



MAYOR

Brian K. Grim

CITY ADMINISTRATOR

Jeff Rhodes

CITY SOLICITOR

Michael Scott Cohen

COUNCIL

Nicole Alt-Myers

Seth D. Bernard

David Caporale

David Kauffman

CITY CLERK

Marjorie A. Woodring

MINUTES

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

DATE 10/6/2015

***Pledge of Allegiance**

I. ROLL CALL

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

ABSENT: Councilwoman Nicole Alt-Myers

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Charles Hinnant, Chief of Police; Marjorie Woodring, City Clerk

SPECIAL GUESTS: Michael McKay, Western Maryland Delegation

II. PROCLAMATIONS

- (A) Proclaiming the week of October 4 - 10, 2015 as Mental Illness Awareness Week in the City of Cumberland

Mayor Grim read the proclamation and then presented the proclamation to representatives Heather Mental Illness Awareness representatives Lisa Diehl and Tammy Overstreet.

- (B) Proclaiming the week of October 4 - 10, 2015 as Fire Prevention Week in the City of Cumberland

Mayor Grim read the proclamation and Ms. Julie Davis, Fire Administrative Officer, accepted on behalf of the Cumberland Fire Department.

III. CERTIFICATES, AWARDS AND PRESENTATIONS

- (A) Mayor Grim to administer Oath of Office to Cumberland Police Patrol Officers Devin S. Lee, Alexander D. Menges, and Michael J. Whelan

Chief Charles Hinnant provided background on each officer and introduced their families in attendance. Mayor

Grim administered the Oath of Office to Officers Lee, Menges and Whelan collectively.

- (B) Presentation of City Star to Brian Wodaski for making a difference in the community through his beautification and clean-up work in the area of the Ridgedale Reservoir

Mayor Grim discussed the work that Mr. Wodaski had undertaken in a key area of the city at the Ridgedale Tank and I-68 Exit, which included cutting grass and weeds, planting trees and flowers, and picking up garbage.

Mayor Grim thanked Mr. Wodaski for going above and beyond to help make Cumberland a better and more beautiful place to live and presented him with a City Star on behalf of the Mayor and City Council and citizens of Cumberland.

- (C) Recognition of John J. DiFonzo, City Engineer, for his receipt of the George Warren Fuller Award presented by the AWWA for distinguished service to the water supply field

Mr. Rhodes advised that the George Warren Fuller Award was recently presented to John J. DiFonzo, City Engineer, at a regional American Water Works Association conference in Ocean City. He stated that this award was the Chesapeake Section's most prestigious award and was presented each year to a member for their distinguished service to the water supply field. Mayor Grim added that he has known Mr. DiFonzo for many years and can attest to the fact that he is an outstanding citizen, as well. Mr. DiFonzo also provided comments, recognizing the City employees and many others who have worked to improve the water system, and thanked this and previous Mayors and Councils for always demanding excellence in the City's drinking water and distribution system.

- (D) Presentation from Raquel Ketterman, Natural Resource Technician, on two proposed policies to assist with the reduction of energy consumption and encourage the use of renewable energy sources as part of the MD Energy Administration's Smart Energy Communities Program

Raquel Ketterman, Natural Resource Technician, advised that the City had signed a grant agreement in 2015 with the MD Energy Administration for an award of \$45,452 that would be used for energy improvement to City-owned facilities. To qualify for the grant, the City was required to provide 1) an energy baseline for City facilities; 2) adopt two energy policies; 3) develop a plan to follow the policies. Two resolutions would be put before Council at the following meeting to support the adoption of a Renewable Energy Plan and an Energy Reduction Plan. The goals of the policies would be to reduce electricity consumption 15% by 2019 and to generate 20% from renewable energy by 2022. Ms. Ketterman reviewed initiatives already introduced by the City to reduce consumption and provided further details on the proposed policies.

Council voiced no concerns and Mr. Rhodes advised that two Resolutions in support of the policies would be put before Council at the next meeting for approval.

IV. DIRECTOR'S REPORT

- (A) Public Works

1. Utilities Division & Central Services Divisions Monthly Report for August, 2015

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

V. APPROVAL OF MINUTES

- (A) Routine

1. Approval of the Regular Session minutes of August 4 and 18, and September 1, 2015

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

VI. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order approving the disbursement of FY16 Hotel/Motel Funds to various community organizations in an amount not to exceed \$57,740

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,877

2. Order accepting various bids for 15 pieces of surplus vehicles and equipment that were publicly advertised for sale

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,878

3. Order accepting the proposal of Belsinger Sign Works, Inc. for the "2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage Project" in the estimated unit cost of \$68,300.00

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,879

4. Order declaring City-owned property at 534-536 Columbia Avenue to be surplus and declaring the City's intent to accept the proposal of Nazir Gul for the purchase amount of \$0.00 and certain contingencies for rehabilitation

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,880

5. Order authorizing the execution of a Contract of Sale between the City (Buyer) and Ocwen Financial (Seller) for property at 532 Maryland Avenue; authorizing acceptance of the deed provided settlement contingencies are met; authorizing the City Administrator and Solicitor to execute necessary documents; and approving an extension of the closing date if necessary

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,881

6. Order declaring City-owned property at 106 W. First Street to be surplus and declaring the City's intent to accept the proposal of Caitlin Rodenhauser for the purchase amount of \$500.00

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,882

7. Order accepting the proposal of Pittman's Tree & Landscaping, Inc. for the 2015 Fall Tree Removal Project (16-15-M) in the estimated unit price of \$25,305.00

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,883

8. Order approving the following appointments: Administrative Appeals Board - Richard Beeghly and Erich Bean for 3-year terms effective 10/6/15 - 10/6/18; Shade Tree Commission- Cassie Conklin to fill an unexpired term effective 10/6/15 - 8/31/16; Housing Authority- Bruce Irons for a 5-year term effective 10/16/15 - 10/16/20; Parks and Recreation Board- Brady Barnhart, Brett Showalter, Deborah Mullen, Corey Zinkhan for 5-year terms effective 10/6/15 - 10/6/20 and Jeffrey Hedrick to fill an unexpired term effective 10/6/15 - 8/31/16

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,884

9. Order declaring a 2006 Chevy Truck (VIN #1GNDT13S562335402) to be surplus and authorizing it for sale or trade-in

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,885

10. Order authorizing a Special Taxing District exemption for 55 N. Centre Street in the amount of \$910.74

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,886

11. Order authorizing Special Taxing District exemptions for 43 N. Centre Street in the amount of \$182.86 and 50 N. Centre in the amount of \$253.46

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,887

12. Order authorizing the execution of a Certificate of Satisfaction acknowledging that the Deed of

Trust dated December 13, 2005 (Allegany County Land Records Book 1224, Page 425) made by Lucy J. Yutzky regarding property at 509 Maryland Avenue has been fully paid and satisfied

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,888

13. Order authorizing the execution of a First Amendment to the IAFF Local #1715 Collective Bargaining Agreement dated July 1, 2014 - June 30, 2017, addressing issues of longevity pay, adjusted pay for first or second line ambulance, and the addition of a 1% bonus for FY16

Mr. Rhodes provided background information on each item on the Consent Agenda prior to vote and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-13 was made by Councilman Kauffman, seconded by Councilman Bernard, and was passed on a vote of 4-0.

ORDER NO. 25,889

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

At the request of Mr. Red Fansler, who was not in attendance, Mayor Grim read into the public record a letter from Clarence and Linda Fansler, 45-year residents of Cecelia Street, providing a favorable review of the City's acquisition of homes on Emily and Cecelia Street for the Rolling Mill redevelopment project.

Marc Nelson, Jr., 113 Decatur Street, posed questions regarding the Rolling Mill Project. He questioned whether the City would pursue eminent domain and was advised that the Cumberland Economic Development Corporation (CEDC) would address this and other topics after all public comments have been received that evening. He questioned when it had been decided to pursue the project and was advised that public discussion on opportunity sites had been made part of the 1.5 - 2 year strategic planning process. Additional questions from Nelson referred to the CEDC included inquiries as to the total cost of the project, geographic scope of the project, projected timeline, and whether individual small area planning had been undertaken prior to the opportunity site planning. Nelson questioned why information had not been made public at the beginning of the project.

Councilman Kauffman advised that the concept of targeted opportunity sites and their development was repeatedly communicated in public during the strategic planning process. The City was now acting on the plan that was approved. Mr. Nelson noted that several steps outlined in the process had not taken place.

Jonathan Hutcherson spoke as Chairman of the Board of Directors for the Cumberland Economic Development Corporation. He stated that the process of creating a strategic plan had begun over 2 years ago and the City had held multiple well-advertised meetings during which the Rolling Mill opportunity site selection was discussed and the strategic plan has been publicly posted since it was received in final form. He stated that no one from the City or CEDC has in any way threatened or coerced individuals to obtain property in the Rolling Mill area, and that property owners have been dealt with compassionately. There were no regrets in how the transactions have been handled and the CEDC Board stands 100-percent behind Mr. Hershberger. Hutcherson apologized for the way in which the project was made a public spectacle due to misquotes and misdirected statements. The project will positively impact all of Western Maryland by creating jobs, increased tax revenues, and heightened perception that Cumberland is thriving.

Dr. Kara Rogers Thomas, 504 Oldtown Road, Associate Professor of Sociology at Frostburg State University, petitioned for transparency and public dialogue when considering issues of smart growth and participatory development. She stated the City's emphasis should be on creating an inclusive community where all voices have been heard and referred to several smart growth practices promoted by the EPA. She stated the Rolling Mill residents were particularly concerned about transparency and wanted the opportunity to meet with City officials to be able to ask questions in a public forum. Ms. Thomas requested that the City schedule a public forum, to be advertised with a minimum of two week's public notice, to share all plans for development of the area with the citizens. She presented a petition to the Mayor and City Council stating such and noted that 256 signatures had been obtained.

Diane White, 221 Cecelia Street, stated she has lived in her home for 38 years, the home is paid for, and she she does not want to sell. She would like to spend the remainder of her years at her home.

Woodrow Gordon, 221 Cecelia Street, stated he has lived in his home for 45 years. He questioned 1) what criteria was used to determine what qualified as an affected area; and 2) was the emotion of the matter ever discussed at any of the meetings of the

Mayor and Council or CEDC? He paid his mortgage off 22 years ago in the hope that he would live long enough to retire there. He stated the first official notice he received from the City was a letter in the mail the previous Friday. A large majority of people in the neighborhood did not know what was going on and the last thing the elderly want to do is leave their homes. He asked the Mayor and Council to walk the area with him and tell him what is wrong with the houses that would qualify them for destruction. Councilman Kauffman stated he would be willing to do so.

Dave Williams, 304 Wallace Street, stated that he owns a business in town, owns several buildings, and has been a resident since 1979. He encouraged the Mayor and Council not to blink on the Rolling Mill redevelopment because they have done the right thing. He stated this development project is about the sustainability of the city of Cumberland. Anyone who owns property, owns a business, lives in or works in Cumberland is a stakeholder in the City's economic development plan; it is not just about those who own homes. He encouraged Council to follow their initiative and noted that the strategic plan has been made public online and through open meetings. He stated the Rolling Mill development plan was to the benefit of the entire city.

Shawn Hershberger, President of the Cumberland Economic Development Corporation, discussed how the opportunity sites were determined. He stated the Rolling Milling site was targeted because it has market attraction due to available flat land, interstate access, and the promise of continued growth in the corridor. The small site plan concept was not pursued because the community had made it clear that aggressive action was needed with regard to economic development. Rather than spend money on the small individual site plan, market capable items would be acted upon.

Regarding cost of the project, property owners were being dealt with on a case-by-case basis in a confidential manner. Each situation was being looked at individually and approached with fairness and compassion.

Regarding eminent domain, the Mayor and Council and the CEDC want to work with each property owner on an individual basis to ensure that no one was irreparably damaged. Hershberger stated that the project is about community betterment but not at the expense of individual property owners.

Regarding the question as to why the information was not presented prior to the project starting, Hershberger stated that the City spent a year discussing where the opportunity sites would be and the high level development concepts for these sites. The public was encouraged to attend the meetings and great lengths were taken to engage the public in the process. During the public meetings, the public made it clear that the community is tired of planning with no implementation and the current actions stem directly from that strategic plan.

Regarding the geographic scope of the project, Hershberger stated that every property owner included in the targeted area has been communicated with directly, but it had been decided early on that the process would respect the privacy of the individual property owners. Outlining the geographic scope of the project at this time goes against that decision.

Regarding a timeline, Hershberger stated that the generic answer was as soon as possible because the community was hungry for private investment and growth.

Regarding a timeline, Hershberger stated that the generic answer was as soon as possible because the community was hungry for private investment and growth.

Mayor Grim stated that he had become aware that there were people combing the Rolling Mill neighborhood asking people to sign papers. He encouraged the residents to not sign papers unless they knew exactly what they were signing because there may be someone out there trying to take advantage of the situation.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 7:24 p.m.

Minutes approved on: November 17, 2015

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk



City of Cumberland
- MARYLAND -

Proclamation

- WHEREAS,** *The U.S. Surgeon General's report on mental health determined that one in five Americans experiences a mental disorder in the course of a year and, as a result, millions of adults and children are disabled by mental illness every year; and*
- WHEREAS,** *The stigma that surrounds mental illness often prevents individuals from seeking treatment, due to fear of ridicule and rejection; and*
- WHEREAS,** *Early detection and treatment can help prevent mental health problems from growing worse; and*
- WHEREAS,** *It is imperative for those with mental health problems to seek treatment, and equally important for family members, friends and service providers to be well informed about the symptoms of mental illness and the treatment options available; and*
- WHEREAS,** *In order to better educate and inform our local community on the issue of mental health, the Candlelight Event for Mental Illness Awareness will be held on October 8, 2015, within the city of Cumberland.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim the week of October 4 - 10, 2015 in the City of Cumberland as

“MENTAL ILLNESS AWARENESS WEEK”

*Given under our Hands and Seals this 6th Day of October, in the Year 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



Regular Council Agenda
October 6, 2015

Description

Proclaiming the week of October 4 - 10, 2015 as Mental Illness Awareness Week in the City of Cumberland

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



City of Cumberland
- MARYLAND -

Proclamation

- WHEREAS,** *The Mayor and City Council of Cumberland is committed to ensuring the safety and security of all those living, working, and visiting our city; and*
- WHEREAS,** *The City of Cumberland Fire Department responded to 1,355 fire alarms in 2014 and provides protection to the citizens of Cumberland twenty-four hours a day, seven days a week; and*
- WHEREAS,** *Homes are the locations where people are at greatest risk from fire, and working smoke alarms cut the chance of dying in a reported fire in half; and*
- WHEREAS,** *Residents should install smoke alarms in every sleeping room and on every level of the home; and*
- WHEREAS,** *Residents who have planned and practiced a home fire escape plan are more prepared and will therefore be more likely to survive a fire; and*
- WHEREAS,** *The Cumberland Fire Department is dedicated to reducing the occurrence of home fires and home fire injuries through prevention and protection education; and*
- WHEREAS,** *The 2015 Fire Prevention Week theme, “Hear the Beep Where You Sleep. Every Bedroom Needs a Working Smoke Alarm!” effectively serves to remind us that we need working smoke alarms to give us time to get out safely.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim the week of October 4 - 10, 2015 as

“Fire Prevention Week”

and urge the citizens of Cumberland to install smoke alarms in every bedroom, on every level of the home, including the basement, and to support the many public safety activities and efforts of the Cumberland Fire Department.

*Given under our Hands and Seals this 6th Day of October, in the Year 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



Regular Council Agenda
October 6, 2015

Description

Proclaiming the week of October 4 - 10, 2015 as Fire Prevention Week in the City of Cumberland

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
October 6, 2015

Description

Mayor Grim to administer Oath of Office to Cumberland Police Patrol Officers Devin S. Lee, Alexander D. Menges, and Michael J. Whelan

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
October 6, 2015

Description

Presentation of City Star to Brian Wodaski for making a difference in the community through his beautification and clean-up work in the area of the Ridgedale Reservoir

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
October 6, 2015

Description

Recognition of John J. DiFonzo, City Engineer, for his receipt of the George Warren Fuller Award presented by the AWWA for distinguished service to the water supply field

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
October 6, 2015

Description

Presentation from Raquel Ketterman, Natural Resource Technician, on two proposed policies to assist with the reduction of energy consumption and encourage the use of renewable energy sources as part of the MD Energy Administration's Smart Energy Communities Program

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
October 6, 2015

Description

Utilities Division & Central Services Divisions Monthly Report for August, 2015

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

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

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 08/04/15

*Pledge of Allegiance

I. ROLL CALL

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

ABSENT: Councilman David Caporale

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Donald Dunn, Fire Chief; Capt. Gregory Leake, Cumberland Police Department; Marjorie Woodring, City Clerk

Mayor Grim noted that Delegate Michael McKay was in attendance.

II. PROCLAMATIONS

(A) Proclaiming August 14, 2015 as the 80th Anniversary of the Social Security Act

Mayor Grim read the proclamation in recognition of the 80th anniversary of the establishment of the Social Security Act, noting that it would be forwarded to Senator Cardin's office.

III. APPROVAL OF MINUTES

(A) Routine

1. Approval of the Regular Session Minutes of June 2 and 16, 2015

Item Action: Approved

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

(B) Administrative / Executive

I. Approval of the Administrative Session Minutes of June 2, 2015

Item Action: Approved

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

ADMINISTRATIVE SESSION - June 2, 2015

PRESENT: Mayor Brian K. Grim; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman (*Kauffman entered the meeting at 5:07 p.m.*); Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

MOTION: Motion to enter into closed Administrator Session to discuss personnel issues, IAFF negotiations, and to confer with counsel on a legal matter was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and approved on a vote of 4-0.

AUTHORITY TO CLOSE SESSION was provided by the Annotated Code of Maryland, State Government Article, Subsections 10-508 (a) (1), (7), and (9).

TOPICS: Personnel issues, IAFF negotiations, to confer with counsel on a legal matter

IV. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - enacting Section 10-33 of the Code to provide for a property tax credit for the rehabilitation of qualifying commercial structures

Mr. Rhodes advised that enabling legislation for the tax credit had been passed at the state level in 2014. The tax credit would be used to encourage the redevelopment of existing buildings by assisting with improvements related to elevators, sprinkler systems, and ingress and egress issues. Additionally, the tax credit would only be applied towards city taxes and would not be applicable, at this point, towards county taxes.

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

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 passed on a vote of 4-0.

ORDINANCE NO. 3788

V. NEW BUSINESS

(A) Ordinances

1. Ordinance authorizing execution of a deed to convey 7-9 Arch Street to Allegany County Human Resources Development Commission (HRDC), Inc.

Mr. Rhodes advised that 7-9 Arch Street was a former vacant property and the Human Resources Development Commission, Inc. (HRDC) would like to construct a new dwelling on the empty lot.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

2. Ordinance (1st reading) - authorizing the execution of a Contract of Sale and Deed to convey surplus property at 506-508 Maryland Ave. to Howder, Inc. and paying Howder \$6,000 in exchange for the property located at 414 Park St.

Mr. Rhodes advised that this exchange of properties would assist with the corridor improvement project in that area.

FIRST READING: The Ordinance was presented in Title only for its first reading. Motion to approve the first reading was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and was passed on a vote of 4-0.

(B) Resolutions

1. Resolution supporting Peak Harvest Health's application to the State of Maryland to obtain a license to operate a pharmaceutical manufacturing facility in the city

Mr. Rhodes stated that the Resolution announces the Mayor and Council's intent to exclusively support one application made by Peak Harvest Health (PHH) to the State of Maryland to operate a medical marijuana growing and producing facility in the city. He stated this endorsement comes after months and months of research and discussion between the parties involved. Mr. Rhodes added that he and Shawn Hershberger, Economic Development Coordinator, had toured a PHH facility in Connecticut and found it to be a highly secure, all-indoor laboratory operation that was focused on the science of medical marijuana. He stated that staff would recommend passage of the Resolution in support of PHH.

Ethan Ruby, Peak Harvest Health CEO, thanked the Mayor and Council for their support and stated that he looked forward to working with the City of Cumberland and expected a promising future.

Councilman Kauffman stated that one of the priorities that had been taken on in pursuing this conversation with PHH was ensuring that the Mayor and Council were acting as appropriate stewards of the city's resources while protecting the safety and best interests of the citizens. He stated that those concerns and others had been addressed in his discussions with PHH and he was confident that PHH would be appropriate stewards of the trust being placed in them. Any other rhetoric put forth was unsubstantiated opinion based on conjecture in the media.

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

RESOLUTION NO. R2015-07

(C) Orders (Consent Agenda)

1. Order authorizing the execution of a Contract of Sale between the City (Buyer) and Gregory and Denise Stup (Sellers) for property at 513 Maryland Avenue for the purchase price of \$40,000;

authorizing the acceptance of a deed providing settlement contingencies are met; authorizing a 60-day extension of the contract if necessary; and authorizing the City Administrator and City Solicitor to execute the documents necessary for transfer

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

ORDER NO. 25,855

2. Order accepting the bid from Billy Bender, Inc. for one (1) 2105 Chevrolet Silverado Truck in an amount not to exceed \$35,796.00 to be purchased through the City's cooperative purchasing agreement with National Joint Power Alliance (NJPA)

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

ORDER NO. 25,856

3. Order accepting the bid of Arnolds Lawn Care for the 2015 Grass Mowing Contract - Residential City-Owned Properties (04-15-M) in the estimated unit cost of \$48,600

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

ORDER NO. 25,857

4. Order accepting the proposal from Biser's Lawncare & More for the 2015 Grass Mowing Contract for Non -Residential City-Owned Properties (Project No. 07-15-M) in the estimated unit cost of \$31,100

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

ORDER NO. 25,858

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Junius Clark, 256 Columbia Street, advised Council that many constituents on a set income were paying outrageous electrical bills because Potomac Edison was billing based on over-estimated readings. He reported on several discussions he has had with Potomac Edison representatives and the commissioners in Baltimore, but stated that he has found no resolution to the problem. Mr. Rhodes advised that the City had contacts in Potomac Edison that may be able to help with the situation and offered to provide some assistance to Mr. Clark.

Mayor Grim noted that the Washingtonian Magazine had recently named Cumberland as one of the "Great Small Towns" in America.

Mayor Grim noted that the National Night Out event was being celebrated across the nation this evening and the City of Cumberland was recognizing the celebration for the first time in south Cumberland with organized events.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:35 p.m.

Minutes approved on _____

Mayor Brian K. Grim _____

ATTEST: Marjorie A. Woodring, City Clerk _____



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

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

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 8/18/15

***Pledge of Allegiance**

I. ROLL CALL

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

ABSENT: Council Members Nicole Alt-Myers, Seth Bernard

ALSO PRESENT: Michael S. Cohen, City Solicitor; Fire Marshall Shannon Adams, CFD; Marjorie Woodring, City Clerk

II. PROCLAMATIONS

- (A) Proclamation declaring September, 2015 to be "Pain Awareness Month"

Mayor Grim read the proclamation and presented it to Crystal Grieves, representative of the U. S. Pain Foundation's Advocacy Summit.

III. CERTIFICATES, AWARDS AND PRESENTATIONS

- (A) Presentation of the 2015 Sue Cerutti Historic Preservation Award to Karen Sword and Michael Clark for their work at 208 Washington Street

Cheri Yost, Chairperson of the Historic Preservation Commission, and Kathy McKenney, Historic Planner, provided background on the history of the Cerutti Historic Preservation Award and provided details on the 208 Washington Street project. Mayor Grim presented the award to Karen Sword and Michael Clark and Councilman Kauffman thanked them for the extra efforts they put forth to work with the HPC and enhance their home through historic restoration.

IV. DIRECTOR'S REPORT

- (A) Police

1. Police Department monthly report for July, 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 3-0.

(B) Public Works

1. Utilities Division & Central Services Monthly Report for July, 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 3-0.

2. Maintenance Division monthly report for July, 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 3-0.

3. Engineering Division monthly report for July, 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 3-0.

V. APPROVAL OF MINUTES

(A) Administrative / Executive

1. Approval of the Administrative Session Minutes of June 16 and June 23, 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 3-0.

ADMINISTRATIVE SESSION

June 16, 2015, 5:00 p.m., City Hall Council Chambers

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers (*Alt-Myers entered the meeting at 5:20 p.m.*), Seth Bernard, David Caporale, David Kauffman; Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Capt. Gregory Leake, CPD; Marjorie Woodring, City Clerk

MOTION to enter into closed Administrative Session to discuss personnel issues and union negotiations was made by Council Kauffman, seconded by Councilman Caporale, and approved on a vote of 4-0.

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

TOPICS: Personnel issues, IAFF negotiations

ADMINISTRATIVE SESSION

June 23, 2015, 5:00 p.m., City Hall Council Chambers

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

The following entered the meeting at 7:00 p.m.: Police Officers / Shop Stewards Eric Bonner, Tony Tringler, Jeremy Hedrick, J.W. Yarnall (via conference phone); UFCW Representatives Gino Renne, Doug Menapace, Josh Ardison

MOTION to enter into close Administrative Session to discuss union negotiations was made by Councilman Kauffman, seconded by Councilman Caporale, 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)

TOPIC: UFCW negotiations

VI. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing execution of a deed to convey property at 7-9 Arch Street to the Allegany County Human Resources Development Commission (HRDC), Inc.

Ms. Woodring advised that 7-9 Arch Street was a former blighted property that was now a vacant lot and the Human Resources Development Commission, Inc. (HRDC) would like to construct a single-family or duplex dwelling on the site. The Ordinance would allow for transfer of the property to HRDC.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilman Caporale, and passed on a vote of 3-0.

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 adopted on a vote of 3-0.

ORDINANCE NO. 3789

2. Ordinance (*2nd and 3rd readings*) - authorizing the execution of a Contract of Sale and Deed to convey surplus property at 506-508 Maryland Avenue to Howder, Inc. and paying Howder, Inc. \$6,000 in exchange for the property located at 414 Park St

Ms. Woodring advised that the Ordinance would authorize a property exchange that would continue the corridor improvement project in the Maryland Avenue area.

SECOND READING: The Ordinance was presented in Title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Kauffman, seconded by Councilman Caporale, and passed on a vote of 3-0.

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 adopted on a vote of 3-0.

ORDINANCE NO. 3790

VII. NEW BUSINESS

(A) Orders (Consent Agenda)

Item Action:

MOTION to withhold Item No. 9 from the Consent Agenda and vote on it separately was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 3-0.

1. Order authorizing the Chief of Police to accept a GOCCP grant entitled "Overtime Support" for FY16 in the amount of \$5,000 for police overtime and fringe benefits to enforce school bus safety laws, provide educational material for students, and air public safety announcements

Ms. Woodring provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,859

2. Order authorizing the City Administrator to execute Change Order No. 1 with Shaffer Construction for City Project "City Hall Sidewalk Renovations" (15-14-M) in the increased amount of \$6,000.20, with 30 working days added to the project

John DiFonzo, City Engineer, provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,860

3. Order authorizing the execution of Change Order No. 1 to the existing contract with Shaffer Construction for the "Amtrak Station Entryway Improvements-Baltimore Street Trail Connection" project (10-14-M) in the increased amount of \$7,224.20, and adding 400 extra working days to the project

John DiFonzo, City Engineer, provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,861

4. Order accepting the sole source proposal of IA Construction Corp. for milling and paving at various locations throughout the city for an estimated unit price of \$1,000,000; IA has agreed to honor the pricing awarded to Belt Paving, Inc. in the Maryland State Highway Administration Contract No. XY4015177

John DiFonzo, City Engineer, provided background on this Consent Agenda item and Mayor

Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,862

5. Order appointing Kelli Alloway as the City's representative to the Cumberland Economic Development Corporation for a one-year term, effective August 18, 2015 through August 18, 2016

Ms. Woodring provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,863

6. Order declaring a 1998 Chevrolet pick-up truck (VIN No. 1GCGC34R2WE192811) to be surplus property and authorizing it for sale

Ms. Woodring provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,864

7. Order accepting the proposal of Sage Policy Group to provide an "Economic Feasibility Analysis and Implementation Plan" for the City's Strategic Opportunity Sites in an amount not to exceed \$50,000

Ms. Woodring provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,865

8. Order authorizing the award of Upper Story Redevelopment Forgivable Loan funds, supported by the Community Legacy Program, to projects at 114 South Centre Street and 164-166 North Centre Street, in the amount of \$25,000 per each loan

Ms. Woodring provided background on this Consent Agenda item and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-8 was made by Councilman Kauffman, seconded by Councilman Caporale, and was passed on a vote of 3-0.

ORDER NO. 25,866

9. Order authorizing the execution of a Collective Bargaining Agreement with the UFCW Local #1994, representing members of the Cumberland Police Department, to be retroactively effective July 1, 2015 through June 30, 2018

Mr. Cohen advised that a 1% stipend/bonus had been agreed upon during negotiations for the Collective Bargaining Agreement (CBA) but language providing for that stipend had been left out of the contract in error. Cohen recommended that Council approve the CBA on the agenda tonight with the stipulation that an amendment to the CBA be presented at the next public meeting that provides for the agreed-upon 1% stipend/bonus.

Motion to approve Consent Agenda Item No. 9, recognizing that the Mayor and Council also approve a 1% stipend/bonus, which will be formally authorized by a subsequent amendment to the CBA, was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 3-0.

ORDER NO. 25,867

VIII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Councilman Kauffman thanked Kelli Alloway for stepping into the role of the City's appointed representative to the Cumberland Economic Development Corporation. He stated that the Mayor and Council were excited about the development of the corporation and had made a conscious decision to move in this new direction for economic development after having sought the opinion of experts in the field. He stated it was time for the City to approach its strategies differently.

Councilman Kauffman spoke to dispel some written comments he recently read that cast aspersions against the City. He stated assertions were being made alleging the creation of the development corporation had not been made in public. He stated that a minimum of 6-12 public meetings had been held to solicit public input on how the City should move forward with a new strategic economic development plan. The public was afforded a voice in those open meetings to let the consultants know what the City's needs were. The matter was also discussed at a number of city council meetings, during which there was opportunity for public comment and discussion, and a public vote by the Mayor and City Council.

Councilman Kauffman further stated that 19 Frederick Street was not the intended destination for the location of offices for the corporation and other projects presented to the Mayor and Council for that building were not declined because it was being held for the corporation. Each project submitted had offered under investment value in what was known to be a multi-million dollar capital project.

Kauffman further stated that in the course of public discussion, the City Administrator had been accused of collusion and inappropriate dealings resulting from his marriage to a real estate broker. Kauffman stated that he held the City Administrator in the highest esteem and found the accusations to be slanderous, libelous and offensive. He asked for the record to reflect that in every real estate transaction that has any potential involvement with the real estate broker named, the City Administrator has recused himself and turned all transactions involving the matters over to the City Solicitor and City Clerk. Kauffman stated he did not want the new corporation to be subject to the same type of slanderous comments and expects the community to move forward from this.

IX. ADJOURNMENT

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

Minutes approved on _____

Mayor Brian K. Grim _____

ATTEST: Marjorie A. Woodring, City Clerk _____



MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

CITY SOLICITOR
Michael Scott Cohen

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

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: 9/1/15

***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) Proclaiming the month of September, 2015 as "Hunger Action Month" in the City of Cumberland

Mayor Grim read the proclamation and presented it to Ms. Diana Loar, Executive Director of the Western Maryland Food Bank. Ms. Loar thanked the Mayor and Council for their support of the Food Bank.

III. DIRECTOR'S REPORT

(A) Fire

1. Fire Department monthly report for July, 2015

Item Action: Approved

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

IV. APPROVAL OF MINUTES

(A) Routine

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

Item Action: Approved

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

V. NEW BUSINESS

(A) Orders (Consent Agenda)

1. Order authorizing the execution of an "Amendment to Collective Bargaining Agreement" with the UFCW Local 1994 MCGEO agreement to a modification of Sections 10.3 (b) and (c) pertaining to the addition of a 1% stipend and re-opener negotiations

Item Action: Approved

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

ORDER NO. 25,868

2. Order authorizing the City Administrator to accept the proposal of The EADS Group, Inc. for City Project "Mechanic Street Access Road Improvements" (13-14-M), in an amount not to exceed \$35,249.68

Item Action: Approved

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

ORDER NO. 25,869

3. Order authorizing the execution of a Contract of Sale between the City (Buyer) and Michael R. Records, Matthew J. Records, and Patrick Records (Sellers) regarding property at 602-604 Maryland Ave. for the purchase price of \$7,500; authorizing acceptance of the deed provided settlement contingencies are met; authorizing extension of the Contract if necessary; and authoring the City Administrator and City Solicitor to sign the necessary documents to facilitate the transfer

Item Action: Approved

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

ORDER NO. 25,870

4. Order appointing Brian White to the Parks and Recreation Board as the Board of Education representative, for the period 9/1/15 - 9/1/20

Item Action: Approved

Mr. Rhodes provided background on each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-5 was made

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

ORDER NO. 25,871

5. Order authorizing the execution of a Donation Agreement with Christine E. Holland, Personal Representative of the Estate of Rosemary T. Byrne, outlining terms for the donation of property at 229 Cecelia Street to the City

Item Action: Approved

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

ORDER NO. 25,872

(B) Letters, Petitions

1. Letter from David A. Treber requesting permission to hold the 2015 Great Allegany Run (GAR) on Saturday, October 3, 2015 in certain areas of the city of Cumberland

The Mayor and Council provided consensus to approve the request to hold the 2015 Great Allegany Run.

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Ken Wilmot, 513 Fort Avenue, stated that the Allegany County Animal Shelter was in the process of rewriting the County's animal control code to include provisions for catteries. He stated that the city was already overrun with cats and asked the Mayor and Council to provide input to the County to dissuade them from including catteries.

VII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:30 p.m.

Minutes approved on _____

Mayor Brian K. Grim _____

ATTEST: Marjorie A. Woodring, City Clerk _____



Regular Council Agenda
October 6, 2015

Description

Approval of the Regular Session minutes of August 4 and 18, and September 1, 2015

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: October 6, 2015

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

THAT the City Comptroller be and is hereby authorized to make payment to the following community groups in an amount not to exceed Fifty Seven, Seven Hundred Forty Dollars and No Cents (\$57,740.00).

| | |
|---|----------------------------|
| ACIT | \$ 3,125.00 |
| Allegany Allied Arts | \$900.00 |
| Allegany Arts Council | \$3,250.00 |
| Allegany County Historical Society | \$1,250.00 |
| Allegany County Museum | \$3,500.00 |
| BW Invitational Tournament | \$1,300.00 |
| Canal Place (CPPDA) | \$15,750.00 |
| Cumberland Cultural Foundation | \$1,675.00 |
| Cumberland Historic Cemetery Organization | \$860.00 |
| Cumberland Theatre | \$3,200.00 |
| Embassy Theatre..... | \$1,030.00 |
| Great Allegany Run | \$540.00 |
| Miss University City | \$200.00 |
| Mountain Maryland Trails | \$4,450.00 |
| Mountainside Baroque | \$650.00 |
| Tri-State Concert Association | \$700.00 |
| Western MD Jaycees, Junior Chamber | \$2,360.00 |
| Western MD Scenic RR | \$11,900.00 |
| Women's Civic Club of Cumberland..... | \$1,100.00 |
| TOTAL | <u>\$ 57,740.00</u> |

And, Be it Further Ordered, that said contributions are to be funded from the hotel/motel tax receipts for the Fiscal Year 2016.

Mayor Brian K. Grim



Regular Council Agenda
October 6, 2015

Description

Order approving the disbursement of FY16 Hotel/Motel Funds to various community organizations in an amount not to exceed \$57,740

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: October 6, 2015

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

THAT, the bids for surplus vehicles and equipment be and are hereby accepted as follows and all other bids are hereby rejected:

| Veh. No. | Year | Make & Model | VIN/Serial No. | Bid Amount | Bidder |
|----------|------|--|----------------------|------------|---------------------|
| 1 | 1993 | Chevy 2500 | 1GCCG34KXPE195511 | \$ 352.00 | Michael W. Lawrence |
| 2 | 1996 | Ford Ambulance | 1FDKE30F0THB27204 | \$ 805.00 | James Jackson |
| 3 | 2003 | Crown Victoria | 2FAFP71WX3X137671 | \$ 205.00 | Michael W. Lawrence |
| 4 | 2001 | Chevy Impala | 1G1ND52J016149920 | \$ 205.00 | Michael W. Lawrence |
| 5 | 2001 | Ford F-350 Crew Tool Body | 1FDWW36F51EA81289 | \$ 805.00 | James Jackson |
| 6 | 1994 | Chevy 1500 Pickup Truck | 1GCEK14H3RZ263940 | \$ 452.00 | Michael W. Lawrence |
| 7 | 1996 | Jeep | 1J4FJ28S2TL265301 | \$ 850.00 | Michael W. Lawrence |
| 8 | 1991 | Ford F-150 Truck | 1FTHF25Y2MNA40004 | \$ 255.00 | James Jackson |
| 9 | 2001 | Chevy S-10 Truck | 1GCCS19W418203013 | \$ 750.00 | Michael W. Lawrence |
| 10 | 1995 | Ford Truck | 2FTHF26H9SCA69825 | \$ 355.00 | James Jackson |
| 11 | 1991 | Chevy Truck | 1GCDG15Z0M7114930 | \$ 165.00 | Allegany Scrap |
| 12 | 1998 | Chevy Pickup Truck | 1GCCG34R2WE192811 | \$ 355.00 | James Jackson |
| 13 | | Toro Groundmaster 325-D Riding Mower, 72" Deck | Serial No: K3D10732 | \$ 555.00 | Andrew P. Marteney |
| 14 | | Toro Groundmaster 325-D, Riding Mower 72" Deck | Serial No: K3D115745 | \$ 576.00 | Tom Morgan |
| 15 | | Snapper Riding Mower, 42" Deck | Serial No: 50193152 | \$ 100.01 | Tim Murphy |

Brian K. Grim, Mayor



Regular Council Agenda
October 6, 2015

Description

Order accepting various bids for 15 pieces of surplus vehicles and equipment that were publicly advertised for sale

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: October 6, 2015

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

THAT the proposal of Belsinger Sign Works, Inc., 1300 Bayard Street, Baltimore, MD 21230 be and is hereby accepted for City Project "2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage", in the estimated unit cost of Sixty-eight Thousand, Three Hundred Dollars and No Cents (\$68,300.00); and

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

Brian K. Grim, Mayor

| Contractor | Bid Amount |
|----------------------------|-------------------|
| Belsinger Sign Works, Inc. | \$68,300.00 |
| Kenney Signs, Inc. | \$124,354.00 |

Funding: \$30,000.00 – LL13009
 \$8,300.00 – MM14009
 \$30,000.00 – 017.105.51100

BID OR PROPOSAL

Proposal by BELSINGER SIGN WORKS, INC.
Name

1300 BAYARD STREET
Address (Street and/or P.O. Box)

BALTO MD 21230
City State Zip

(410) 837-2700 (410) 837-6550
A.C. Phone No. A.C. Fax No.

To furnish all materials and to perform all work in accordance with the Plans and Specifications relating to a contract for:

***2015 Downtown Cumberland
Pedestrian/Bicycle Wayfinding Signage***

as set forth in the Description which is a part of the Contract documents, on which proposals will be received until, but not after 2:00 p.m., Local Time, on **Thursday, August 6, 2015** as set forth in the Invitation for Bids herewith.

To the Mayor and City Council
City of Cumberland
Maryland

In accordance with the advertisement of the City of Cumberland, inviting proposals for the work hereinbefore named, and in accordance with the plans and specifications now on file in the City's Downtown Development Commission do/does certify that WAYNE BELSINGER is/are the only person or persons interested in this proposal as principals; that the proposal is made without collusion with any persons, firm or corporation; that an examination has been made of the specifications and contract form contained herein, also of the plans and of the site of the work and BELSINGER SIGN WORKS, INC. do/does propose to furnish all necessary machinery, equipment, material specified, labor and other means of construction in whatever manner and sequence required. It is understood that the quantities of work as shown on the "Bid Form" are to be performed complete at the indicated unit prices bid for each item.

It is further proposed:

To furnish a Performance Bond and Payment Bond in the full amount of the price in the award of Contract, as security for the full and satisfactory completion of the project as specified. For all bids exceeding \$100,000.00 in total cost.

To guarantee the performance of this work in a good workmanship manner, and to replace or repair any rejected work prior to final completion and acceptance.

Enclosed herewith is a certified check or bid bond in the amount of THREE THOUSAND FOUR HUNDRED FIFTEEN DOLLARS (\$ 3,415⁰⁰). This is a Proposal Guarantee, which will be returned to the bidder if unsuccessful, and if successful, will be returned to him if the Form of Contract shall be executed within ten calendar days after the award of Contract; but if so awarded to this bidder, this check (or bond) is to be forfeited to the City of Cumberland, Maryland, if the Form of Contract is not executed within ten calendar days after the award.

Signed Wayne Belsinger, PRES.
WAYNE BELSINGER, PRES.
BELSINGER SIGN WORKS, INC.

Mark Belsinger
MARK BELSINGER, SEC/VICE PRES.

Bid Submittal Sheet

| Item | Quantity | Unit | Unit Cost | Total |
|----------------------|----------|----------|-----------|---------|
| Design | 1 | Lump Sum | 1,800. | 1,800. |
| Directional Signs | 7 | Each | 3,100. | 21,700. |
| Wayfinding Map Signs | 5 | Each | 4,000. | 20,000. |
| Installation | 1 | Lump Sum | 24,800. | 24,800. |
| Total Costs | | | | 68,300. |

TOTAL BID \$ 68,300.00

Bidders Name: BELSINGER SIGN WORKS, INC.

Address: 1300 BAYARD STREET

BALTIMORE, MD 21230

Telephone: 410-837-2700

Fax: 410-837-6550

Signature: Wayne Belinger

Date: 9-1-2015

NOTE: SEE PRODUCT DESCRIPTION ATTACHED.



BELSINGER
sign works, inc

September 1, 2015

Project: 2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage

Project Number: RT1503

Product Description

The Directional Signs will consist of a custom fabricated dimensional panel supported by a single post. The panel frame will be fabricated from a 4" +/- deep extruded aluminum channel with a decorative top and internal bracing as needed. The faces will be 6mm aluminum and will be flush with the sides and bottom of the frame with no exposed fasteners in the faces. The aluminum panels will be factory finished with a two part polyurethane paint in color(s) to be selected. The text and arrows will be applied with reflective vinyl in a color to be selected. The panel will be supported by one 3" diameter aluminum tube with a minimum .250" wall thickness. The top portion of the post will be concealed within the aluminum frame. The bottom portion of the post will have a decorative base as per the sample shown in Addendum #1. The post and decorative base will have a black powder coated finish.

The Wayfinding Map Signs will consist of a custom fabricated dimensional panel supported by two posts. The panel frame will be fabricated from a 4" +/- deep extruded aluminum channel with a decorative top and bottom and internal bracing as needed. The faces will be 6mm aluminum and will be flush with the sides of the frame with no exposed fasteners in the faces. The aluminum panels will be factory finished with a two part polyurethane paint in color(s) to be selected. The map will be applied to a removable panel. The text and brochure holder will be applied to the aluminum faces. The panel will be supported by two 3" diameter aluminum tubes with a minimum .250" wall thickness. Decorative aluminum finials and post bases will be provided as per samples shown in Addendum #1. The posts and decorative accents will have a black powder coated finish.

Both types of signs will be installed with galvanized anchor bolts that will be cast in place into concrete footings. The anchor bolts will be designed to be concealed within the decorative bases. This will allow for future removal if required without damaging the sign or structure.



AFFIDAVIT OF QUALIFICATION TO BID

I hereby affirm that

1. I am the PRESIDENT and the duly authorized
(Title)

representative of the firm of BELSINGER SLEIN WORZICE, INC.
(Name of Corporation)

and that I possess the legal authority to make this affidavit on behalf of myself and the firm for which I am acting.

2. Except as described in paragraph 3 below, neither I nor the above firm, nor to the best of my knowledge, any of its officers, directors, or partners, or any of its employees directly involved in obtaining contracts with the State or any county, bi-county or multi-county agency, or subdivision of the State have been convicted of, or have pleaded nolo contendere to a charge of, or have during the course of an official investigation or other proceeding admitted in writing or under oath acts or omissions which constitute bribery, attempted bribery, or conspiracy to bribe under the provisions of Article 27 of the Annotated Code of Maryland or under the laws of any state or the federal government (conduct prior to July 1, 1977 is not required to be reported).
3. (State "none" or, as appropriate, list any conviction, pleas, or admission described in paragraph 2 above, with the date; court, official, or administrative body; the individuals involved and their position with the firm, and the sentence or disposition, if any.)

NONE

I acknowledge that this affidavit is to be furnished to such other agencies as are hereinafter set forth and, where appropriate, to the Board of Public Works and to the Attorney General under section 16D of Article 78A of the Annotated Code of Maryland. I acknowledge that, if the representations set forth in this affidavit are not true and correct, any such agency may terminate any contract awarded and take any other appropriate section. I further acknowledge that I am executing this affidavit in compliance with section 16D of Article 78A of the Annotated Code of Maryland, which provides that certain persons who have been convicted of or have admitted to bribery, attempted bribery, or conspiracy to bribe may be disqualified, either by operation of law or after a hearing, from entering into contracts with the State or any of its agencies or subdivisions.

I do solemnly declare and affirm under the penalties of perjury that the contents of this affidavit are true and correct.

Wayne Belsinger, PRES
(Signature)

9-1-2015
(Date)

WAYNE BELSINGER, PRES,
BELSINGER SIGN WORKS, INC.

CONTRACT

THIS CONTRACT, made this ___ day of _____, in the year 2015, by and between the MAYOR AND CITY COUNCIL OF CUMBERLAND, a municipal corporation of the State of Maryland, party of the first part, and BELSINGER SIGN WORKS, INC., 1300 BAYARD ST., BALTO., MD 21230

A (Corporation) (~~Firm~~) (~~Individual~~) (~~Not Incorporated~~) under the laws of MARYLAND

(Address)

its, his, her or their heirs, executors, administrators, successors or assigns, party of the second part, hereinafter called the "Contractor."

WITNESSETH:

That the Contractor for and in consideration of SIXTY EIGHT THOUSAND THREE HUNDRED DOLLARS (\$68,300⁰⁰) and agreed to by the City, hereby covenants and agrees to furnish all labor, equipment, and material to fulfill the requirements of

2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage

as required by the Specifications prepared by and for the City, which documents are agreed to by both parties to this Contract as being part of the Contract.

The Contractor agrees that this work shall be in strict conformity with plans and specifications, subject to inspections and approval of the Engineer or his duly authorized representative; and that if any material or procedure of labor or product of labor shall be rejected by the Engineer (see Definitions), this material shall be replaced with acceptable material, the procedure shall be corrected, and the labor and its product shall be done over, all in an acceptable manner, all at the expense of the Contractor and without undue delay.

The Contractor further covenants and agrees that the work shall be satisfactorily completed during time period of September 4 through November 30, 2015.

It is further agreed that the contractor's acceptance of the final payment shall be considered as a release in full of all claims against the City or its employees, arising out of, or by reason of the work done or materials furnished under this contract.

It is further agreed that the rate of pay to be paid by the Contractor for the various job classifications on the project for regular time, overtime and holidays shall be the rate of pay for said job classification as may be established from time to time by the U.S. Department of Employment Security, applicable to the Cumberland area.

IN WITNESS, WHEREOF, the parties to these presents have hereunto caused these presents to be executed in duplicate this _____ day of _____, 20 _____.

MAYOR AND CITY COUNCIL OF CUMBERLAND
BY:

MAYOR

ATTEST:

CITY CLERK
ATTEST:
Wayne Belsinger
SECRETARY / V. PRES,

Wayne Belsinger
WAYNE BELSINGER, PRES
CONTRACTOR

Trading as:

BELSINGER SIGN WORKS, INC.
1300 BARBARO ST., BALTO. MD
CONTRACTOR

APPROVED FOR EXECUTION:

CITY ADMINISTRATOR

DIRECTOR OF ENGINEERING

**2015 Downtown Cumberland Pedestrian/Bicycle
Wayfinding Signage**

City Project No. RT1503

**ADDENDUM NO. 1
ACKNOWLEDGEMENT FORM**

**Please acknowledge receipt of this Addendum by signing below
and emailing a copy of this to the City of Cumberland Downtown
Development Commission, jennifer.light@cumberlandmd.gov.
Failure to complete and return this form as directed may be
grounds for your bid to be declared non-responsive.**

EMAIL TO: City of Cumberland
Downtown Development Commission
jennifer.light@cumberlandmd.gov

We acknowledge receipt of this addendum and understand that bids will be opened on
September 3, 2015.

BELSINGER SIGN WORKS, INC.
Name of Contractor
Wayne Belinger
Signed



Regular Council Agenda
October 6, 2015

Description

Order accepting the proposal of Belsinger Sign Works, Inc. for the "2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage Project" in the estimated unit cost of \$68,300.00

Approval, Acceptance / Recommendation

It is the Downtown Development Commission's recommendation to award the "2015 Downtown Cumberland Pedestrian/Bicycle Wayfinding Signage Project" to the apparent responsive low bidder, Belsinger Sign Works, Inc. of Baltimore MD in the estimated unit cost of \$68,300.00. One other bid was received from Kenney Signs, Inc. in the amount of \$124,354.00. The Contract with Belsinger Sign Works, Inc will be amended to include CDBG Terms and Conditions due to funding requirements. The award for this project is contingent upon State Highway Administration approval. Funding for this project includes State Highway Administration National Recreational Trails Program, Downtown Development Commission and CDBG Funds.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$68,300.00

Source of Funding (if applicable)

\$30,000.00 LL13009

\$8,300.00 MM14009

\$30,000.00 017.105.51100

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

ORDER NO. _____

DATE: October 6, 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 534-536 Columbia Avenue, Cumberland, Maryland, 21502 (hereinafter referred to as the "Property"), the Property being more particularly described as follows:

ALL, that piece or parcel of ground lying and being on the Southerly side of Columbia Avenue in Election District No. 5 in Allegany County, Maryland, which is more particularly described as follows:

BEGINNING for the same at a stake standing on the Southerly side of Columbia Avenue at the end of a line drawn South 68 degrees 45 minutes East 83.8 feet from the Southeast intersection of Columbia Avenue and Pear Street, and running thence with said side of Columbia Avenue South 68-3/4 degrees East 40 feet; thence South 22 degrees West 50 feet; thence South 28-1/2 degrees West 154.7 feet; thence North 64-3/8 degrees West 41-1/3 feet; thence North 28 degrees East 202 feet to the place of beginning.

IT BEING the same property which was conveyed from Albert H. Kiiffner and Louise D. Kiiffner, his wife, and Henry G. Kiiffner and Nora Kiiffner, his wife, to George R. Knippenberg, Jr. and Connie Louise Knippenberg, his wife, be deed dated November 18, 1963 and recorded among the Land Records of Allegany County, Maryland in Deed Liber 365, folio 520. The said Connie Louise Knippenberg departed this life in or about February, 2001, thereby besting title to the aforesaid property in George R. Knippenberg, Jr. by operation of law.

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 its successors and assigns in fee simple.

AND the said party of the first part for herself, her personal representatives, heirs and assigns does hereby warrant specially the title to the

above-described property and covenant that she will execute such other and further assurances of the same as may be requisite or necessary.

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, having placed the property for public bid and accepted proposals for the purchase, intend to sell the Property to Nazir Gul for a purchase price of \$0.00 and certain contingencies for the rehabilitation of the property.

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 Nazir Gul may proceed.

Mayor Brian K. Grim



Regular Council Agenda
October 6, 2015

Description

Order declaring City-owned property at 534-536 Columbia Avenue to be surplus and declaring the City's intent to accept the proposal of Nazir Gul for the purchase amount of \$0.00 and certain contingencies for rehabilitation

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: October 06, 2015

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

THAT the Mayor be and is hereby authorized to execute a Contract of Sale by and between the Mayor and City Council of Cumberland ("Buyer") and Ocwen Financial ("Seller") for the property and improvements thereon located at 532 Maryland Avenue, Cumberland, as recorded among the Land Records of Allegany County, Maryland in Book 2093, Page 314, Tax Account No. 22-010204, for the purchase price of Zero Dollars (\$0.00); and

BE IT FURTHER ORDERED, that the City shall accept the deed effecting the transfer of said property, provided settlement contingencies are met and, upon completion of settlement and recordation of the deed, settlement contingencies shall be deemed to have been met; and

BE IT FURTHER ORDERED, that, should it be necessary to extend the date for closing under the terms of the Contract, the City Administrator and City Solicitor are jointly and severally granted the authority to enter into agreements for said purpose, provided the date of the closing is not extended more than sixty (60) days from the originally scheduled closing date; and

BE IT FURTHER ORDERED, that the City Administrator and City Solicitor are jointly and severally granted the authority to execute and deliver such documents as are necessary to facilitate or effect the closing for the subject property.

Brian K. Grim, Mayor

Purchaser Name: Mayor and City Council of Cumberland
Purchaser Address: 57 N. Liberty Street, Cumberland, MD 21502

CONTRACT OF SALE

Mayor and City Council of Cumberland or assigns, whose address is **57 N. Liberty Street, Cumberland, MD 21502**, HEREAFTER known as the **Purchaser(s)**, this _____ day of _____, 2015 agrees to purchase the attached list of properties (**know as Exhibit A**) for the Sum of \$0.00 dollars (\$) net to Seller.

Vesting to be as follows:

Mayor and City Council of Cumberland
57 N. Liberty Street, Cumberland, MD 21502
Tax ID: 52-6000786

Purchaser will wire \$0.00 to the Seller upon receipt of the signed contract from the **Seller(s)**.

As **Seller(s) *Ocwen Financial*** covenant and agree and bind their heirs, executors, administrators and assigns, to convey the said property (see Exhibit A), described to the said **Purchaser(s)**, heirs or assigns, in fee, by proper deed, with covenants of *Quitclaim Deed* in all states except Texas. Texas deeds will be conveyed by *Deed Without Warranty*.

Purchaser(s), agree to buy and the **Seller(s)** agree to sell the above described property.

Purchaser(s) acknowledges he is purchasing the property in an "as is" condition and the **Seller(s)** is not responsible for any defects or any expenses incurred by the **Purchaser(s)** prior to closing or after.

Purchaser(s) agree to accept the property subject to any and all code violations and fines that may be outstanding on the property. Expenses that are not paid by the seller will include, but are not limited to, real estate taxes, fines, HOA dues, code violations, water bills and liens.

Purchaser(s) agree to pay any and all past due Taxes, Water, Sewer, Survey costs, etc that may be required to record their Quit Claim Deed.

Purchaser(s) agree to hold seller harmless from any and all claims, costs, liens, loss, damages, attorney's fees and expenses of every kind and nature that may be made against the seller resulting from the discovery or imposition of any past, present or future fines or penalties imposed by any municipal or governmental entity.

Purchaser(s) acknowledge and agree to take FULL ownership of the property preservation activities from the date of purchase funding. This includes, but is not limited to, securing, maintaining landscaping, exterior debris removal and inspections to confirm the property has not become a code violation for the community. Buyer agrees to take responsibility of any and all code violations that may be present on the property.

Witness the parties hereto by their hands and seals in duplicate the day and first above written.

Signed, Sealed and Delivered
in the presence of:

Witness

Purchaser

Date

Witness

Seller

Date

“Exhibit A”

| Property ID | Str Nbr | Street Name | City | St | Zip | Sale Price |
|--------------------|----------------|--------------------|-------------|-----------|------------|-------------------|
| 7128013567 | 532 | Maryland Ave | Cumberland | MD | 21502 | \$0.00 |

TOTAL: \$0.00



Regular Council Agenda
October 6, 2015

Description

Order authorizing the execution of a Contract of Sale between the City (Buyer) and Ocwen Financial (Seller) for property at 532 Maryland Avenue; authorizing acceptance of the deed provided settlement contingencies are met; authorizing the City Administrator and Solicitor to execute necessary documents; and approving an extension of the closing date if necessary

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: October 6, 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 106 W. First Street, Cumberland, Maryland, 21502 (hereinafter referred to as the "Property"), the Property being more particularly described in the Land Records of Allegany County, Maryland in Book 1944, Page 059, Tax Account No. 04-007654;

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, having placed the property for public bid and accepted proposals for the purchase, intend to sell the Property to Caitlin Rodenhauser for a purchase price of \$500.00.

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 Caitlin Rodenhauser may proceed.

Mayor Brian K. Grim



Regular Council Agenda
October 6, 2015

Description

Order declaring City-owned property at 106 W. First Street to be surplus and declaring the City's intent to accept the proposal of Caitlin Rodenhauser for the purchase amount of \$500.00

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: October 6, 2015

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

THAT the proposal of Pittman's Tree & Landscaping, Inc. P.O. Box 531, Front Royal, VA, 22630 be and is hereby accepted for City Project "2015 Fall Tree Removal", in the estimated unit cost of Twenty-five Thousand, Three Hundred Five Dollars and No Cents (\$25,305.00); and

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

Brian K. Grim, Mayor

| Contractor | Bid Amount |
|------------------------------------|-------------------|
| Pittman's Tree & Landscaping, Inc. | \$25,305.00 |
| Earth and Tree, LLC | \$30,100.00 |

Funding: 001.080P.20100/080P.010T

Project Information

Project Title: 2015 Fall Tree Removal
 Project Description: Removal of Various Street Trees
 City Project: 16-15-M
Bid Opening
 Date and Time: September 30 @ 2:30 PM
 Location: Council Chambers, City Hall, Cumberland, MD

Earth & Tree

Pittman's Tree & Landcaping, Inc

| LOCATION | UNITS | QTY. | UNIT PRICE | AMOUNT | UNIT PRICE | AMOUNT |
|--|-------|------|------------|--------------------|-------------|------------------|
| Rose Hill Cemetery 535 Fayette St (3 rd tree up from Crabapples and entrance to cemetery) | EACH | 1 | \$3,700.00 | \$3,700.00 | \$ 1,900.00 | \$ 1,900.00 |
| Rose Hill Cemetery 535 Fayette St (Tree is on Tilghman) | EACH | 1 | \$1,950.00 | \$1,950.00 | \$ 1,200.00 | \$ 1,200.00 |
| 904 Louisiana Ave | EACH | 1 | \$1,850.00 | \$1,850.00 | \$ 1,300.00 | \$ 1,300.00 |
| 121 Bedford St | EACH | 1 | \$1,250.00 | \$1,250.00 | \$ 1,220.00 | \$ 1,220.00 |
| Harrison at Queen City Dr | EACH | 1 | \$1,750.00 | \$1,750.00 | \$ 1,500.00 | \$ 1,500.00 |
| 100 First St (Corner of 1 st and Arch) | EACH | 1 | \$2,100.00 | \$2,100.00 | \$ 2,100.00 | \$ 2,100.00 |
| 40 Browning St | EACH | 1 | \$1,950.00 | \$1,950.00 | \$ 1,600.00 | \$ 1,600.00 |
| 40 Browning St | EACH | 1 | \$1,950.00 | \$1,950.00 | \$ 1,600.00 | \$ 1,600.00 |
| 842 At. Royal Ave | EACH | 1 | \$1,650.00 | \$1,650.00 | \$ 1,100.00 | \$ 1,100.00 |
| 511 Hill Top Dr | EACH | 1 | \$1,250.00 | \$1,250.00 | \$ 1,550.00 | \$ 1,550.00 |
| 109 North Chase | EACH | 1 | \$700.00 | \$700.00 | \$ 700.00 | \$ 700.00 |
| 502 Rose Hill Ave (Tree is on Allegany St) | EACH | 1 | \$750.00 | \$750.00 | \$ 860.00 | \$ 860.00 |
| 502 Rose Hill Ave (Tree is on Allegany St) | EACH | 1 | \$1,250.00 | \$1,250.00 | \$ 1,500.00 | \$ 1,500.00 |
| 709 St Mary's Ave | EACH | 1 | \$1,650.00 | \$1,650.00 | \$ 1,500.00 | \$ 1,500.00 |
| 514 City View Terrace | EACH | 1 | \$1,450.00 | \$1,450.00 | \$ 1,650.00 | \$ 1,650.00 |
| 132 Potomac St (multi-stemmed tree) | EACH | 1 | \$1,650.00 | \$1,650.00 | \$ 1,300.00 | \$ 1,300.00 |
| 700 Holland St | EACH | 1 | \$950.00 | \$950.00 | \$ 925.00 | \$ 925.00 |
| 615 Piedmont Ave (small tree on wall is off of Right-of-way - Do Not Remove) | EACH | 1 | \$1,150.00 | \$1,150.00 | \$ 900.00 | \$ 900.00 |
| 615 Piedmont Ave | EACH | 1 | \$1,150.00 | \$1,150.00 | \$ 900.00 | \$ 900.00 |
| Total Bid | | | | \$30,100.00 | \$ | 25,305.00 |



Regular Council Agenda
October 6, 2015

Description

Order accepting the proposal of Pittman's Tree & Landscaping, Inc. for the 2015 Fall Tree Removal Project (16-15-M) in the estimated unit price of \$25,305.00

Approval, Acceptance / Recommendation

It is the Engineering Department's recommendation to award City Project 16-15-M to the apparent low responsive bidder, Pittman's Tree & Landscaping, Inc., in the estimated unit price of \$25,305.00 for the removal of 19 problem City street trees. One other bid was received from Earth and Tree, LLC in the estimated unit price bid amount of \$30,100.00.

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$25,305.00

Source of Funding (if applicable)

001.080P.20100/080P.010T

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

ORDER NO. _____

DATE: October 6, 2015

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

THAT, the following individuals be and are hereby appointed to the designated boards and commissions:

| Board / Commission | Seat | Member | Term |
|--|-------------|-----------------|---------------------|
| Administrative Appeals Board | 1 | Richard Beeghly | 10/6/15 – 10/6/18 |
| | 2 | Erich Bean | 10/6/15 – 10/6/18 |
| | | | |
| Parks and Recreation Board | 1 | Brady Barnhart | 10/6/15 – 10/6/20 |
| | 3 | Brett Showalter | 10/6/15 – 10/6/20 |
| | 5 | Deborah Mullen | 10/6/15 – 10/6/20 |
| | 6 | Jeffrey Hedrick | 10/6/15 – 8/31/16 |
| | 7 | Corey Zinkhan | 10/6/15 – 10/6/20 |
| | | | |
| Shade Tree Commission | 3 | Cassie Conklin | 10/6/15 – 8/31/16 |
| | | | |
| Housing Authority of the City of Cumberland | 3 | Bruce Irons | 10/16/15 – 10/16/20 |

Brian K. Grim, Mayor



Regular Council Agenda
October 6, 2015

Description

Order approving the following appointments: Administrative Appeals Board - Richard Beeghly and Erich Bean for 3-year terms effective 10/6/15 - 10/6/18; Shade Tree Commission- Cassie Conklin to fill an unexpired term effective 10/6/15 - 8/31/16; Housing Authority- Bruce Irons for a 5-year term effective 10/16/15 - 10/16/20; Parks and Recreation Board- Brady Barnhart, Brett Showalter, Deborah Mullen, Corey Zinkhan for 5-year terms effective 10/6/15 - 10/6/20 and Jeffrey Hedrick to fill an unexpired term effective 10/6/15 - 8/31/16

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: October 6, 2015

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

THAT the Mayor and City Council of Cumberland is the record owner of a certain vehicle which has been determined to be of no further value to the City; and

WHEREAS, the Mayor and City Council desire to dispose of said vehicle;

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

1. The following vehicle is hereby declared to be surplus property and authorized for sale or trade-in:

2006 Chevrolet Truck

VIN# 1GNDDT13S562335402

Brian K. Grim, Mayor



Regular Council Agenda
October 6, 2015

Description

Order declaring a 2006 Chevy Truck (VIN #1GNDDT13S562335402) to be surplus and authorizing it for sale or trade-in

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: October 6, 2015

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

THAT, the following Residential Exemption from the Special Taxing District Levy for 2015-2016 tax year be and are hereby granted:

| Property Owner | Property Location | Total Tax Due | Exemption Amt. |
|-------------------|--|---------------|----------------|
| Shirley Giarritta | 55 N. Centre Street Tax No. 14 004955 | \$ 762.32 | \$ 910.74 |

BE IT FURTHER ORDERED, That this exemption is hereby granted pursuant to the provisions of Section 235 of the City Charter.

Brian K. Grim, Mayor

14 00 4955

City of Cumberland

57 N Liberty Street
Cumberland, MD 21502
301 722 2000

SPECIAL TAXING DISTRICT

REQUEST FOR EXEMPTION

Tax Year 2015 - 2016

I Shirley Giaccitta request an exemption from the Special Taxing District Levy for property owned by me at:

55 N Centre St

My request is based upon the fact that this property is used for:

Industrial 45%

Residential 55%

If only part of the property is used for an exempt purpose, designate the percentage so used:

^{4p} Industrial % 45% = 165105 762.32 Billable

Residential % 55% = 201795 910.74 Abate

14 004955

Signed

Shirley Giaccitta

Date

9-25-15

September 25, 2015

Shirley Giarritta
55 N. Centre Street
Cumberland, Md. 21502
Account # 14004955

City of Cumberland
57 N. Liberty Street
Cumberland, Md. 21502
Attention: Mayor and City Council

Dear Sirs;

I am writing to obtain a reduced rate on my Real Estate Tax, Special Tax Bill # 132060039 on my property at Centre and Frederick Streets.

My building is 55% residential and 45% commercial so I am requesting a reduced rate on my mall tax.

Also, since my husband, Nicholas Giarritta, passed away November 28, 2013, all my tax invoiced should be addressed to me, Shirley Giarritta, in the future.

Thank you for your consideration.

Shirley Giarritta

A handwritten signature in cursive script that reads "Shirley Giarritta". The signature is written in black ink and is positioned below the printed name.



Regular Council Agenda
October 6, 2015

Description

Order authorizing a Special Taxing District exemption for 55 N. Centre Street in the amount of \$910.74

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: October 6, 2015

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

THAT, the following Residential Exemption from the Special Taxing District Levy for 2015-2016 tax year be and are hereby granted:

| Property Owner | Property Location | Total Tax Due | Exemption Amt. |
|----------------|----------------------------|---------------|----------------|
| Barbara J. | 50 N. Centre St. 14-005781 | \$253.46 | \$253.46 |
| Humbertson | 43 N. Centre St. 14-005773 | \$182.85 | \$182.86 |

BE IT FURTHER ORDERED, That this exemption is hereby granted pursuant to the provisions of Section 235 of the City Charter.

Brian K. Grim, Mayor



Regular Council Agenda
October 6, 2015

Description

Order authorizing Special Taxing District exemptions for 43 N. Centre Street in the amount of \$182.86 and 50 N. Centre in the amount of \$253.46

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: October 06, 2015

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

THAT the Mayor be and is hereby authorized to execute a Certificate of Satisfaction acknowledging the indebtedness secured by a Deed of Trust made by Lucy J. Yutzy unto H. Jack Price, Jr., trustee for the Mayor and City Council of Cumberland, dated December 13, 2005, regarding property at 509 Maryland Avenue, (Allegany County Land Records / Book 1224, Page 425), has been satisfied and that the lien is hereby released.

Mayor Brian K. Grim

Certificate of Satisfaction

Know All Men By These Presents:

That the Mayor and City Council of Cumberland does hereby acknowledge that the indebtedness secured by a certain Deed of Trust made by Lucy J. Yutzy unto H. Jack Price, Jr., trustee for the benefit of the Mayor and City Council of Cumberland, dated December 13, 2005 and recorded among the Land Records of Allegany County, Maryland in Book 1224, Page 425 has been fully paid and satisfied, that the Mayor and City Council of Cumberland was at the time of satisfaction the holder of the Deed of Trust Note, and that the lien of the Deed of Trust is hereby released.

WITNESS the hand and seal of the holder of the Deed of Trust Note this ____ day of October, 2015.

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL OF
CUMBERLAND

Marjorie A. Woodring, City Clerk

By: _____
Brian K. Grim, Mayor

STATE OF MARYLAND,
ALLEGANY COUNTY, TO WIT:

I HEARBY CERTIFY, that on this ____ day of October 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared Brian K. Grim, who acknowledged himself to be the Mayor of the Mayor and City Council of Cumberland, a Maryland municipal corporation, the holder of the instrument referred to above, and that he, as such Mayor, being duly authorized to do so, executed the foregoing instrument for the purposes therein contained and he acknowledged that the facts set forth in said instrument are true.

WITNESS my hand and Notarial Seal the day and year first above written.

NOTARY PUBLIC

My Commission Expires: _____



Regular Council Agenda
October 6, 2015

Description

Order authorizing the execution of a Certificate of Satisfaction acknowledging that the Deed of Trust dated December 13, 2005 (Allegany County Land Records Book 1224, Page 425) made by Lucy J. Yutzy regarding property at 509 Maryland Avenue has been fully paid and satisfied

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: October 6, 2015

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

THAT, the Mayor and City Council of Cumberland be and are hereby authorized to execute a "First Amendment to IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland, MD, July 1, 2014 through June 30, 2017" to amend Sections 1, 5, and 6 of Article 24.

Brian K. Grim, Mayor

**FIRST AMENDMENT TO IAFF LOCAL #1715 COLLECTIVE
BARGAINING AGREEMENT WITH THE MAYOR AND CITY COUNCIL
OF CUMBERLAND, MD JULY 1, 2014 THROUGH JUNE 30, 2017**

This First Amendment to IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland, MD July 1, 2014 through June 30, 2017 (“Addendum”) is made and effective this ____ day of _____, 2015, by and between the Mayor and City Council of Cumberland (the “Employer”) and International Association of Firefighters, AFL-CIO, Local #1715 (the “Union”).

WITNESSETH

NOW THEREFORE, in consideration of the premises and the stipulations hereinafter set forth and pursuant to the reopener negotiations which were conducted as required by Article 31, Section 2 of the IAFF Local #1715 Collective Bargaining Agreement with the Mayor and City Council of Cumberland, MD July 1, 2014 through June 30, 2017 (the “Agreement”), the parties hereto covenant and agree as follows:

1. **Amendment of Article 24, Section 1 of Agreement.** Article 24, Section 1 of the Agreement is amended as follows: Effective retroactive to July 1, 2015, the Appendix A attached hereto shall supercede and take the place of the Appendix A attached to the Agreement.

2. **Amendment of Article 24, Section 5 of Agreement.** Article 24, Section 5 of the Agreement is deleted in its entirety and replaced with the following language:

Each of the four (4) Employees assigned to the first or second line ambulance will receive extra pay of \$0.75 per hour to become effective on the first scheduled shift following the passage of the Council Order approving this First Amendment.

3. **Amendment of Article 24, Section 6 of Agreement.** Article 24, Section 6 of the Agreement is amended by adding the following language at the end of it:

For FY 2016, Employees shall be paid a 1% bonus, payable no later than forty-five (45) days from the date of the execution of this First Amendment.

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

3. **Miscellaneous Provisions.**

3.1. **Invalidity.** Should any Article, Section, or portion thereof, of this First Amendment be held unlawful and unenforceable by any Court of competent jurisdiction, such decision of the Court shall apply only to the specific Article, Section, or portion thereof, directly specified in the decision; provided, however, that upon such a decision, the parties agree, as soon as practical, to negotiate a substitute for the invalidated Article, Section, or portion thereof.

3.2. Binding Effect. This First Amendment shall inure to the benefit of the parties hereto and it shall be binding upon them and their respective successors and assigns.

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

3.4. Construction of First Amendment. This First Amendment, having been executed in the State of Maryland, shall be construed, interpreted and enforced under the laws of the State of Maryland.

IN WITNESS WHEREOF, the parties acknowledge that this First Amendment is their act and that they have executed it on the day and year first above written:

MAYOR AND CITY COUNCIL OF CUMBERLAND

BRIAN K. GRIMM
Mayor

DAVID F. KAUFFMAN
Councilman

SETH BERNARD
Councilman

NICOLE ALT-MYERS
Councilwoman

DAVID CAPORALE
Councilman

ATTEST:

MARJORIE A. WOODRING
City Clerk

**INTERNATIONAL ASSOCIATION OF
FIREFIGHTERS
AFL-CIO, LOCAL #1715**

KENNETH MCKENZIE
President

ATTEST:

JEFF WAGONER
Secretary

Fire Longevity / Pay Scale
FY 2016

Appendix A
Annual Salary Schedule

| Rank | Start of Year # | | | | | | | |
|----------------------|-----------------|----------|----------|----------|-----------|-----------|-----------|-----------|
| | <u>1</u> | <u>3</u> | <u>5</u> | <u>7</u> | <u>10</u> | <u>15</u> | <u>20</u> | <u>25</u> |
| Junion Captain EMT-P | 52,980 | 54,305 | 55,663 | 57,055 | 58,482 | 61,405 | 64,475 | 67,699 |
| Junior Captain CRT-I | 49,727 | 50,970 | 52,245 | 53,552 | 54,891 | 57,635 | 60,516 | 63,542 |
| Junion Captain | 46,474 | 47,636 | 48,827 | 50,048 | 51,300 | 53,864 | 56,557 | 59,385 |
| LT/EMT-P | 48,919 | 50,157 | 51,396 | 52,697 | 53,999 | 56,699 | 59,534 | 62,512 |
| LT/EMT-I | 45,916 | 47,078 | 48,343 | 49,462 | 50,683 | 53,218 | 55,879 | 58,673 |
| LT/EMT | 42,912 | 43,985 | 45,084 | 46,212 | 47,367 | 49,736 | 52,223 | 54,834 |
| EO/EMT-P | 41,708 | 42,764 | 43,819 | 44,929 | 46,038 | 48,342 | 50,759 | 53,296 |
| EO/EMT-I | 39,147 | 39,273 | 39,399 | 41,306 | 43,211 | 45,373 | 47,642 | 50,024 |
| EO/EMT | 36,586 | 37,501 | 38,438 | 39,399 | 40,385 | 42,405 | 44,525 | 46,751 |
| FF/EMT-P | 38,512 | 39,487 | 40,462 | 41,487 | 42,512 | 44,638 | 46,868 | 49,213 |
| FF/EMT-I | 38,174 | 39,129 | 40,107 | 41,110 | 42,138 | 44,246 | 46,457 | 48,780 |
| FF/EMT | 33,783 | 34,627 | 35,493 | 36,381 | 37,291 | 39,156 | 41,113 | 43,169 |



Regular Council Agenda
October 6, 2015

Description

Order authorizing the execution of a First Amendment to the IAFF Local #1715 Collective Bargaining Agreement dated July 1, 2014 - June 30, 2017, addressing issues of longevity pay, adjusted pay for first or second line ambulance, and the addition of a 1% bonus for FY16

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)