduced the Ordinance and provided a breakdown of the amounts budgeted for this fund.

FIRST READING: 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 Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

6. Ordinance *(1st reading)* - providing for a 10% increase in sewer rates beginning July 1, 2015, for users of the City sewerage system

Mr. Rhodes introduced the Ordinance which provided for a 10% rate increase beginning July 1, 2015 for all users of the system. He stated that because the Enhanced Nutrient Remover (ENR) system was now fully online, the sewer system had experienced a significant increase in depreciation, which this rate increase was intended to address. With a 10% increase, the current average bill would increase from $50.28 to $55.31.

FIRST READING: 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 Councilwoman Alt-Myers, and was passed on a vote of 5-0.

(B) Resolutions

1. Resolution approving the application and receipt of financing for FY15 Community Legacy Project Funding in an amount of up to $750,000 from the MD Department of Housing and Community Development

Mr. Rhodes introduced the Resolution. Upon questioning from Council, Kathy McKenney, Historic Planner, provided the amounts of the funding requests per project: Leasehold Improvement Program $250,000; Centre Street Parklet $30,000; South Cumberland Library $150,000; Upper Story Redevelopment $200,000; Canal Place Skate Park $75,000.

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

RESOLUTION NO. R2015-02

(C) Orders (Consent Agenda)

1. Order authorizing an Historic District Tax Credit for property at 222 Washington Street (Tax Acct. No. 06-004741) in the amount of $1,477.52 owned by Allegany Development Company, to be used within 5 years and authorizing no property tax assessment freeze due to a less than 10% improvement value

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,820

2. Order declaring certain water supply equipment to be surplus City property and authorizing the equipment to be listed for sale as scrap material

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,821

3. Order approving a revised City of Cumberland Fund Balance Policy to raise the unreserved General Fund balance to 25% of expenditures, and to allow the City Comptroller to assign a portion of the fund balance for a specific expenditure or purpose after being submitted in writing to the City Administrator

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,822

4. Order declaring City-owned undeveloped property at 216 Knox Street to be surplus and accepting the offer of Michael A. Pfaff, adjoining property owner, to purchase the property for $1,800, with said transfer occurring after 20 days public notice

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,823

5. Order accepting the proposal of DALY Computer, as part of the State of MD DOIT State Hardware Contract, to provide Palo Alto equipment to change City connections to State fiber, in an amount not to exceed $61,700.08

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,824

6. Order authorizing execution of a grant agreement with Maryland Smart Energy Communities: New Community under the Maryland Energy Administration. The amount of the grant award is $45,452 for energy efficiency improvements, fuel efficiency improvements, and project preparation costs (up to 30%).

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,825

7. Order declaring 900 double and single-headed parking meters in the City as surplus property and authorizing them for sale as scrap metal

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. Councilman Kauffman questioned whether staff had contact Allegany Museum to ask if they had any interest in these meters. Mr. Rhodes advised that it was questionable whether the meters were actually vintage and suggested that it would be better to scrap the meters rather than spend time and resources determining their value. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,826

8. Order authorizing the City Administrator to execute a Letter of Agreement with Fibred-Maryland, Inc. for acquiring sludge from the City's Waste Water Treatment Plant.

Mr. Rhodes reviewed each item on the Consent Agenda and entertained questions or comments prior to vote. MOTION to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

ORDER NO. 25,827

(D) Letters, Petitions

1. Letter from Sharon and Mark Ellsworth requesting permission to hold the Fifth Annual Gulf War Memorial 5K Run on August 22, 2015, beginning at 8:30 a.m., starting on Baltimore Street and running onto the Canal Passage to the Narrows and back.

It was the consensus of the Mayor and Council to grant permission for the Fifth Annual Gulf War Memorial 5K Run to be held in the city.

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Jeffrey Storer, 135 N. Mechanic Street, requested that the Mayor and Council provided assistance to Bill's Deli, a new business that was trying to locate on Mechanic Street. He stated that the business had not yet been able to obtain a permit from the Health Department, which was causing a delay in its ability to open. He stated the deli would be a nice contribution to the community and especially to the JFK Apartments. Mayor Grim stated that the City did not oversee the Health Department, but he would ask the City's Economic Development Department to reach out to see if any assistance could be provided.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:49 p.m.

Minutes approved on: August 4, 2015

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk

MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

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

CITY SOLICITOR
Michael Scott Cohen

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 4/7/15

***Pledge of Allegiance**

I. ROLL CALL

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

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

II. PROCLAMATIONS

(A) Proclamation declaring April 30, 2015 to be "Cumberland Arbor Day."

Mayor Grim read the proclamation and Paul Eriksson, Natural Resource Technician, accepted on behalf of Dennis Bittinger, Chairman of the Shade Tree Commission. Mr. Eriksson invited the Mayor and City Council and the public to attend the Arbor Day festivities that would be held on April 30, 2015 beginning at 1:00 p.m. at Canal Place.

(B) Proclamation honoring the Mayors Day of Recognition for National Service on April 7, 2015.

Mayor Grim read the proclamation and encouraged citizens to give back to their community by becoming involved in organized beautification efforts or undertaking improvements at their own home.

III. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Presentation from Police Chief Charles Hinnant announcing that the Cumberland Police Department was recently awarded accreditation status through the CALEA Law Enforcement Accreditation Program.

Chief Charles Hinnant advised that the Cumberland Police Department had received full

accreditation status through the Commission on Accreditation for Law Enforcement Agencies (CALEA) on March 21, 2015, upon the department's first application. He discussed the benefits that would be realized by the department and the City through CALEA accreditation and reviewed the process by which accreditation status was achieved. Chief Hinnant stated that being awarded full CALEA accreditation was accomplished through a team effort put forth by the men and women of the Police Department along with the continuing support of the Mayor and City Council and community partners and is viewed as a badge of excellence for the department. Chief Hinnant recognized Sgt. Chuck Ternent for his leadership in guiding the department through this complex process.

Chief Hinnant presented the award to the Mayor and City Council. Mayor Grim congratulated Chief Hinnant and the department, thanked Lt. Ternent for his tremendous efforts, and stated that CALEA designation recognizes the professionalism and quality of the Cumberland Police Department.

(B) Presentation from Donnell Keech, Project Director for The Nature Conservancy, and Paul Eriksson, City Forester, on the Forest Management Plan for the watersheds at Lakes Gordon and Koon.

Paul Eriksson, Natural Resource Technician, provided an update on the forest stewardship plan for the Lake Koon and Lake Gordon properties. Mr. Eriksson advised that the MD DNR Forest Service has received a US Forest Service Grant to work with several MD and PA municipalities, including Cumberland. A meeting was held March 2, 2015, with representatives from groups with an interest in the management of the property. It was determined that the old objectives from the Rex Harper plan were outdated and what mattered most to the new stakeholders were water quality, recreational opportunities, and the ability to maintain a "working" forest. Mr. Eriksson asked for the Mayor and Council's approval to move forward with the new objectives, to take an inventory of the property, and to write an updated plan.

Ms. Keech, representative of the Nature Conservancy (NC), stated that the NC shared a common cause with Cumberland because of the role the forest plays in providing clean water. The forest management plan will provide a wealth of data on current conditions in the forest which will allow the planning team to outline opportunities to reduce risks and mitigate liability over the course of time, and secure or enhance drinking water quality, wildlife habitat, an recreational opportunities. The partnership with the Conservancy will make available to the City a set of strengths and expertise to pull together a sustainable forest management plan.

Ms. Keech further discussed the Certification process, whereby the land owner voluntarily commits to established and recognized standards for best practices and invites a third party to review and certify the forest as being properly managed. She reviewed the advantages to the City in having a long-term stewardship plan in place.

IV. DIRECTOR'S REPORT

(A) Police

1. Police Department monthly report for February, 2015.

Item Action: Approved

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

(B) Public Works

1. Maintenance Division monthly report for February, 2015.

Item Action: Approved

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

V. APPROVAL OF MINUTES

(A) Routine

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

Item Action: Approved

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

(B) Administrative / Executive

1. Approval of the February 17, 2015 Administrative Session Minutes.

Item Action: Approved

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

FEBRUARY 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 Cohen, City Solicitor (joined meeting at 6:00 p.m.); Sherri Nicol, Assistant to the City Clerk

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

MOTION to enter into closed session to discuss union negotiations was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and approved on a vote of 5-0.

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

TOPICS: Union negotiations

VI. PUBLIC HEARINGS

(A) Public Hearing - to receive comment on the draft 2015-2019 CDBG/Consolidated Plan

Mayor Grim convened the public hearing at 6:50 p.m.

Lee Borror, Senior Community Development Specialist, stated that the City was currently

operating with the 2015-2019 Five Year Annual Planning Process for the Community Development Block Grant funding program. This evening's public hearing represented the second of this year's process. Ms. Borror provided a review of staff recommendations for the 2015 action plan broken down by the categories of Planning/Administration, Public Services, Public Facilities, Housing/Rehabilitation, and Homeownership. Federal funding for this year's projects was expected to be received in the amount of $730,042. Public comments on the proposed plan would be accepted through May 7, 2015.

Jennifer Light, Executive Director of the Downtown Development Commission, stated that she and Steve Leyh would like to thank the Mayor and Council for their past support of the improvements for the Town Center Stage. The stage has fallen into disrepair in recent years and is not ADA compliant and the DDC would be requesting assistance this year to help bring the stage into compliance. She noted that the downtown programming for FY16 would offer 25 events on the stage which would be free to the public and provide a direct benefit to the downtown businesses.

With no further comments being offered, Mayor Grim adjourned the public hearing at 7:00 p.m.

VII. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - authorizing the adoption of a Zoning District Map, dated April 7, 2015, to replace the existing official version and be made part of the Zoning Ordinance.

   SECOND READING: Mr. Rhodes provided background on the intent of the ordinance, stating that a public hearing on the proposed changes had been held on March 17, 2015.

   The Ordinance was presented in Title only for its second reading. Motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

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

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

   ORDINANCE NO. 3773

2. Ordinance *(2nd and 3rd readings)* - to repeal and reenact with amendments Chapter 23 of the City Code entitled "Subdivisions."

   SECOND READING: Mr. Rhodes provided background on the intent of the ordinance, stating that a public hearing on the proposed changes had been held on March 17, 2015.

   he Ordinance was presented in Title only for its second reading. Motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

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

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

ORDINANCE NO. 3774

3. Ordinance *(2nd and 3rd readings)* - to repeal and reenact, with amendments, a Zoning Ordinance to establish rules and regulations relating to all matters concerning planning and/or zoning and the administration thereof within the City of Cumberland.

SECOND READING: Mr. Rhodes provided background on the intent of the ordinance, stating that a public hearing on the proposed changes had been held on March 17, 2015.

The Ordinance was presented in Title only for its second reading. Motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

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

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

ORDER NO. 3775

VIII. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order authorizing a Special Taxing District Residential Exemption for the 2014-2015 tax year in the amount of $1,237.36 for property at 55 Baltimore Street.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,793

2. Order adopting an updated fee schedule for permit applications.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,794

3. Order authorizing the execution of Lease Agreements with Shafco t/a City Lights American Grill and Bar, Ristorante Ottaviani, Baltimore Street Grill, and Embassy Theatre Co. LLC to allow for the use of areas of public right-of-way for outside dining or entertainment purposes for the term April 7, 2015 - March 31, 2016.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,795

4. Order adopting a revised "Affirmative Action Plan for Employment" effective April 7, 2015.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by

Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,796

5. Order adopting a "Drivers Policy" effective April 7, 2015.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,797

6. Order rescinding Order No. 25,163, passed September 28, 2010, approving a Memorandum of Understanding with the Downtown Development Commission regarding the employment and use of Code Enforcement Officers in the Special Taxing District.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. With regard to this item, Mr. Rhodes noted that, after discussion with the DDC, the City would be taking 100% ownership of the downtown Code Enforcement program. The MOU that had been in place provided that the cost be split 50/50, which led to confusion over who managed the program. With the City covering the cost of the program, the City will now be in total control. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,798

7. Order approving Constitution Park as the site location for a new Skate Plaza.

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comment. Motion to approve Consent Agenda Items 1-7 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 5-0.

ORDER NO. 25,799

(B) Letters, Petitions

1. 2014 Affirmative Action Annual Report submitted to the Mayor and City Council by April Howser, Human Resources Officer, on March 26, 2015.

The letter was acknowledged and entered into public record.

IX. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Councilwoman Alt-Myers provided an update on the actions of the Human Relations Commission. She stated that the Commission would be hosting a Fair Housing event on April 8th, with a focus on educating the community on available transportation choices. Landlord tenant brochures were now being included with rental licensing material, webinars and meetings for Fair Housing were attended, diversity training sessions were held, and a National Night-out was being held in partnership with local agencies.

Councilwoman Alt-Myers provided an update on the Let's Beautify Cumberland! Committee. The Day of Caring and Sharing was scheduled for May 8th and the committee was looking for additional volunteers. A workshop was planned for May 11th; the 19th annual Downtown Plant Sale was scheduled for April 30 - May 2nd; the Army Jazz Band was scheduled to do a rededication of the

Veterans Memorial Park in the downtown; the Blue Ribbon Award Program and Flag Project were still underway.

Councilwoman Alt-Myers provided an update on the Potomac Highland Airport Authority. Delta Energy spoke at the last meeting; the tree cutting is complete and would be moving into the next phase later this summer; the committee was waiting to receive comment from the FAA on the Auto Cross event; Allegany County Security Officer Bobby Dick had discussed security needs at the Airport; the PHAA by-laws were being updated, A Fly-In is scheduled within the next couple months; the committee is looking into creating a Aviator Memorial.

Councilwoman Alt-Myers provided an update on the actions of the MML Legislative Committee and advised that the Highway User Revenues were expected to be fully restored this year.

Owen Rice, 510 Welch Avenue, stated that the Let's Beautify Cumberland! Committee works on the same spots each year and suggested that new areas be addressed. Mr. Rice expressed concerns about the proposed bike lane and questioned why only half of the length of the lane was being tested in the trial, as the businesses at the lower end of Frederick St. would be affected. He suggested using a "share the road" program instead of closing a lane and noted he had seen bikers traveling in the lane the wrong way on Frederick Street. Mr. Rhodes stated that the cost of putting the bike lane in temporarily was cost prohibitive. The main concern had been what the impact on traffic would be, therefore the concept was to close one lane, thereby forcing the motorist into one lane to see what the impact would be. The cones were not used closer to town because they presented a problem for businesses with trucks and traffic. Councilwoman Alt-Myers stated that signage needed to be installed and that this trial was a working test; bikers still needed to obey the laws.

Ken Wilmot, 513 Fort Avenue, questioned how many bicyclists used the lane during the trial period. He stated there were very few people in Cumberland that bicycled and was concerned with the speeding on Frederick Street. Councilman Kauffman stated that the objective of the bike lane was to foster and increase cycling as a means to improve the city and grow the population rather than just looking at current needs.

X. ADJOURNMENT

With no further business at hand, the meeting adjourned at 7:25 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

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

CITY SOLICITOR
Michael Scott Cohen

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 4/21/15

***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: _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk

Regular Council Agenda
June 2, 2015

Description
Approval of the Regular Session Minutes of April 7 and April 21, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description

Public Hearing - to receive comment on the proposed Ordinance providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A"

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

MAYOR AND CITY COUNCIL OF CUMBERLAND
INFRASTRUCTURE BONDS, 2015 SERIES A

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE OF MAYOR AND CITY COUNCIL OF CUMBERLAND, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE "CITY"), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS ($3,260,000.00) OF GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, TO BE KNOWN AS THE "MAYOR AND CITY COUNCIL OF CUMBERLAND INFRASTRUCTURE BONDS, 2015 SERIES A" (OR BY SUCH OTHER OR ADDITIONAL DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN, THE "BONDS"), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF (I) PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR FINANCING OR REFINANCING COSTS OF THE PROJECTS IDENTIFIED HEREIN AS (A) IMPROVEMENTS TO THE WATER SYSTEM AND THE SEWER SYSTEM, (B) FACILITY AND PROPERTY IMPROVEMENTS, (C) INFORMATION SYSTEMS IMPROVEMENTS AND EQUIPMENT, (D) OTHER STREET IMPROVEMENTS, AND (E) ACQUISITION OF NEW AND/OR REPLACEMENT VEHICLES AND EQUIPMENT, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND, AND (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE CITY; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CITY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORMS, TENOR, DENOMINATIONS, MATURITY DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF THE INTEREST ON THE BONDS.

Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

RECITALS

WHEREAS, Mayor and City Council of Cumberland (the "Issuer") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended (now codified in the Local Government Article of the Annotated Code of Maryland, as amended); and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Community Development Administration (the "Administration"), an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to the authority of the Act, the Issuer has determined to issue its general obligation bonds in the aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) (the "Bonds", as defined herein) for the purpose of (i) financing or refinancing costs of certain projects identified herein as (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, (ii) funding a portion of a capital reserve fund, and (iii) paying issuance and other costs related to the Bonds; and

WHEREAS, the Issuer proposes to issue and sell the Bonds to the Administration, in connection with the Local Government Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and to obtain a loan or loans from the Administration pursuant to the Program (collectively, the "Loan"); and

WHEREAS, the Issuer intends to authorize the execution and delivery of the Bonds and all other documents, certificates and other materials related to the issuance, sale and delivery of the Bonds and the Loan; and

WHEREAS, the Administration intends to issue one or more series of its Local Government Infrastructure Bonds to finance the Loan and other loans to be financed pursuant to the Program.

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

Section 1. Authorization, Terms, Form of Bonds.

(a) Mayor and City Council of Cumberland (the "Issuer") shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit an aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) of its general obligation bonds, to be issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), to be known as the "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A" or by such other or additional designations as required by the Administration identified in subsection (b) below, including (without limitation) to identify separate series or subseries and/or to reflect a different year of issuance (collectively, the "Bonds"). The proceeds from the sale of the Bonds shall be used for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified as follows: (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (E), the acquisition or payment for, as applicable, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, permitting, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, and functionally related activities necessary at the locations or facilities at which such undertakings occur (collectively, the "Project"), (ii) funding a portion of a capital reserve fund, and (iii) paying issuance and other costs related to the Bonds. Notwithstanding the foregoing description of the Project, the Mayor of the Issuer (the "Mayor"), in consultation with the City Administrator of the Issuer (the "City Administrator"), any other appropriate officials of the Issuer, and the Community Development Administration (the "Administration"), is hereby authorized and empowered, on behalf of the Issuer, to determine prior to the sale of the Bonds not to apply Bond proceeds to finance or refinance costs of any one or more components of the Project due to tax, budgetary or other concerns.

(b) The Bonds shall be issued as one or more fully registered bond certificate(s) in the aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) payable to the Administration as the registered owner thereof. The Bonds shall be issued in such aggregate principal amount or such lesser aggregate principal amount as determined by the Mayor pursuant to subsection (g) below, which shall be equal to the aggregate principal amount of the loan or loans to the Issuer from the Administration (collectively, the "Loan") under the Local Government Infrastructure Financing Program of the Administration (the "Program").

(c) The Bonds shall be dated as of the date of issue, or as of such other date as is specified by the Administration; shall be numbered from R-1 upward or as otherwise required by

the Administration; shall be initially registered in the name of the Administration or its designee; shall bear interest from the date of issuance of the Local Government Infrastructure Bonds issued by the Administration (the "Administration's Bonds"), payable semiannually on May 1 and November 1, at such annual rate or rates and be payable in annual principal installments at the designated office of the Administration.

(d) The Bonds shall bear interest at an annual rate or rates of interest for a total interest cost (expressed as a yield) not to exceed 2.80 percent for a loan with a maturity of ten (10) years or less, and 3.85 percent for a loan with a maturity of more than ten (10) years but not more than twenty (20) years, the actual rate or rates of interest to be borne by the Bonds to be determined and established by the Mayor acting pursuant to Section 1(g) of this Ordinance.

(e) The Bonds shall be in substantially the form set forth on Exhibit A attached hereto and made a part hereof, which form, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation or obligations to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Bonds are to be issued in connection with the Program to finance or refinance all or a portion of the costs of the Project and to pay costs of issuance, bond insurance premiums and other related costs. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer also will execute and deliver in connection with the issuance of the Bonds and the Program any additional documents, agreements, instruments and certificates requested by the Administration (which, together with the Repayment Agreement and the Pledge Agreement, are herein referred to as the "Program Documents"). The Program Documents shall be in such forms and shall contain such terms and conditions as shall be approved by the Mayor and/or the City Administrator and acceptable to the Administration.

(g) Because this Ordinance is being passed before the details have been finalized for the financing pursuant to which the Administration will issue the Administration's Bonds (the "Administration Financing") that will fund the Loan to the Issuer under the Program, the Mayor is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary or appropriate to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed $3,260,000.00 in aggregate principal amount hereby authorized, subject to final approval by the Administration; accordingly, the Mayor is specifically authorized: (i) to make changes to the aggregate principal amount of the Bonds in order to reflect the final aggregate principal amount of the Loan not to exceed $3,260,000.00 as approved by the Administration and accepted by the Issuer, and (ii) to authorize and approve an interest rate or rates and payment schedule(s) reflecting the principal and interest payments with respect to the Bonds but not to exceed the maximum total interest cost to be borne by the Bonds as set forth in subsection (d) above.

(h) This borrowing is in conformance with and does not exceed any and all applicable debt limitations under the Charter of the Issuer (the "Charter").

Section 2. Execution. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the City Clerk of the Issuer (the "City Clerk"). The Program Documents shall be executed on behalf of the Issuer by the Mayor and/or the City Administrator. In the event any official whose signature appears on any of the Bonds or the Program Documents shall cease to be an official prior to the delivery of the Bonds or the Program Documents, or, in the event any official whose signature appears on any of the Bonds or the Program Documents becomes an official after the date of the issue, the Bonds or Program Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor is hereby authorized, empowered and directed to complete the applicable forms of the Bonds and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in the Mayor's discretion, shall deem necessary or appropriate in order to complete the issuance and sale of the Bonds, as will not alter the substance thereof. The Mayor and/or the City Administrator are hereby authorized, empowered and directed to complete the applicable forms of the Program Documents and to make modifications, deletions, corrections or other changes thereto in any manner which such official, in the discretion of such official, shall deem necessary or appropriate in order to complete the execution and delivery of the Program Documents in accordance with the provisions of this Ordinance, as will not alter the substance thereof. The execution and delivery of the Bonds by the Mayor and the execution and delivery of the Program Documents by one or more of the duly authorized officials provided for in this Section 2 shall be conclusive evidence of such official's or officials' approval of the forms and substance thereof. To the extent appropriate, additional officials of the Issuer and the City Solicitor to the Issuer may be signatories to the Program Documents with respect to facts, representations, certifications, covenants and agreements within the scope of their respective responsibilities or authority.

Section 3. Registration of Bonds. The City Clerk shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds. No security or bond shall be required of the City Clerk in the performance of the duties of registrar for the Bonds.

The Issuer may deem and treat the person in whose name any Bond shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Bond and for all other purposes.

Section 4. Prepayment. The Bonds are being issued in connection with the Program and will secure payment of the Administration's Bonds, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer. The Repayment Agreement limits the right of the Issuer to prepay the Bonds in accordance with restrictions upon the right of the Administration to redeem the Administration's Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayments as set forth in the Bonds.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond (a "Bond" being, for purposes of this Section, any one of the Bonds) shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like series or subseries, date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen: (i) may be typewritten, printed or otherwise reproduced in a manner acceptable to the Administration, and (ii) shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 6. Use of Proceeds. The proceeds of the Bonds shall be held and invested by the Administration in its sole discretion and shall be:

(a) Administered and disbursed by the Administration pursuant to the Repayment Agreement. The proceeds of the Bonds shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the Project has been completed and all Development Costs in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment, payment of interest on the Bonds or prepayment of the Bonds, as permitted by the Administration.

Section 7. Covenants. The Issuer covenants with the Administration and for the benefit of the owners from time to time of the Bonds that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the Administration the principal of the Bonds, premium (if any) and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited ad valorem taxes in the event that available funds are inadequate to make such payment.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, unless other funds are available for payment of principal of, premium, if any, and interest on the Bonds, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the revenues available

from the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer will promptly provide to the Administration (or to any person designated by the Administration) all financial information and operating data concerning the Issuer as may be required by the Administration in its discretion in order to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, as in effect from time to time, applicable to the Administration's Bonds.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the purchasers and owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the Administration and interests of such purchasers or owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds and the Administration.

Section 9. Pledge of Local Government Payments. As contemplated and authorized by Section 4-229(b) of the Act, the Issuer hereby pledges, assigns and grants a security interest to the Administration, its successors in trust and assigns, in all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, (i) to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program and (ii) to provide for deposits to the capital reserve fund securing the Bonds the amount of the Issuer's portion of any deficiency in such capital reserve fund as the Administration shall require, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds. The Bonds shall be sold for cash in accordance with the terms and provisions of this Ordinance at par, or if discount is permitted by law, at such discount as is agreed with the Administration in accordance with the terms and provisions of this Ordinance, and as authorized by Section 4-229(a) of the Act.

Section 11. Sale of Bonds. The Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 4-229(a) of the Act.

Section 12. Authority to Take Action; Publication and Public Hearing.

(a) The appropriate officials and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purpose of this Ordinance and the Program Documents.

(b) As required by the Act, prior to the issuance of the Bonds, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the proposed issuance of the Bonds, which notice shall include the proposed amount of the issue, the nature of the projects to be financed or refinanced, the time and place of the public hearing, the name of the person(s) and address of the place where written comments may be sent, and the Issuer shall hold a public hearing on the proposed issuance of the Bonds. Such actions may be (or have been) taken prior to or simultaneously with the passage of this Ordinance.

(c) The Issuer shall comply with any publication and/or posting requirements set forth in its Charter that are determined to be applicable to this Ordinance.

Section 13. Tax Matters

(a) Any one or more of the Mayor, the City Administrator, the Treasurer of the Issuer (the "Treasurer") and/or the Comptroller of the Issuer (the "Comptroller") shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the "Section 148 Certificate") which complies with the requirements of Section 148 ("Section 148") of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such official or officials are hereby directed to execute the Section 148 Certificate and to deliver the same to the Administration on the date of the issuance of the Bonds. The Section 148 Certificate may be contained within any of the Program Documents at the discretion of the Administration.

(b) The Issuer shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any monies, securities or other obligations to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Issuer covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates

regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(e) Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller, on behalf of the Issuer, may make such covenants or agreements in connection with the issuance of Bonds issued hereunder as such officer(s) shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Code as such officer(s) shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of such Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds. Such officer(s) may also make on behalf of the Issuer any elections, designations or determinations authorized or permitted by the Code or the Arbitrage Regulations.

Section 14. Effective Date; Miscellaneous. (a) Pursuant to Section 4-232(c) of the Act, this Ordinance shall take effect from the date of its passage by the Mayor and City Council of the Issuer (the "Mayor and City Council"), and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the City Clerk or the City Clerk's successor in office shall constitute evidence of the contents and provisions hereof.

(b) Any reference to an official of the Issuer in this Ordinance shall be deemed to include any such official serving in an "acting" capacity (e.g., the Acting City Administrator of the Issuer or the Acting City Clerk of the Issuer). Any reference to an official of the Issuer in this Ordinance shall be deemed to include references to such official if generally known by another title; titles of officials as used in this Ordinance correspond to the titles used in the Charter or the City Code of the Issuer (the "City Code").

(c) In the event the position of any official who is referred to by title in this Ordinance is vacant at the time any action authorized to be taken by such official in accordance with the provisions of this Ordinance shall occur, and no person has been appointed to such position (including in an "acting" capacity) and is incumbent in such position, references in this Ordinance to such official shall be deemed to refer to any other appropriate official of the Issuer charged with such responsibilities under the Charter or the City Code or, to the extent not so provided for in the Charter or the City Code, as designated by the Mayor and City Council. Written evidence of any such designation shall be provided to the Administration. Notwithstanding the foregoing sentence, in the event two or more officials are charged with

responsibility for taking any actions in accordance with the provisions of this Ordinance and only one such position is filled at the applicable time, any such action may be taken solely by the remaining official.

(d) References in this Ordinance to the phrase "to finance", "to pay" or "to fund" or similar phrases shall be deemed to refer to and include "to reimburse" or similar phrases.

(e) The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for all purposes.

(f) Pursuant to Section 4-232(b) of the Act, this Ordinance shall be subject to petition to referendum by the qualified voters of the Issuer in accordance with Section 82A(c) of the Charter provided that the petition is filed not later than 20 days after this Ordinance is passed by the Mayor and City Council. The provisions of Section 82A(c) of the Charter allowing for a referendum petition to be filed within 30 days following passage of a bond ordinance shall be disregarded and the provisions of Section 4-232(b) of the Act shall control the period in which any referendum petition must be filed.

(g) The Mayor's signature on this Ordinance constitutes and signifies his approval of this Ordinance as required by Section 4-232(a)(1)(ii) of the Act.

[CONTINUED ON FOLLOWING PAGE]

(h) The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated hereby.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

_____
Brian K. Grim
Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

Introduced: _____, 2015

Passed: _____, 2015

Effective: _____, 2015

Exhibit A. – Form of Bond

#174579;10002.059

Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

[FORM OF BOND]

EXHIBIT A

United States of America
State of Maryland
Mayor and City Council of Cumberland
Infrastructure Bond, 2015 Series A

No. R-1 $_____

Mayor and City Council of Cumberland, a municipal corporation duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to the

Maryland Community Development Administration

or its registered assigns, the principal amount of _____ Dollars ($_____), plus interest on each unpaid principal installment at the rates per annum set forth under the column designated "Coupon" on Exhibit A attached hereto for each principal installment, in lawful money of the United States of America, as follows: (a) interest on the outstanding and unpaid principal of this bond shall be due and payable in semiannual payments commencing on _____, 20__, and continuing on the first day of [November] and [May] in each year thereafter until final maturity; (b) principal of this bond shall be paid commencing on _____ and on _____ in each year thereafter until final maturity in the aggregate amount of principal installments as set forth on Exhibit A. Payment of the principal hereof and the interest due hereon shall be made by check mailed to the address of the registered owner of this bond as shown on the registration books maintained by the Issuer, or in such other manner and to such other address as the registered owner of this bond may designate. If any payment of the principal of or interest on this bond shall be due on a day other than a Business Day (defined herein), such payment shall be made on the next Business Day with like effect as if made on the originally scheduled date. A "Business Day" is any day other than a Saturday or legal holiday in the State of Maryland observed as such by the Issuer.

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate or rates of interest borne by this bond.

This bond, designated as "Mayor and City Council of Cumberland Infrastructure Bond, 2015 Series A" (this "Bond"), is a general obligation of the Issuer, and has been duly issued by the Issuer for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified and more fully described in the Ordinance

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identified herein as (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, (ii) funding a portion of a capital reserve fund, and (iii) paying issuance costs and other costs related to this Bond. Unless paid from other sources, the Issuer covenants that so long as any portion of this Bond is outstanding and not paid, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on this Bond as the same become due and payable.

This Bond is issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, Sections 81 and 82A of the Charter of the Issuer, and Ordinance No. _____ of the Issuer passed on _____, 2015 and effective on _____, 2015 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue hereon.

This Bond is issued in connection with the Local Government Infrastructure Financing Program of the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). This Bond is subject to the terms and conditions of the Repayment Agreement dated as of _____, between the Issuer and the Administration (the "Repayment Agreement").

This Bond is not subject to prepayment by the Issuer prior to [June] 1, 20____. On or after _____, this Bond is subject to prepayment by the Issuer at the prepayment prices, expressed as a percentage of the principal amount to be prepaid, plus accrued interest, if any, to the prepayment date, on the principal amount thereof, and during the periods (both dates inclusive) listed below:

Period	**Price**
_____ through _____	%
_____ through _____	
_____ through thereafter	

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of this Bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name this Bond is registered as the absolute owner hereof, whether or not this Bond shall be overdue, for the purpose of receiving payment thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

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This Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender this Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take this Bond subject to such condition. In connection with any transfer of this Bond, the Issuer may make a charge sufficient to reimburse it for any tax, or other governmental charge required to be paid with respect to such transfer and any reasonable fees or expenses of the Issuer incurred in connection with such transfer.

Principal of this Bond is paid in annual installments and this Bond is subject to partial redemption without any notation of such payment being made on this Bond or the surrender of this Bond for cancellation and the issuance of a new Bond or Bonds in the amount of the unpaid principal hereof. Accordingly, the outstanding principal of this Bond may be less than the stated face amount hereof and any purchaser or transferee of this Bond should contact the Issuer and the prior owner of this Bond to ascertain the outstanding face amount hereof.

As declared by Section 4-231(c) of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, this Bond shall have and possess all the attributes of negotiable instruments as provided in Section 19-224 of the Local Government Article of the Annotated Code of Maryland, as amended. This Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the owner of the delivery of this Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

IN WITNESS WHEREOF, Mayor and City Council of Cumberland has caused this Bond to be signed in its name by the manual or facsimile signature of its Mayor and its corporate seal to be affixed hereto and attested by the manual signature of the City Clerk, as of the_____, 2015.

ATTEST:

MAYOR AND CITY COUNCIL OF CUMBERLAND

_____
City Clerk

By: _____
Mayor

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BOND PAYMENT SCHEDULE

[Use the following paragraph (with necessary modifications) to clarify the amount to be paid under the schedule prepared by the Financial Advisor.]

[Repayment Schedule to be Inserted.]

Each installment of Principal and Interest or Interest alone shall be the aggregate of amounts set forth in this Exhibit A for the date of such payment as shown under the heading designated "Debt Service."

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Regular Council Agenda
June 2, 2015

Description

Ordinance *(2nd and 3rd readings)* - providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A," for the purpose of (I) providing all of a portion of the funds necessary for financing or refinancing costs of (a) improvements to the water system and the sewer system, (b) Facility and property improvements, (c) information systems improvements and equipment, (d) other street improvements, and (e) acquisition of new and/or replacement vehicles and equipment, (II) funding a portion of a capital reserve fund, and (III) paying issuance and other costs related to the bonds

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 ORDAINÉD, 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: Lew 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
June 2, 2015

Description

Ordinance *(2nd and 3rd readings)* - 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)

ORDINANCE NO. _____

An Ordinance of the Mayor and City Council of Cumberland, Maryland, entitled "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, PROVIDING FOR THE CITY TAX LEVY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, That the levy for the Fiscal Year 2016 for the City of Cumberland shall be as follows:

Real Estate (Full Value)	$ 843,325,565	@ $.9654	$ 8,141,465
Personal Property:			
Individual	1,970,790		
Corporation	64,555,710		
	$ 66,526,500	@ $2.6480	$ ~~2,011~~1,761,622
Penalties and interest			451,000
Deferred revenue			0
Tax credits			(190,000)
Total Property Taxes			$ 10,~~414~~164,087
Other Revenues			
Other taxes	$ 312,900		
Licenses and permits	172,700		
Intergovernmental	3,055,404		
Charges for services	1,591,428		
Fines and forfeitures	2,000		
Interest	6,050		
Miscellaneous	620,374		
Inter-fund transfers	4,~~146~~396,705		
Capital Financing	$1,289,000		
Total Other Revenues			$ 11,~~196~~446,561
Total Levy			**$ 21,610,648**

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

Passed this _____ day of June, 2015.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

Regular Council Agenda
June 2, 2015

Description

Ordinance *(2nd and 3rd readings)* - providing for the City Tax Levy for FY 16

Approval, Acceptance / Recommendation

An amended Ordinance will be presented for Council's consideration. A marked-up ordinance showing the changes is attached. Although the total levy amount does not change, the amounts for Personal Property Corporation Tax and Inter-fund Transfers have been changed. The total levy amount remains as $21,610,648.

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description
Ordinance *(1st reading)* - providing for the annual appropriation for the General Fund for FY16

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description
Ordinance *(1st reading)* - providing for the annual appropriations for the Water Fund for FY16

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description
Ordinance *(1st reading)* - providing for the annual appropriation for the Sewer Fund for FY16

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description

Ordinance *(1st reading)* - providing for the annual appropriations for the special purpose funds for FY16

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description

Ordinance *(1st reading)* - providing for the levy of a special ad valorem tax in the Shades Lane Development District for FY16 at the rate of $1.2560 per $100 or real property assessable base and $0.00 per $100 of personal property assessable base

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
June 2, 2015

Description

Ordinance *(1st reading)* - providing for a 10% increase in sewer rates beginning July 1, 2015, for users of the City sewerage system

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

NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND APPROVING THE APPLICATION AND RECEIPT OF FINANCING FOR COMMUNITY LEGACY PROJECT(S) (THE "PROJECT") FURTHER DESCRIBED IN THE COMMUNITY LEGACY APPLICATION ("THE APPLICATION"), TO BE FINANCED EITHER DIRECTLY BY THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (THE "DEPARTMENT") OF THE STATE OF MARYLAND OR THROUGH OTHER DEPARTMENTS OR AGENCIES OF THE STATE OF MARYLAND.

WHEREAS, the Mayor and City Council of Cumberland, Maryland recognizes that there is a significant need for reinvestment and revitalization of the communities in Allegany County; and,

WHEREAS, the Department, either through Community Legacy or through other Programs of the Department, or in cooperation with other State departments or agencies, may provide some or all of the financing for the Project (the "Project Financing") in order to assist in making it financially feasible; and

WHEREAS, the Project is located within a priority funding area under Section 5-7B-02 of the Smart Growth Act and the Project will conform to the local zoning code; and

WHEREAS, the applicable law and regulations require approval of the Community Legacy Project and the Project Financing by the Mayor and City Council of Cumberland, Maryland and, where appropriate, by the chief elected executive official of the local subdivision;

NOW, THEREFORE BE IT RESOLVED THAT, the Mayor and City Council of Cumberland, Maryland hereby endorses the Project; and, HEREBY approves the request for financial assistance in the form of a grant or loan, up to the amount of $ 705,000; and

BE IT FURTHER RESOLVED THAT, the chief elected executive official be, and is hereby requested to endorse this Resolution, thereby indicating his approval thereof; and,

BE IT FURTHER RESOLVED THAT, the City Administrator is hereby authorized to execute documents and take any action necessary to carry out the intent of these resolutions; and,

Resolution No. _____

BE IT FURTHER RESOLVED THAT, copies of this Resolution are sent to the Secretary of the Department of Housing and Community Development of the State of Maryland.

GIVEN UNDER OUR HANDS AND SEALS THIS 2ND DAY OF JUNE, 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

2015 Community Legacy Prioritization

_3__ **South Cumberland Library $150,000**

The Allegany County Library System is requesting $150,000 to aid the funding of the renovation of the South Cumberland Library at 100 South Seymour Street in Cumberland. The current facility has not been renovated since it was constructed in 1982. It is functionally and mechanically inadequate to provide 21st century library service and suffers from a variety of code compliance issues including ADA.

_2__ **Upper Story Redevelopment $200,000**

Funding would allow for the continuation of this successful program. The targeted neighborhood would include the Central Business District and would encourage a larger amount of funding for a large-scale project. The funding would be awarded as a forgivable loan.

_5__ **Canal Place Skating Park $75,000**

Project Description: The Canal Place Preservation and Development Authority (CPPDA) in cooperation with the Shops at Canal Place, shop tenants, and the city of Cumberland, is requesting funds to install a portable ice rink on the Festival Grounds at Canal Place. The ice rink would be approximately 30' X 40' in size. Instead of ice, the skating area will be covered with a synthetic material that will allow a 4 season use for ice skating and roller skating.

The ice rink will be located between the Shops at Canal Place and near the Footer's Dye Works building as to provide a variety of amenities to visit while utilizing the rink. The rink will attract more visitors and residents to Canal Place as there is no venue of this type within 50 miles of Cumberland.

_1__ **Leasehold Improvement Program $250,000**

The City of Cumberland seeks funds for a program meant to provide forgiveable loans targeted for leasehold improvement f or businesses establishing in a currently vacant property in the Central Business District. A barrier to entry for startup businesses in the downtown area is the cost of necessary leasehold improvement to vacant properties. In addition, there is little economic justification for property owners to invest in their vacant properties if market lease rates will not provide a return on this investment. This program would allow tenants to improve spaces in buildings in the Central Business District to make them more usable. The grant will only apply to building improvements; it will not be for start-up or working capital.

The City of Cumberland is asking for $250,000 to allow the award of no less than 5 grants with a maximum of $50,000 each for tenants for the improvement of property they are renting. There is no requirement for a match on the part of the recipient, but preference will be given to those with a matching investment.

_4__ **Centre Street Parklet $30,000**

The Centre Street Parklet in Downtown Cumberland is in need of various repairs. The current concrete base surface is crumbling and it is suggested to be replaced with a stamped/colored concrete to replicate the brick pattern. Also, the overhead pergola needs repairs to some of the wooden beams and a new coat of paint. Existing lighting would also need to be repaired and replaced with more decorative lighting. An awning on the Centre Street end of the park would add a decorative element seen by oncoming pedestrians and vehicular traffic and it would tie into the historical context of the neighborhood. The parklet is utilized by the public and also by local restaurants for outdoor dining during the summer and fall months.

CITY OF
CUMBERLAND
MARYLAND

Project Name: Entrepreneurial Leasehold Improvement Program

Applicant: City of Cumberland

County: Allegany

Contact Person: Shawn Hershberger

Phone: (301)722-4156

Project Description:

The City of Cumberland seeks funds for a program meant to provide forgiveable loans targeted for leasehold improvement for businesses establishing in a currently vacant property in the Central Business District. A barrier to entry for startup businesses in the downtown area is the cost of necessary leasehold improvement to vacant properties. In addition, there is little economic justification for property owners to invest in their vacant properties if market lease rates will not provide a return on this investment. This program would allow tenants to improve spaces in buildings in the Central Business District to make them more usable. The grant will only apply to building improvements, it will not be for start-up or working capital.

The City of Cumberland is asking for $250,000 to allow the award of no less than 5 grants with a maximum of $50,000 each for tenants for the improvement of property they are renting. There is no *requirement* for a match on the part of the recipient, but preference will be given to those with a matching investment.

Purpose:

To encourage entrepreneur activity within the Central Business District, while also providing an incentive to be leveraged in order to attract prospective tenants into vacant properties.

Benefits:

The anticipated impact of this project would be a minimum of 5 new businesses being established in Cumberland's Central Business District resulting in at least 5 vacant storefronts becoming occupied.

Upper Story Redevelopment for Downtown Cumberland

Community Legacy Funding - $200,000

The revitalization of Cumberland's Historic District and Town Centre has been a main priority of the Downtown Development Commission as well as Cumberland's Main Street Program. Within the updated Downtown Design and Development Plan, upper story redevelopment is encouraged for mixed-use multistory buildings for both residential and commercial upper story redevelopment. The current zoning ordinance permits residential and commercial uses as a use by right in the City of Cumberland's Central Business District.

Like many other smaller communities, Cumberland faces high vacancy rates and a poor mix of retail stores, especially after the economic decline of 2008. The majority of vacant buildings in the Main Street District are beyond simple repairs and in need of a complete rehabilitation project. Due to current property and renovation costs, it is difficult for developers and interested parties to justify taking on a large rehabilitation project in Downtown Cumberland when the result is a loss of profit. Providing competitive grants and loan programs would give the extra incentive that developers would need to take on a rehabilitation project.

The targeted neighborhood would include the Central Business District and would encourage a larger amount of funding for a large-scale project. The funding would be awarded as a forgivable loan.

The Allegany County Library System is requesting $150,000 to aid the funding of the renovation of the South Cumberland Library at 100 South Seymour Street in Cumberland. The current facility has not been renovated since it was constructed in 1982. It is functionally and mechanically inadequate to provide 21st century library service and suffers from a variety of code compliance issues including ADA.

The current facility is established and well sited to serve the community in its present location. The library serves 8500 city residents of which 20% live below the federal poverty level. More than 9500 card holders visited the library 63,000 times, borrowed 105,000 items, 2750 people attended of 1 of 200 library programs and used the public library's computers over 11,000 of times in FY2014. During FY2014, the library system replaced the asbestos shingled roof and is currently completing design documents for the renovation.

As the library is in the center of the neighborhood, most of our traffic walks to the library during our open hours Monday through Saturday and in the evenings. To continue our role as a hub in the community, the renovations must start with a fully accessible facility equipped with modern mechanical and safety systems.

A renovated and expanded facility will accommodate the programs to meet present and future needs, and project a more open and welcoming presence to the community, as well as upgrade/replace equipment and systems and furnishings to better serve visitors and staff, and improve operational efficiency. The Library should be equipped with appropriate technology systems, be fully accessible, and be capable of operating in an efficient and sustainable manner.

The upgrades will not only bring the facility into code compliance but should also lower ongoing utility costs with upgraded fixtures, windows, door and mechanical systems.

We anticipate an increase in library usage after the renovation and expansion of between 11 and 25%. At our Frostburg library, the new building accounted for a 25% increase in usage and at our Washington Street library, usage jumped 11%.

We expect the renovation to begin in summer of 2016 and have already secured $56,000 in local funds as well as $800,000 in funds from the Maryland Public Library Capital Grants Program for FY2016. We are also applying for an additional $80,000 in local funds and $720,000 in MD Public Library Capital Grants to be available in summer 2016.

Centre Street Parklet Repairs

The Centre Street Parklet in Downtown Cumberland is in need of various repairs. The current concrete base surface is crumbling and it is suggested to be replaced with a stamped/colored concrete to replicate the brick pattern. Also, the overhead pergola needs repairs to some of the wooden beams and a new coat of paint. Existing lighting would also need to be repaired and replaced with more decorative lighting. An awning on the Centre Street end of the park would add a decorative element seen by oncoming pedestrians and vehicular traffic and it would tie into the historical context of the neighborhood. The parklet is utilized by the public and also by local restaurants for outdoor dining during the summer and fall months. Repair costs are currently being calculated, but are estimated between $20,000 and $30,000.

Lawrence J. Hogan, Jr.
Governor

Boyd K. Rutherford
Lt. Governor

Authority Members

Frederick A. Thayer
Chairman

John F. Bowman, II
Frostburg State University

Kevin Brandt
U.S. Department of the Interior

David Caporale
City Council
City of Cumberland

Janice Keene
Evergreen Heritage Center

Leanne Mazer
Tri County Council

Douglass Reed
Maryland Historical Trust

Robert Smith
Allegany Aggregates

Deidra Ritchie
Executive Director

CANAL PLACE
Preservation & Development Authority

May 15, 2015

Community Legacy Request FY 16

Project Title: Canal Place Community Skating Park

Project Location: Canal Place Festival Grounds
Cumberland, Maryland

Applicant: CPPDA

Project Description: The Canal Place Preservation and Development Authority (CPPDA) in cooperation with the Shops at Canal Place, shop tenants, and the city of Cumberland, is requesting funds to install a portable ice rink on the Festival Grounds at Canal Place. The ice rink would be approximately 30' X 40' in size. Instead of ice, the skating area will be covered with a synthetic material that will allow a 4 season use for ice skating and roller skating.

The ice rink will be located between the Shops at Canal Place and near the Footer's Dye Works building as to provide a variety of amenities to visit while utilizing the rink. The rink will attract more visitors and residents to Canal Place as there is no venue of this type within 50 miles of Cumberland.

The intent of this project is to create a 4 season amenity at Canal Place. As a result this project will attract more visitors to the Canal Place Heritage Area, create a facility for fundraisers and rentals, as well as providing a means to increase patronage to the businesses established at Canal Place and Downtown Cumberland.

Project Cost: $75,000

attachments

Western Maryland Railway Station, 13 Canal Street, Suite 301
Cumberland, Maryland 21502
Phone: 301.724.3655 • Toll Free: 800.989.9394 • Fax: 301.724.3659
www.canalplace.org

APPLICATION SUGGESTION	APPROX. SIZE*	# OF PANELS	# OF SKATERS	1/4" RUBBER MATTING INCLUDED	FENCING INCLUDED	SKATES INCLUDED***	PRICE
SMALL HOME USE	22.5' x 40'	30	20	NONE	NONE	NONE	CALL
COMMERCIAL MEDIUM-HOME USE	30' x 40'	40	30	NONE	NONE	NONE	CALL
MALL &/OR SKATE PRACTICE USE	40' x 50'	60	50	40' x 4'	.24	75 PAIRS	CALL
MALL &/OR THEME PARK USE	50' x 60'	104	75	50' x 4'	27	110 PAIRS	CALL
THEME PARK &/OR ICE SHOW	40' x 100'	143	100	40' x 40'	33	150 PAIRS	CALL
COMMUNITY EVENT	60' x 80'	176	120	60' x 4'	36	175 PAIRS	CALL
ALL OF ABOVE	85' x 200'	621	425	CALL	CALL	CALL	CALL

Regular Council Agenda
June 2, 2015

Description

Resolution approving the application and receipt of financing for FY15 Community Legacy Project Funding in an amount of up to $750,000 from the MD Department of Housing and Community Development

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 222 Washington Street, owned by Allegany Development Company, Inc. (Tax Account # 06-004741) be and is hereby granted an Historic District Property Tax Credit in the amount of Fourteen Thousand, Seven Hundred Seventy-five Dollars and Twenty-two Cents ($14,775.22) to be used within five (5) years; and

BE IT FURTHER ORDERED, that no property tax assessment freeze be applied due to a less than 10% improvement value; 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 Kathy McKenney
222 Washington Street
Owner: Allegany Development Company Inc.
Contact: Janice McClintock
Tax Account #: 06-004741

A Historic District Tax Incentive Application has been received from the owner of the property located at 222 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 $1,477.52 (10% of total eligible project costs of $14,775.22). 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 0 year due to a less than 10% improvement value based on a calculated pre-improvement market (Tax Year = 2013) value of $200,467.00. This is a commercial property.

Regular Council Agenda
June 2, 2015

Description

Order authorizing an Historic District Tax Credit for property at 222 Washington Street (Tax Acct. No. 06-004741) in the amount of $1,477.52 owned by Allegany Development Company, to be used within 5 years and authorizing no property tax assessment freeze due to a less than 10% improvement value

Approval, Acceptance / Recommendation

See attachment

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 02, 2015__

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

THAT the Mayor and City Council of Cumberland is the record owner of certain water supply equipment; and

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

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

1. The following equipment is declared to be surplus property in accordance with the provisions of Section 1 of the Charter of the City of Cumberland and is hereby authorized for sale as scrap material:

- 18 - 3″ Coupling
- 2 - 6″ Coupling
- 9 - 6″ Coupling (trans)
- 2 - 8″ Coupling
- 6 - 8″ Coupling (C-900)
- 10 - 8″ Coupling (trans)
- 18 - 10″ Coupling
- 5 - 12 Coupling
- 10 - 8″ Flange Kits
- 21 - 6″ Pipe Restraints
- 10 - 10″ Flange Kits

_____

Brian K. Grim, Mayor

Amount	Description	Unit Cost	Value
18	3" coupling	48.45	872.10
2	6"coupling	249.93	499.86
9	6"coupling (trans)	51.30	461.70
2	8"coupling	265.99	531.98
6	8"coupling (c-900)	1.00	6.00
10	8"coupling (trans)	97.60	976.00
18	10"coupling	221.73	3,991.14
5	12"coupling	382.51	1,912.55
10	8" Flange Kits	1.00	10.00
21	6" Pipe Restraints	1.00	21.00
10	10" Flange Kits	1.00	10.00
			9,292.33

Request Mayor and City Council approval to declare the above water supplies inventory items as surplus. These items are outdated and are no longer used by the department for water line repairs. These items are intended to be listed for sale as scrap and will be disposed of at a junk yard upon declaration of these items surplus inventory supplies.

Approved: Date

5/19/15

Water Department Supervisor

5-19-15

City Administrator

City Clerk

Regular Council Agenda
June 2, 2015

Description
Order declaring certain water supply equipment to be surplus City property and authorizing the equipment to be listed for sale as scrap material

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** June 02, 2015

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

THAT, the attached City of Cumberland Fund Balance Policy be and is hereby approved as revised.

_____

Brian K. Grim, Mayor

CITY OF CUMBERLAND
FUND BALANCE POLICY

Purpose:
For increased financial stability, the City of Cumberland desires to manage its financial resources by establishing fund balance ranges for selected funds. This will ensure the City maintains a prudent level of financial resources to protect against reducing service levels or raising taxes and fees because of temporary revenue shortfalls or unexpected one-time expenditures.

Definitions:
Fund Balance — Fund balance means the difference between fund assets and fund liabilities. Fund balance is also referred to as net assets;

Nonspendable fund balance — amounts that are not in a spendable form (such as inventory) or are required to be maintained intact (such as the corpus of an endowment fund);

Restricted fund balance—amounts constrained to specific purposes by their providers (such as grantors, bondholders, and higher levels of government), through constitutional provisions, or by enabling legislation;

Committed fund balance—amounts constrained to specific purposes by a government itself, using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint;

Assigned fund balance—amounts a government *intends* to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority;

Unassigned fund balance—amounts that are available for any purpose; these amounts are reported only in the general fund;

Net Positions — Net position is another term for fund balance;

Restricted Net Position — Restricted net position is equivalent to restricted fund balance;

Unrestricted Net Position — Unrestricted net position in proprietary funds is roughly equivalent to unreserved fund balance in governmental funds; however, in the case of proprietary funds unrestricted net position does not necessarily represent funds available for appropriation. This is due to the fact that some of the unrestricted net position offset capital assets such as buildings and equipment;

Fund Balance Range — Fund balance range is the range of amounts this policy has set within which the City means to maintain the unassigned fund balance;

Expenditure — Expenditures are all uses of financial resources, budgeted for any purpose, and include operating and capital expenses, debt service, and transfers to other funds;

Operating Expenditures — Operating expenditures are uses of financial resources for personnel, supplies, services and materials, and exclude capital expenses, debt service, and transfers to other funds.

Fund Balance Range:
It is the goal of the City to achieve and maintain an unreserved General Fund balance equal to ~~12.5~~25.0% of expenditures. The City considers a balance of less than 5.0% to be cause for concern, barring unusual or deliberate circumstances. The amount set here is based on the predictability of revenues, volatility of expenditures, and liquidity requirements of the General Fund and may need to be reviewed periodically.

In calculating the ratio of undesignated fund balance to proposed expenditures, the latest audited Comprehensive Annual Financial Report (CAFR) shall be compared with the budget in effect when the CAFR is released. In essence this will mean the current year budgeted expenditures will be compared with the prior year's undesignated fund balance.

Unrestricted net position in proprietary funds does not necessarily represent resources available for appropriation. This is due to the fact that capital assets are included in proprietary funds and are offset in unrestricted net assets. Since it is not likely the organization will sell the capital asset in order to fund operations, its value is not available for appropriation. In order to take this into account when calculating the ratio related to the fund balance range, staff will identify the portion of unrestricted position that does not represent resources available for appropriation and consider the amount "designated".

Fund Balance Plan:
The attainment of the General Fund Balance Range will be implemented as operating funds allow over the upcoming fiscal years. It is recognized that the fiscal constraints and current economic environment will limits the City's ability to attain the desired fund balance. The progress toward obtaining this desired fund balance will be gradual but directed.

Maintenance:
In the event that the undesignated general fund balance is so calculated to be less than the policy anticipates, the City shall plan to adjust budget resources in the subsequent fiscal years to restore the balance. Except in extraordinary circumstances, undesignated fund balance should not be used to fund any portion of the ongoing and routine year-to-year operating expenditures of the City. It should be used primarily to insure adequate designated reserves, to respond to unforeseen emergencies, to provide cash flow, and to provide overall financial stability.

Assignment of Fund Balances:
In the event that there is a need to assign a portion a fund balance for a specific expenditure or purpose, the authority for the assignment of the fund balance shall be designated by the Comptroller. Such assignment shall be submitted in writing to the City Administrator prior to the issuance of the CAFR for the respective fiscal year.

Surplus:
If it is determined there is a surplus in the fund balance, the funds are to be designated or appropriated for the following purposes in order of priority:

1. Eliminate shortfalls in related funds. Any General Fund surplus shall be transferred to cover shortfalls within other Special Revenue Funds, other Governmental Funds or Proprietary Funds. Any Utilities Operating Fund surplus shall be transferred to the General Fund based on the percentage of retention as determined by the City Comptroller, and approved by the City Administrator.

2. Reduction or avoidance of debt. If there is short-term debt within the fund the surplus may be applied to reduce or eliminate the debt if financial analysis proves this to be advantageous for the City. If a borrowing is scheduled, the surplus may be used to reduce the principal amount the City needs to obtain if financial analysis proves this to be advantageous for the City.

3. Applied to a replacement program. Surplus funds may be used to supplement or enhance a capital replacement program such as vehicle, personal computer, or heavy equipment replacement, or any other capital replacement program initiated by the City.

4. One-time capital needs. Since a surplus does not represent a recurring source of revenue it should not be used to fund a recurring expense; however, if a one-time capital expenditure has been identified, but not already funded through an appropriation, the surplus may be appropriated for this use.

5. Tax, fee, or rate stabilization. Surplus funds may be designated for stabilization in order to avoid raising taxes, fees, or rates related to the fund in subsequent years.

Shortfall:
If it is determined there is a shortfall (an amount below the lower limit of the fund balance range for any fund), the fund balance is to be rebuilt through the following mechanisms in order of priority:

1. Distribution of surplus from other related funds as delineated under "Surplus" category.

2. An appropriation during the next annual budget process of at least 20% of the lower limit of the fund balance range until the lower limit has been reached. If this is financially infeasible, a plan to restore the fund balance to an amount within the range within a reasonable time frame. This plan may require reduction of services, increases in taxes, fees, or rates, or some combination thereof.

Fund Creation:
The authority for the management, creation and consolidation of existing and new funds is specifically delegated to the City Comptroller. The City Comptroller shall submit any change among the existing fund structure to the City Administrator for review. The consolidation of funds for reporting purposes shall be managed by the City Comptroller.

Fund Balance Policy Amendments:
Any amendments to this Fund Balance Policy shall be subject to the review and approval of the Mayor and City Council, upon the recommendation of the City Administrator and City Comptroller.

Effective Date:
This policy is effective ~~January 15, 2014.~~June 30, 2015. The implementation of this policy will be managed, recognizing that the desired funds balances will be achieved as funds become available and that this policy will be utilized as the principle guide for obtaining the desired fund balances.

Regular Council Agenda
June 2, 2015

Description

Order approving a revised City of Cumberland Fund Balance Policy to raise the unreserved General Fund balance to 25% of expenditures, and to allow the City Comptroller to assign a portion of the fund balance for a specific expenditure or purpose after being submitted in writing to the City Administrator

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE: ___June 2, 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 216 Knox Street, Cumberland, Maryland, 21502 (hereinafter referred to as the "Property"), the Property being more particularly described as follows:

ALL, that piece or parcel of ground situate in the City of Cumberland, Allegany County, Maryland, at the corner of German (now called Bond) and Knox Streets, and particularly described as follows, to-wit:

BEGINNING for the same at the corner formed by the Northern Side of Knox Street with the Eastern Side of German Street (now called Bond Street), and running thence with German (Bond Street), North 60 3/4 degrees West 50 feet to the Weigle property, and with it, North 29 1/4 degrees East 40 feet, then across the whole lot, South 60 3/4 degrees East 50 feet to Knox Street, and with it South 29 1/4 degrees West 40 feet to the place of beginning

IT BEING the same property which was conveyed from Paulett M. Lint AKA Paulette M. Lint to Mayor and City Council of Cumberland by deed dated April 22, 2014 and recorded among the Land Records of Allegany County, Maryland in Book 2062, Page 348.

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

TO HAVE AND TO HOLD the above-described property unto the party of the second part, his personal representatives, heirs and assigns, in fee simple.

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 Michael A. Pfaff, an adjacent property owner, for a purchase price of $1,800.00, 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 Michael A. Pfaff may proceed.

_____

Mayor Brian K. Grim

April 16, 2015

Mr. Jeff Rhodes, City Administrator
Mayor and City Council
Cumberland City Hall
Cumberland, MD 21502

Dear Mr. Rhodes, Mayor, and City Council:

I own the building at 212-214 Knox Street, Cumberland, with 2 licensed rental apartments. I also own 211 Knox Street.

The City of Cumberland owns the property at the corner of Bond and Knox Street, 216 Knox Street, tax account number 05- 010861. The house has been removed from this property. The current value of this lot as of January 1, 2015, is $1,800.00.

I would like to purchase this property from the city for the full amount of $1,800.00 and continue to enhance the appearance this section of the city and return this lot to tax-paying status.

Please consider my request and let me know your decision. I may be reached at (301) 707-2713. Thank you in advance for your attention to this matter.

Sincerely yours,

Michael A. Pfaff

Real Property Data Search (w4) **Guide to searching the database**

Search Result for ALLEGANY COUNTY

View Map | View GroundRent Redemption | View GroundRent Registration

Account Identifier: **District - 05 Account Number - 010861**

Owner Information

Owner Name:	**MAYOR & CITY COUNCIL OF CUMB**	**Use:**	**EXEMPT**
		Principal Residence:	**NO**
Mailing Address:	**57 N LIBERTY ST CUMBERLAND MD 21502-**	**Deed Reference:**	**/02062/ 00348**

Location & Structure Information

Premises Address:	**216 KNOX ST CUMBERLAND 21502-0000**	**Legal Description:**	**216 KNOX COR BOND ST GEPHART 2ND ADDN 40X50**

Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0104	0024	1987		0000				2015	Plat Ref:

Special Tax Areas: **Town:** **CUMBERLAND**
Ad Valorem:
Tax Class:

Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use
1901	2,088 SF		2,000 SF	

Stories	Basement	Type	Exterior	Full/Half Bath	Garage	Last Major Renovation
2	YES	END UNIT	ASBESTOS SHINGLE	2 full		

Value Information

	Base Value	Value As of 01/01/2015	Phase-in Assessments As of 07/01/2014	Phase-in Assessments As of 07/01/2015
Land:	3,000	1,800		
Improvements	23,500	18,400		
Total:	26,500	20,200	26,500	20,200
Preferential Land:	0			0

Transfer Information

Seller: LINT PAULETTE M	**Date: 06/19/2014**	**Price: $0**
Type: NON-ARMS LENGTH OTHER	**Deed1: /02062/ 00348**	**Deed2:**
Seller: BOWSER, DUAYNE A	**Date: 06/05/1990**	**Price: $14,000**
Type: NON-ARMS LENGTH OTHER	**Deed1: /00588/ 00205**	**Deed2:**
Seller: BOWSER, DUAYNE A ET UX	**Date: 03/30/1988**	**Price: $0**
Type: NON-ARMS LENGTH OTHER	**Deed1: /00570/ 00735**	**Deed2:**

Exemption Information

Partial Exempt Assessments:	Class	07/01/2014	07/01/2015
County:	650	26,500.00	20,200.00
State:	650	26,500.00	20,200.00
Municipal:	650	26,500.00|20,200.00	26,500.00|20,200.00

Tax Exempt: **Special Tax Recapture:**
Exempt Class: **NONE**

Homestead Application Information

Homestead Application Status: No Application

1. This screen allows you to search the Real Property database and display property records.
2. Click **here** for a glossary of terms.
3. Deleted accounts can only be selected by Property Account Identifier.
4. The following pages are for information purpose only. The data is not to be used for legal reports or documents. While we have confidence in the accuracy of these records, the Department makes no warranties, expressed or implied, regarding the information.

Regular Council Agenda
June 2, 2015

Description

Order declaring City-owned undeveloped property at 216 Knox Street to be surplus and accepting the offer of Michael A. Pfaff, adjoining property owner, to purchase the property for $1,800, with said transfer occurring after 20 days public notice

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 02, 2015___

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

THAT, the proposal of Daly Computer, 22521 Gateway Center Drive, Clarksburg, MD 20871, to provide Palo Alto equipment to change City connections to State fiber, be and is hereby accepted in an amount not to exceed Sixty One Thousand, Seven Hundred Dollars and Eight Cents ($61,700.08); and

BE IT FURTHER ORDERED, that this proposal shall be accepted as part of the State of Maryland DOIT State Hardware Contract (#060B2490022).

_____

Brian K. Grim, Mayor

Funding: CDA Bond 2014

DALY
Enterprise IT Solution Provider

State of Maryland Quotation

Corporate Headquarters
22521 Gateway Center Drive
Clarksburg, MD 20871
Tel: 301-670-0381 800-955-3259
Fax: 301-963-1516 www.daly.com

DALY MBE # 90-727
DOIT Hardware Master Contract
060B2490022

mdsales@daly.com

Quotation #: SQ0246838
Quotation Date: 5/21/2015
Quoted By: Emmett Gormley
Phone: 301-670-0381 Ext: 332
Project: MD1
Sales Team: Maryland
Customer Number: 16183

MD-CITY OF CUMBERLAND

Contact: JOHNNA BYERS
Email: JByers@allconet.org
Phone: 301-759-6441

This Quote Is Valid For 30 Days

Item no	MFG Code	Description	Qty	Unit Price	Extended Price
PAN-PA-500-2GB	PAL	Palo Alto Networks PA-500 2GB Memory	2	3,150.00	6,300.00
PAN-SVC-PREM-500	PAL	PALO ALTO PREMIUM SUPPORT PA-500 1 YEAR	2	680.00	1,360.00
PAN-PA-3050	PAL	Palo Alto 3050 Appliance	1	14,344.83	14,344.83
PAN-PA-3050-TP-5YR-HA2	PAL	Threat prevention subscription 5-year prepaid for device in	1	11,824.00	11,824.00
~~PAN-PA-3050-URL4-5YR-HA2~~	~~PAL~~	~~PANDB URL FILTERING SUBSCRIPTION 5-YEAR~~	~~1~~	~~11,824.00~~	~~11,824.00~~
PAN-PA-3050-WF-5YR-HA2	PAL	WILDFIRE SUBSCRIPTION 5-YEAR FOR DEVICE IN AN HA PAIR	1	11,824.00	11,824.00
PAN-SVC-PREM-3050-5YR	PAL	PREMIUM SUPPORT 5 YEAR PREPAID, PA-3050	1	14,347.25	14,347.25
PAN-PA-200	PAL	PALO ALTO NETWORKS PA-200	1	1,400.00	1,400.00
PAN-SVC-PREM-200	PAL	PREMIUM SUPPORT 1YR PA-200	1	300.00	300.00
FREIGHT-OUT	DLY	FREIGHT-OUT	1	0.00	0.00

Total $73,524.08

Accepted By: _____ Date: _____

Terms and Conditions

Please check your shipment immediately for accuracy and condition. Notify your Account Executive of any shipment discrepancies or damages. Unless otherwise provided by contract, all returns for credit or replacement must be made within seven (7) days of receipt. Buyer may only return products with the Seller's consent. No returns will be accepted without a Daly Return Authorization Number. All original contents and packing material must be returned. There must be no markings or writing on the manufacturer's packaging. The Return Authorization Number must be clearly marked on the shipping label only. All products including the manufacturer carton(s) should be packed into an additional carton to help prevent damage while in transit.

DO NOT WRITE ON OR DEFACE ORIGINAL PACKAGING

Phone/credit card orders will not be accepted without a signed quote being returned to Daly via fax, or digital PDF format. Thank you.

Please Reference Quote Number On All Purchase Orders

Gmail by Google

Margie Woodring <margie.woodring@cumberlandmd.gov>

Fwd: 64000 capital purchases

1 message

Johnna Byers <johnna.byers@cumberlandmd.gov> Tue, May 26, 2015 at 11:25 AM
To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,
Margie,

Please see the below from Joe. We have a price from Daly Computer on state of MD contract for some Palo Alto equipment we need to implement in order to change our buildings from ALLCONET connections to Atlantic Broadband, then state fiber.

Attached is the quote; we need everything on it except the URL filtering for a total of $61,700.08. According to Joe the funding is OK and ready from CDA 2014.

Jeff, can you approve the purchase and can we place on the next agenda for the M&CC to approve?

Please let me know if you need further info.

Thanks,
Johnna

--------- Forwarded message ---------
From: **Joe Urban** <joe.urban@cumberlandmd.gov>
Date: Tue, May 26, 2015 at 10:28 AM
Subject: Re: 64000 capital purchases
To: Johnna Byers <johnna.byers@cumberlandmd.gov>
Cc: Melissa Penrod <melissa.penrod@cumberlandmd.gov>

You need to have the M&CC approve the purchase from the State Contract. The funding is OK and ready from CDA 2014. There is not any issue with funding, just the approval for the purchases by Jeff and the M&CC.

Thanks, Joe

Joseph D. Urban
Comptroller
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502
301-759-6406

SQ0246838.pdf

Regular Council Agenda
June 2, 2015

Description

Order accepting the proposal of DALY Computer, as part of the State of MD DOIT State Hardware Contract, to provide Palo Alto equipment to change City connections to State fiber, in an amount not to exceed $61,700.08

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __June 2, 2015__

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

THAT, the City Administrator be and is hereby authorized to execute a grant agreement with the Maryland Smart Energy Communities (MSEC) Program under the Maryland Energy Administration in the amount of $45,452.00 for energy efficiency improvements, fuel efficiency improvements, and project preparation costs (up to 30%).

_____

Brian K. Grim, Mayor

Grant # 2015-04-420S1

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

STATE OF MARYLAND
MARYLAND ENERGY ADMINISTRATION
60 West Street, Suite 300
Annapolis, Maryland 21401

hereinafter "MEA"

and

Fiscal Year 2015 New Maryland Smart Energy Community:
City of Cumberland
57 N. Liberty Road
Cumberland, MD 21502-2312

hereinafter "Grantee"

PREMISES

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

The purpose of the MSEC Grant Program is to encourage local Maryland governments, including counties and municipalities, to voluntarily adopt formal policies to encourage energy efficiency, renewable energy development, and/or reduce reliance on petroleum as a fuel for transportation, and to implement projects to achieve the objectives of such policies. To implement this purpose, the Program has two separate but related components, policy development and project development. Under the policy development component, the local jurisdiction is responsible for developing and adopting written policies that promote at least two of the following: energy efficiency and conservation, the development of renewable energy resources, and the reduction of dependency on petroleum as a transportation fuel. These policies must be formally adopted through an official act of the governing body or office of the local jurisdiction (e.g., promulgation of a local law, regulation, ordinance, resolution, and executive order). Also, the Grantee must take certain steps set forth in this Agreement that evidence the

Grantee's formal commitment. Under the project development component, the local jurisdiction is responsible for designing and implementing at least one project approved by MEA that effectuates the at least one of the policy goals adopted as part of the Program. The MSEC Grant funds under this Grant Agreement may be used to assist the local government to develop and adopt policies, including a policy regarding energy efficiency objectives consistent with this Agreement ("Energy Efficiency and Conservation Policy"), and subsequently, to carry out an approved project to implement the objectives of the adopted Energy Efficiency and Conservation Policy. In subsequent fiscal years and after the Grantee has complied with all the requirements set forth in this Agreement, Grantee, as an MSEC, may apply for a subsequent grant to fund an additional project under a separate Grant Agreement.

MEA issued a notice of opportunity for funding through the MSEC Grant Program for FY 2015 and upon evaluating the applications received, has determined that Grantee is eligible for an award. The amount and authorized uses of the Grant Award, as well as terms, conditions, and restrictions, are set forth in this Grant Agreement.

NOW, THEREFORE, the parties hereby agree as follows:

I. Purpose of Grant and Program Description

(A) Purpose. The purpose of this Maryland Smart Energy Communities Grant (the "Grant") is to provide funding as part of the Program to assist Grantee in the development, adoption and implementation of policies and projects that promote energy efficiency and either the development of renewable energy resources, or the reduction of dependence on petroleum as a fuel in the transportation sector. The requirements are described in Attachment A, referenced in Article II, below.

(B) Program Components. Grantee may receive Grant funding and technical assistance as set forth in this Agreement to meet the qualifications for an MEA-designated Maryland Smart Energy Community. Upon such designation, Grantee will be eligible to receive additional Grant funding to develop an MEA-approved project that implements the adopted policy for Energy Efficiency and Conservation.

(1) Policy Development. Grantee shall formally adopt through a local law, regulation, ordinance, resolution, executive order, or some similar mechanism, two policies: the first, committing the Grantee to energy efficiency and conservation goals; and the second, a policy committing the Grantee to either to promote the development of renewable energy resources, or to reduce dependency on petroleum as a transportation fuel. The provisions required for each type of policy are described herein below.

(a) A policy to Promote Energy Efficiency and Conservation shall include:

(i) A commitment to reduce per-square foot electricity consumption of local government buildings by 15% within five years of a reasonable baseline year, as determined solely by MEA.

(ii) A commitment to establish an electricity consumption baseline year prepared by estimating total local government building electricity consumption and size in gross square feet; and

(iii) A commitment to develop an Energy Reduction Plan (ERP) to document the baseline year energy consumption and a comprehensive program to reduce total electricity use, by gross square foot by 15% from baseline year use.

(b) A policy to promote the Development of Renewable Energy Resources shall include:

(i) A commitment to reduce conventional, centralized electricity generation serving local government buildings by meeting at least 20% of those buildings' electricity demand with distributed, renewable energy generation by 2022;

(ii) A commitment to estimate total local government building electricity consumption, and:

(iii) A commitment to develop and implement of a Renewable Energy Action Plan (REAP) to map out how the local government will achieve the renewable energy goal.

(c) A policy to Reduce Dependency on Petroleum as a Transportation Fuel shall include:

(i) Commitment to reduce the use of petroleum as a transportation fuel for local government vehicles by at least 20% within five years of a baseline year;

(ii) Commitment to develop a baseline of fleet efficiency and fuel consumption for all government on-road vehicles using a gallons of gasoline equivalent basis; and

(iii) Commitment to develop and implement a Transportation Petroleum Consumption Reduction Plan to achieve the goal.

(2) Project Development

Consistent with the requirements set forth in this Agreement, Grantee shall develop and submit to MEA for approval a detailed proposal for each Project. Each proposed project shall include energy efficiency retrofits from those listed below.

(a) Installation of insulation;

(b) Installation of efficient lighting;

(c) Purchase and installation of energy efficient heating, venting, and air conditioning (HVAC) equipment, which shall be ENERGY STAR level or higher, whenever available. If ENERGY STAR products are not available, the specific equipment must be approved by MEA **before** it is selected. In most cases, MEA will not fund replacements for gas or propane HVAC retrofits due to the increase in electricity consumption;

(d) Weather sealing;

(e) Purchase and installation of ENERGY STAR appliances;

(f) Energy efficient motor and pumping system upgrades; or

(g) Replacement of traffic signals and street lighting with energy efficient technologies. If a Grantee chooses to pursue a project to replace traffic signals or street lighting, the electricity consumption of this equipment shall also be included in the Grantee's baseline energy consumption.

In order for a Project to be approved by MEA, Grantee must document energy savings and demonstrate that the Project is cost effective.

II. Project Description and Costs Eligible for Reimbursement

(A) Project Description. The Project under this Grant shall be developed and approved as a part of the Program and during the Grant period consistent with the following.

(1) The Grantee shall develop a proposed Project and submit a completed Attachment A "MSEC Project Development Form" to MEA by February 15, 2016, as specified herein in section (C)(2), unless a request for a deadline extension is submitted to MEA by January 15, 2016 and approved in writing by the MEA Program Manager.

(2) After MEA reviews Attachment A, MEA will provide Grantee with a completed "Project Approval Form" on the form included in Attachment B, which will describe the project approved by MEA ("the Approved Project").

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

(4) An approved project shall meet the following requirements,

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

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

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

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

(5) As part of the Project, Grantee shall make every reasonable effort to pursue relevant utility rebates or utility incentives.

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

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

(2) Policy and Project Preparation Costs –

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

(b) In order to receive reimbursement for costs associated with a feasibility study, Grantee shall discuss and get approval from MEA prior to commencing work associated with the feasibility study. For MEA approval, Grantee must show the need for the study as it pertains to the Project and how each measure can be installed within 5 years of the baseline year.

(3) Administrative Costs – Only up to 10% of the total amount of the Grant may be used for reasonable administrative costs; staff time or consultant's fees. If Grantee uses less than 10% of the total amount of the grant for Administrative Costs, Grantee may use the remaining portion for

Policy and Project Preparation Costs, consistent with subsection (2) herein above.

(C) Program Timing and Deadlines Grantee shall comply with the following deadlines:

(1) By November 2, 2015 – Grantee shall adopt at least two of the three Policies set forth above and complete each required Baseline and Plan, unless a request for extension is received by MEA by October 15, 2015. The remaining portion of the Grant Award (at least 70%) shall not be available for reimbursement of Direct Project Costs until Grantee provides sufficient evidence to MEA that is has formally adopted at least two of the three Policies, and has completed and received approval from MEA of all necessary Baselines and Plans.

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

(3) May 16, 2016 - Grantee shall complete the Project(s) approved by MEA and specified on the completed Project Approval Form.

(4) By June 15, 2016 – Grantee shall submit to MEA all Reports and final invoices requesting Program cost reimbursements required under Section IV (B).

(D) Program Requirements and Restrictions

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

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

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

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

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

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

(3) Failure to formally adopt the Policies or complete the Project by the deadlines set forth herein may result in Grantee having to reimburse Grant funds

to MEA, unless such delay is caused by factors outside of Grantee's control, as determined by MEA.

(4) MEA will not fund projects that involve fuel switching, nor projects that reduce non-electricity energy usage. The decision to fund a project shall be at the sole discretion of MEA.

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

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

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

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

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

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

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

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

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

(d) A project involving fuel switching is generally not eligible for Grant funding, although MEA may approve such Projects as it deems appropriate.

(11) Grantee agrees to diligently seek and apply for all rebates and other incentives that may be available through Grantee's electric utility. Such rebates

and incentives shall be estimated and applied to Grant Program costs before use of Grant funds.

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

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

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

(13) When a proposed project is requesting to use funds designated for a Low and Moderate Income Energy Efficiency and Conservation project, the project must serve a low-moderate income population and meet the following restrictions:

(a) For the purposes of this Agreement, low income is defined to be 60% or less of Area Median Income.

(b) For the purposes of this Agreement, moderate income is defined to be between 60% and 85% of Area Median Income, which are consistent with the Area Median Income limits available at http://dhcd.maryland.gov/website/programs/prhp/Documents/2014_MD_Income_Limits.pdf.

(c) Grantee shall demonstrate to MEA how the project will directly benefit low and moderate income residents in its jurisdiction. The determination of whether or not a proposed Project adequately directly benefits low to moderate income residents is solely a decision of MEA.

(d) Grant funds for a low and moderate income energy efficiency and conservation project may not be used for a renewable or petroleum reduction project, and must be accounted for, maintained, and invoiced separately from all other Grant funds.

III. Amount and Duration of the Grant

(A) The Grant Award shall not be greater than **Forty-Five Thousand Four Hundred Fifty-Two Dollars ($45,452).** As of the Effective Date of the Agreement as defined below, Grantee may use up to 30 % of the Grant Award for Policy and Project Preparation Costs that are pre-approved by MEA in writing and consistent with Article II(B).

(B) This Agreement must be signed by the Grantee and received by MEA no later than June 8, 2015. If this properly signed Grant Agreement is not received by MEA on or before June 8, 2015, the grant award shall automatically be revoked, and this Agreement is void unless an extension is given in writing by the MEA Program Manager.

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

(D) Unless an extension is permitted as described below, all activities must be completed by no later than **May 15, 2016** with all required documentation under Section IV (B) completed and submitted to MEA by no later than **June 15, 2016**. Extensions may be requested in writing in advance of a deadline, but are not guaranteed. Extensions shall only be permitted for good cause shown, such as circumstances outside of Grantee's control, as determined solely by MEA in writing.

IV. Reporting and Reimbursement Requirements

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

(B) Program Reporting and Invoicing.

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

(2) Reporting. Grantee shall submit MSEC reports ("Reports") to MEA on a monthly basis. Reports and Invoices are due to MEA by the 20th day of the month following the previous month's reporting period. The first monthly Report shall be submitted for the first full month following the Effective Date, as defined above, and for each month thereafter, even if not accompanied by an Invoice. Reporting shall continue until the Grant funds have been completely expended or the Grantee has notified MEA in writing that no additional funding will be requested under the Grant.

(3) Invoicing and Reporting.

(a) To be reimbursed, Grantee shall provide invoices and other documentation to MEA with the monthly Report.

(b) MEA may only provide Grant funds for reimbursement after receipt of appropriate invoices and reports with sufficient documentation of expenditures, as determined by MEA and consistent with Article II(b).

(c) MEA will reimburse Grantee for approved costs only after any and all available incentives offered by Grantee's electric utility provider have been fully utilized. Grant Award is to be used for net costs, after application of electric utility rebates and incentives.

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

Maryland Energy Administration
Attn: Maryland Smart Energy Communities Program
60 West Street, Suite 300
Annapolis, MD 21401

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

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

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

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

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

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

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

V. General Conditions

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

(B) Grantee may not discriminate against any employee or applicant for employment because of race, color, religion, sex, national origin, or any other characteristic forbidden as a basis for discrimination by applicable laws, and certifies that its Constitution or by-laws contains a non-discrimination clause consistent with the Governor's Code of Fair Practices.

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

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

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

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

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

(4) Grantee has not employed or retained any person, partnership, corporation, or other entity, other than a bona fide employee or agent working for the Grantee,

to solicit or secure the Grant or this Agreement, and the Grantee has not paid or agreed to pay any such entity any fee or other consideration contingent on the making of the Grant or this Agreement;

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

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

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

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

VI. False Statement or Report

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

VII. Historic Preservation Review

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

VIII. Maryland Saved Harmless

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

IX. Environmental Standards and Liability

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

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

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

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

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

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

XI. Liability Insurance

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

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

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

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

(E) Grantee shall maintain insurance documentation in a Grantee-owned facility and shall provide to MEA, upon demand, a certificate or other documentation deemed appropriate by MEA, evidencing MEA's status as an additional insured. Insurance requirements may be waived by MEA in writing, for good cause shown. Any such written waiver or modification shall be signed by the parties, and attached hereto and incorporated herein as part of this Agreement.

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

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

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

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

XII. Maryland Law Prevails

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

XIII. Agreement Binding on Successors and Assigns

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

XIV. Assignment or Transfer

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

XV. Amendments to the Grant

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

XVI. Party Representatives

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

Devan Willemsen, Program Manager
Maryland Energy Administration
(410) 260-7539
(Or any such person as may be designated in writing by the Director of MEA.)

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

XVII. Merger

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

XVIII. Non-waiver of Rights; Remedies

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

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

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

CITY OF CUMBERLAND

By: _____
Jeff Rhodes, City Administrator

MARYLAND ENERGY ADMINISTRATION

By:_____
Devon Dodson, Acting Director

Approved for Form and Legal Sufficiency
this _____ day of _____, 2015,

_____
Assistant Attorney General

Attachment A

MSEC Project Development Form

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

1. Name of Grantee
2. Policies Passed:
☐ Energy Efficiency ☐ Renewable Energy ☐ Transportation Petroleum Reduction
3. Grant Amount
Total Grant Amount:

a. Direct Project Costs: **Minimum** 70% of total grant amount	
b. Policy and Project Preparation Costs: **Maximum** 30% of total grant amount	

4. Project Address
5. Project Type
☐ A project focusing solely on energy efficiency (i.e., a lighting upgrade, adding insulation, etc.) ☐ A project focusing solely on renewable energy/clean transportation (i.e., adding solar panels to your roof) ☐ A project which combines energy efficiency and renewable energy/clean transportation
6. Percentage of Grant Per Funding Track *(e.g. energy efficiency, renewable energy, or transportation petroleum reduction)*

7. Project Narrative:
8. Total Project Cost, Other Sources of Funding *(e.g. Jurisdiction Match, Rebates, Other Grants, etc.)*
9. Annual Energy Benefits Estimate *(e.g. kWh reduced, kw installed, gallons reduced)*
10. Expected Life of the Installed Equipment
11. Simple Payback of the Measures *(e.g. project cost/annual savings)*

12. Electricity/Fuel Cost Information	
Electric utility provider and cost of electricity, $/kWh	
Building fuel oil cost ($/gallon)	
Natural gas utility provider and cost of natural gas ($/MMcf)	
Propane cost ($/gallon)	
Gasoline cost ($/gallon)	
Diesel cost ($/gallon)	
Other fuels not listed above (please specify):	
13. Utility Rebates to be Pursued:	
14. Documentation of MHT Review *(For MEA Use Only)*	

Attachment B
For MEA Use Only

Maryland Energy Administration
Maryland Smart Energy Communities Program

MEA MSEC Project Approval

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

☐ Reviewed to confirm that the proposed project is eligible to receive MSEC funds

☐ Reviewed to verify that the project will reduce electricity consumption and/or generate clean energy and/or reduce petroleum consumption.

☐ Reviewed and determined that the proposed project will have "no adverse effect" on any historic property.

☐ Reviewed to confirm that the Grantee has in place baselines and plans for the two policies they chose to pursue, and has adopted formal, written policies through their legislative or governing body committing the local government to the policies specified in the Policy Guidance Documents

SCOPE OF WORK:

_____
_____
_____
_____
_____

EXPECTED USEFUL LIFE (YEARS): _____

PAYBACK (YEARS, attach calculations as appropriate): _____

Approved by:

_____ Date: _____
Devan Willemsen
Grant Manager, Maryland Energy Administration

Attachment C

PROJECT REVIEW FORM

Request for Comments from the Maryland Historical Trust/ MDSHPO on State and Federal Undertakings

MHT USE ONLY
Date Received: Log Number:

Submit hard copy of form and all attachments to:
Beth Cole, MHT, 100 Community Place, Crownsville, MD 21032

Print Form

Section A: General Project Information

Project Name _____ County _____

☐ This is a new submittal **OR** This is additional information related Project Log Number: _____

Section B: Primary Contact Information

Contact Name _____ Company/Agency _____

Mailing Address _____

City _____ State Maryland Zip _____

Email _____ Phone Number _____ Ext. _____

Section C: Description of Undertaking

Location - Attach a map, preferably a section of a USGS quad, showing the location and boundaries of the project

Address _____ City/Vicinity _____

List all federal and state agencies / programs (funding, permits, licenses) involved in this project (e.g. Bond Bill Loan of 2009, Chapter #; Transportation Enhancement Grant; HUD/CDBG; MDE/COE permit; etc.).

Agency Type	Agency/Program/Permit Name	Project/Permit/Tracking Number (if applicable)

Proposed Work - Attach project description, scope of work, site plans / drawings

This project includes (check all applicable): ☐ **New Construction** ☐ **Demolition** ☐ **Remodeling/Rehabilitation**

This project involves: ☐ **State or Federal Rehabilitation Tax Credits**

☐ **Properties subject to an easement held by MHT, MET, or another entity**

Section D: Identification of Historic Properties

This project involves: ☐ **Properties designated as historic by a local government, listed in the National Register, or included in Maryland Inventory of Historic Properties**

Property/District Name _____

The subject property ☐ **has** ☐ **has not** been the subject of previous archeological, architectural, or historical investigations.

Please describe _____

Attachments ☐ **Map** ☐ **Project Description/Scope of Work** ☐ **Site Plans/Drawings**

☐ **Photographs** - Attach prints or digital photographs showing the project site including images of **all** buildings and structures, preferably keyed to a site plan

☐ **Conditions** - Attach a brief description of past and present conditions of the project area (wooded, mined, developed, agricultural uses, etc) including construction dates of buildings, if known.

MHT Determination MHT Reviewer: _____ Date: _____

☐ There are **NO HISTORIC PROPERTIES** in the area of potential effect ☐ The project will have **NO ADVERSE EFFECT WITH CONDITIONS**

☐ The project will have **NO EFFECT** on historic properties ☐ **MHT REQUESTS ADDITIONAL INFORMATION**

☐ The project will have **NO ADVERSE EFFECT** on historic properties ☐ The project will have **ADVERSE EFFECTS** on historic properties

Attachment D

Maryland Smart Energy Communities Grant Program Monthly Report

Instructions: Please complete and forward the MSEC Monthly Report to MEA by the 20th day of the month following the prior month's reporting period.
(Example: Submit the monthly report to MEA by August 20, 2015 for the July 2015 2014 reporting period.)

1. Local Government Name and Address:	**2. Name/ Title/Phone Number of Report Submitter:**
3. Congressional District:	**4. Address of Project (if different than the address shown above)**
5. Reporting Period **Month: _____** **Year: _____** **Is this the final MSEC monthly report?** ☐ **Yes** ☐ **No**	**6. MEA Grant Number:**
7. Local Government Invoice Number (if invoices are being submitted to MEA for payment):	**8. Federal Tax Identification Number:**

9. MSEC Grant Expenditures
Please indicate the amount of MSEC grant funds spent during a. the reporting period and b. over the course of the project to date. Please note that if you are receiving funding from the low-to-moderate income SEIF energy efficiency allocation, as specified in Section III of the Grant Agreement, you must track, invoice, and report this funding stream separately.

a. MSEC Grant Dollars Spent during this Reporting Period ($)	Direct Project Costs (minimum 70% of total Grant amount):	
	Policy and Project Preparation Costs (maximum 30% of total Grant amount):	

	Total grant funds requested, this reporting period (this number should match the invoiced amount):	
b. MSEC Grant Dollars <u>Spent to date</u> ($)	Direct Project Costs (minimum 70% of total Grant amount):	
	Non-Project Costs (maximum 30% of total Grant amount):	
	Total grant funds requested, spent to date (this number should match the invoiced amount):	
10. Non-MSEC Grant Expenditures		
a. Utility Rebates ($)	**b. Other Project Expenditures ($)** Please include description of incentive and the $ amount of incentive. If more than one utility incentive is obtained, please list all incentives separately.	
11. Policy Status Update		
a. Provide a brief narrative of the status of the baselines, plans, and policies required under this program.	Energy Efficiency:	
	Renewable Energy:	
	Transportation Petroleum:	
12. Project Status Update		
a. Provide a brief narrative of project milestones and/or accomplishments achieved during the reporting period. Please indicate if any specific energy measure(s) were placed into service during the reporting period.		
b. Were any obstacles encountered during the reporting period? If so, please explain.		

13. Is this your final report? ☐ Yes ☐No ***If yes, please complete section 14, below. If no, please leave section 14 blank.***	
14. Reporting Metrics: The reporting metrics required for your project are listed below. Please enter N/A for any reporting metric that does not apply to your specific project. Grantees will work with their MEA grant manager to customize this section for their specific project.	
A. Jobs created (Hours worked) ***Required*** Please report the total number of hours worked (and paid for using Grant funds) by Grantee staff, contractors, and vendors	
B. Energy Cost Savings ($ saved per year due to project) ***Required***	
C. Building Energy Savings ***Required for energy efficiency projects***	
i. **Reduction in annual electricity consumption (MWh)**	
ii. **Reduction in annual fuel oil consumption (gal)**	
iii. **Reduction in annual natural gas consumption (MMcf)**	
iv. **Reduction in annual propane consumption (gal)**	
v. **[Insert other measure]**	
vi. **[Insert other measure]**	
D. Renewable Energy Capacity and Generation ***Required for renewable energy projects***	
i. **Amount of electricity generated by photovoltaic systems (MWh) annually**	

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

Regular Council Agenda
June 2, 2015

Description

Order authorizing execution of a grant agreement with Maryland Smart Energy Communities: New Community under the Maryland Energy Administration. The amount of the grant award is $45,452 for energy efficiency improvements, fuel efficiency improvements, and project preparation costs (up to 30%).

Approval, Acceptance / Recommendation

The Engineering Division recommends that the Maryland Smart Energy Communities grant agreement be executed. The policy development is related to municipal owned facilities so data collection, energy or fuel audits and energy/fuel improvements will take place within one or more of the facilities listed in the application: Public Safety Bldg, City Hall, Municipal Service Center, Various City Parks, and may include the WWTP and WFP. By the City of Cumberland becoming a Maryland Smart Energy Community: the City of Cumberland is eligible for technical support by the Maryland Energy Administration for the development of energy efficiency policies and planning and grants for energy efficiency improvements. A technical assistance meeting will be scheduled for some time in July at which our plan of action on the following requirements will be evaluated and recommendations will be made. Staff had requested technical assistance in the grant/program application from the program for 1) collection and organization of energy information to compile consumption baselines and 2) creation of Energy Efficiency and Transportation plans. Cumberland will be required to complete and submit three deliverables by the December 31, 2015. 1) Adoption of city specific energy consumption policies for government owned buildings and transportation fleet: • Energy Efficiency Policy- Establish an energy consumption baseline and develop a plan with the goal of reducing electricity consumption of city/town or county-owned buildings by 15% within five (5) years of the baseline year. • Transportation Policy- A local government must establish a petroleum consumption baseline for all local government vehicles, and put in place a comprehensive program designed to reduce the baseline by 20 percent within five (5) years of the baseline year. 2) Develop electric and fuel consumption baselines for government owned buildings and vehicles 3) Develop action plans for achieving reductions in electric and fuel consumption related to government owned buildings and vehicles The City of Cumberland will be required to show a good faith effort towards the achievement goals and objectives that lead to energy and fuel consumption improvements as per the development of policies and action plans in order to qualify for funding though the Maryland Smart Energy Communities programs.

☑ Budgeted

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

Value of Award (if applicable)
$45,452

Source of Funding (if applicable)
MEA Grant

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** June 02, 2015

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

THAT the Mayor and City Council of Cumberland is the record owner of certain parking meters no longer in use; and

WHEREAS, the Mayor and City Council have determined said parking meters to be surplus City property;

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

Nine hundred (900) double and single headed parking meters determined to be of no further use to the City, be and are hereby declared to be surplus property in accordance with the provisions of Section 1 of the Charter of the City of Cumberland and are hereby authorized for sale as scrap material.

_____

Brian K. Grim, Mayor

Regular Council Agenda
June 2, 2015

Description

Order declaring 900 double and single-headed parking meters in the City as surplus property and authorizing them for sale as scrap metal

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** June 02, 2015

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

THAT, the City Administrator be and is hereby authorized to execute a Letter of Agreement with Fibred-Maryland, Inc., 543 National Highway, Cumberland, Maryland 21502 for acquiring sludge from the City of Cumberland's Waste Water Treatment Plant in an amount up to 20,000 gallons per day for the period from June 1 to June 5, 2015 and 10,000 gallons per day for the period June 8 to June 12, 2015 for the purpose of "seeding".

_____

Brian K. Grim, Mayor

CITY OF
CUMBERLAND
MARYLAND

June 2, 2015

Stan Heimburger
General Manager
Fibred-Maryland, Inc.

Re: Removal of Waste Water from Waste Water Treatment Plant Activated Sludge Reactors

Beginning Monday, June 1, 2015 and continuing until Friday, June 12, 2015, the Mayor and City Council of Cumberland (the "City"), owner of the Cumberland Waste Water Treatment Plant located at 400 E. Offutt St., Cumberland, MD (the "Plant"), agrees to allow Fibred-Maryland, Inc. ("Fibred") to pump from the Plant's activated sludge reactors (the "Reactors") an amount up to 20,000 gallons per day for the period from June 1 to June 5 and 10,000 gallons per day for the period June 8 to June 12 for the purpose of "seeding."

In consideration of the foregoing, Fibred agrees to the following:

1. It shall obtain at its expense all necessary permits required for the transportation of waste water on Maryland roadways and provide proof that such permits have been obtained before removing water from the Reactors.

2. It shall procure waste water hauling services from a certified hauler that provides its own equipment for the pumping and transportation of liquid waste water from the Reactors and shall provide proof of such certification before conducting any such hauling;

3. It shall protect, indemnify, save harmless, and defend the City, its officers, officials, employees, agents, representatives, contractors and subcontractors, or any combination of the foregoing, from and against any and all liabilities, suits, actions, claims, demands, losses, expenses, and costs (including, but not limited to, reasonable attorney's fees, court costs and litigation expenses) of every kind and nature incurred by, or asserted or imposed against the City, its officers, officials, employees, agents, representatives, contractors and subcontractors, or any of any combination of the foregoing, by reason of any accident, injury (including, but not limited to, death) or damage to any person or property resulting from, connected with, or arising out of the withdrawal of waste water from the Plant or the Reactors for Fibred's use and benefit hereunder, the transportation of the waste water and/or the use of the waste water.

4. It shall release, waive, discharge, and covenant not to sue the City, its agents, employees, officers, officials, representatives, independent contractors and subcontractors with respect to liability of any kind or nature arising out of, as a

MAYOR
BRIAN K. GRIM

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

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY SOLICITOR
MICHAEL SCOTT COHEN

CITY CLERK
MARJORIE A. WOODRING

MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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

result of or as an incident to the activities or the use of the waste water contemplated by the terms of this letter and covenants not to institute, make or pursue any claims, actions, suits, procedures, costs, fines, expenses, damages and liabilities of any kind against the City, its agents, employees, officers, officials, representatives, independent contractors and subcontractors which may arise out of, as a result of or as an incident to the activities or the use of the waste water contemplated by the terms of this letter.

5. It shall maintain liability insurance coverage, providing coverage for any losses related to or arising out of the subject matter of this letter in the amount of no less than $1,000,000.00 per claim. The City shall be named as an additional insured the terms of the policy. Proof of the insurance coverage and the payment of the premium therefor shall be provided to the City before any water is withdrawn from the Plant under the terms of this Agreement. The City must be satisfied with the protection afforded by the insurance coverage before any water is withdrawn from Plant under the terms of this letter.

It is further understood if at any time the loading of trucks at the Plant interferes with the Plant's daily operations, all loading will be stopped until such time that the Superintendent determines appropriate.

The City makes no representations or warranties, express or implied, written or oral, relative to the quality of the water, its content, its chemical makeup, whether or not it contains contaminants of any kind, its suitability for Fibred's intended use or any other matters relative to the water which is the subject of this letter. Fibred accepts the water in its "as-is, where is" condition. It understands that it is solely responsible for performing its own due diligence regarding the quality of the water.

If the foregoing terms are acceptable, please sign where indicated below in the presence of a witness and otherwise fill in the required information to acknowledge that to be the case.

I thank you for your consideration.

Very truly yours,

_____

Jeffrey D. Rhodes,
City of Cumberland
City Administrator

I solemnly declare and affirm under the penalties of perjury that I am employed by Fibred-Maryland, Inc. as its _____ and that, in that capacity, I am duly authorized by it to sign this letter agreement and bind Fibred-Maryland, Inc. contractually to the terms set forth hereinbefore.

WITNESS:

FIBRED-MARYLAND, INC.

_____

By: _____

_____
printed name

_____
printed name and job title

_____
date

_____
date

Regular Council Agenda
June 2, 2015

Description

Order authorizing the City Administrator to execute a Letter of Agreement with Fibred-Maryland, Inc. for acquiring sludge from the City's Waste Water Treatment Plant.

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

The Gulf War Memorial Inc.

14200 Laura Lane SW Cumberland, MD 21502

May 11, 2015

Mayor and City Council
Attn: Jeff Rhodes
57 N Liberty Street
Cumberland MD 21502

Dear Mr. Rhodes,

This letter is to request permission to hold the Fifth Annual Gulf War Memorial 5K Run on August 22, 2015 at 8:30 am in Cumberland.

This run is to benefit the Gulf War Memorial at Gulf War Memorial Drive. See attached letter.

The run will start at the top of Baltimore Street, in front of the Rehab Center and will continue down Baltimore Street and up on the Canal Passage to the turnaround at the Narrows and come back. Start and finish at the same spot.

I also will submit my application for use of the Allegany Passage to Bobby Dick. I also have been in contact with Captain Leake of the Cumberland Police Department and they are working with us fully.

We appreciate your consideration in this, which we thick will be a prosperous event.

If you need anything else please contact me. I can be reached at 301/729-6451 or email sellsworth24@atlanticbb.net

Sincerely,

Sharon

Sharon & Mark Ellsworth
Race Directors

RCVD

CLERK'S OFFICE

2015MAY15 PM 3:09

A PLACE TO REMEMBER AND REFLECT
The Gulf War Memorial
Cumberland, MD
NEVER FORGET THOSE WHO GAVE ALL

www.gulfwarmemorial.org
Gulf War Memorial Inc. Facebook

Gulf War Memorial 5th Annual 5K

A Gulf War Memorial "Books of the fallen" has been erected in Cumberland MD. This beautiful, but sad monument is the first of this magnitude in the country and has over 8000 names of our brave service men and women who have given their lives for our country. Another granite book will also need to be erected bringing the total number of books to five. The cost for this is about $50,000. This monument was dedicated April 4th, 2009, but will not be completed until the last of our service members return home.

This Memorial is not federally funded so we must rely on annual fundraisers to help offset the cost of adding additional names to the granite, pay insurance, electric, security and maintenance.

We are pleased and proud to announce that the "5th Annual 5K Run " will be held Saturday, August 22, 2015 at 8:30am. This event will start and end at the top of Baltimore Street and awards/refreshments will be at the Memorial located on Gulf War Memorial Drive in Downtown Cumberland. We are asking for your generosity in the form of a monetary donation and/or products that would help make this event a success. Any donation of $100 will have the sponsors logo and name on the race shirt, and a donation of $50 will have the sponsors name on the back of the race shirt. Door Prizes, drinks, and food donations are also needed and will be listed on the race shirt as well.

Thank you in advance for your support...any donation will be greatly appreciated.

Gulf War Memorial Race Directors
Mark & Sharon Ellsworth
301/729-6451 or sellsworth24@atlanticbb.net

www.gulfwarmemorial.org and find us on facebook.

Regular Council Agenda
June 2, 2015

Description

Letter from Sharon and Mark Ellsworth requesting permission to hold the Fifth Annual Gulf War Memorial 5K Run on August 22, 2015, beginning at 8:30 a.m., starting on Baltimore Street and running onto the Canal Passage to the Narrows and back.

Approval, Acceptance / Recommendation

The Cumberland Police Department has reviewed this request and has provided their recommendation to approve the request.

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)