



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: February 19, 2019

I. Closed Session

1. 5:00 p.m. - Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305(b) (1), (7) and (14) of the General Provisions Article of the Annotated Code of Maryland to discuss board and commission appointments and matters related to the City Solicitor's contract, to consult with counsel to obtain legal advice, and to discuss matters related to the bids for trash hauling and recycling
2. Executive Session

II. Open Session

1. 6:15 p.m. - Reconvene into Open Session

III. Pledge of Allegiance

IV. Roll Call

V. Statement of Closed Meeting

1. Summary Statement of Closed Meeting

VI. Director's Reports

(A) Public Works

1. Maintenance Division monthly report for January, 2019
2. Utilities Division-Treatment Plants monthly report for January, 2019
3. Utilities Division -Flood/Water/Sewer monthly report for January, 2019

(B) Fire

1. Fire Department monthly report for January, 2019

(C) Police

1. Police Department monthly report for January, 2019

VII. Approval of Minutes

1. Approval of the Regular Session Minutes of December 4 and 18, 2018

VIII. Approval of Minutes

1. Approval of the Closed Session Minutes of September 4, November 8, and November 20, 2018

IX. New Business

(A) Charter Amendment Resolutions

1. Charter Amendment Resolution (*1st reading*) - to repeal Charter Section 75 pertaining to carrying concealed weapons as prohibitions against carrying concealed weapons are set forth Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland
2. Charter Amendment Resolution (*1st reading*) - 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 (*1st reading*) - to repeal Charter Sections 192 - 203 pertaining to the City's governance of the former Memorial Hospital

(B) Orders (Consent Agenda)

1. Order accepting the report from the City Administrator advising that with regard to the public right of way closure for a portion of Second Street, approved by Ordinance No. 3846 and initiated by the Housing Authority for the City of Cumberland, there were no damages caused to the adjacent property owner, that being the Housing Authority, and that any apparent added benefit would be determined by the MD Dept. of Assessment and Taxation
2. Order authorizing the execution of a Donation Agreement with Friends Aware, Inc. to transfer to the City property known as 424 Goethe Street (Allegany Co. Land Records Book 2280, page 489) for the amount of \$1.00 and authoring execution of documentation necessary for the transfer
3. Order authorizing program amendments to the Community Development Block Grant Program effective retroactive to February 6, 2019
4. Order lifting Code Section 11-113 to allow open containers of alcohol for the 2019 Hooley Pub Crawl beginning 12:00 p.m. on March 16th and ending 2:00 a.m. on March 17th within certain areas of the downtown; notwithstanding that open glass containers shall not be permitted
5. Order adopting a Sick and Safe Leave Policy for employees of the City
6. Order appointing individuals to the Downtown Development Commission, Historic Preservation Commission, Human Relations Commission and the Parks and Recreation Board
7. Order authorizing the Chief of Police to accept funds from the Allegany County Board of Education received through the FY19 Safe Schools Fund grant in the amount of \$23,080 to provide school safety education advertisements and officer overtime, and to perform ALICE training and school safety patrols; and authorizing an appropriation to the FY19 General Fund Public Safety Budget in the amount of \$23,080 bringing the revised FY19 GF Public Safety Budget to \$10,957,479
8. Order declaring certain furniture in the Engineering Department as surplus.
9. Order authorizing execution of a MOU with the Western MD Health System Corp. pertaining to the staffing of on-duty law enforcement personnel at the hospital on a non-mandatory overtime basis, with the WMHS paying 175% of the base hourly rate for each officer
10. Order authorizing execution of a contract with the Allegany Museum pertaining to the Museum's receipt of \$50,000 in Community Legacy Funding for the Allegany Museum Interior Restoration Work Project (SRP-CL-2019-Cumberland-00129)

X. Public Comments

All public comments are limited to 5 minutes per person

XI. Adjournment



Regular Council Agenda
February 19, 2019

Description

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Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
February 19, 2019

Description

Executive Session

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
February 19, 2019

Description

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Regular Council Agenda
February 19, 2019

Description

Summary Statement of Closed Meeting

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

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Regular Council Agenda
February 19, 2019

Description

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
February 19, 2019

Description

Maintenance Division 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)

MAINTENANCE DIVISION REPORT
January 2019

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
JANUARY 2019**

- POTHOLES AND COMPLAINTS
 - Potholed 28 Streets and 3 Alleys using 14 tons of cold patch

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
 - Installed/Repaired 2 Traffic Control Signs
 - Painted 3 curbs

- STREET SWEEPING
 - Swept 303 curb miles (approx. 88 cubic yards of debris)
 - Hauled 1 ton of sweeper dumps to landfill

- MISCELLANEOUS
 - Completed 34 Work Orders
 - Cleaned Underpass, McMullen Bridge, and Welch Ave. drainage ditch 7 times. We have now Included the 3 rail road bridges weekly
 - Picked up 4 dead animals
 - Completed tree and brush work in 1 area
 - Filled salt barrels city wide 4 times
 - Salted icy spots 11 separate days
 - Plowed snow during 3 separate snow events
 - Shoveled sidewalks after 3 separate snow events
 - Received & pushed salt loads into storage dome multiple days
 - Picked up trash/discarded furniture on 4 different occasions

STREET MAINTENANCE - JANUARY 2019		1/1-1/4	1/7-1/11	1/14-1/18	1/21-1/25	1/28-1/31	TOTAL
SERVICE REQUEST COMPLETED		7	21	0	1	5	34
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER						0
	SEWER						0
	CY						0
	TONS						0
POTHoles FILLED	STREETS	3	20		1	4	28
	ALLEYS	2	1				3
	DAYS						0
	Cold Mix	5	21		1	4	31
	TONS						0
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED				2			2
STREET NAME SIGNS REPAIRED/INSTALLED							0
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED							0
							0
							0
PAINTING PERFORMED	BLUE			1			1
	YELLOW						0
	RED			2			2
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	8	13	1			22
	Miles	104	179	20			303
SWEEPER DUMPS HAULED TO LANDFILL	TONS		1.0				1
SALT BARRELLS - PICK UP, FILL	DAYS		1		2	1	4
CLEANED BALTIMORE ST. UNDERPASS		2	1	2	1	1	7
CLEAN SNOW EQUIPMENT	Days		1	2		1	4
BRUSH REMOVAL/TREE WORK	Areas		1				1
Check Drains/Clean Debris	DAYS			1	1		2
LEAF PICK UP	Loads						0
Salted icy spots on 11 separate days							
Plowed snow during 3 snow events							
Shoveled sidewalks after 3 snow storms							
Picked up 4 dead animals							
Picked up trash/discarded furniture on 4 different occasions							
Received & pushed salt loads into storage dome multiple times							

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
JANUARY 2019**

- Constitution Park and Area Parklets
 - Cleaned up garbage 1 time a week
 - Removed several fallen trees in the Park

- Ball Fields
 - No fields were cut or lined during this month

- Miscellaneous Work
 - Repaired Christmas lights on Virginia Ave
 - Raised and lowered flags @ all parks
 - Assisted in snow removal on several occasions
 - Shoveled & salted sidewalks after 3 snow events
 - Performed basic housekeeping @ Municipal Building
 - Cleaned the Craft House & Activities Building
 - Prepared Activities Building for rentals
 - Took inventory of field lining products
 - Performed preventative maintenance on trimmers & blowers
 - Prepared feed & bedding for ducks & geese @ the Duck Pond

**Fleet Maintenance
January 2019**

Total Fleet Maintenance Projects	174
Central Services	2
Code Enforcement	0
DDC	0
Engineering	3
Fire	17
Flood	0
Municipal Parking	0
P & R Maintenance	5
Police	42
Public Works	0
Sewer	9
Snow Removal	18
Street Maintenance	39
Vehicle Maintenance	3
Water Distribution	14
Water Filtration	2
WWTP	2
Scheduled Preventive Maintenance	16
Field Service Calls	2
Total Work Orders Submitted	38
Risk Management Claims	0
Fork Lift Inspections	0



Regular Council Agenda
February 19, 2019

Description

Utilities Division-Treatment Plants 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)

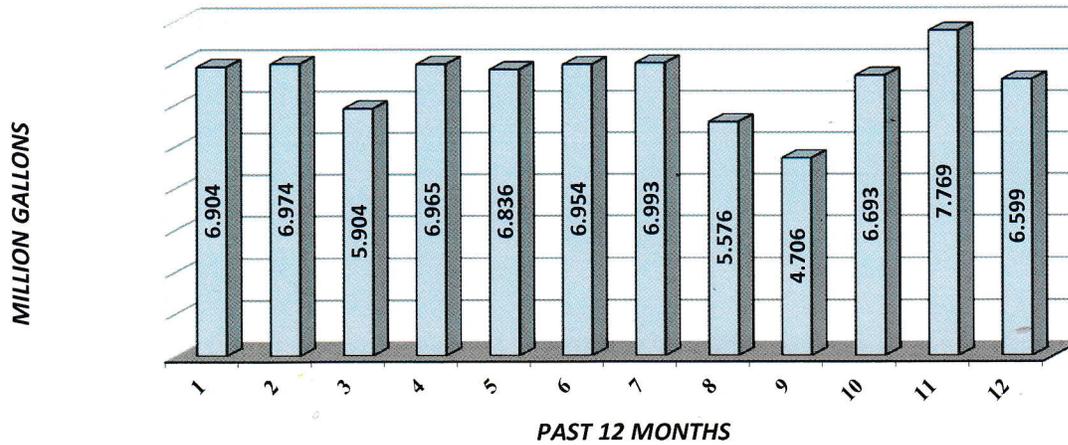
CITY OF CUMBERLAND
UTILITY MONTHLY
REPORTS - JANUARY 2019
Water Filtration Plant &
John J. Difonzo
Water Reclamation Facility

CITY OF CUMBERLAND'S WATER TREATMENT PLANT

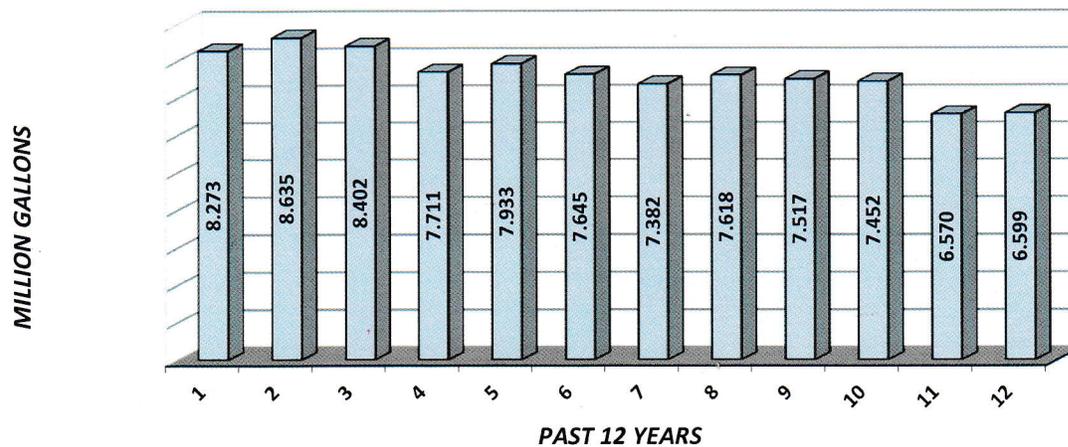
MONTHLY UTILITY REPORT

JANUARY 2019

AVERAGE DAILY PRODUCTION



AVERAGE DAILY PRODUCTION



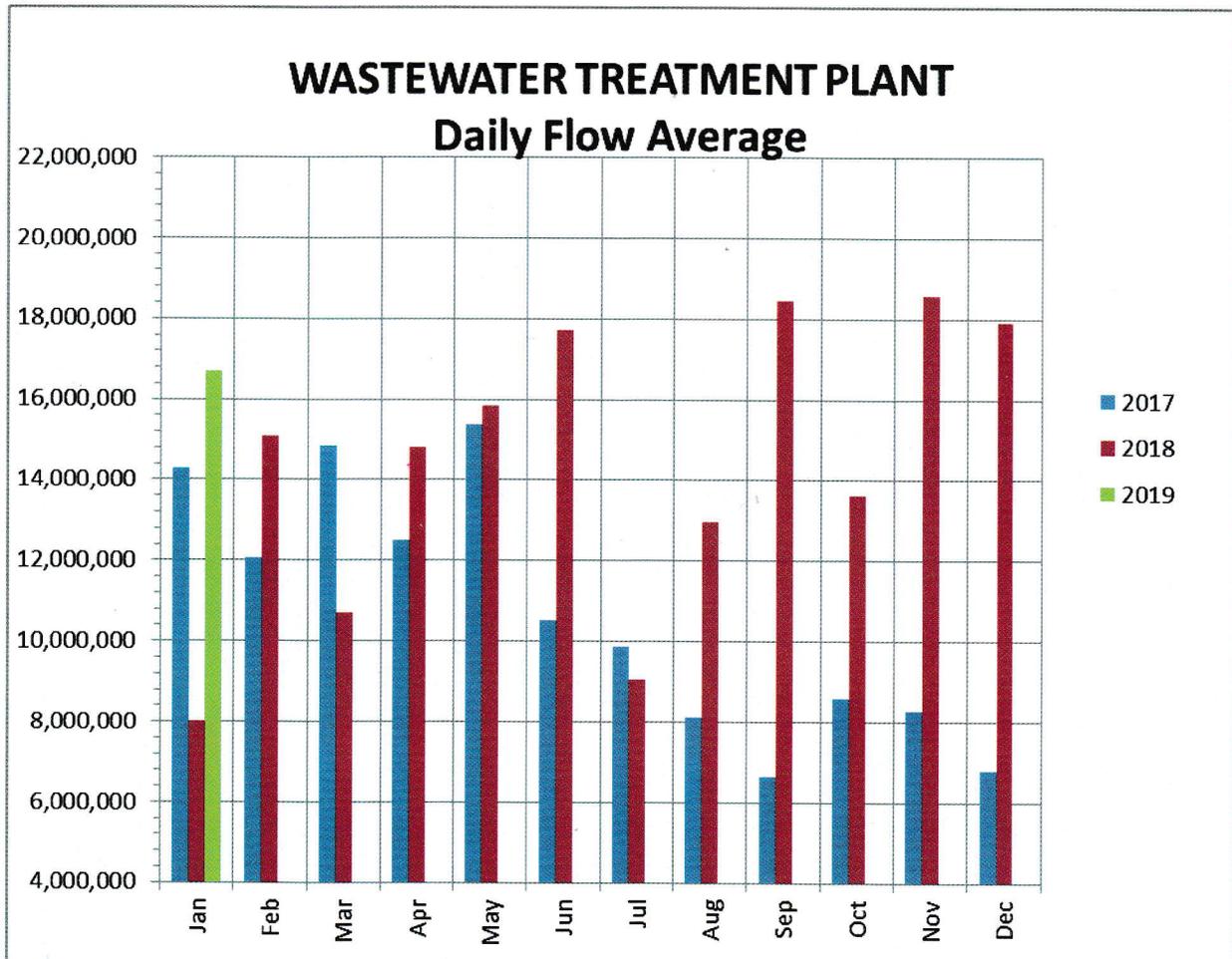
BRIEF LISTING of EVENTS

- > 100% COMPLIANCE WITH ALL FEDERAL & STATE DRINKING WATER REGULATIONS
- > OVER 100 PREVENTIVE MAINTENANCE TASKS COMPLETED/1,300 WATER ANALYSIS PERFORMED
- > TREATMENT PLANT, PUMPING STATIONS, TANKS AND RESERVOIRS OPERATED/MAINTAINED CONTINUOUSLY 365/24/7
- > CONTINUED UNREGULATED CONTAMINATE MONITORING ROUND 4
- > BEGAN DECOMMISSIONING OF GASEOUS CHLORINATION SYSTEM/ PERMANENT TRANSITION TO SODIUM HYPOCHLORITE
- > BOTH LAKE GORDON AND LAKE KOON AT 100% CAPACITY
- > PLANNING FUTURE IMPROVEMENTS/UPGRADES BASED ON DETAILED PLANT EVALUATIONS BY GD&F

Wastewater Treatment Plant – January 2019

OPERATIONS:

Treated 517,291,000 gallons @ an average of 16.687 million gallons per day. Removed 165,276 pounds of total suspended solids, 133,744 pounds of BOD, 29,336 pounds of total nitrogen, and 5,609 pounds of total phosphorous. Processed 779,1000 gallons of sludge producing 76.94 Dry tons of Class "A" bio-solids. All Federal and State reporting requirements were in compliance. Monthly Flow Comparison Chart is attached.





Regular Council Agenda
February 19, 2019

Description

Utilities Division -Flood/Water/Sewer 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)

Utilities Division Activity Report for Jan 19

REQUEST	W/E 1/11/19	W/E 1/18/19	W/E 1/25/19	W/E 1/31/19	MONTHLY TOTALS
Service Technicians					
NON READS/MDM go backs	123	127		55	305
VACANT Accounts report					0
FINAL READS/TURN ONS/SHUT OFFS	7	3	3	6	19
CURB/METER BOX MAINTENANCE					0
LEAK INVESTIGATIONS/turn off-on	5	3	8	10	26
STOP LOCATES/MAINTENANCE					0
METER/STOP INVESTIGATIONS	14	10	12	8	44
REPAIR WIRING/GET READING				1	1
ORANGE TAG FOR REPAIRS	18	19		6	43
YELLOW TAG FOR H/L USAGE/APPT					0
RED/PINK TAG FOR SHUT OFF					0
TURN WATER ON	37	34	10	1	82
TURN WATER OFF	1			1	2
NONPMT/BAD CK/AGREE SHUT OFFS	37	44			81
SHUT OFF RECHECKS	65	76			141
PULL METERS - READS/SPAC/WR OFF			2	2	4
PUT METERS BACK ON LINE/READS					0
REPLACE/REPAIR METER/LID/VALVE					0
DIRTY WATER/ODOR					0
SVC SEPARATIONS/INVESTIGATIONS					0
INSTALL COUPLERS/PLUGS/LOCK		4			4
NEW METER/DIAL	12	17	3	4	36
METER TESTS-Residential	6	4	1		11
METER TESTS - Industrial					0
Ind - Register/Chamber Chg Out					0
Industrial - Chamber Cleaning					0
Industrial - Strainer Cleaning					0
HYDRANTS FLUSHED					0
PRESSURE CHECK/NO WATER				1	1
MOVE METERS OUTSIDE/READINGS	8	1			9
SP Change Outs/Repairs/Reactivates/Move	45	79	3	2	129
Replace smartpoint antenna				1	1
INSULATE METER BOXES					0
FREEZE UPS/METERS & LINES			3	6	9
CCP - BACKFLOW/RETRO	8	4			12
HYDRANT/IRRIGATION METER					0
Total					960

Pipe Technicians					
LINE LOCATOR	76	39	36	47	198
TAPS SERVICED	8	2	1		11
LEAKS REPAIRED	1	1		1	3
GOT WATER SAMPLE AT PLYMOUTH DR	4				4
ASSIST 311 WITH METER PIT @ BIEDERLACK	4				4
CHECK FOR LEAK CTR ST @ SMITH ST	4				4
RAISED 2 VALVE BXS 404/426 N CENTRE	4				4
FLUSHED HYD AROUND 815 ROSE AVE/AIR	4				4
COLD MIX N MECHANIC @ KNIPPENBURG	4				4
TURNED OFF WATER @ 408 N CENTRE ST	5				5
CHECKED ZONE VALVES ON BROWN TANK	5				5
GREASED HYD #496	5				5
ASSISTED 379 W/ TAPPING BAND ON 36"	4				4
129 BALTIMORE ST - CUT OFF OLD SERVICE	5				5
TURNED OFF WATER @ 117 MARY (LEAK)		4			4
FLUSHED HYD #238		2			2
HOLLAND ST - CLEANED OUT VALVE BOX		2			2
STOP INVESTIGATION 106/108 W SECOND		2			2
REPAIRED HYD #79		2			2
REPAIRED HYD 85		2			2
REPAIRED HYD #146		2			2

January 2019 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates

Check sewage regulators

Run gate operators

Plow snow for street dept.

Fix CSO bar screen at Mill Race

Safety meeting

SEWER BRANCH

Calls answered	12
Service lines opened	3
Owner's trouble	11
Traced lines/main	198
Mains Repairs/ Replace	1
Sewer taps installed/replaced	1
Cleaned catch basins	0
Cleanouts installed	0
Televised sewer mains	823 FEET
Televised sewer lines	0
Call outs/ overtime	15 callouts/ 82 hours overtime
Weekly check of overflows, pits	5
Catch basin repair/rebuild	1
Williams St., storm drain and brick conduit Repair.	
N. Centre St., repair sewer main	

626 Elwood St., repair sewer tap

Hydro 5 sites for water

Hydro 3 sites for sewer

Clean and flush drains for service center

Plow snow for street dept.

Safety meeting

Gallons of water used

608, 605 (7,000 gals.)

Flushed mains 1,283 feet



Regular Council Agenda
February 19, 2019

Description

Fire Department monthly report for January, 2019

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

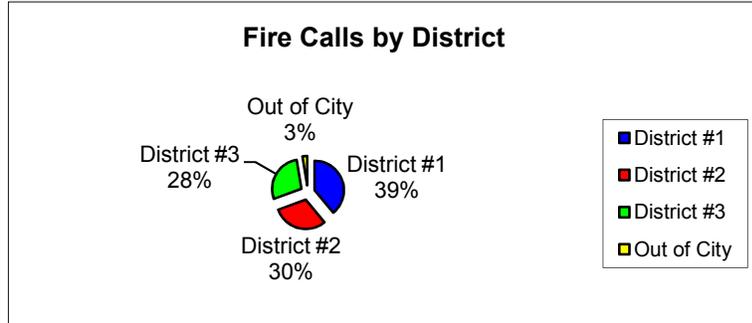
Value of Award (if applicable)

Source of Funding (if applicable)

REPORT OF THE FIRE CHIEF FOR THE MONTH OF JANUARY 2019
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 118 Fire Alarms:

Responses by District:	
District #1	46
District #2	36
District #3	33
Out of City	<u>3</u>
	118



Number of Alarms:	
Regular Alarms Answered	118

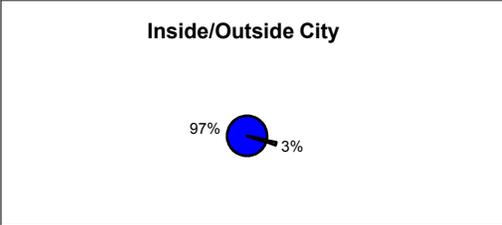
Calls Listed Below:	
Property Use:	
Public Assembly	3
Institutional	7
Residential	58
Stores and Offices	6
Industrial	1
Manufacturing	1
Special Properties	41
Undetermined	<u>1</u>
	118

Type of Situation:	
Fire or Explosion	6
Overpressure	2
Rescue Calls	50
Hazardous Conditions	18
Service Calls	14
Good Intent Calls	14
False Calls	<u>14</u>
	118

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in January:	\$1,970.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$15,610.00
Fire Service Fees for Fire Calls Paid in January:	\$1,130.00
FY2019 Fire Service Fees Paid in FY2019:	\$4,180.00
Total Fire Service Fees Paid in FY2019:	\$14,200.00
Fire Service Fees for Inspections and Permits Billed in January:	\$1,000.00
Fire Service Fees for Inspections and Permits Paid in January:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$550.00

Cumberland Fire Department Responded to 428 Emergency Medical Calls:

In City Calls	417
Out of City Calls	<u>11</u>
Total	428



Cumberland Fire Department Provided 5 Mutual Aid Calls:

4 Mutual Aid calls within Allegany County	
1 Mutual Aid calls outside of Allegany County	
<u>5</u>	
Bowman's Addition VFD	1
Cresaptown VFD	2
District #16 VFD	<u>1</u>
	4
Wiley Ford, WV VFD	<u>1</u>
	5

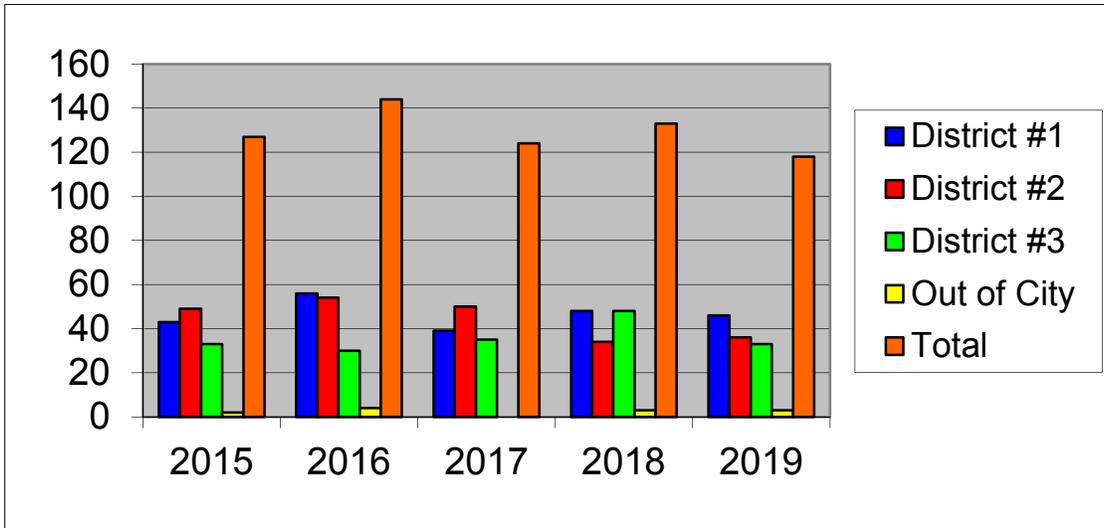
Cumberland Fire Department Provided 6 Paramedic Assist Calls:

0 Paramedic Assist calls within Allegany County	
6 Paramedic Assist calls outside of Allegany County	
<u>6</u>	
Fort Ashby, WV VFD	2
Ridgeley, WV VFD	2
Short Gap, WV VFD	<u>2</u>
	6

Total Ambulance Fees Billed by Medical Claim-Aid in January:	\$115,013.50
Ambulance Fees Billed Fiscal Year to Date:	\$795,194.77
Ambulance Fees Paid:	
Revenue received in January:	\$73,956.99
FY2019 Ambulance Fees Paid in FY2019:	\$434,085.14
Total Ambulance Fees Paid in FY2019:	\$589,281.50
(All ambulance fees, current and previous fiscal years, paid in FY2019.)	

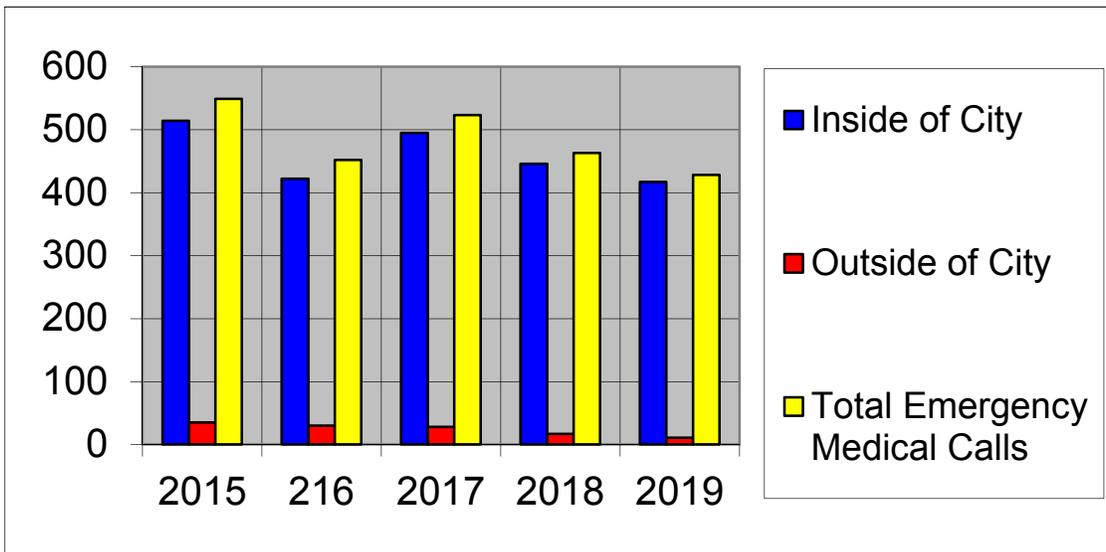
Fire Calls In the Month of January For Five-Year Period

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
District #1	43	56	39	48	46
District #2	49	54	50	34	36
District #3	33	30	35	48	33
Out of City	<u>2</u>	<u>4</u>	<u>0</u>	<u>3</u>	<u>3</u>
Total	127	144	124	133	118



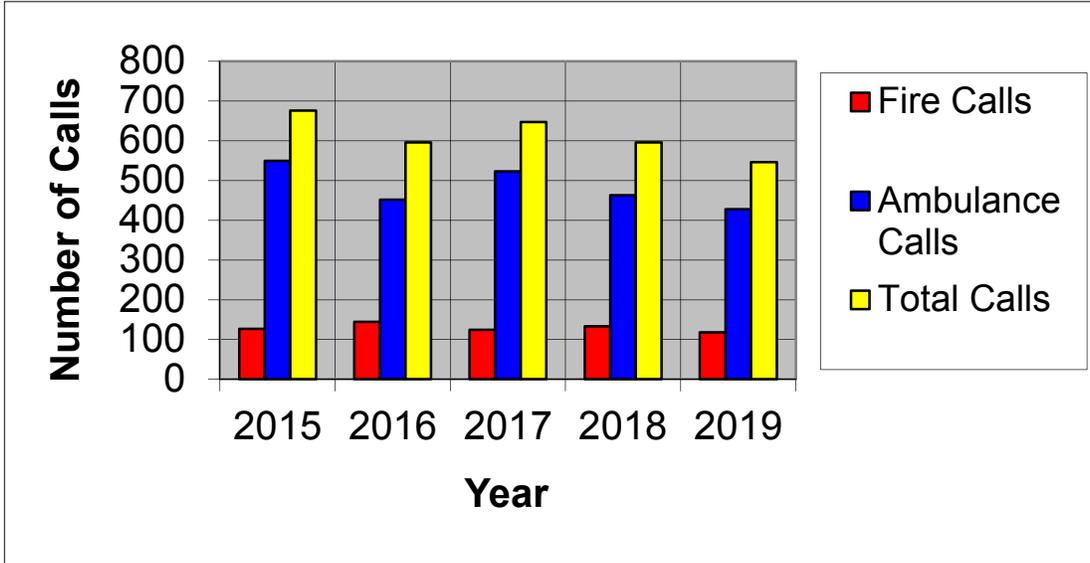
Ambulance Calls in the Month of January for Five-Year Period

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Inside of City	514	422	495	446	417
Outside of City	<u>35</u>	<u>30</u>	<u>28</u>	<u>17</u>	<u>11</u>
Total Emergency Medical Calls	549	452	523	463	428



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

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Fire Calls	127	144	124	133	118
Ambulance Calls	549	452	523	463	428
<u>Total Calls</u>	676	596	647	596	546



Training

Training Man Hours:	249.50	
Crew Meeting		32.00
Pump Operations		10.00
Apparatus Check Procedures		66.00
Annual SCBA Refresher		50.25
SCBA Testing		0.50
Fit Testing		3.75
Cold Weather Operations		5.00
General Driver Training		4.50
Bloodborne Pathogens		46.00
CPR/AED Recertification		24.50
Physical Fitness		7.00
		<u>249.50</u>

Fire Prevention Bureau

Complaints Received	0
Conferences Held	98
Correspondence	9
Inspections Performed	19
Investigations Conducted	3
Plan Reviews	2



Regular Council Agenda
February 19, 2019

Description

Police Department 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)



City of Cumberland Department of Police

Monthly Report

January 2019

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

JANUARY 2019

SWORN PERSONNEL: 49 SWORN OFFICERS

Administration	5 officers
Squad D1	8 officers
Squad N1	9 officers
Squad D2	8 officers
Squad N2	9 officers
C3I/C3IN	5 officers
School Resource	2 officers
Academy	3 officers

2 above on long-term military deployment / 2 of the above on medical leave

CIVILIAN EMPLOYEES: 7 full time, 11 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
Safe Streets Coordinator	1 full time*
CPD Patrol Assistant	1 full time
CPD Crime Analyst	1 full time*
CPD Drug Coordinator	1 full time*
CPD Maintenance	1 part time
C3I Office Associate	vacant
C3IN Office Associate	1 part time**
C3I Office Associate	1 part time **
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
MPA Garage Attendants	2 part time
Code Enforcement	3 part time

* = Grant funded

** = Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 481 HOURS
COMP TIME USED: 248 HOURS
SICK TIME USED: 93 HOURS

YEAR TO DATE (beginning 7/1/18): 6340 HOURS
YEAR TO DATE (beginning 7/1/18): 1749 HOURS
YEAR TO DATE (beginning 7/1/18): 1085 HOURS

OVERTIME REPORT

OVERTIME WORKED: 212 HOURS
HOSPITAL SECURITY: 214 HOURS
COURT TIME WORKED: 252 HOURS

YEAR TO DATE (beginning 7/1/18): 2693 HOURS
YEAR TO DATE (beginning 7/1/18): 945 HOURS
YEAR TO DATE (beginning 7/1/18): 1542 HOURS



Regular Council Agenda
February 19, 2019

Description

Approval of the Regular Session Minutes of December 4 and 18, 2018

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
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Richard J. Rock" Cioni
Eugene T. Frazier

CITY CLERK
Marjorie A. Woodring

MINUTES

DATE: December 4, 2018

I. Closed Session

1. 5:30 p.m. - Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305(b)(7) of the General Provisions Article of the Annotated Code of Maryland to consult with counsel to obtain advice regarding the applicability of certain laws

Mayor Grim convened the meeting in open session. Motion to move into closed session was made by Frazier, seconded by Bernard, and was passed on a vote of 4-0.

2. Executive Session

II. Open Session

1. 6:15 p.m. - Reconvene into Open Session

The meeting reconvened in open session at 6:25 p.m.

III. Pledge of Allegiance

IV. Roll Call

PRESENT: Mayor Brian K. Grim; Councilmen Seth Bernard, Richard Cioni, and Eugene Frazier

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

V. Statement of Closed Meeting

1. **Summary Statement of Closed Meeting(s)**

Mayor Grim announced that a Closed Session had been held Tuesday, December 4, 2018 at 5:30 p.m. and read into the record a summary of that session, which is 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

VI. Director's Reports

(A) Public Works

1. Utilities Division / Wastewater and Water Filtration monthly report for October, 2018

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

(B) Fire

1. Fire Department monthly report for October, 2018

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

VII. Approval of Minutes

1. Approval of the Regular Session Minutes of August 21 and September 4, 2018

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

VIII. Unfinished Business

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - providing for the closure of a portion of Pear Street running from the south side of Henderson Avenue South for a length of 125 feet in the direction of N. Centre Street, as requested by CSX Transportation, Inc.

Mr. Rhodes reviewed the proposed Ordinance that would provide for the closure of a portion of Pear Street, as requested by CSX Transportation, Inc. He added that this was basically a formality, as this property was physically closed 2 years ago.

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 Bernard, seconded by Frazier, and was passed on a vote of 4-0.

Mayor Grim opened the floor for comments or questions. 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 4-0.

ORDINANCE NO. 3844

2. Ordinance (*1st reading - tabled at last meeting*) - providing for the closure of a portion of Second Street, running from the western right of way line of Somerville Avenue West to the eastern right of way line of Memorial Avenue, as requested by the Housing Authority for the City of Cumberland

Mr. Rhodes reviewed the proposed Ordinance that would provide for the closure of a portion of Second Street in the middle of Jane Frazier village, as requested by the Housing Authority for the City of Cumberland. He added that this would give the Housing Authority more control over parking and maintenance of the area.

FIRST READING: The Ordinance was presented in title only for its first reading. Motion to approve the first reading and table until next meeting was made by Bernard, seconded by Cioni, and was passed on a vote of 4-0.

IX. New Business

(A) Ordinances

1. Ordinance (*1st reading*) - authorizing execution of a contract of sale and deed for the purpose of conveying certain surplus property located at 547 Eastern Avenue to John H. Wofe, Sr. for the sum of \$3,600

Mr. Rhodes reviewed the proposed Ordinance that would authorize execution of a contract of sale and deed for conveying surplus property at 547 Eastern Avenue to John H. Wofe, Sr.

FIRST READING: The Ordinance was presented in title only for its first reading. Motion to approve the reading and table until next meeting was made by Bernard, seconded by Cioni, and was passed on a vote of 4-0.

(B) Resolutions

1. Resolution (*1 reading only*) - authorizing 2019-2020 tax credits for certain businesses located in the Gateway Enterprise Zone

Mr. Rhodes discussed that the Resolution was executed each year by request of Allegany County, and provides for state as well as local income property tax credits for certain businesses. Per a request, Mr. Rhodes read the list of entities that would receive the credits.

The Resolution was presented in title only. Motion to approve the Resolution was made by Bernard, seconded by Cioni, and was passed on a vote of 4-0.

RESOLUTION NO. R2018-09

2. Resolution (*1 reading only*) - authorizing the sale and issuance of a series of General Obligation Bonds in an amount not to exceed \$562,500 to be designated "Mayor and City Council of Cumberland Drinking Water Bond, Series 2018," to be used for the public purpose of financing or reimbursing costs of the "Willowbrook Road Waterline Replacement Project"

Mr. Rhodes discussed that the Resolution would authorize the sale and issuance of General Obligation bonds to finance the replacement of the water line along Willow Brook Road. He added that the rate is based on 25% of the bond index, which translates to .9% currently.

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 R2018-10

(C) **Orders (Consent Agenda)**

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1 - 7 was made by Bernard, seconded by Frazier, and was passed on a vote of 4-0

1. Order accepting the proposal from Belt Paving, Inc. for the Mechanic Street Access Road Improvements Project (13-14-M) in the estimated unit price amount of \$1,808,859.50 and rejecting all other bids

ORDER NO. 26,375

2. Order authorizing execution of a Cost Sharing Agreement with the Maryland Department of Transportation, State Highway Administration for the use of SHA Open-End Consultant for construction inspection services related to the Mechanic Street Access Road Improvement Project (City Project 13-14-M) for the estimated amount of \$107,463

ORDER NO. 26,376

3. Order appointing or reappointing various individuals to the Administrative Appeals Board, Downtown Development Commission, Human Relations Commission, Planning and Zoning Commission, and Shade Tree Commission

Administrative Appeals Board: Eric Bean, Seat 2, 12/1/18 - 12/1/21
Steven Hartsock, PhD, Seat 5, 12/1/18 - 12/1/21

Downtown Dev. Commission: Larry Jackson, Seat 1-Primary, 12/1/18 - 12/1/21
Sandi Saville, Seat 2-Primary, 12/1/18 - 12/1/21
Doug Schwab, Seat 4-Primary, 12/1/18 - 12/1/21
Daniel Taylor-Neumann, Seat 5-Primary, 12/1/18 - 12/1/21
Ed Huber, Seat 1-Secondary, 12/1/18 - 12/1/21

Human Relations Commission: Robert Godfrey, Seat 1, 12/1/18 - 12/1/21
Melissa Jack, Seat 2, 12/1/18 - 12/1/21
Duane Boyd, Seat 3, 12/1/18 - 12/1/21
Richard Kerns, Seat 5, 12/1/18 - 12/1/21

Planning and Zoning Commission: Vic Rezendes, Seat 2, 12/1/18 - 12/1/23
Alley Litten, Seat 5, 12/1/18 - 12/1/23

Shade Tree Commission: J. Christine Bridges, Seat 1, 12/1/18 - 12/1/22

ORDER NO. 26,377

4. Order acknowledging that the proposed project to develop a skateboard park in Constitution Park is no longer a viable project; accepting the Park and Recreation Board's recommendation to support the creation of a Sound Garden in Constitution Park in lieu of the skateboard park; authorizing that funds previously held by the Community Trust Foundation to support the skateboard park be reallocated to the Sound Garden; and authorizing the draw-down of those funds to support the development of the Sound Garden

Mr. Rhodes explained that funding had been set up in support of a skateboard park, which didn't happen, and the City needed to do something with the funds, as there is a clause that allows reinvestment of the funds. Mayor Grim noted that no additional funds had been risen by the community, other than the original approximate \$300. Cioni acknowledged City Historian Kathy McKenney and Parks and Recreation Director Diane Johnson on giving good direction on establishing a sound garden

Councilmen Cioni and Bernard, and City Historian Kathy McKenney fielded questions from the media on the proposed sound garden, noting that it would be placed in the grove across from Pavilions 1 & 2, it will include chimes, xylophone, bongo and maracas, and is meant to be a unique experience for children

ORDER NO. 26,378

5. Order authorizing acceptance of a 2017 FEMA Assistance Firefighters Grant in the amount of \$121,500; accepting the bid of Fire Chasers Fire Equipment for 50 sets of turnout gear in the amount of \$142,500, making the City's share of the cost approximately \$21,000; and authorizing the Fire Chief to execute documents necessary for the acceptance of these funds, including but not limited to a Memorandum of Understanding with the Potomac Fire Company No. 2 relative to the grant

ORDER NO. 26,379

6. Order accepting the proposal from Online Solutions LLC (dba Citizenserve) to provide a Community Development Software System for the one-time initial cost not to exceed \$95,000 with an annual cost thereafter not to exceed \$30,000 and rejecting all other bids

ORDER NO. 26,380

7. Order authorizing execute of a letter of agreement with Verizon Maryland, LLC to renew their lease for three (3) parking spaces in the George Street Garage for the term July 1, 2019 - June 30, 2020 for the cost of \$75/space, and providing the option to renew the lease for one (1) additional year under the same terms and conditions

ORDER NO. 26,381

X. Public Comments

Kelly Robertson, 410 Fayette Street, expressed concerns about the need to have continuity with the new administration.

All public comments are limited to 5 minutes per person

XI. Adjournment

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

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Summary

December 04, 2018 at 5:30 p.m.

Second Floor Conference Room, City Hall

On December 04, 2018, the Mayor and City Council met in closed session at 5:30 p.m. in the second floor conference room of City Hall to consult with counsel to obtain advice regarding the applicability of certain laws. Authority to close the session was provided by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (7).

Persons in attendance included Mayor Brian K. Grim;

Council Members Seth Bernard, Richard Cloni, and Eugene Frazier;

City Administrator Jeff Rhodes, City Solicitor Mike Cohen, Kathy McKenney, Community Development Programs Manager; City Clerk Marjorie Woodring; Ray Morriss, Mayor-elect

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

No actions were voted upon and the meeting was adjourned at 6:22 p.m.



Brian K. Grim, Mayor

Entered into the public record on DEC - 4 2018



MAYOR

Brian K. Grim

CITY ADMINISTRATOR

Jeff Rhodes

CITY SOLICITOR

Michael Scott Cohen

COUNCIL

Seth D. Bernard

David Caporale

Richard J. Rock" Cioni

Eugene T. Frazier

CITY CLERK

Marjorie A. Woodring

MINUTES

DATE: December 18, 2018

I. Open Session

1. Meeting to convene at 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

PRESENT: Brian K. Grim, President; Council members Seth Bernard, Richard J. Cioni, and Eugene T. Frazier

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

IV. Presentations

1. State of the City Address from Mayor Brian Grim

V. Director's Reports

(A) Public Works

1. Maintenance Division monthly report for November, 2018
2. Utilities Division-Treatment Plants, and Central Services monthly reports for November, 2018
3. Engineering Division monthly report for November, 2018

4. Utilities Division - Flood/Water/Sewer monthly report for November, 2018

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

(B) Administrative Services

1. Administrative Services monthly report for September, 2018

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

(C) Police

1. Police Department monthly report for November, 2018

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

VI. Unfinished Business

(A) Ordinances

1. Ordinance (*2nd and 3rd readings*) - authorizing execution of a contract of sale and deed for the purpose of conveying certain surplus property located at 547 Eastern Avenue to John H. Wolfe, Sr., for the sum of \$3,600

Mr. Rhodes provided background on the proposed Ordinance.

SECOND READING: The Ordinance was presented in title only for its second reading. The reading was interrupted and a motion was made by Bernard to suspend the second reading and move to the third, after comment. Frazier seconded the motion and it passed on a vote of 4-0.

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

ORDINANCE NO. 3845

2. Ordinance (*2nd and 3rd readings*) - providing for the closure of a portion of Second Street, running from the western right of way line of Somerville Avenue West to the eastern right of way line of Memorial Avenue, as requested by the Housing Authority for the City of Cumberland

Mr. Rhodes provided background on the proposed Ordinance.

SECOND READING: The Ordinance was presented in title only for its second reading. The reading was interrupted and a motion was made by Bernard to suspend the second

reading and move to the third, after comment. Frazier seconded the motion and it passed on a vote of 4-0.

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

ORDINANCE NO. 3846

VII. New Business

(A) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-9 was made by Bernard, seconded by Cioni, and was passed on a vote of 4-0.

1. Order approving a Special Taxing District tax exemption for the 2018/2019 tax year for 101 S. Centre St. in the amount of \$246.89 and 55 N. Centre St. in the amount of \$856.59

ORDER NO. 26,382

2. Order accepting the sole source proposal from the MD State Highway Administration for materials inspection and materials clearance services for the Mechanic Street Access Road Improvement Project (13-14-M) for the total estimated cost of \$42,118, with 80% of the cost being provided by ARC funds (\$33,694.40) and 20% being provided by the City (\$8,423.60); and authorizing the City Engineer to execute documents necessary for the provision of this service

ORDER NO. 26,383

3. Order accepting the sole source proposal from the MD State Highway Administration to provide engineering services for the Replacement of Bridge No. A-C-06 on Baltimore Street Project for the total estimated cost of \$171,381.95 with the City's cost being 20% of the total cost (\$34,276.39), and authorizing the City Engineer to execute documentation necessary for the provision of this service

ORDER NO. 26,384

4. Order accepting the report from the City Administrator advising that there were no damages caused to the adjacent property owner, CSX Transportation, Inc., as a result of the closure of a portion of the public right of way known as Pear Street, approved by Ordinance No. 3844, and that any apparent added benefit to the property owner would be determined by the MD Department of Assessment and Taxation

ORDER NO. 26,385

- 5.

Order authorizing execution of a Contract Amendment with EBA Engineering, Inc. to provide continued professional services to implement Esri Workforce Software (City Project 19-15-M) and provide development and technical support through June 30, 2019 for the additional estimated cost of \$18,800

ORDER NO. 26,386

6. Order approving appropriations and transfers for Fiscal Year 2018

ORDER NO. 26,387

7. Order declaring Four (4) SEFAC 7.5 Ton Capacity Column Lifts to be surplus equipment and authorizing them for sale, trade-in or disposal

ORDER NO. 26,388

8. Order authorizing the Mayor to sign and submit a notice to The Bank of New York Mellon Trust Company, N.A. pertaining to the City's intent to refinance a Note issued in connection with Section 108 Government Guaranteed Participation Certificates, Series HUD 2008-A (Note No. B-06-MC-24-0011)

ORDER NO. 26,389

9. Order authorizing an Amendment to the Development Agreement and Agreement of Sale by and between the City, the Cumberland Economic Development Corp., and Cumberland Gateway Real Estate LLC, with an effective date of October 22, 2018, to provide a time extension for closing purposes through February 18, 2019

ORDER NO. 26,390

10. Order rescinding Order No. 26,363 to amend the reference of InSite Towers Development 2, LLC to InSite Towers Development, LLC and authorizing execution of a revised Assignment, Assumption and Guaranty of Lease Agreement by and between Rocon, LLC, InSite Development, LLC, and Insite Wireless Group, LLC, regarding a Ground Lease Agreement for Rocon's use of certain premises at Eleanor Terrace

ORDER NO. 26,391

(B) Letters, Petitions

1. Letter from the City Clerk advising that the Allegany County Board of Elections and the Maryland State Board of Elections did certify the General Election Results of November 6, 2018, and, accordingly, Raymond Morriss is hereby declared the successful candidate for the office of Mayor, and Richard J. "Rock" Cioni and Seth Bernard are hereby declared the successful candidates for the office of Councilman

VIII. Public Comments

Kelly Robertson, 410 Fayette Street, told Mayor Grim she was proud of his accomplishments while in office, and was proud to call him her friend.

Councilman Frazier thanked Mayor Grim for his service, and hoped he would continue to help and assist in the future.

Mr. Rhodes thanked Mayor Grim for his years of service and dedication to City employees as well as to the community, and spoke on the Mayor's challenges, energy, visions, and many contributions to the City. Mayor Grim was then presented with a City Star award, and a framed picture of City Hall decorated for the Christmas holiday, which represented two traditions begun several years ago by Mayor Grim.

Former Councilman Dave Kauffman spoke of Mayor Grim's accomplishments and challenges, saying that it was impossible to overstate his contributions to the City. He added that the Mayor was a trusted steward who the City relied upon for leadership.

Former Councilwoman Mary Beth Pirolozzi said it was an honor and pleasure to serve with the Mayor on the City Council for 5 years, from 2008 - 2013, and praised Mayor Grim for putting forth every effort for turning around the City's financial status. Ms. Pirolozzi spoke of the sound financial decision to close and tear down Memorial Hospital, which was costing the City nearly a million dollars every year to keep it open. She added that from day one, Mayor Grim's interest was in cleaning up the City and identifying blighted properties. Ms. Pirolozzi spoke of the Mayor's volunteer service in the community, and thanked him for his contributions, saying he definitely left his mark, he had touched every life in this City, throughout our region, in one way or another, and congratulated him on a job well done.

Mayor Grim was presented with a rug from Azad's of Cumberland, and a plaque with a gavel listing his dates of service in the City Council and as Mayor.

Councilman Bernard spoke about the Mayor's accomplishments, saying that for ten years, Brian Grim has dedicated his time and energy to the City, and has helped moved Cumberland into the 21st century.

Councilman Cioni said that the community will look back and realize what a debt of gratitude they owe Mayor Grim. He added that at a time when volunteerism and public service has fallen off the radar in so many communities, the Mayor more than stepped up. Cioni wished the Mayor the best going forward.

Delegate Mike McKay spoke about the Mayor on behalf of the entire Western MD Delegation, thanking him for ten years of service to the community, and recognized the sacrifice that the Mayor and his family have gone through during his years of service, and wanted to express his appreciation, and thanked him for being bold, and for being a friend.

All public comments are limited to 5 minutes per person

IX. Adjournment

With no further business at hand, the meeting adjourned at 7:19 p.m.

Minutes approved on _____

Brian K. Grim, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____



Regular Council Agenda
February 19, 2019

Description

Approval of the Closed Session Minutes of September 4, November 8, and November 20, 2018

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Tuesday, September 4, 2019, 5:00 p.m.

The Mayor and City Council convened in open session at 5:00 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (7) and (8) of the General Provisions Article of the Annotated Code of Maryland to confer with legal counsel regarding the terms of a development agreement between the City, the Cumberland Economic Development Corporation, and Cumberland Gateway Real Estate, LLC, and to obtain legal advice regarding matters related to the CSX bridges and to consult with staff regarding the CSX matters.

MOTION: Motion to enter into closed session was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard (via conference phone), David Caporale, Richard J. Cioni, and Eugene Frazier

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk, Mike Getty, CEDC representative

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Wednesday, November 08, 2018

5:30 p.m.

The Mayor and City Council convened in open session at 5:30 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (7) and (14) of the General Provisions Article of the Annotated Code of Maryland to confer with counsel to obtain legal advice regarding negotiation of a franchise agreement.

MOTION: Motion to enter into closed session was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 3-0 with Councilman Caporale absent at vote.

PRESENT: Acting Mayor Seth Bernard; Council Members David Caporale, Richard Cioni, and Eugene T. Frazier

ALSO PRESENT: Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; and Jeff Blomquist, Funk & Bolton, via conference phone

Mayor and City Council of Cumberland

Closed Session Minutes

City Hall, 57 N. Liberty Street, Cumberland, MD 21502

Second Floor Conference Room

Wednesday, November 20, 2018

5:00 p.m.

The Mayor and City Council convened in open session at 5:00 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (1) of the General Provisions Article of the Annotated Code of Maryland to discuss personnel issues pertaining to promotions and board and commission appointments.

MOTION: Motion to enter into closed session was made by Councilman Cioni, seconded by Councilman Bernard, and was passed on a vote of 3-0 with Mayor Grim and Councilman Caporale absent at vote.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, Richard Cioni, and Eugene T. Frazier

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



Regular Council Agenda
February 19, 2019

Description

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)



Regular Council Agenda
February 19, 2019

Description

Charter Amendment Resolution (*1st reading*) - to repeal Charter Section 75 pertaining to carrying concealed weapons as prohibitions against carrying concealed weapons are set forth Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland

Approval, Acceptance / Recommendation

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
February 19, 2019

Description

Charter Amendment Resolution (*1st reading*) - 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

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
February 19, 2019

Description

Charter Amendment Resolution (*1st reading*) - to repeal Charter Sections 192 - 203 pertaining to the City's governance of the former Memorial Hospital

Approval, Acceptance / Recommendation

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
February 19, 2019

Description

Order accepting the report from the City Administrator advising that with regard to the public right of way closure for a portion of Second Street, approved by Ordinance No. 3846 and initiated by the Housing Authority for the City of Cumberland, there were no damages caused to the adjacent property owner, that being the Housing Authority, and that any apparent added benefit would be determined by the MD Dept. of Assessment and Taxation

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: February 19, 2019

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

THAT, the report of the City Administrator, dated February 8, 2019, advising that, with regard to the public right of way closure for a portion of Second Street, approved by Ordinance No. 3846 and initiated by the Housing Authority for the City of Cumberland, there were no damages caused to the adjacent property owner, that being the Housing Authority for the City of Cumberland, and that any apparent added benefit to the property owner would be determined by the Maryland Department of Assessment and Taxation.

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND MARYLAND

February 8, 2019

Marjorie Woodring
City Clerk
City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

Dear Ms. Woodring,

With regard to Ordinance No. 3846, passed December 18, 2018, providing for the closure of a portion of a portion of Second Street, running from the western right of way line of Somerville Avenue West to the eastern right of way line of Memorial Avenue, as requested by the Housing Authority for the City of Cumberland, please be advised that on February 7, 2019, I did personally visit the site for the purpose of assessing damages and awarding benefits to abutting property owners resulting from the aforesaid closing.

The portion of the street being closed lies on both sides between the lands owned by the Housing Authority for the City of Cumberland. As a result of my assessment, I have determined that there are no damages caused to the adjacent property owner as a result of this closure. Furthermore, there is no apparent added benefit to the property owner, but any added value to the property will be formally determined by the Maryland Department of Assessments and Taxation.

Respectfully,



Jeffrey D. Rhodes
City Administrator

MAYOR

RAYMOND M. MORRIS

COUNCIL

SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

CITY ADMINISTRATOR

JEFFREY D. RHODES

CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

MARJORIE A. WOODRING



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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



Regular Council Agenda
February 19, 2019

Description

Order authorizing the execution of a Donation Agreement with Friends Aware, Inc. to transfer to the City property known as 424 Goethe Street (Allegany Co. Land Records Book 2280, page 489) for the amount of \$1.00 and authoring execution of documentation necessary for the transfer

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

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

ORDER NO. _____

DATE: February 19, 2019

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

THAT, the Mayor be and is hereby authorized to execute a Donation Agreement by and between Friends Aware, Inc. and the Mayor and City Council of Cumberland to transfer property known as 424 Goethe Street (Allegany County Land Records Book 2280, page 489; Tax ID No. 23-013037) to the City for the sum of One Dollars (\$1.00); and

BE IT FURTHER ORDERED, that the Mayor, City Administrator and City Solicitor be and are hereby authorized to execute documentation necessary to effect the transfer.

Raymond M. Morriss, Mayor



October 23, 2018

Mayor and City Council
City of Cumberland
57 N. Liberty St.
Cumberland, MD 21502

Mayor and City Council,

On September 26th, 2016, a property located at 424 Goethe St., Cumberland, was donated to Friends Aware, Inc. "with the intention of renovating the structure so that it would be suitable for use as a group home and could be used for that purpose."

Since that time, Friends Aware has been diligently working with various entities in order to secure the necessary permits and funding in order to accomplish this task. We have been most privileged to work with David Cox, Lee Borrer, and Kathy McKenney, who have provided countless hours of assistance and guidance as we have moved through this process.

A recent development has given Friends Aware pause about proceeding with the project. In July, 2018, an issue was identified in the second story of the house, which has created concern on the part of the Board of Directors; specifically, a widening gap between the wall and the floorboards and gaps between bricks allowing a view of the outside from the inside. On September 13, 2018, the structure was assessed by Robert Smith, Cumberland City Engineer, who stated, "the residence is structurally safe for occupancy." Mr. Smith does go on to say, though, that, "the second floor demonstrates signs of settlement damage," and "there are also exterior cracks to the foundation grade walls."

While Friends Aware greatly appreciates the offer of the property to our organization and are grateful for the opportunity to utilize CDBG funding in the restoration of this property, the Board of Directors is not confident in the long-term stability of the residence. While no one can predict the future, there is a fear that Friends Aware will have a property that requires on-going maintenance and renovation that will put financial hardship on the organization. The generous use of CDBG funds will not last forever and eventually, we will be responsible for all repairs.

Friends Aware would like to return the property to the City of Cumberland. The property was conveyed to Friends Aware for the purchase price of \$0.00 and we would effect a transfer in the same amount.



We understand that this is not the outcome that everyone was hoping for. However, the Board of Directors and the agency administration must constantly be assessing and reviewing all issues on the best interest of the organization and are bound to act accordingly.

I am open to meeting with you to discuss this matter in more detail if you feel the need. I am also open to looking at alternatives to the transfer of property.

In closing, allow me to say that Friends Aware is grateful for the opportunity this presented and the generosity of the City of Cumberland and CDBG staff. We are all committed to seeing our community develop and thrive. Unfortunately, this is not something that anyone predicted.

I look forward to hearing from you and meeting with you at a mutually convenient time.

Respectfully,

Robert A. Godfrey, LCSW-C
Executive Director

Cc: Lee Borrer
David Cox
Kathy McKenney



Regular Council Agenda
February 19, 2019

Description

Order authorizing program amendments to the Community Development Block Grant Program effective retroactive to February 6, 2019

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: February 19, 2019

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

THAT, the following program amendments to the Community Development Block Grant Program be and are hereby approved effective February 6, 2019:

Program	Current	Amendment	New Total
2015 Neighborhoods Matter/Property Improvement Program (NN15002)	\$11,607	(\$11,607)	0
2016 424 Goethe Street FAI ALU (OO16G001)	\$138,040	(\$ 138,040)	0
2017 ADA/Downtown Sidewalk George Street (PP17007)	\$50,489	(\$ 50,489)	0
2017 CB Sidewalks Bellevue (PP17010)	\$101,489	(\$ 78,297)	\$23,192
2015-2018 Mechanic Street Sidewalk/Infra	\$285,223	\$ 278,434	\$563,657

Ray Morris, Mayor



Regular Council Agenda
February 19, 2019

Description

Order lifting Code Section 11-113 to allow open containers of alcohol for the 2019 Hooley Pub Crawl beginning 12:00 p.m. on March 16th and ending 2:00 a.m. on March 17th within certain areas of the downtown; notwithstanding that open glass containers shall not be permitted

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: February 19, 2019

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

THAT, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted for the Hooley Pub Crawl for the defined period of 12:00 p.m. on March 16, 2019 through 2:00 a.m. on March 17, 2019, within the confines of the following areas:

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

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

Brian K. Grim, Mayor

Open Container Area



0 105 210 420 630 Feet

 Open Container area

MAR 06 2018



Regular Council Agenda
February 19, 2019

Description

Order adopting a Sick and Safe Leave Policy for employees of the City

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: February 19, 2019

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

THAT, the attached Sick and Safe Leave Policy be and is hereby adopted.

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND SICK AND SAFE LEAVE POLICY

Adopted: _____

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 nature of the illness and the inclusive dates the employee was required to miss work due to that illness. 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.



Regular Council Agenda
February 19, 2019

Description

Order appointing individuals to the Downtown Development Commission, Historic Preservation Commission, Human Relations Commission and the Parks and Recreation Board

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: February 19, 2019

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

THAT, the following individuals be and are hereby appointed or reappointed to City boards and commissions as follows:

Board/Commission	Member	Seat	Term
Downtown Development Commission	Lori Lepley	Moved from Citizen at Large to Primary Seat 6	2/19/19 – 7/1/22
	James E. Miller, PhD	Citizen at Large	2/19/19 – 7/1/22
Historic Preservation Comm.	Suzanne Wright	Seat 2	2/19/19 – 12/31/22
	Dr. Michael Garrett	Seat 4	2/19/19 – 12/31/22
	Ruth Davis Berlage	Seat 6	2/19/19 – 12/31/22
Human Relations Comm.	Renee Kniseley	Seat 4	2/19/19 – 2/1/22
	Deanna Clark	Seat 6	2/19/19 – 2/1/22
Parks and Recreation Board	Steve Bazarnic	Seat 8	2/19/19 – 2/1/24

Raymond M. Morriss, Mayor



Regular Council Agenda
February 19, 2019

Description

Order authorizing the Chief of Police to accept funds from the Allegany County Board of Education received through the FY19 Safe Schools Fund grant in the amount of \$23,080 to provide school safety education advertisements and officer overtime, and to perform ALICE training and school safety patrols; and authorizing an appropriation to the FY19 General Fund Public Safety Budget in the amount of \$23,080 bringing the revised FY19 GF Public Safety Budget to \$10,957,479

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

\$23,080.00

FY19 GF Public Safety Approved Budget = \$10,934,399

Amendment = 23,080

New Approved Budget = \$10,957,479

Source of Funding (if applicable)

Grant # 191326

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

ORDER NO. _____

DATE: February 19, 2019

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

THAT, the Chief of Police be and is hereby authorized to accept funds from the Allegany County Board of Education received through the FY19 Safe Schools Fund grant made available through the Subcabinet of the Maryland Center for School Safety (MCSS), in the amount of Twenty-three Thousand, Eighty Dollars (\$23,080) for the award period 7/1/2018 – 6/30/2019, to provide school safety education/advertisements, officer overtime, and to perform ALICE training and school safety patrols; and

BE IT FURTHER ORDERED, that an appropriation to the FY19 General Fund Public Safety Budget in the amount of Twenty-three Thousand, Eighty Dollars (\$23,080) be and is hereby approved, bringing the revised FY General Fund Public Safety Budget to Ten Million, Nine Hundred Fifty-Seven Thousand, Four Hundred Seventy-Nine Dollars (\$10,957,479).

Mayor Raymond M. Morriss

General Fund / Police Department Appropriation

FY19 Approval General Fund Public Safety Budget	\$10,934,399
Amendment	23,080
New Total	\$10,957,479



Karen B. Salmon, Ph.D.
State Superintendent of Schools

January 23, 2019

Mr. Matt Marlowe
Program Manager
Allegheny County Public Schools/POB 1724
Cumberland, MD 21502

Dear Mr. Marlowe:

Attached is the Notice of Grant Award (NOGA), Number 191326, for the Safe Schools Fund grant made available through the Subcabinet of the Maryland Center for School Safety (MCSS) in the amount of \$256,019.46. The award period for this grant award is 7/1/2018 to 6/30/2019. All requests for budget and programmatic changes related to this grant award will require prior approval by the Maryland State Department of Education (MSDE).

The purpose of the Safe Schools Fund is to provide grants to local school systems to enhance school safety. Money expended from the Fund by local school systems to enhance school safety is supplemental to and is not intended to take the place of funding that otherwise would be appropriated to local school systems.

Please have the Recipient Assurances Form signed by your LEA's superintendent of schools and return it as soon as possible to the Maryland Center for School Safety, C/O Maryland State Department of Education, 200 West Baltimore Street, Baltimore, MD 21201.

If you have any questions, please contact Holly Barrett by phone at 410-598-4745, or by email at holly.barrett1@maryland.gov.

Best Regards,

Karen B. Salmon, Ph.D.
State Superintendent of Schools

KBS/MKH/hlb

Encl: Notice of Grant Award

cc: Kate Hession
Executive Director, Maryland Center for School Safety

Maryland State Department of Education
NOTICE OF GRANT AWARD

Grant Name: School Safety Grants

Grant #: 191326

General Information

New Award or Amendment: New Award

Federal Employer ID #: 1526000868

DUNS #: 077413011

Amendment #: 0

Mail Code: 000

Organization Name: Allegany County Public Schools

Street Address: 108 Washington Street / P.O. Box 1724

Grant Period:

City & State: Cumberland, MD

Zip+4: 21502

Start Date: 7/1/2018

Program Manager: Matt Marlowe

End Date: 6/30/2019

Phone: 301-759-2410

Amount of Current Action: \$256,019.46

Amount Previously
Awarded this grant: \$0.00

Total Grant Award: \$256,019.46

MSDE Division Information:

Division Name: A0602 - Maryland Center for School Safety

Program Manager: Holly Barrett

Program Phone: 443-787-6826 Email: holly.barrett1@maryland.gov

Additional Information:

1. Enhanced traffic safety enforcement around schools, increased training in crisis intervention, de-escalation, wrap around services, mental health training and services.
2. The payment schedule is as follows: funds will be released through the normal MSDE grant distribution process.
3. The grantee shall receive prior written approval from the Maryland Center for School Safety for any budgetary realignment of \$1,000 or 15 percent of total object and/or total category of expenditures, whichever is greater. Grantee must support the request with reasons for the change. Budget alignments must be submitted at least 45 days prior to the end of the grant period.
4. Requests for grant extensions must be submitted at least 45 days prior to the end of the grant period.
5. All funds must be obligated by June 30, 2019. A final report is due September 30, 2019.

Federal Awarding Agency: _____

Federal Award ID Number (FAIN): _____

Passthrough Entity: Maryland State Department of Education

Note: MSDE does not pass-through funds related to federal Research and Development.

Latest Approved Federal Indirect Cost Rate: _____

Federal Award Date: _____

Federal Award Project Description: _____

[Empty rectangular box for project description]

MSDE ACCOUNT CODE INFORMATION BY LINE:

Line #	PCA	AOBJ	Amount	Fund	State /Fed	Payment Schedule	CFDA #	CFDA or Sub program Name	Grant End Date	% Match Req	AFR Req
1	06029	1205	\$219,664.46	1009	S	(1) Mo	N/A	N/A	6/30/2019	0.00	Y
2	63809	1205	\$36,355.00	3809	S	(1) Mo	N/A	N/A	6/30/2019	0.00	Y
3											
4											
5											
6											
7											
8											
9											

[Signature]

MSDE Program Date 1/9/2019

[Signature]

MSDE Assistant Superintendent / Office Head Date 1/9/2019

[Signature]

MSDE Financial Representative Date 1/9/2019

[Signature]

MSDE Accounting Office Date 1/15/2019

RECIPIENT ASSURANCES

By receiving funds under this grant award, I hereby agree, as grantee, to comply with the following terms and conditions:

1. Programs and projects funded in total or in part through this grant shall operate in compliance with State and federal statutes and regulations, including but not limited to the 1964 Civil Rights Act and amendments, the Code of Federal Regulations (CFR) 34, the Elementary and Secondary Education Act, Education Department General Administrative Regulations (EDGAR), the General Education Provisions Act (GEPA) and the Americans with Disabilities Act (ADA). Vendors, subgrantees, and/or consultants; including officers and employees shall comply with the Family Educational Rights and Privacy Act at all times (20 U.S.C. §1232g).
2. Grantee shall assure that its facilities are accessible to individuals with disabilities as required by the ADA and applicable regulations. The grantee shall not discriminate against individuals with disabilities in the provision of its services and programs unless to do so would be an undue burden or result in fundamental alteration in the program as those terms are used in the ADA and its implementing regulation. The State reserves the right to inspect the grantee's facilities at any time to determine if the grantee is in compliance with ADA. The grantee shall bear sole responsibility for assuring that its programs conform to the section 501c. of the ADA (42 USC 12201) as a bona fide benefit plan. The grantee shall indemnify and hold the State harmless in any administrative proceeding or action brought pursuant to the ADA for all damages, attorneys' fees, litigation expenses and costs, if such action or proceeding arises from the acts of grantee, grantee's employees, agents or subgrantees.
3. By accepting federal funds, the recipients certify that they have complied with Federal Executive Order 12549, Debarment and Suspension set forth in 2 CFR §180, and that, a signed Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion form has been filed with Maryland State Department of Education Project Monitor.
4. Grantee shall establish and maintain fiscal control, fund accounting procedures by fund, as set forth in 2 CFR §200 and in applicable statute and regulation. By accepting federal funds, the recipient agrees that the amount of the grant award is contingent upon the receipt of federal funds. Grantee shall retain all records of its financial transactions and accounts relating to this grant for a period of five years, or longer if required by federal regulation. Such records shall be made available for inspection and audit by authorized representatives of MSDE.
5. Entities expending federal funds of \$750,000 or more in a single fiscal year, must have an annual financial and compliance audit in accordance with 2 CFR Subpart F 200.500 et. seq.
6. The Maryland State Department of Education (MSDE) may, as it deems necessary, supervise, evaluate and provide guidance and direction to grantee in the conduct of activities performed under this grant. However, MSDE's failure to supervise, evaluate or provide guidance and direction shall not relieve grantee of any liability for failure to comply with the terms of the grant award.
7. Grantee shall adhere to MSDE reporting requirements, including the submission of all required reports. Failure to submit complete, accurate, and timely progress and final reports may result in the withholding of subsequent grant payments until such time as the reports are filed.
8. Grantee must receive prior written approval from the MSDE Program Monitor before implementing any programmatic changes with respect to the purposes for which the grant was awarded. Unless a division implements a stricter policy, grantee must receive prior written approval from the MSDE Program Monitor for any budgetary realignment of \$1,000 or 15% of total object, program or category of expenditure, whichever is greater. Grantee must support the request with the reason for the requested change. Budget realignments must be submitted at least 45 days prior to the end of the grant period.
9. Requests for grant extension, when allowed, must be submitted at least 45 days prior to the end of the grant period.
10. Grantee shall insure that programs and projects that offer web-based or technology based instructional products or programs which are funded in total or in part through this grant will operate in compliance with Section 508 of the Federal Rehabilitation Act of 1973 as amended and Section 7 -910 of the Education Article, Annotated Code of Maryland.
11. Grantee shall repay any funds that have been determined through the federal or State audit process to have been misspent, misapplied, or otherwise not properly accounted for, and further agrees to pay any collection fees that may subsequently be imposed by the federal and/or State government. The repayment may be made by an offset to funds that are otherwise due the grantee.

I further certify that all of the facts, figures and representations made with respect to the grant application and grant award, including exhibits and attachments, are true and correct to the best of my knowledge, information, and belief.



Superintendent of Schools/Head of Grantee Agency

2/11/19

Date

MCSS School Safety Fund Grant Budget Sheet

School Bus Safety Program		
Agency	Project	Cost
Maryland State Police	Safety patrols, 180 overtime hours at \$50 per hour	\$9,000.00
Allegany County Sheriff's Office	Safety patrols, 95 overtime hours at \$43 per hour	\$4,085.00
Allegany County Sheriff's Office	Local media public safety announcements	\$990.00
Cumberland Police Department	Safety patrols, 432 overtime hours at \$40 per hour	\$17,280.00
Cumberland Police Department	School safety education/advertisements	\$3,000.00
Cumberland Police Department	ALICE Training, 70 overtime hours at \$40 per hour	\$2,800.00
Frostburg Police Department	Safety patrols,	\$2,000.00
	Subtotal:	\$39,155.00
Closed-Circuit Camera Expansion Project		
School	Type/Location	Cost
All Buildings	50 Priority One Cameras, \$750 per camera	\$37,500.00
CCTE/FQ/MR	3 CCTV Servers	\$35,730.00
	Subtotal:	\$73,230.00
Public Address System Improvement Project		
School	Type/Location	Cost
Braddock Middle School	PA speakers, hallways	\$36,000.00
Washington Middle School	PA speakers, Rm 136 & 138B, 152, hallways	\$36,000.00
	Subtotal:	\$72,000.00
School Access and Proximity Badge Project		
School	Type/Location	Cost
Bel Air Elementary School	Door entry, teacher parking area	\$4,000.00
Bel Air Elementary School	Door entry, playground door	\$4,000.00
Northeast Elementary School	Door entry, playground door	\$4,000.00
CCTE	Two Gates to secure bay doors	\$3,000.00
	Subtotal:	\$15,000.00
Visitor Access Management Program		
School		
All 22 Schools	Raptor System for 22 Schools, Hardware and Software	\$37,446.00
All 22 Schools	Raptor 1 year Operating Costs, Software License	\$10,890.00
	Subtotal:	\$48,336.00
Threat Assessment Training		
School		
All 22 Schools	Threat Assessment Manuals 3 each for 22 schools at \$50 each	\$3,300.00
All 22 Schools	Threat Assessment Training from School Threat Assessment Consultants	\$5,000.00
	Subtotal:	\$8,300.00
	Total:	\$256,021.00



Regular Council Agenda
February 19, 2019

Description

Order declaring certain furniture in the Engineering Department as surplus.

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: February 19, 2019

WHEREAS, the Mayor and City Council of Cumberland is the record owner of certain furniture that has been determined to be of no further value to the City; and

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

IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND THAT, the following surplus furniture is hereby declared surplus property and authorized for removal from the Engineering Department and disposal:

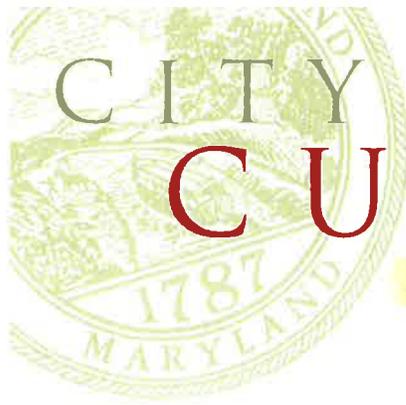
One (1) drafting table base (non-working)

One (1) 5-shelf wooden glass front book case

One (1) 3-drawer metal lateral file cabinet

Two (2) 4-shelf wooden glass front book cases

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF ENGINEERING

February 2019

Engineering Department Furniture Surplus

- (1) old drafting table base (in non working order)
- (1) 5 shelf wooden glass front book cases
- (1) 3 drawer metal lateral file cabinet
- (2) 4 shelf wooden glass front book cases

The above has been offered to other City Departments before being declared surplus. Upon M&CC Approval of this list of surplus, the above will be removed from the Engineering Dept.

MAYOR

RAYMOND M. MORRISS

COUNCIL

SETH D. BERNARD
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
LAURIE P. MARCHINI

CITY ADMINISTRATOR

JEFFREY D. RHODES

CITY ENGINEER

ROBERT L. SMITH, P.E.

Robert Smith
City Engineer



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6600 • FAX (301)759-6608 • TDD (800)735-2258



Regular Council Agenda
February 19, 2019

Description

Order authorizing execution of a MOU with the Western MD Health System Corp. pertaining to the staffing of on-duty law enforcement personnel at the hospital on a non-mandatory overtime basis, with the WMHS paying 175% of the base hourly rate for each officer

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: February 19, 2019

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

THAT, the Mayor be and is hereby authorized to execute a Memorandum of Understanding by and between the Mayor and City Council of Cumberland and Western Maryland Health System Corporation (WMHS) pertaining to the staffing of on-duty law enforcement personnel at the WMHS Regional Medical Center on a non-mandatory overtime basis, with the WMHS paying 175% of the base hourly rate for each officer.

Raymond M. Morriss, Mayor

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING (hereinafter “Agreement”) is entered into this 19th day of February, 2019, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, duly organized and existing under the laws of the State of Maryland, having offices at 57 N. Liberty Street, Cumberland, Maryland (hereinafter “City of Cumberland”) and **WESTERN MARYLAND HEALTH SYSTEM CORPORATION**, a non-profit corporation organized and existing under the laws of the State of Maryland, having its principal place of business at 12500 Willowbrook Road, Cumberland, Maryland (hereinafter “WMHS”).

EXPLANATION

WMHS is a health system that operates the WMHS Regional Medical Center, an acute care hospital, which provides a broad spectrum of acute healthcare services to the community. To enhance the safety of its employees, patients and visitors, WMHS has determined that it is advantageous to have sworn law enforcement personnel at the WMHS Regional Medical Center during certain hours. The City of Cumberland, via the City of Cumberland Police Department (hereinafter “CPD”), employs sworn law enforcement officers who can assist WMHS in meeting its need for enhanced security at the WMHS Regional Medical Center.

NOW, THEREFORE, in consideration of the foregoing and the mutual covenants and conditions contained herein, the parties intending to be bound, do hereby agree as follows:

1. The Explanation is incorporated as a substantive provision of this Agreement.
2. CPD may, in coordination with the WMHS Director of Safety and Security Services, staff on-duty law enforcement personnel at the WMHS Regional Medical Center, it being understood that such work constitutes non-mandatory overtime for said personnel. Said

law enforcement personnel shall provide law enforcement services at the WMHS Regional Medical Center in accordance with the laws of the State of Maryland and CPD policies and procedures on the dates they elect to perform services under the terms of this Agreement.

3. In consideration of the law enforcement services provided by the City of Cumberland and/or CPD, WMHS shall pay to the City of Cumberland, One Hundred Seventy-Five (175%) Percent of the law enforcement personnel's base hourly rate, for each hour worked by said law enforcement personnel.

4. The City of Cumberland shall provide WMHS with an invoice for the law enforcement services rendered by law enforcement personnel, which shall be promptly paid by WMHS.

5. The term of this Agreement shall be for one (1) year from the date of execution. Unless terminated by either of the parties, this agreement shall automatically renew for successive 1-year terms.

6. Either party may terminate this Agreement upon providing thirty (30) days' notice to the other party.

7. This Agreement shall be interpreted under the laws of the State of Maryland.

[signature page follows]

WHEREFORE, the parties intending to be bound the date and year first above written.

WITNESS:

MAYOR AND CITY COUNCIL
OF CUMBERLAND

By _____
Raymond M. Morriss, Mayor

WITNESS:

WESTERN MARYLAND HEALTH
SYSTEM CORPORATION

By _____
Barry P. Ronan, President & CEO



Regular Council Agenda
February 19, 2019

Description

Order authorizing execution of a contract with the Allegany Museum pertaining to the Museum's receipt of \$50,000 in Community Legacy Funding for the Allegany Museum Interior Restoration Work Project (SRP-CL-2019-Cumberland-00129)

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: February 19, 2019

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

THAT, the Mayor be and is hereby authorized to execute a Contract by and between the Mayor and City Council of Cumberland and the Allegany Museum pertaining to the Museum's award of Fifty Thousand Dollars (\$50,000) in Community Legacy Funds for the Allegany Museum Interior Restoration Work Project (SRP-CL-2019-Cumberland-00129).

Raymond M. Morriss, Mayor



**CITY OF CUMBERLAND
STATE OF MARYLAND**

SPECIFICATIONS

AND

CONTRACT

Allegheny Museum Interior Rehabilitation Project

Raymond M. Morris
MAYOR

THIS CONTRACT is made and executed in duplicate this _____ day of _____, 2018, by and between the MAYOR AND CITY COUNCIL OF CUMBERLAND, a municipal corporation of the State of Maryland (hereinafter referred to as “City”), party of the first part, and Allegany Museum. (hereinafter referred to as “Contractor”), party of the second part.

WITNESSETH:

WHEREAS, the City is seeking to encourage property owners to reinvest in their properties throughout Cumberland, especially within the Sustainable Communities-designated areas;

WHEREAS, the Allegany Museum is an important partner for heritage tourism; and

WHEREAS, the Allegany Museum is planning to rehabilitate the building to improve the acoustics in the ballroom as well as to begin interior improvements related to the future installation of the architecturally salvaged Memorial Hospital portico

NOW, THEREFORE; In consideration of the stipulations and conditions hereinafter set forth, it is mutually covenanted and agreed by and between the parties hereto as follows:

THAT the Allegany Museum Interior Rehabilitation project will receive a total sum funded by a Community Legacy award not to exceed Fifty Thousand Dollars (\$50,000.00), in accordance with the following specifications:

CONTRACT INFORMATION

A. Subcontracts Parties to the Contract

The contract to be entered into shall be by and between the Allegany Museum (“The Contractor”), and the Mayor and City Council of Cumberland (“The City”). The City will enter into a contract with the Allegany Museum, only. The contractor must identify and describe completely the role of each subcontractor that may be used in performing the work described in the proposals. The City must approve the selection and credentials of any subcontractors.

B. Contract Term

The following contract term period shall be in effect:

Allegany Museum Interior Rehabilitation Project
Contract Period: January 1, 2019 – June 30, 2021

C. Compensation and Method of Payment

The contract shall be on a fixed fee basis. The contract will provide that payment will be made in installments as statements are rendered. Payment of any requisition is contingent upon the City approval of both the quantity and quality of work covered by the requisition. Payments may be rendered monthly. The final payment of all withheld monies shall be made to Allegany Museum, following the completion of the work program and approval of all end products by the City. Additionally, work cannot begin and funds cannot

be disbursed until the Maryland Historical Trust and the Maryland Codes Administration have provided written comments and approval of the scope of work. With each request for payment, Allegany Museum. will be required to provide a statement of which components of the original scope of work items have been completed at each site. If the entire work item is not complete, the contractor will need to verify the percentage of that work item that has been completed. The City of Cumberland will conduct an inspection to document the completed work at the time of the invoice submission. This inspection will take place within one week of the invoice date, provided that all submitted documentation is complete. Invoices are to be addressed to the Mayor and City Council, attn: Kathy McKenney, Community Development Programs Manager, 57 North Liberty Street, Cumberland, MD 21502.

D. Scope of Contract

It is anticipated that the work to be performed and the services to be provided by the contractor will consist of the items described in **SCOPE OF WORK**.

E. Indemnification

The contractor will agree to indemnify and hold harmless the City from all liability which may hereafter be incurred by reason of dissemination, publication, distribution, or circulation, in any manner whatsoever, of any information, data or records pertaining in any way to the contract by the contractor and its employees.

F. Equal Employment Opportunity

“There shall be no discrimination against any employee who is employed in the work covered by this Contract, or against any applicant for such employment because of race, color, religion, creed, age, marital status, sex, sexual orientation, national origin, ancestry, or physical or mental disability unrelated in nature and extent so as reasonably to preclude the performance of such employment. This provision forbids all unlawful discrimination, including discrimination in employment, upgrading, demotion, or transfer; recruitment or recruitment advertising; layoff or termination; rates of pay or other forms of compensation; and selection for training, including apprenticeship.”

G. Records, Reports and Inspections

- (a) Contractor shall maintain accurate financial and management records, in a form acceptable to the City, of all transactions relating to the receipt and expenditure of the funds and administration of the Project. Contractor shall make these records, and its administrative offices and personnel, whether full-time, part-time, consultants or volunteers, available to the City upon request. Contractor shall retain said records for five (5) years after the Completion Date. During the term of this Agreement, the City may monitor the Project to ensure that it is being undertaken in accordance with the terms of this Agreement.
- (b) The Contractor shall provide the City with interim progress reports (“Quarterly Reports”) in the form attached hereto as Exhibit E or such other form required by the City and provided to the City no later than the following dates: December 15, March 15, June 15, and September 15. The Quarterly Reports shall contain such information as the City requests, including, but not limited to, work accomplished and problems encountered, expenditures made against the Project Budget, and benchmarks reached. Progress reports will be required until the City determines that the Project has been completed.
- (c) In addition to the requirements set forth above, the Contractor shall provide the City with such additional records, reports, and other documentation as may be required by the City.

H. Default and Remedies

- (a) A default shall consist of the breach by the Contractor of any covenants, agreements, or certifications in this Agreement, including the expenditure of funds for any use other than for the purposes provided in the Project or in any unauthorized manner.
- (b) Upon the occurrence of any default, the City shall have the right to terminate this Agreement by written notice to the Contractor. The Contractor shall have thirty (30) days from the date of the City’s notice to cure the default. After the conclusion of this thirty (30) day period, if the Contractor has not cured or commenced curing the default to the satisfaction of the City, the City, in its sole discretion, may immediately terminate this Agreement. In the event of termination by the City:
 - (1) The Contractor’s authority to request a disbursement of funds shall cease and the Contractor shall have no right, title, or interest in or to any of the undisbursed funds;

- (2) The City, in its sole discretion, may demand repayment of all funds distributed to the Contractor that were not expended in accordance with this Agreement plus all costs and reasonable attorneys' fees incurred by the City in recovery proceedings.
- (c) In addition to the rights and remedies contained in this Agreement, the City may at any time proceed to protect and enforce all rights available to the City by suit in equity, action at law, or by any other appropriate proceedings, all of which rights and remedies shall survive the termination of this Agreement.
- (d) Upon the occurrence of a default under this Agreement, the City's right to recovery as well as to the other remedies shall be immediate.

I. Conflicts of Interest

Except for approved eligible costs, none of the Contractor's assignees, agents, members, officers, employees, consultants, or members of its governing body or any local governmental authority exercising jurisdiction over the Project, and no other public official of such authority or authorities who exercises or has exercised any functions or responsibilities with respect to the Project during such person's tenure, or who is in a position to participate in a decision-making process or gain inside information with regard to the Project, has or shall have any interest, direct or indirect, in any contract or subcontract or the proceeds thereof, for work to be performed in connection with the Project or in any activity, or benefit therefrom, that is part of the Project at any time during or after such person's tenure.

J. Nondiscrimination and Drug and Alcohol Free Workplace: Fair Practices Certification

- (a) The Contractor may not discriminate against and hereby certifies that it prohibits discrimination against and will not discriminate against any person based on race, color, religion, national origin, sex, marital status, physical or mental handicap, sexual orientation, or age in any aspect of its projects, programs, or activities.
- (b) The Contractor shall comply with applicable federal, State, and local laws regarding discrimination and equal opportunity in employment, housing, and credit practices, including:
 - 1. Titles VI and VII of the Civil Rights Act of 1964;
 - 2. Title VIII of the Civil Rights Act of 1968, as amended;
 - 3. The Americans with Disabilities Act of 1990;

4. Article 49B of the Annotated Code of Maryland, as amended; and
 5. The Maryland Department of Housing and Community Development's Minority Enterprise Program, as amended.
- (c) The Contractor shall comply with the provisions of the Governor's Executive Order 01.01.1989.18 regarding a drug and alcohol-free workplace and any regulations promulgated thereunder.

K. Environmental Certification and Indemnification: Lead Paint

- (a) The Contractor represents, warrants, and covenants that to its knowledge there are no hazardous materials located in the project sites, that it will not cause or allow any hazardous materials to be placed in the project sites, that it will comply with all requirements imposed by any governmental authority with respect to hazardous materials to be placed in the project sites, that it will comply with all requirements imposed by any governmental authority with respect to hazardous materials, and that to its knowledge, the project sites are in compliance with all applicable federal and State environmental laws and regulations.
- (b) To the extent permitted by law, the Contractor shall indemnify and hold the City and Maryland Department of Housing and Community Development and its employees and agents harmless from all loss, liability, damage, costs, and expenses of any kind whatsoever, including as a result of any lawsuit brought or threatened, settlement reached, or governmental order, and including reasonable attorneys' fees, for failure of the project sites to comply in all respects with all environmental requirements. The Contractor's obligation to indemnify the City and the Maryland Department of Housing and Community Development shall survive the term of this Agreement.
- (c) The Contractor covenants that it shall comply with all federal, State, and local laws and requirements concerning the treatment and removal of lead paint from the project sites.

L. Non-Sectarian Certifications

- (a) The Contractor certifies that no part of the funds, no part of the Project, and no part of the project sites, shall be used for the furtherance of sectarian religious instruction, or in connection

with the design, acquisition, or construction or any building used or to be used as a place of sectarian religious worship or instruction, or in connection with any program or department of divinity for any religious denomination, including (but not limited to) religious services, religious instruction, or other activities that have an explicitly religious content.

- (b) The Contractor certifies that it will provide services of the project to clients on a nondiscriminatory basis, including (but not limited to) the provision of services without regard to the creed, religion, or religious affiliation of the clients.

M. Insurance

- (a) The Contractor shall ensure that the Property owner is required to maintain property and commercial general liability insurance on buildings and other improvements on the property throughout the duration of the project at the Owner's expense. Additionally, if the property is determined to be in a 100-year flood plain, as designated by the United States Department of Housing and Urban Development, the Contractor shall ensure that the Owner maintains a flood plain insurance policy.
- (b) The Contractor or subcontractor, as applicable, is required to provide insurance coverage for comprehensive public liability, property damage liability/builder's risk, and workers' compensation in the forms and amounts required or applicable by the City.

Prior to the commencement of work, the Contractor shall submit to the City of Cumberland a Certificate of Insurance indicating that he and/or applicable subcontractors, carries Comprehensive General Public Liability and Property Damage Insurance in the amounts of at least five hundred thousand dollars (\$500,000) for the death of or injury to any person, and one million dollars (\$1,000,000) for the death of or injury to two or more persons in any one occurrence; two hundred fifty thousand dollars (\$250,000) for property damage in any one occurrence with an aggregate property damage coverage of five hundred thousand dollars (\$500,000) for two or more occurrences. Such insurance shall be kept in full force and effect until all work has been satisfactorily completed and accepted. There will be no special payment for said insurance.

- (c) Insurance coverage shall:

1. Be provided by a company that is reputable and authorized to transact business in the State;
2. To the extent applicable, be in force before the disbursement of project funds;
3. To the extent required by the Maryland Department of Housing and Community Development, name the Department as a loss payee and additional insured;
4. Provide for notification to the City of Cumberland and the Maryland Department of Housing and Community Development before termination; and
5. Contain terms and coverage satisfactory to the City and the Maryland Department of Housing and Community Development.

N. Notices

All notices, requests, approvals, and consents of any kind made pursuant to this Agreement shall be in writing. Any such communication, unless otherwise specified, shall be deemed effective as of the date it is mailed, postage prepaid, addressed as follows:

- (a) Communications to the City of Cumberland shall be mailed to:

City of Cumberland
Department of Community Development
57 North Liberty Street
Cumberland, MD 21502
Attn: Kathy McKenney, Community Development Programs Manager

- (b) Communications to the Contractor shall be mailed to:

Mr. Victor Rezendes
Allegany Museum
3 Pershing Street
Cumberland, MD 21502
vicrezendes@gmail.com

O. Amendment

This Agreement, or any part hereof, may be amended from time to time only by a written instrument executed by the City and the Contractor.

P. Assignment

This Agreement may not be assigned without prior written approval of the City.

Q. Entire Agreement

This Agreement constitutes the entire agreement between the parties and supersedes all prior oral and written agreements between the parties hereto with respect to the funding.

R. Governing Law

This Agreement shall be construed, interpreted, and enforced in accordance with the laws of the State of Maryland.

S. Waiver of Maryland's Access to Public Records Act

The City and/or the Maryland Department of Housing and Community Development intend to make available to the public certain information regarding the project, the participants, and the contractor. In addition, the City and the Maryland Department of Housing and Community Development are required to disclose information about the project to State officials, staff, local officials and staff, and others. Such information which may be disclosed to any of the foregoing, including the public, may include the name of the contractor, the name location, owners, and description of the projects; the date and amount of financial assistance awarded by the Department; the terms of the financial assistance; use of funds; and the sources, amounts and terms of other funding used to complete the projects, including capital contributions from the participants. This information may be confidential under Maryland's Access to Public Records Act, State Government Article, Section 10-611 *et seq.* of the Annotated Code of Maryland (the "Records Act"). If the Contractor or program participants do not want this information made available to above-referenced parties, the Contractor must attach to this Agreement a written objection.

SCOPE OF WORK

The Contractor will have the following duties and responsibilities as part of this labor and materials contract.

- (a) The Contractor will be responsible for preparing a total cost estimate for the scope of work for the Allegany Museum Interior Rehabilitation. This estimate is to include all construction costs, labor, materials, permit fees, and legal fees that are associated with the project and will be provided to the City of Cumberland.
- (b) The total amount of available funding for the overall the Allegany Museum Interior Rehabilitation components is \$50,000.00. The City of Cumberland will not be responsible for payment of any additional costs exceeding this amount. Funds have been awarded as grant funds from the Maryland Department of Housing and Community Development (DHCD). Repayment of any or all of these funds is not required unless the Contractor defaults on the terms of this agreement.
- (c) Per the state of Maryland's Community Legacy agreement, the Project shall not include or support the following types of activities: pawn shops, gun shops, tanning salons, massage parlors, adult video/book shop, adult entertainment facilities, check cashing facilities, gambling facilities, tattoo parlors or liquor stores.
- (d) The Contractor must obtain all applicable permits prior to the commencement of any work.
- (e) Documentation regarding the planned undertaking will be provided to the City of Cumberland's Department of Community Development for approval prior to the commencement of any work. This approval process includes the City of Cumberland's responsibility to send all documentation to the Maryland Historical Trust and the Maryland Codes Administration for approval. Since there is a perpetual preservation easement on the building held by the Maryland Historical Trust, the approval of the Easement Committee at the Maryland Historical Trust is also required prior to the start of construction. Contractor should note that this approval process will likely last approximately 45 days and should plan the project timeline accordingly.
- (f) Once all approvals have been received, work may begin.
- (g) Allowable expenses for reimbursement requests include the costs associated with the installation of acoustic panels in the ballroom with remaining funds to assist with interior infrastructure work related to the installation of the Memorial Hospital portico to the rear facade. All other costs associated with the project cannot be reimbursed.
- (h) Reimbursement requests are to be submitted to the City of Cumberland in care of the project contact person. Requests must include copies of contractor invoices, copies of financial documents demonstrating that payment has been rendered to the contractor, and photographs.
- (i) With each request for payment, Allegany Museum will be required to provide a statement of which components of the original scope of work items have been completed. If the entire work item is not complete, the contractor will need to verify the percentage of that work item that has

been completed. The City of Cumberland will conduct an inspection to document that completed work at the time of the invoice submission. This inspection will take place within one week of the invoice date, provided that all submitted documentation is complete.

- (j) At least one half of the awarded funding must be expended and requested for reimbursement no later than the one year anniversary of the Community Legacy funding agreement executed by the Mayor and City Council and the Maryland Department of Housing and Community Development.
- (k) All work must be completed and the final disbursement payment must be made by June 30, 2021. The following timelines is included in the Community Legacy funding agreement:

EXHIBIT C - SRP-CL-2019-Cumberland-00129
PROJECT TIMELINE

Project Name:
Allegany Museum Interior Restoration Work

Activity Start Date	Activity End Date	Description of Activity (100 characters or less)
01/01/2019	01/31/2019	Commencement date
02/01/2019	05/31/2021	Complete interior work design and approvals
02/01/2019	05/31/2021	Complete construction of interior restoration
06/01/2021	06/30/2021	Completion Date
07/01/2021	08/15/2021	Final Report due within 45 days of completion

IN WITNESS WHEREOF, the parties have hereunto cause these presents to be executed in duplicate the day and year first-above written.

MAYOR AND CITY COUNCIL OF CUMBERLAND

ATTEST:

Marjorie Woodring, City Clerk

Raymond M. Morriss, Mayor

Witness

Authorized Representative
Allegany Museum

**COMMUNITY LEGACY PROGRAM
QUARTERLY REPORT
PROGRESS SUMMARY**

Awardees Name:	Mayor and City Council of Cumberland, Maryland		
Award #	████	Project #	████
		Project Name:	████████████████████
Quarterly Report: (select quarter and type year)			
January _____ April _____ July _____ October _____			
Address:	57 N. Liberty St., Cumberland, MD, 21502		
Contact Person:	Kathy McKenney	Contact Phone #:	301-759-6431
Contact Email:	████████████████████		

QUARTERLY REPORTS

As a condition of the Community Legacy Award, reports are due quarterly on January 1, April 1, July 1, and October 1. **(PLEASE NOTE: There will not be any disbursement of funds unless all project reports are current. Additional reports and information may be required as determined by the Department.)**

Reports must include the following information:

1. What has occurred during this reporting period (or the date of the award agreement for the first report)?
2. Are goals, objectives and milestones on target (see Exhibit C Project Schedule)? What, if any, obstacles have caused delay in the Project Schedule? Discuss how you intend to overcome these obstacles. Please state if you need technical assistance.
3. What do you expect to take place in the next quarter? Please list any upcoming events, meetings and ribbon cuttings for this project.
4. If the project involves capital improvements to a property, have you submitted a scope of work, photos and map to the Community Legacy project manager for MHT/Codes review?
5. What date do you anticipate submitting the next Request for Payment? What is the anticipated amount of funds that will be requested?
6. What other neighborhood revitalization impacts have occurred?
7. Please provide electronic photos (before, during and after) or printed materials (i.e. newspaper clippings, web articles, etc.) related to the award, if available.
8. Complete Quarterly Report Expense Summary (Exhibit E attachment).