



## AGENDA

### MAYOR

Raymond M. Morriss

### CITY ADMINISTRATOR

Jeff Rhodes

### CITY SOLICITOR

Michael Scott Cohen

### COUNCIL

Seth D. Bernard

Richard J. "Rock" Cioni

Eugene T. Frazier

Laurie P. Marchini

### CITY CLERK

Marjorie A. Woodring

DATE: March 5, 2019

#### I. Open Session

1. Open Meeting - 6:15 p.m.

#### II. Pledge of Allegiance

#### III. Roll Call

#### IV. Presentations

1. Presentation of the 2018 Cumberland Police Department Officer of the Year Award to PFC Michael Allen Brown
2. Presentation from the Western Maryland Food Bank regarding the Chefs of Steel competition

#### V. Director's Reports

##### (A) Administrative Services

1. Administrative Services monthly report for January, 2019

#### VI. Approval of Minutes

1. Approval of the Regular Session Minutes of January 15, 2019

#### VII. Public Hearings

1. Public Hearing to receive requests from organizations seeking support through the City's hotel/motel funds

#### VIII. Unfinished Business

##### (A) Charter Amendment Resolutions

1. Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal Charter Section 75 pertaining to carrying concealed weapons as prohibitions against carrying concealed weapons are set forth in Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland
2. Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence
3. Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal Charter Section 192-203 pertaining to the City's governance of the former Memorial Hospital

#### IX. New Business

##### (A) Orders (Consent Agenda)

1. Order accepting the bid of Burgmeier's Hauling, Inc. to provide twice a week, curbside garbage and recycling collection for three (3) years for an amount not to exceed \$1,247,131.08 yearly, and bulk item pick-up for three (3) years for a rate of \$115/hour; and accepting the bid of Mountainview Landfill to provide landfill services for accepting the City's solid waste for a cost of \$35.25/ton - year 1, \$36.31/ton- year 2, and \$37.40/ton- year three
2. Order appointing Mayor and Council members and City staff as representatives and/or appointees to the City's boards and commissions
3. Order appointing members and alternates to the Evitts Creek Steering Committee
4. Order adopting a revised Sick and Safe Leave Policy for City employees to modify language pertaining to requirements for verification of sick leave for non-union employees

X. **Public Comments**

All public comments are limited to 5 minutes per person

XI. **Adjournment**



Regular Council Agenda  
March 5, 2019

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**Description**

Open Meeting - 6:15 p.m.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 5, 2019

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**Description**

Presentation of the 2018 Cumberland Police Department Officer of the Year Award to PFC Michael Allen Brown

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

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**Value of Award (if applicable)**

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Regular Council Agenda  
March 5, 2019

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**Description**

Presentation from the Western Maryland Food Bank regarding the Chefs of Steel competition

**Approval, Acceptance / Recommendation**

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Regular Council Agenda  
March 5, 2019

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**Description**

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 5, 2019

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**Description**

Administrative Services monthly report for January, 2019

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

## **Administrative Services Monthly Report for January, 2019**

March 5, 2019

Honorable Mayor and City Council  
City Hall  
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of January 2019:

### **Management Information Systems**

January 2019

#### **Statistics**

244 completed help desk requests

234 open help desk requests

#### **Activities**

Major department initiatives in the past month include:

- Begin working with Community Development software vendor on system replacement
- Work on CPD mobile data terminals
- Assist utility billing with Sensus Analytics interface issues/questions
- Assist with change to Municipay online payment processor
- Begin working with vendor on network security audit

## Parks and Recreation

January 2019

Co-ed Volleyball League - 8 teams, 64 participants, games are played weekly on Wednesday nights at South Penn Elementary School. Play is under the direction of Carol Brown.  
3 weeks of games – 9 matches - Attendance 126

Field Usage: No usage, areas closed, new season to begin in March

### Areas of work

- July 4<sup>th</sup> Fireworks proposals are due to P&R on Wednesday January 31, 2019
- Seasonal employment applications available – Lifeguards, Day camp
- Planning for pool and day camp season 2019
- Day Camp Registration
- Begin contact with Leagues, groups and schools for the upcoming spring/summer ball field and facility use.
- Prepare for Pavilion reservations to begin February 4, 2019
- Constitution Park Concert Series schedule for 2019

### Meetings

- Recreation Advisory Board Meeting –rescheduled due to weather/ January 18, 2019
- Staff Meetings
- Concert series related meetings
- Budget FY 2020 meetings
- Community Parks & Playground project meeting for Marble courts and restroom renovations in grove 4 area of Constitution Park.
- CDBG Block grant Funding project meeting.
- Bowers Trust Fund review meeting.

### Upcoming

- Constitution Park Pavilion reservations to begin Monday February 4, 2019
- February Recreation Advisory Board meeting Monday February 11, 2019/ moved to City Hall
- Continue to take summer seasonal employment applications for lifeguards, and day camp counselors
- July 4<sup>th</sup> Fireworks – Determine results of bids and confirm the company to provide this service (Working with Shannon Adams)
- Work with League and school representatives for facility spring/summer field usage
- Planning for 2019 Spring/Summer programs and events etc.
- Coordinate Committee Meetings with Rec. Board members

# Community Development

January 2019

## CODE COMPLIANCE

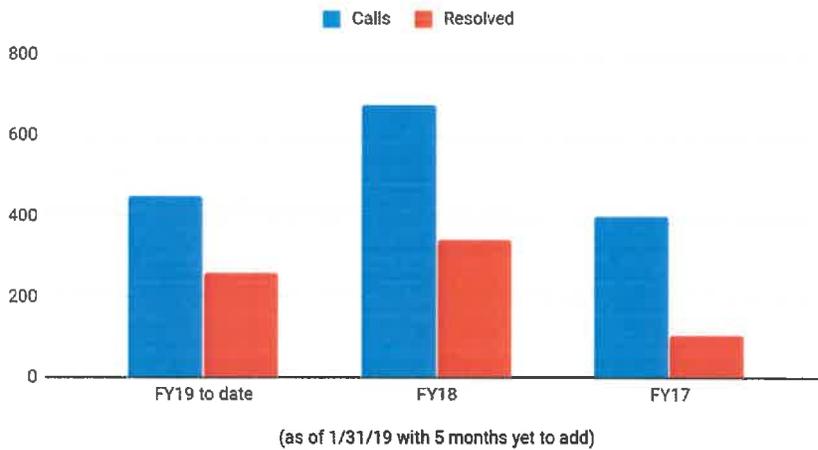
### Code Enforcement Activity:

January: 48 new property reports with 20 of those closed.

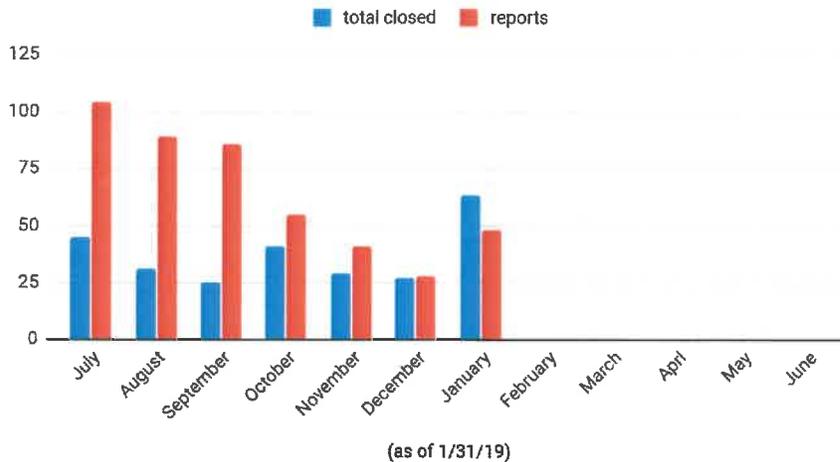
Closed 43 add'l cases from previous months. Avg. % of calls resolved.

<u>Nuisance &amp; Junk Vehicle</u>		<u>Property Maintenance</u>		<u>Building Code</u>	
Reported	34	Reported	12	Reported	0
Resolved	14	Resolved	5		
<u>Housing Code</u>		<u>Zoning</u>			
Reported	7	Reported	4		
Resolved	3	Resolved	2		

### Calls vs. Resolved



## FY19 Code Violation Reports by Month



## Permits, Applications, and Licenses

### Building Permits

Received: 4

Issued: 1

### Occupancy Permits

Received: 3

Issued: 1

### Plan reviews, etc.

Received: 0

### Rental Licenses

Issued/Renewed: 6

Issued: 3

### Housing Inspections

Conducted: 47

Passed: 47

### Revenue

Building Permits.....\$1,575.00

Bldg. Permits, Miscellaneous.....107.00

Occupancy Permits .....75.00

Utility Permits.....3,370.00

Plan Reviews, Amendments & Appeals .....0.00

Municipal Infractions/Citations .....0.00

Rental Licenses (new & renewals) .....1,375.00

Inspection Requests (paid).....0.00

Certificates of Appropriateness.....60.00

TOTAL .....\$6,562.00

Demolition Permit - Bonds.....\$1,500.00

## Community Services Activity (variance from norm):

- Attended 1<sup>st</sup> department meeting re: CD's new software program and in preparation organized files for use by Citizenserve.
- Prepared rough draft of Power Point presentation re: Code Compliance.
- Completed task researching pending permit applications. 265 completed with 62

determined and filed, 203 yet for manager review.

- Due to pipe burst, 81 building files were saturated - dried, wiped down, and began to refold and file. Work station temporarily relocated in conference room.

## **COMMUNITY DEVELOPMENT PROGRAMS**

### **CDBG - 2<sup>nd</sup> Quarter Reports - Period of Oct 31, 2018 - Dec 31, 2018**

- Mechanic Street Sidewalk/Infrastructure 2015-2018 Funds-awaiting SHA approval of changes to original job description. Possibility funds will begin to be drawn this spring.
- Cumberland Street sidewalk-project out to bid
- CNHS Closing Cost Grant 2016- no grants issued this quarter
- Bellevue Sidewalk 2017- will be bid this spring
- Family Junction Parenting 2017-complete; 31 total beneficiaries
- Cavanaugh Ballfield 2017- project underway
- YMCA Lower Level Rehab Ph 4 2017- Environmental Review underway and in final stages
- CNHS Closing Cost grant 2018- no grants this quarter
- Friends Aware Facility Rehab Ph 4 2018- Contract out for final contract with construction company
- Salvation Army Rehabilitation 2018-ERR underway/final stages; currently contract ready
- Central Bus District Commercial Accessibility Design 2018- in development
- City Hall Accessibility 2018- matching funds un-funded; will be Amended for sidewalk project
- Family Crisis Resource Center 2018- 449 people served to date
- JFV Sidewalk project Ph 3; 2018 -Contract is out and work will begin pending weather
- Archway Station Health Home Program 2018- still in development
- Associated Charities Short Term Prescription Program 2018- 65 people benefited to date
- Associated Charities Long Term Prescription Program 2018-37 people benefited; 67 prescriptions received
- Family Junction Parenting program 2018-One 12 wk parenting workshop; 10 families participated, 23 children were affected
- Friend's Aware Transportation 2018- Car purchased; waiting invoice
- HRDC Emergency Housing Assistance/homeless prevention 2018- 21 households utilized funds to continue living in their homes
- AHEC West Denture 2018- 1 person enrolled; others interviewed
- AHEC West Dental Access Program 2018- no funds drawn to date; interviews in progress

**Community Development Block Grant (CDBG) Monthly Activity: January 2018**

<b>Activity</b>	<b>Year</b>	<b>Initial Fund</b>	<b>ERR</b>	<b>Contract</b>	<b>Spent</b>	<b>Remain</b>	<b>% Complete</b>	
Amtrak Phase 2 - Mechanic St.	2015 2016	\$97,811.00	x		\$0.00	\$97,811.00	0.00%	
ADA Sidewalk Imps (Cumberland St)	2015	\$110,000.00	x		\$20,517.54	\$89,482.46	18.65%	added
Unprogrammed (term NM/PIP)	2015	\$11,607.72				\$11,607.72		
CNHS Closing Cost Grants	2016	\$32,000.00	x	x	\$17,322.58	\$14,677.42	54.13%	
Unprogrammed (term Goethe)	2016	\$138,040.02			\$0.00	\$138,040.02	0.00%	
George St. ADA Sidewalks Project	2017	\$50,489.21	x		\$0.00	\$50,489.21	0.00%	
CB Sidewalk funds Bellevue	2017	\$101,489.22			\$0.00	\$101,489.43	0.00%	
Cavanaugh Ballfield - Imps. 2	2017	\$129,009.21	x		\$104,920.00	\$24,089.21	81.33%	added
Amtrak Infrastructure Improvements Phase 4	2017	\$50,489.21	x		\$0.00	\$50,489.21	0.00%	
YMCA Lower Level Rehab Ph 4	2018	\$94,122.00				\$94,122.00	0.00%	
CHNS Closing Cost Grant	2018	\$13,403.00	x	x		\$13,403.00	0.00%	
Friends Aware, Inc. Facility Rehab Ph 4	2018	\$79,913.00				\$79,913.00	0.00%	
Salvation Army Facility Rehab: HVAC	2018	\$63,403.00				\$63,403.00	0.00%	
Central Bus District Commercial Accessibility Design	2018	\$13,403.00				\$13,403.00	0.00%	
City Hall Accessibility	2018	\$55,909.00				\$55,909.00	0.00%	
Family Crisis Resource Center Operations	2018	\$10,903.00	x	x		\$10,903.00	0.00%	
Hous Authority JFV Sidewalk Repl. Proj Ph 3	2018	\$54,154.00	x	x		\$54,154.00	0.00%	

Archway Station Inc., Health Home Program	2018	\$6,153.00	x	x		\$6,153.00	0.00%	
Associated Charities Short Term Prescription	2018	\$11,403.00	x	x		\$11,403.00	0.00%	
Associated Charities Long Term Prescription	2018	\$16,403.00	x	x		\$16,403.00	0.00%	
Incredible Years Parenting Program (The Fam Junct)	2018	\$16,403.00	x	x		\$16,403.00	0.00%	
Friend's Aware Inc., Transportation Program	2018	\$12,903.00	x	x		\$12,903.00	0.00%	
HRDC Emergency Assistance Program	2018	\$21,653.00	x	x		\$21,653.00	0.00%	
AHEC West Denture Cliniiic	2018	\$7,903.00	x	x		\$7,903.00	0.00%	
AHEC West Health Right Dental Access Program	2018	\$10,903.00	x	x		\$10,903.00	0.00%	
Amtrak Ph 4 Infrastructure : Mechanic Str phase	2018	\$136,923.00	x	x		\$136,923.00	0.00%	\$285223.21
correct on 1/2/19 drw	Pre-Jan 19 drw			Post Dec 18				

		Orig			Spent	Remain	
2017 Admin	2017	\$120,806.21			\$90,947.55	\$29,858.66	
2017 Indirect Cost	2017	\$9,683.00			\$9,683.00	\$0.00	
2017 Fair Housing	2017	\$10,489.21			\$9,390.45	\$1,098.76	
2018 Admin	2018	\$125,322.00			\$11,770.94	\$113,551.06	9.39%
2018 Indirect Cost	2018	\$10,081.00			\$5,040.00	\$5,041.00	50.00%
2018 Fair Housing	2018	\$13,403.00			\$1,294.31	\$12,108.69	9.66%
					\$18,105.25	\$161,658.17	
\$43,413.00							
						\$1365690.85	

**Comptroller's Office**

January 2019

**Cash Flow:**

Attached for your review is a Cash Flow Summary for the month of January 2019.

On January 1, 2019 the City had a cash balance of \$1.3 million. Disbursements exceeded receipts by \$790K resulting in a cash balance of \$515K at January 31, 2019. In addition, the City had an investment balance of \$17 million.

As of January 31, 2019, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)						\$ 2,936,272
	Beg Balance	New Billing	Collections	Bad Debt	Ending Balance	
FY 2019	\$ 2,014,864	\$ 733,316	\$ 805,406	\$ -	\$ 1,942,774	
FY 2018	661,441	-	25,482	-	635,959	
FY 2017	259,202	-	11,385	-	247,817	
FY 2016	33,691	-	137	-	33,554	
FY 2015	29,530	-	106	-	29,424	
FY 2014	18,040	-	106	-	17,934	
FY 2013	13,858	-	107	-	13,751	
FY 2012	8,687	-	535	-	8,152	
FY 2011	3,518	-	-	-	3,518	
Prior FY's	3,389	-	-	-	3,389	
	<u>\$ 3,046,220</u>	<u>\$ 733,316</u>	<u>\$ 843,264</u>	<u>\$ -</u>	<u>\$ 2,936,272</u>	

The current year tax receivable balance is comprised of the following:

Real property (non-owner occupied)	\$ 921,765
Non-Corp Personal Property	11,762
Corporate Personal Property	465,770
Real Property (semiannual payments)	543,477
Real Property (Half Year)	-
	<u>\$ 1,942,774</u>

February is a 2-pay month so the cash required to meet payroll is an estimated \$1,040,000.

The City liquidity position continues to be strong as illustrated in the cash and investments table following table. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

**Cash and Investment Summary**

**January 31, 2019**

	Cash	Investments
Beginning Balance	\$ 1,304,577	\$ 17,285,200
Add:		
Cash Receipts	5,427,575	1,471
Investment Transfer	1,126,932	500,000
Less:		
Disbursements	6,844,336	-
Investment Transfer	500,000	1,126,932
Ending Balance	\$ 514,748	\$ 16,659,739
Restricted	\$ 344,047	\$ 6,796

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects.

**Restricted Cash**

	1/1/2019	Increase	Utilization	1/31/2019
Police Seizures	\$ 103,802	\$ 1,223	\$ 390	\$ 104,635
Bowers Trust	95,830	-	15,000	80,830
Restricted Lenders	106,341	-	-	106,341
Other	52,241	-	-	52,241
	\$ 358,214	\$ 1,223	\$ 15,390	\$ 344,047

**Restricted Investments**

	1/1/2019	Increase	Utilization	1/31/2019
DDC	\$ 6,782	\$ 14	\$ -	\$ 6,796
GOB 2013	126,686	-	126,686	-
	\$ 133,468	\$ 14	\$ 126,686	\$ 6,796

Other restricted cash includes demolition bond deposits held and solicited donations for the Al Albrams Field, a Joe Maphis statute and for a P&R Sound Garden at Constitution Park community projects. \$15,000 of the Bower's Trust fund was utilized for Cavanaugh Field lighting.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

The GOB 2013 bond proceed investments were originally intended for the demolition of Memorial Hospital, with any remaining proceeds earmarked for street repairs and projects. The balance of the GOB 2013 funds were utilized in January to pay for the portion of the bikeways project that was not covered by grants.

**Capital Projects and Associated Debt:**

The table below illustrates undrawn Maryland CDA bond proceeds and the accumulated debt draws and grants received associated with the ongoing Combined Sewer Overflow (CSO) projects.

**Available Bond Proceeds**

	<b>1/1/2019</b>	<b>Utilization</b>	<b>1/31/2019</b>
CDA 2014	\$ 800,777	\$ -	\$ 800,777
CDA 2015	1,826,543	-	1,826,543
CDA 2017	293,428	-	293,428
CDA 2018	2,471,000	-	2,471,000
	<b>\$ 5,391,748</b>	<b>\$ -</b>	<b>\$ 5,391,748</b>

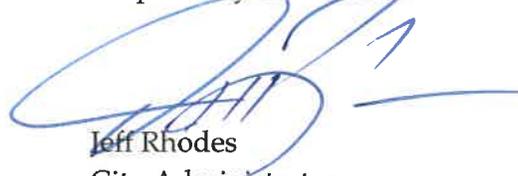
**CSO Projects Debt Draws**

	<b>1/1/2019</b>	<b>Utilization</b>	<b>1/31/2019</b>
Evitts Creek Debt	\$ 143,260	\$ -	\$ 143,260
Evitts Creek Grant	-	-	-
WWTP Debt	1,565,420	151,123	1,716,543
WWTP Grant	10,957,929	1,057,855	12,015,784
	<b>\$ 12,666,609</b>	<b>\$ 1,208,978</b>	<b>\$ 13,875,587</b>

There were no CDA draws in January.

The Evitts Creek and Wastewater Treatment Plant (WWTP) CSO projects are underway. During January we submitted draw requests for \$1.06 million in BRF grants and \$151K in new debt on the WWTP CSO project. There was no Evitts Creek CSO project activity.

Respectfully submitted,



Jeff Rhodes  
City Administrator



Regular Council Agenda  
March 5, 2019

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**Description**

Approval of the Regular Session Minutes of January 15, 2019

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



**MAYOR**  
Raymond M. Morriss

**CITY ADMINISTRATOR**  
Jeff Rhodes

**CITY SOLICITOR**  
Michael Scott Cohen

**COUNCIL**  
Seth D. Bernard

Richard J. Rock" Cioni  
Eugene T. Frazier

**CITY CLERK**  
Marjorie A. Woodring

## **MINUTES**

DATE: January 15, 2019

### **I. Open Session**

1. 6:15 p.m. - Convene in Open Session

### **II. Pledge of Allegiance**

### **III. Roll Call**

PRESENT: Raymond M. Morriss, President; Council members Seth Bernard, Richard J. Cioni, Eugen T. Frazier, and Laurie P. Marchini

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

### **IV. Statement of Closed Meeting**

1. Summary Statement of Closed Meetings

Mayor Morriss announced that Closed Sessions had been held on Monday, January 7, Wednesday, January 9, and Thursday, January 10, 2019 at 4:30 p.m. and read into the record summaries of those sessions, which are attached hereto and made a part of these minutes as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland

### **V. Proclamations**

1. Proclaiming January 22, 2019 as a National Day of Racial Healing in the City of Cumberland

Mayor Morriss read the Proclamation and it was entered into public record.

Mayor Morriss stated that he believes it is important at this time that everyone realizes that as a community, racial healing needs to be at the forefront, and said it was a great honor to be able to read the Proclamation.

## **VI. Presentations**

### **1. Nomination and vote on an appointment to the vacant city council seat**

Mayor Morriss spoke of the process of the Mayor and City Council on meeting with the 15 candidates who had applied. He added that it was a tough decision, as there were quite a few qualified individuals, but said that he believes they have found the person that best fits into the team and will help lead the City of Cumberland in the future.

Mayor Morriss asked for a motion to nominate Ms. Laurie P. Marchini as Councilwoman. Frazier made the motion, Bernard seconded, and the motion was passed on a vote of 4-0.

### **2. Swearing-In of Newly Appointed Council Member**

Ms. Dawne Lindsay, Clerk of the Circuit Court, performed the swearing-in of Ms. Laurie P. Marchini. Ms. Marchini took her seat on the Council, with congratulations all around.

### **3. Introduction of the newly promoted Police Department supervisory staff: Captain J. Charles Ternent, Lieutenant Andrew R. Tichnell, Sergeant Christopher C. McCann, Corporal Donald F. Jenkins, II, and Corporal Alexander D. Menges**

Police Chief Hinnant spoke on the recent promotions, saying that promoting deserving officers is the best part of his job. He then introduced the five newly promoted officers, adding that they were truly outstanding representatives of the Cumberland Police Department. He then gave a brief background on each officer, with the Mayor and City Council offering congratulations to all.

Newly promoted Police Department supervisory staff: Captain J. Charles Ternent, Lieutenant Andrew R. Tichnell, Sergeant Christopher C. McCann, Corporal Donald F. Jenkins, II, and Corporal Alexander D. Menges

## **VII. Director's Reports**

### **(A) Public Works**

#### **1. Maintenance Division monthly report for December, 2018**

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

#### **2. Utilities Division-Flood/Water/Sewer monthly report for December, 2018**

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

**(B) Fire**

1. Fire Department monthly report for November, 2018

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

**(C) Police**

1. Police Department monthly report for December, 2018

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

**VIII. Approval of Minutes**

1. Approval of the Regular Session Minutes of September 18, October 2, and October 16, 2018

Motion to approve the minutes was made by Cioni, seconded by Bernard, and was passed on a vote of 4-0, with Marchini abstaining.

**IX. Approval of Minutes**

1. Approval of the Closed Session Minutes of August 21, September 5, and October 16, 2018

Motion to approve the minutes was made by Cioni, seconded by Bernard, and was passed on a vote of 4-0, with Marchini abstaining.

**X. New Business**

**(A) Resolutions**

1. Resolution (*1 reading only*) - authorizing participation in the HUD public offering as part of the Section 108 Loan Guarantee Assistance Program to refinance existing obligations in the original amount of \$1,400,000 which were undertaken for the development of the HRDC building on Virginia Avenue

Mr. Cohen discussed the Resolution that would authorize participation in the HUD public offering as part of the Section 108 Loan Guarantee Assistance Program to refinance existing obligations for a lower rate, therefore helping HRDC as well as the citizens of Cumberland.

The Resolution was presented in title only. Motion to approve the Resolution was made by Bernard, seconded by Frazier, and was passed on a vote of 5-0

RESOLUTION NO. R2019-01

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

Ms. Woodring reviewed each item on the Consent Agenda and Mayor Morriss called for questions or comments. Chief Hinnant stated that errors were made on Consent Agenda items 7 & 8, with 7 actually being for the outfitting of the police vehicles, and 8 actually being for the purchase of the vehicles. Chief Hinnant's corrections were duly noted, and corrections were made.

Councilman Frazier and Mr. Cohen asked that there be a motion to vote on Items 1-9 and 11, and vote on Item 10 separately. Motion to approve Consent Agenda Items 1-9 and 11 was made by Frazier, seconded by Bernard, and was passed on a vote of 5-0.

Motion to approve Consent Agenda Item 10 was made by Cioni, seconded by Bernard, and was passed on a vote of 3-0, with Morriss and Frazier abstaining

1. Order authorizing the sole source purchase of SCADA System hardware and software from Systems Integration Technology to replace the outdated SCADA system at the John J. DiFonzo Water Reclamation Facility in the estimated amount of \$64,635

ORDER NO. 26,392

2. Order authorizing the sole source purchase of SCADA System hardware and software from Systems Integration Technology to replace the outdated SCADA system at the Water Filtration Plant in the estimated amount of \$57,621.00

ORDER NO. 26,393

3. Order authorizing the Chief of Police to accept a Byrne-Justice Assistance "Technology Upgrades" grant for FY19 in the amount of \$29,323 for radar units, traffic control equipment and officer overtime to conduct traffic enforcement throughout the City of Cumberland.

ORDER NO. 26,394

4. Order accepting the sole source proposal from Allegheny Trucks to supply one (1) used 2016 International Tractor for the cost of \$88,677.21

ORDER NO. 26,395

5. Order declaring a 1988 International Tractor as surplus equipment and authorizing it for sale or trade-in

ORDER NO. 26,396

6. Order authorizing execution of a Corrective Certificate of Satisfaction acknowledging that the indebtedness secured by a Repayment Agreement / Promissory Note pertaining to 218 Williams Street (Allegany County Land Records Liber 1363, folio 443) has been fully paid and satisfied and the lien is hereby released

ORDER NO. 26,397

7. Order accepting the sole source proposal from Global Public Safety, LLC to provide outfitting services for three (3) police vehicles through the Maryland State Procurement Bid Process, for the total amount of \$47,871.30

ORDER NO. 26,399

8. Order-accepting the sole source proposal from Hertrich Fleet Services, Inc. to provide three (3) police vehicles for the total amount of \$84,847.00, with said vehicles being purchased through the Maryland State Procurement Bid Process

ORDER NO. 26,398

9. Order authorizing execution of a Donation Agreement with David Ronald Christifer for transfer of the property at 1 Evergreen Terrace to the city for the sum of \$1.00 and authorizing execution of documents necessary for the transfer

ORDER NO. 26,400

10. Order authorizing execution of a Facilities Encroachment Agreement with CSX Transportation, Inc. relative to the replacement of the 12" water line under the Route 51 Bridge (City Project No. 03-17-W)

ORDER NO. 26,401

11. Order approving a total of \$43,183 in Community Legacy Funding to three (3) Leasehold Improvement Projects in the Central Business District : 11 South Liberty/Craft Table - \$14,985; 56 N. Centre St./ Toil and Trouble - \$13,735; 171 N. Centre St. / Corner Tavern & Cafe - \$14,463

ORDER NO. 26,402

## **XI. Public Comments**

Nick Gelles, 317 Pearl Street, spoke about the stop signs being put up on Pine Avenue, and said the residents there are a bit rowdy because of it. He added that stop signs at each end of the street are ridiculous, and wondered what the City was going to do about the Taccino property.

Kenneth Wilmot, 513 Fort Avenue, spoke about more work being put on law enforcement regarding overdose cases. He also spoke about opposition to the proposed sound garden at Constitution Park.

Kelly Robertson, 410 Fayette Street, read a prepared statement pertaining to her concerns regarding the Council member appointment process.

Ed Taylor, 400 S. Allegany Street, congratulated Mr. Morriss, Mr. Bernard, and Mr. Cioni on their recent elections, on behalf of himself and the Cumberland Historic Cemetery Organization.

All public comments are limited to 5 minutes per person

**XII. Adjournment**

With no further business at hand, the meeting adjourned at 7:09 p.m.

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

Raymond M. Morriss, Mayor \_\_\_\_\_

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

**Mayor and City Council of Cumberland**

**Closed Session Summary**

January 7, 2019 at 4:30 p.m.

Second Floor Conference Room, City Hall

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On January 7, 2019, the Mayor and City Council met in closed session at 4:30 p.m. in the second floor conference room of City Hall to conduct interviews for the open Council seat and to discuss an appointment to that seat. Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (1).

Persons in attendance included Mayor Raymond M. Morriss; Council Members Seth Bernard, Richard Cioni, and Eugene Frazier; City Clerk Marjorie Woodring; and four (4) candidates for the open council seat.

On a motion made by Councilman Frazier and seconded by Councilman Cioni, Council voted 4-0 to close the session.

No actions were voted upon and the meeting was adjourned at 7:11 p.m.



Raymond M. Morriss, Mayor

**JAN 15 2019**

Entered into the public record on \_\_\_\_\_

**Mayor and City Council of Cumberland**

**Closed Session Summary**

January 9, 2019 at 4:30 p.m.

Second Floor Conference Room, City Hall

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On January 9, 2019, the Mayor and City Council met in closed session at 4:30 p.m. in the second floor conference room of City Hall to conduct interviews for the open Council seat and to discuss an appointment to that seat. Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (1).

Persons in attendance included Mayor Raymond M. Morriss; Council Members Seth Bernard, Richard Cioni, and Eugene Frazier; City Clerk Marjorie Woodring; and four (4) candidates for the open council seat.

On a motion made by Councilman Cioni and seconded by Councilman Bernard, Council voted 4-0 to close the session.

No actions were voted upon and the meeting was adjourned at 7:25 p.m.



Raymond M. Morriss, Mayor

**JAN 15 2019**

Entered into the public record on \_\_\_\_\_

**Mayor and City Council of Cumberland**

**Closed Session Summary**

January 10, 2019 at 4:30 p.m.

Second Floor Conference Room, City Hall

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On January 10, 2019, the Mayor and City Council met in closed session at 4:30 p.m. in the second floor conference room of City Hall to conduct interviews for the open Council seat and to discuss an appointment to that seat. Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (1).

Persons in attendance included Mayor Raymond M. Morriss; Council Members Seth Bernard, Richard Cioni, and Eugene Frazier; City Clerk Marjorie Woodring; and 7 candidates for the open council seat.

On a motion made by Councilman Cioni and seconded by Councilman Frazier, Council voted 4-0 to close the session.

No actions were voted upon and the meeting was adjourned at 8:32 p.m.



Raymond M. Morriss, Mayor

**JAN 15 2019**

Entered into the public record on \_\_\_\_\_



Regular Council Agenda  
March 5, 2019

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**Description**

Public Hearing to receive requests from organizations seeking support through the City's hotel/motel funds

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 5, 2019

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**Description**

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 5, 2019

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**Description**

Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal Charter Section 75 pertaining to carrying concealed weapons as prohibitions against carrying concealed weapons are set forth in Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland

**Approval, Acceptance / Recommendation**

If passed, this Charter Amendment Resolution will become effective upon the 50th day after being passed unless a petition is submitted.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**CHARTER AMENDMENT RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED “A RESOLUTION TO REPEAL SECTION 75 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION) PERTAINING TO CARRYING CONCEALED WEAPONS.”

WHEREAS, the prohibition against carrying concealed weapons is set forth in state law (Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland, as amended from time to time); and

WHEREAS, the prohibitions and penalties provided for in Section 75 of the Charter are preempted by the aforesaid state law and should be removed from the Charter.

NOW THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 75 of the Charter of the City of Cumberland (1991 Edition) be, and the same hereby is, repealed.

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2019, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2019, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2019, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this

Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2019, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment shall become effective, either as herein provided or following a referendum, the Mayor shall send separately, by registered mail, to the Secretary of the State of Maryland, the Maryland State Department of Assessments and Taxation and the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond F. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond F. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the \_\_\_\_ day of \_\_\_\_\_, 2019, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY, that the foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I FURTHER CERTIFY, that there was no petition for a referendum on the proposed amendment filed within the required time, and therefore, the same became effective on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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



Regular Council Agenda  
March 5, 2019

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**Description**

Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence

**Approval, Acceptance / Recommendation**

If passed, this Charter Amendment Resolution will become effective upon the 50th day after being passed unless a petition is submitted.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**CHARTER AMENDMENT RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE, ENTITLED "A RESOLUTION TO REPEAL AND REENACT WITH AMENDMENTS SECTION 24 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION), PERTAINING TO THE PUBLICATION OF ORDINANCES, WHEN ORDINANCES TAKE EFFECT, AND THE ADMISSIBILITY OF CODIFICATION IN EVIDENCE."

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Section 24 of the Charter of the City of Cumberland (1991 Edition) be repealed and reenacted with amendments to read as follows:

**Section 24. - Publication of summary of ordinances in newspaper; posting ordinances on city web site required; when ordinances to take effect.**

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in a newspaper of general circulation in the city for two (2) consecutive days. The summary shall include the effective date of the ordinance, its subject matter and reference to the fact that its entire text is posted on the city's web site. The entire text of all ordinances shall, as soon as practicable after their passage, be posted on the city's web site until such time as the text is incorporated into the city code, as maintained on-line. Ordinances passed by the mayor and city council shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when posted on the city's web site and bearing on the title pages thereof the words "Ordained and published by the Mayor and City Council of Cumberland," or words of

like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

**[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]**

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2019, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2019, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2019, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2019, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment shall become effective, either as herein provided or following a referendum, the Mayor shall send separately, by registered mail, to the Secretary of the State of Maryland, the Maryland State Department of Assessments and Taxation and the Department of Legislative Reference of Maryland, a complete certified copy of the text

of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS 19TH DAY OF FEBRUARY, 2019.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the 19th day of February, 2019, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY, that the foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I FURTHER CERTIFY, that there was no petition for a referendum on the proposed amendment filed within the required time, and therefore, the same became effective on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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

## EXHIBIT A

[Note: Additions to the Charter are capitalized and in bold print and deletions are stricken through.]

**Section 24. Publication OF SUMMARY of ordinances in newspapers; POSTING OF ORDINANCES ON CITY WEB SITE required; ~~exceptions; when ordinances to take effect; admissibility of codification in evidence.~~**

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

Every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in ~~every issue of each of two newspapers published in said city for three (3) days successively (excluding Sundays), providing the amendments and corrections made in digesting and revision for publication in book form need not be so published~~ **A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO (2) CONSECUTIVE DAYS. THE SUMMARY SHALL INCLUDE THE EFFECTIVE DATE OF THE ORDINANCE, ITS SUBJECT MATTER AND REFERENCE TO THE FACT THAT ITS ENTIRE TEXT IS POSTED ON THE CITY'S WEB SITE. THE ENTIRE TEXT OF ALL ORDINANCES SHALL, AS SOON AS PRACTICABLE AFTER THEIR PASSAGE, BE POSTED ON THE CITY'S WEB SITE UNTIL SUCH TIME AS THE TEXT IS INCORPORATED INTO THE CITY CODE, AS MAINTAINED ON-LINE.** Ordinances passed by the mayor and city council ~~and requiring publication~~ shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when ~~printed and published,~~ **POSTED ON THE CITY'S WEB SITE** and bearing on the title ~~page~~ **PAGES** thereof the words "Ordained and published by the Mayor and City Council of Cumberland," or words of like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.



Regular Council Agenda  
March 5, 2019

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**Description**

Charter Amendment Resolution (*2nd and 3rd readings*) - to repeal Charter Section 192-203 pertaining to the City's governance of the former Memorial Hospital

**Approval, Acceptance / Recommendation**

If passed, this Charter Amendment Resolution will become effective upon the 50th day after being passed unless a petition is submitted.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**CHARTER AMENDMENT RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED “A RESOLUTION TO REPEAL THE FOLLOWING SECTIONS OF THE CHARTER OF THE CITY OF CUMBERLAND (1991 EDITION): SECTION 192 PERTAINING TO THE MEMORIAL HOSPITAL BOARD OF GOVERNORS; SECTION 193 OF THE SAID CHARTER PERTAINING TO SELECTION OF LAND AND PREPARATION OF PLANS; CONTRACTS FOR CONSTRUCTION; SALE OF BONDS; EXPENDITURE OF PROCEEDS FROM BONDS; SECTION 194 PERTAINING TO THE DEDICATION OF THE HOSPITAL; SECTION 195 PERTAINING TO RULES AND REGULATIONS FOR THE OPERATION OF THE HOSPITAL; SECTION 196 PERTAINING TO CHARGES FOR HOSPITALIZATION; SALARIES OF EMPLOYEES; RULES AND REGULATIONS GOVERNING CONDUCT OF PHYSICIANS, NURSES, EMPLOYEES; SECTION 197 PERTAINING TO FISCAL AFFAIRS OF THE HOSPITAL; SECTION 198 PERTAINING TO THE SUBMISSION OF SEMIANNUAL FINANCIAL REPORTS; SECTION 199 PERTAINING TO LIMITATION OF LIABILITY OF BOARD OF GOVERNORS AND OF CITY; SECTION 200 PERTAINING TO THE ACCEPTANCE OF GIFTS AND BEQUESTS BENEFITTING THE HOSPITAL; SECTION 201 PERTAINING TO THE REPEAL OF INCONSISTENT ACTS; SECTION 202 PERTAINING TO THE ABOLITION OF THE AFORESAID BOARD OF GOVERNORS UPON THE LEASING OF THE HOSPITAL; AND SECTION 203 PERTAINING TO THE LEASING OF THE HOSPITAL.”

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that sections 192-203, inclusive, of the Charter of the City of Cumberland (1991 Edition) be, and the same hereby are, repealed.

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2019, and the amendment of the Charter of the City of

Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2019, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2019, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2019, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, that as soon as the Charter Amendment shall become effective, either as herein provided or following a referendum, the Mayor shall send separately, by registered mail, to the Secretary of the State of Maryland, the Maryland State Department of Assessments and Taxation and the Department of Legislative Reference of Maryland, a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond F. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond F. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the \_\_\_\_ day of \_\_\_\_\_, 2019, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY, that the foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2019.

I FURTHER CERTIFY, that there was no petition for a referendum on the proposed amendment filed within the required time, and therefore, the same became effective on the \_\_\_\_ day of \_\_\_\_\_, 2019.

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



Regular Council Agenda  
March 5, 2019

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**Description**

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 5, 2019

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**Description**

Order accepting the bid of Burgmeier's Hauling, Inc. to provide twice a week, curbside garbage and recycling collection for three (3) years for an amount not to exceed \$1,247,131.08 yearly, and bulk item pick-up for three (3) years for a rate of \$115/hour; and accepting the bid of Mountainview Landfill to provide landfill services for accepting the City's solid waste for a cost of \$35.25/ton - year 1, \$36.31/ton- year 2, and \$37.40/ton- year three

**Approval, Acceptance / Recommendation**

The service was competitively bid with four bids received on January 23, 2019. Three companies submitted bids for waste/recycling hauling and two companies submitted a bid for landfill tipping fee. A spreadsheet showing the proposed costs for Municipal Solid Waste Hauling Services Option C is attached.

The Engineering Division recommends that the contract with Burgmeier's Hauling, Inc. be executed for Municipal Solid Waste Hauling Services to include: twice a week curbside garbage collection, curbside residential recycling collection and bulk item pick-up services.

The Engineering Division further recommends that the contract with Waste Management be executed for Landfill Services for Project No. 22-18-M.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

Hauling Services (Burgmeier's Hauling):

Year 1 - \$1,247,131.08

Year 2 - \$1,247,131.08

Year 3 - \$1,247,131.08

Bulk Pick-Up:  
\$115.00 Per Hour

Landfill Services (Waste Management):  
Year 1 - \$35.25 per ton (plus 3% per year increase years 2 & 3)  
Year 2 - \$36.31 per ton  
Year 3 - \$37.40 per ton

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: March 5, 2019

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

THAT the bid of **Burgmeier’s Hauling, Inc.**, 305 N. Lee Street, Cumberland, MD 21502, for the “Municipal Solid Waste Hauling Services (Curbside Garbage / Recycling Collection)” (Project No. 22-18-M) to provide twice a week, curbside garbage and recycling collection and bulk item pick-up services be and is hereby accepted based on the following amounts:

**I. Hauling to Mt. View Landfill / twice weekly curbside solid waste and recycling pickup:**

Year 1	An amount not to exceed \$ 1,247,131.08
Year 2	An amount not to exceed \$ 1,247,131.08
Year 3	An amount not to exceed \$ 1,248,131.08

**II. Bulk pickup:**

Year 1	\$115 / hour
Year 2	\$115 / hour
Year 2	\$115 / hour

**BE IT FURTHER ORDERED**, that the bid of **Mountainview Landfill, Inc.**, 13300 New Georges Creek Road, SW, Frostburg, MD 21532 to provide Landfill Services for accepting municipal solid waste from the City of Cumberland relative to Project 22-18-M be and is hereby accepted in the following amounts:

Year 1	\$ 35.25 / ton
Year 2	\$ 36.31 / ton
Year 3	\$ 37.40 / ton

**BE IT FURTHER ORDERED**, that these contracts shall be for a period of three (3) years, beginning July 1, 2019, and may be renewed for two (2) additional one (1) year periods if mutually agreed upon by the City and the Contractor(s); and

**BE IT FURTHER ORDERED**, that all other bids be and are hereby rejected.

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**Raymond M. Morriss, Mayor**

## City of Cumberland

Bid Opening: January 24, 2019, 2:00 p.m., City Hall Council Chambers

### Municipal Solid Waste Hauling Services (Curbside/Recycling) and Landfill Services (Tipping Fees)

City Project No. 22-18-M

Company	Company	Company	Company
Knobley Mountain Hauling, Inc.	Western MD Waste Systems	Burgmeier's Hauling, Inc.	Mountainview Landfill, Inc.
405 Plum Run Road	13810 Hazmat Drive	P.O. Box 929	13300 New Georges Creek Road, SW
Ridgeley, WV 26753	Cumberland, MD 21502	Altoona, PA 16603	Frostburg, MD 21532
<b>Affidavit</b>	Submitted	Submitted	Submitted
<b>Bid Bond</b>	Submitted	Submitted	Submitted
<b>Local Preference</b>	N/A	City	County
<b>RFI 1-4</b>	Submitted	Submitted	Submitted
<b>OPTION A- Twice (2) Per Week Solid Waste Pick-up</b>			
Mt. View Landfill year 1	\$ 884,992.00	\$ 1,442,307.00	\$ 1,082,103.12 No bid
Mt. View Landfill Year 2	\$ 904,996.00	\$ 1,487,379.00	\$ 1,082,103.12 No bid
Mt. View Landfill Year 3	\$ 924,976.00	\$ 1,533,860.00	\$ 1,082,103.12 No bid
Other Landfill Year 1	\$ 768,992.00	\$ 1,224,887.00	\$ 1,060,461.00 No bid
Other Landfill Year 2	\$ 784,996.00	\$ 1,263,165.00	\$ 1,060,461.00 No bid
Other Landfill Year 3	\$ 804,976.00	\$ 1,302,638.00	\$ 1,060,461.00 No bid
<b>OPTION B- Once (1) Per Week Solid Waste Pick-up</b>			
Mt. View Landfill year 1	No bid	\$ 1,056,237.00	\$ 1,328,669.04 No bid
Mt. View Landfill Year 2	No bid	\$ 1,089,244.00	\$ 1,328,669.04 No bid
Mt. View Landfill Year 3	No bid	\$ 1,123,283.00	\$ 1,328,669.04 No bid
Other Landfill Year 1	No bid	\$ 1,012,471.00	\$ 1,302,095.64 No bid
Other Landfill Year 2	No bid	\$ 1,044,110.00	\$ 1,302,095.64 No bid
Other Landfill Year 3	No bid	\$ 1,076,739.00	\$ 1,302,095.64 No bid
<b>OPTION C - Twice (2) Per Week Curbside Solid Waste &amp; Recycling Pick-Up</b>	<b>SINGLE STREAM</b>		
Mt. View Landfill year 1	\$ 1,040,672.00		
Mt. View Landfill Year 2	\$ 1,064,236.00		
Mt. View Landfill Year 3	\$ 1,088,156.00		
Other Landfill Year 1	\$ 924,672.00		
Other Landfill Year 2	\$ 944,236.00		
Other Landfill Year 3	\$ 968,156.00		
<b>OPTION C - Twice (2) Per Week Curbside Solid Waste &amp; Recycling Pick-Up</b>	<b>DUAL STREAM</b>		
Mt. View Landfill year 1	\$ 988,147.00	\$ 2,687,907.00	\$ 1,247,131.08 No bid
Mt. View Landfill Year 2	\$ 1,011,246.00	\$ 2,771,904.00	\$ 1,247,131.08 No bid
Mt. View Landfill Year 3	\$ 1,034,416.00	\$ 2,858,526.00	\$ 1,247,131.08 No bid
Other Landfill Year 1	\$ 872,147.00	\$ 2,470,487.00	\$ 1,225,488.96 No bid
Other Landfill Year 2	\$ 891,246.00	\$ 2,547,690.00	\$ 1,225,488.96 No bid
Other Landfill Year 3	\$ 914,416.00	\$ 2,627,305.00	\$ 1,225,488.96 No bid

<b>OPTION D- Once (1) Per Week Curbside Solid Waste &amp; Recycling Pick-Up</b>					
Mt. View Landfill year 1	No bid	\$ 1,817,037.00	\$ 1,493,697.00	No bid	
Mt. View Landfill Year 2	No bid	\$ 1,873,819.00	\$ 1,493,697.00	No bid	
Mt. View Landfill Year 3	No bid	\$ 1,932,376.00	\$ 1,493,697.00	No bid	
Other Landfill Year 1	No bid	\$ 1,773,271.00	\$ 1,467,123.60	No bid	
Other Landfill Year 2	No bid	\$ 1,828,686.00	\$ 1,467,123.60	No bid	
Other Landfill Year 3	No bid	\$ 1,885,832.00	\$ 1,467,123.60	No bid	
<b>Option E - Curbside Bulk Item Pick-Up</b>					
Cost per hour	\$ 110.00	\$ 186.00	\$ 115.00	No bid	
		plus 3.1% CPI			
<b>LANDFILL SERVICES Landfill Services</b>					
Rate per ton	No bid	\$ 65.00	No bid	\$ 35.25	
Fix rate?	No bid	Yes	No bid	No	
Includes landfill services fees?	No bid	Yes	No bid	Yes	

### Option C - Twice (2) Per Week Solid Waste & Recycling

Trash & Recycling	Knobley Mountain Hauling HAULING FEE	Burgmeier's Hauling HAULING FEE	Advanced Disposal HAULING FEE	<b>Mountainview Landfill (\$35.25 per ton 3% increase)</b>
<b>OPTION C</b>				<i>trash tipping fee (estimated for 8,500 tons)</i>
Mt. View Landfill year 1	\$ 988,147.00	\$ 1,247,131.08	\$ 2,687,907.00	\$299,625
Mt. View Landfill Year 2	\$ 1,011,246.00	\$ 1,247,131.08	\$ 2,771,904.00	\$308,614
Mt. View Landfill Year 3	\$ 1,034,416.00	\$ 1,247,131.08	\$ 2,858,526.00	\$317,872
<b>3 Yr Total</b>	<b>\$ 3,033,809.00</b>	<b>\$ 3,741,393.24</b>	<b>\$ 8,318,337.00</b>	
<b>Bulk Pick-Up (per hr)</b>	\$ 110.00	\$ 115.00	\$ 186.00	



Regular Council Agenda  
March 5, 2019

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**Description**

Order appointing Mayor and Council members and City staff as representatives and/or appointees to the City's boards and commissions

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: March 5, 2019

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

**THAT**, the following Council Members and staff be and are hereby appointed as designated City representatives and/or appointees to the following Boards and Commissions:

<b>BOARD / COMMISSION</b>	<b>APPOINTEE</b>	<b>STATUS</b>
Allegany County Museum	Raymond Morriss	Council Representative
Allegany County Solid Waste Committee	Raquel Ketterman, Environmental Technician	Staff Representative
Blighted Property Committee	Raymond Morriss	Council Representative
Canal Place Preservation & Development Authority	Raymond Morriss	Council Representative
Cumberland/Allegany County Industrial Foundation (CACIF)	Raymond Morriss	Council Representative
Downtown Development Commission (DDC)	Laurie Marchini	Council Representative – Non-voting member
Evitts Creek Steering Committee	Raymond Morriss Robert Smith Alternate	Council Representatives – Voting members
Historic Preservation Commission	Laurie Marchini	M&CC ex officio - Voting member
Human Relations Commission	Eugene Frazier	Council Representative – Non-voting member
Human Resources Development Commission	Eugene Frazier	Council Representative
Let's Beautify Cumberland! Committee	Richard Cioni	Council Representative
Neighborhood Advisory Commission	Seth Bernard Richard Cioni	Both voting members
Parks & Recreation Board	Seth Bernard Richard Cioni	Council Representatives – Non-voting
Planning & Zoning Commission	Seth Bernard	M&CC ex officio - Voting member only in case of tie
Tri-County Council of Western MD	Eugene Frazier	Staff Representative
Western Maryland Scenic Railroad	Eugene Frazier	Council Representative

\_\_\_\_\_  
**Raymond M. Morriss, Mayor**



Regular Council Agenda  
March 5, 2019

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**Description**

Order appointing members and alternates to the Evitts Creek Steering Committee

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: March 05, 2019

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

THAT, the following be and are hereby appointed to the Evitts Creek Steering Committee:

<b>Member</b>	<b>Alternate</b>
Mayor – Raymond M. Morriss	Zach Sloane (WFP Superintendent)
Council Member – Seth Bernard	Robert Smith (City Engineer)
City Appointee I – Paul Eriksson, Natural Resource Technician	Vacant
City Appointee II – Steve Resh (Allegany College / retired)	Marie Perrin-Miller (Allegany College)
Allegany County Soil Cons. Dist. – Adam Heavner	Vacant
Allegany County Sportsman Club - Guy Winterberg	Harold Hipsley

\_\_\_\_\_  
**Raymond M. Morriss, Mayor**



Regular Council Agenda  
March 5, 2019

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**Description**

Order adopting a revised Sick and Safe Leave Policy for City employees to modify language pertaining to requirements for verification of sick leave for non-union employees

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

ORDER NO. \_\_\_\_\_

DATE: March 05, 2019

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

THAT, Order 26,410, passed February 19, 2019, to adopt a Sick and Safe Leave Policy  
be and is hereby rescinded; and

**BE IT FURTHER ORDERED,** that the attached and revised Sick and Safe Leave  
Policy be and is hereby adopted.

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**Raymond M. Morriss, Mayor**



# CITY OF CUMBERLAND

## SICK AND SAFE LEAVE POLICY

*Adopted: February 19, 2019*

### PURPOSE & APPLICABILITY OF POLICY

This Sick and Safe Leave Policy (“Policy”) was adopted for the purpose of effecting compliance with the Healthy Working Families Act (Md. Labor & Employment Code Ann. §§ 3-1301, *et seq.*). Except as otherwise provided herein, **the terms of this Policy apply to all employees of the City of Cumberland.** Notwithstanding the foregoing, to the extent collective bargaining agreements and employment contracts provide greater benefits and protections for employees covered by their terms, the benefits and protections provided under those documents shall control and shall be interpreted as being applicable to Sick and Safe Leave (as defined hereinafter) rather than just Sick Leave.

The benefits provided under this Policy do not apply to employees who were younger than (18) years of age at the start of the fiscal year, except that, as to seasonal employees, the benefits provided under this Policy do not apply to such individuals who were younger than (18) years of age at the start of the calendar year.

### WHAT IS SICK & SAFE LEAVE; WHEN MAY IT BE USED?

Sick and Safe Leave is more expansive than Sick Leave. An employee may use it for the following purposes:

1. To care for or treat the employee’s mental or physical illness, injury or condition;
2. To obtain preventative medical care for the employee or the employee’s family member;
3. To care for a family member with a mental or physical illness, injury or condition;
4. For maternity or paternity leave; or
5. The absence from work is necessary due to domestic violence, sexual assault or stalking committed against the employee or the employee’s family member and the leave is being used: (i) to obtain medical or mental health attention; (ii) to obtain services from a victim services organization; (iii) for legal services or proceedings; or (iv) because the employee has temporarily relocated as a result of the domestic violence, sexual assault or stalking.

A “family member” includes:

1. a biological child, an adopted child, a foster child, or a stepchild of the employee;
2. a child for whom the employee has legal or physical custody or guardianship;
3. a child for whom the employee stands in loco parentis, regardless of the child's age;
4. a biological parent, an adoptive parent, a foster parent, or a stepparent of the employee or of the employee's spouse;

5. the legal guardian of the employee;
6. an individual who acted as a parent or stood in loco parentis to the employee or the employee's spouse when the employee or the employee's spouse was a minor;
7. the spouse of the employee;
8. a biological grandparent, an adopted grandparent, a foster grandparent, or a stepgrandparent of the employee;
9. a biological grandchild, an adopted grandchild, a foster grandchild, or a stepgrandchild of the employee; or
10. a biological sibling, an adopted sibling, a foster sibling, or a stepsibling of the employee.

### **HOW IS SICK AND SAFE LEAVE ALLOCATED AND APPLIED?**

Forty (40) hours of paid Sick and Safe Leave will be allocated to full-time employees at the beginning of each fiscal year. Sick and Safe Leave for full-time employees hired after the start of the fiscal year shall be prorated based upon their date of hire.

No more than forty (40) hours of paid Sick and Safe Leave will be allocated to temporary and part-time employees at the beginning of each fiscal year or upon the commencement of their employment if it commences after the beginning of the fiscal year. The allocation will be predicated upon the number of hours such employees are scheduled to work in that fiscal year. They will be granted one (1) hour of leave for every thirty (30) hours they are scheduled to work.

No more than forty (40) hours of paid Sick and Safe Leave will be allocated to seasonal employees at the beginning of each calendar year or upon the commencement of their employment if it commences after the beginning of the calendar year. The allocation will be predicated upon the number of hours such employees are scheduled to work in that calendar year. They will be granted one (1) hour of leave for every thirty (30) hours they are scheduled to work. Seasonal employees may not utilize Sick and Safe Leave for the first 106 calendar days of seasonal employment.

No advances of Sick and Safe Leave other than those described in the preceding two (2) paragraphs shall be permitted. Sick and Safe Leave may not be carried over from year-to-year under any circumstance.

All Sick and Safe Leave used will be applied to and shall reduce the amount of an employee's Sick Leave balance. Sick and Safe Leave must be exhausted before employees will be permitted to utilize Sick Leave.

Employees will not be paid for any unused Sick and Safe Leave upon the termination of employment and such leave shall not be credited to their length of service under the Maryland State Retirement and Pension Systems. The preceding sentence shall not be interpreted to affect such rights to payment for earned but unused Sick Leave employees may have under the terms of collective bargaining agreements, employment contracts or the City's Handbook for Full-Time Non-Union Employees.

If an employee is rehired within thirty-seven (37) weeks after leaving employment and is rehired in the same fiscal year the prior employment ended, any balance of unused earned Sick and Safe Leave for that fiscal year shall be reinstated.

Sick and Safe Leave shall not run concurrently with leave made necessary by personal injury received as a result of an accident while in the employment of the City.

## **WHAT NOTICE/VERIFICATION IS REQUIRED IN ORDER TO USE OF SICK AND SAFE LEAVE?**

### **REQUIREMENTS APPLICABLE TO ALL EMPLOYEES**

Employees must provide verification that Sick and Safe Leave use was appropriate if it was used for more than two (2) consecutive days (shifts). For non-union employees, such verification shall be provided by means of a doctor's certificate stating the date the condition began, the date it ended or is expected to end and the extent to which the employee is unable to perform the employee's job (noting the particular job functions the employee cannot perform due to the condition) and it must actually be signed by the employer's actual health care provider. Signature stamps and signatures of others on behalf of the health care provider will not be acceptable. For union employees, the verification shall be the same as is required for Sick Leave in their collective bargaining agreements. No other verifications may be required.

Misuse of Sick and Safe Leave shall constitute grounds for discipline up to and including dismissal.

### **REQUIREMENTS APPLICABLE TO NON-UNION EMPLOYEES**

If the need to use Sick and Safe Leave is foreseeable (for example a scheduled doctor's appointment), the employee must provide notice seven (7) days prior to leave use. Notice must be set forth in writing and hand-delivered to the employee's department head or designated person-in-charge.

If the need to use Sick and Safe Leave is not foreseeable, the employee must provide oral or written notice to said person within fifteen (15) minutes after the time set for the commencement of their work duties or as soon as practicable thereafter if complying with this requirement interferes with the employee's ability to use such leave.

Use of Sick and Safe Leave may be denied if an employee fails to provide the required notice **and** the employee's absence will cause disruption to the City.