



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

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

DATE 1/3/2017

***Pledge of Allegiance**

I. ROLL CALL

The meeting convened at 6:22 p.m.

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

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

II. APPROVAL OF MINUTES

(A) Administrative / Executive

1. Closed Meeting Announcements - December 28, 2016 and January 3, 2017

Mayor Grim announced that Closed Sessions had been held on Wednesday, December 28, 2016 at 4:00 p.m. and Tuesday, January 3, 2017 at 5:15 p.m. and read into the record a summary of those session, which are attached hereto and made a part of these minutes as required under Section 3-306(c)(2) of the General Provisions Article of the Annotated Code of Maryland.

2. Approval of the Closed Session Minutes for November 11, 2016

Item Action:Approved

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

III. NEW BUSINESS

(A) Orders (Consent Agenda)

Item Action:

Mr. Rhodes reviewed each item on the Consent Agenda and Mayor Grim called for questions or comments. Motion to approve Consent Agenda Items 1-3 was made by Caporale, seconded by Cioni and was passed on a vote of 5-0.

1. Order authorizing the abatement of utility charges for City-owned properties 314 and 316 Independence Street (\$904.35 and \$4,233.57), 230 Cecelia Street (\$41.92), and 105 W. Industrial Boulevard (\$2,848.54)

ORDER NO. 26,081

2. Order authorizing execution of a Non-Endowed Restricted Fund Agreement with the Community Trust Foundation to create a fund to support the potential development of a skateboard park at Constitution Park; approving allocations to the fund of \$5,000 from the Bowers Trust Fund and \$381.37 in donations from Corey Zinkhan; and providing that in the event the City does not pursue the skateboard park project, all funds may be used to recreation improvements at Constitution Park

ORDER NO. 26,082

3. Order approving the application of an Historic Tax Credit to property at 29-35 Baltimore Street, owned by Suite Thirty One, LLC; the recommended tax credit is \$2,966.46 applied over a 5-year period. Any credits remaining after that time will expire.

ORDER NO. 26,083

IV. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Kenneth Wilmot, 513 Fort Avenue, Cumberland, stated that he was 100% against the creation of a skateboard park in Constitution Park. He stated it was not needed and he had not observed anyone skateboarding this year. He noted a young boy had died at the YMCA skatepark and asked who would be liable. Mr. Wilmot also stated that someone needed to look at the trees in the park because they were under attack from bugs.

V. ADJOURNMENT

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

Minutes approved on February 7, 2017

Brian K. Grim, Mayor

ATTEST: Marjorie A. Woodring, City Clerk



Regular Council Agenda
January 3, 2017

Description

Closed Meeting Announcements - December 28, 2016 and January 3, 2017

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 Summary

~~Tuesday~~ ^{Wednesday}, December 28, 2016 at 4:00 p.m.

Second Floor Conference Room, City Hall

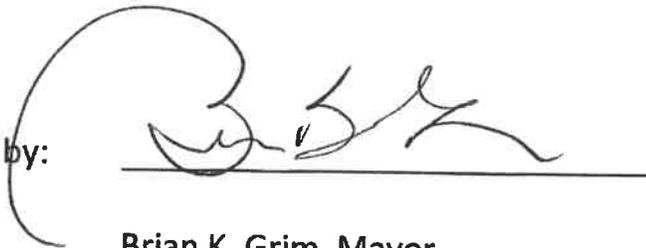
On Wednesday, December 28, 2016, the Mayor and City Council met in closed session at 4:00 p.m. in the second floor conference room of City Hall to discuss performance evaluations of the City Administrator, City Solicitor, and City Clerk.

Persons in attendance included Mayor Grim, Council Members Alt-Myers, Bernard, Caporale, and Cioni.

On a motion made by Caporale and seconded by ALT-myers, Council voted 50 to close the session. No actions were voted upon and the meeting was adjourned at 5:32 p.m.

Authority to close the session was provided by the State Government Article of the Annotated Code of Maryland, Subsection ^{3-305(b)} ~~10-508(a)~~ (1).

This statement is made by:



Brian K. Grim, Mayor

JAN - 3 2017

Mayor and City Council of Cumberland

Closed Session Summary

Tuesday, January 3, 2017 at 5:15 p.m.

Second Floor Conference Room, City Hall

On Tuesday, January 3, 2017, the Mayor and City Council met in closed session at 5:15 p.m. in the second floor conference room of City Hall to discuss IAFF Local #1715 contract negotiations relative to an economic wage re-opener and appointments to a Citizen Advisory Commission on organizational wages and benefits.

Persons in attendance included Mayor Grim; Council Members ^{FRAZIER}~~Alt-Meyers~~, Bernard, Caporale, and Cioni; City Administrator Rhodes; City Solicitor Cohen, ~~and~~ City Clerk Woodring, *Fire Chief Dunn*

On a motion made by Bernard and seconded by Cioni, Council voted 5-0 to close the session. No actions were voted upon and the meeting was adjourned at 6:17 p.m.

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

This statement is made by:


Brian K. Grim, Mayor

JAN - 3 2017



Regular Council Agenda
January 3, 2017

Description

Approval of the Closed Session Minutes for November 11, 2016

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, November 11, 2016

2:00 p.m.

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, David Caporale, and Richard J. "Rock" Cioni; Seth Bernard via conference phone

ALSO PRESENT: Jeffrey Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Shawn Hershberger, Executive Director of the Cumberland Economic Development Coporation (CEDC); Jonathan Hutcherson, CEDC Board of Directors; Marjorie Woodring, City Clerk

MOTION: Motion to enter into closed session to discuss a matter pertaining to a proposal for a business to locate to the area pursuant to the provisions of the Annotated Code of Maryland, State Government Article, Section 10-508 (a) (4) was made by Councilman Caporale, seconded by Councilwoman Alt-Myers, and was passed on a vote of 5-0.

Annotated Code of Maryland, State Government

- Section 10-508 (a) (4): to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;

TOPICS: Proposal for business to locate to the city

Minutes approved on: JAN - 3 2017

Brian K. Grim, Mayor:

ATTEST: Marjorie A. Woodring, City Clerk

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

ORDER NO. _____

DATE: January 3, 2017

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

THAT, the following utility charges on the City-owned properties of 314-316 Independence Street, 230 Cecelia Street, and 105 W. Industrial Boulevard be and are hereby abated:

ACCOUNT NO.	AMOUNT	ADDRESS
400012009	\$ 904.35	314 Independence Street
400014005	\$4,233.57	316 Independence Street
300100003	\$ 41.92	230 Cecelia Street
080010800	\$2,848.54	105 W. Industrial Boulevard

Mayor Brian K. Grim

Real Property Data Search (w3)

Guide to searching the database

Search Result for ALLEGANY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 05 Account Number - 013291			
Owner Information					
Owner Name:		HILBURN GLENN E-PHYLLIS C		Use: RESIDENTIAL Principal Residence: NO	
Mailing Address:		5415 SHOOKSTOWN RD FREDERICK MD 21702-1557		Deed Reference: /01621/ 00218	
Location & Structure Information					
Premises Address:		314 INDEPENDENCE ST CUMBERLAND 21502-0000		Legal Description: 314-316 INDEPENDENCE ST PT LOT 23-24 34X50 GEPHART 2ND ADDN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section: Block: Lot:
0104	0008	1601		0000	Assessment Year: 2015
Special Tax Areas:		Town:		CUMBERLAND	
		Ad Valorem:			
		Tax Class:			
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			1,700 SF		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2015		07/01/2016
Land:		3,000	2,500		As of
Improvements		0	0		07/01/2017
Total:		3,000	2,500		2,500
Preferential Land:		0			0
Transfer Information					
Seller: CUMB, MAYOR & CITY COUNCIL OF		Date: 08/21/2009		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /01621/ 00218		Deed2:	
Seller: ELLIOTT, ROGER L		Date: 10/04/2004		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00736/ 00327		Deed2:	
Seller: ELLIOTT, ROGER L-BONNIE J		Date: 06/28/1991		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00595/ 00559		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class	07/01/2016		07/01/2017	
County:	000	0.00			
State:	000	0.00			
Municipal:	000	0.00 0.00		0.00 0.00	
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					

8/30/16

Work with Accounts

-----Work with Account, Customer-----UT2435S1-----

Account: 300100003
Address: 230 CECELIA ST
CUMBERLAND, MD 21502

Type options, press Enter.
2=Change 4=Delete 5=Display 6=Print 17=Address Services

Opt	---Customer---	Account Balance	Move In Date
---	Number Name		
---	17958 CUMBERLAND ECONOMIC DEVELOP. COR	.00	4/15/2016
---	4536 SISK, LILLIAN, C,	41.92	1/01/1950

Bottom

-----F3=Exit, , F5=Refresh, , F12=Cancel, , F15=My Activities-----

8/30/16 Deed not transferred
10/12/16

Lisa-

Transaction Inquiry

Account#: 080010800 1093 Current Balance . : 2,848.54
 Name . : MARNA SUE CAVEY
 Address : 105 W INDUSTRIAL BLVD

Type options, press Enter. Reset: _____
 5=Detail 6=Reprint Bill 11=Meter History 16=Other Charges
 More: +

Opt	Type	Date	Amount	Posted	Due Date	Balance
—	Bill	12/08/2016	.00	12/08/2016	12/29/2016	2848.54
—	Penalty	11/28/2016	18.57	11/28/2016		2848.54
—	Bill	11/03/2016	.00	11/03/2016	11/23/2016	2829.97
—	Penalty	10/28/2016	18.57	10/28/2016		2829.97
—	Bill	10/06/2016	.00	10/06/2016	10/27/2016	2811.40
—	Penalty	9/30/2016	18.57	9/30/2016		2811.40
—	Bill	9/08/2016	.00	9/08/2016	9/29/2016	2792.83
—	Penalty	8/26/2016	18.57	8/26/2016		2792.83
—	Bill	8/04/2016	.00	8/04/2016	8/25/2016	2774.26
—	Penalty	7/29/2016	18.57	7/29/2016		2774.26

More...

F3=Exit, . . F5=Refresh, . . F7=Event, History, . . F8=Account, . . F22=More Keys

Real Property Data Search (w3)

Guide to searching the database

Search Result for ALLEGANY COUNTY

View Map		View GroundRent Redemption		View GroundRent Registration	
Account Identifier:		District - 04 Account Number - 038738			
Owner Information					
Owner Name:		MAYOR & CITY COUNCIL OF CUMB		Use: EXEMPT	
Mailing Address:		57 N LIBERTY ST CUMBERLAND MD 21502-		Principal Residence: NO	
				Deed Reference: /02187/ 00489	
Location & Structure Information					
Premises Address:		105 FIFTH ST CUMBERLAND 21502-0000		Legal Description: 105-107 FIFTH ST LOT 18 40X100 SOUTH SIDE ADDN	
Map:	Grid:	Parcel:	Sub District:	Subdivision:	Section:
0111	0020	1881		0000	
					Block:
					Lot:
					Assessment Year:
					2015
					Plat No:
					Plat Ref:
Special Tax Areas:		Town: CUMBERLAND		Ad Valorem:	
				Tax Class:	
Primary Structure Built	Above Grade Enclosed Area	Finished Basement Area	Property Land Area	County Use	
			4,000 SF		
Stories	Basement	Type	Exterior	Full/Half Bath	Garage
					Last Major Renovation
Value Information					
	Base Value		Value		Phase-in Assessments
			As of		As of
			01/01/2015		07/01/2015
					As of
					07/01/2016
Land:		4,000	3,600		
Improvements		0	0		
Total:		4,000	3,600		34,633
Preferential Land:		0			3,600
					0
Transfer Information					
Seller: CAVEY MARNA SUE-TRACY LEE		Date: 01/11/2016		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /02187/ 00489		Deed2:	
Seller: GARRISON, DARRELL MORGAN		Date: 09/30/1994		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00620/ 00271		Deed2:	
Seller: SENCINDIVER, PAGE M ET UX		Date: 01/14/1992		Price: \$0	
Type: NON-ARMS LENGTH OTHER		Deed1: /00599/ 00421		Deed2:	
Exemption Information					
Partial Exempt Assessments:	Class			07/01/2015	07/01/2016
County:	670			0.00	3,600.00
State:	670			0.00	3,600.00
Municipal:	670			0.00 3,600.00	0.00 3,600.00
Tax Exempt:	Special Tax Recapture:				
Exempt Class:	NONE				
Homestead Application Information					
Homestead Application Status: No Application					



Regular Council Agenda
January 3, 2017

Description

Order authorizing the abatement of utility charges for City-owned properties 314 and 316 Independence Street (\$904.35 and \$4,233.57), 230 Cecelia Street (\$41.92), and 105 W. Industrial Boulevard (\$2,848.54)

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: January 3, 2017

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

THAT, the Mayor be and is hereby authorized to execute a Non-Endowed Restricted Fund Agreement by and between the Community Trust Foundation (CTF) and the Mayor and City Council of Cumberland to create a fund to support the potential development of a skateboard park at Constitution Park; and

BE IT FURTHER ORDERED, that Five Thousand Dollars (\$5,000) from the Bowers Trust Fund be and is hereby approved for allocation to this fund, in addition to Three Hundred Eight-One Dollars and Thirty-Seven Cents (\$381.37) in donations from Corey Zinkhan ; and

BE IT FURTHER ORDERED, that in the event the City does not pursue the development of the skateboard park for any reason, the funds may be used for recreation improvements within Constitution Park.

Brian K. Grim, Mayor



**COMMUNITY TRUST FOUNDATION, INC.
NON-ENDOWED RESTRICTED FUND AGREEMENT**

THIS AGREEMENT is made the ___ day of _____ between THE COMMUNITY TRUST FOUNDATION, INC., ("CTF"), a not-for-profit Maryland corporation and foundation as defined by section 501(c) 3 of the Internal Revenue Code, and the Mayor and City Council of Cumberland ("Donors") to create a Non-endowed Restricted Fund ("Fund") of CTF. All persons and organizations making contributions to the Fund shall be bound by the terms of the Agreement. This Agreement shall be interpreted under the laws of the State of Maryland.

1. Name of the Fund

The name of the Fund established by the founding Donors will be City of Cumberland Skate Park Fund. Any recipients of benefits from the fund shall be advised that such benefits are from the Fund.

2. Property of the Fund

CTF acknowledges receipt of _____ as the initial property of the Fund. This gift is irrevocable as are any future donations to CTF related to the Fund. CTF may at its discretion accept additional contributions to the Fund from persons or entities other than the founding Donors

3. Characteristics of the Fund

The Fund shall be a component part of CTF as defined in section 1.170-A-9(e)(11) of the Internal Revenue Regulations. CTF shall hold, manage, invest and reinvest the Fund, shall collect the income, and shall make disbursements from the Fund exclusively for general charitable uses and purposes, in accordance with the provisions specified in the Articles of Incorporation, the by-laws, and rules and regulations governing CTF. The assets which establish this fund and the future value of these assets will be permanently reserved for the charitable purposes of the community by giving the Board of Trustees of CTF the power to: (a) receive additional gifts to the Fund from any source, or reject gifts in accordance with CTF's Gift Acceptance Policy and Investment and Spending Policy; and (b) modify fund restrictions and conditions through the exercise of its variance power. Such power shall include the right to (i) modify any restriction or condition on the distribution of funds for any specified charitable purposes or to specified organizations, if in the sole judgment of the Board of Trustees (without the approval of any participating Trustee, Custodian or Agent), such restriction or condition becomes unnecessary, incapable of fulfillment, or inconsistent with the charitable needs of the CTF geographic service area; and (ii) to replace any Trustee, Custodian or Agent for breach of fiduciary duty under the laws of the State of Maryland.

4. Purpose of the Fund

The purpose of this Fund shall be to provide financial support for the creation of a skateboard park in Constitution Park in the City of Cumberland, Maryland.

5. Disbursements from the Fund

Income and principal from the Fund shall be distributed to the Mayor and City Council of Cumberland no more than four times per year in support of the creation of a skateboard park in



Constitution Park in the City of Cumberland, Maryland consistent with the general charitable purposes and Spending Policy of CTF as approved by the Board of Trustees. The minimum disbursement amount is \$250.

6. Inactive Funds

All Funds shall remain active regarding distributions. Any Funds that are inactive for a two year period or have a balance below \$5,000 will be subject to the policies and guidelines adopted by the Board of Trustees of CTF. If insufficient funds are raised to support the skatepark or if, for any reason, the City does not pursue the development of the skatepark, any remaining funds may be used for recreation improvements within Constitution Park.

7. Investment of the Fund

CTF and the members of the Board of Trustees, while acting in good faith, and in the absence of willful default or gross negligence, shall not be liable or held responsible for any loss or depreciation in the value of the Fund resulting from any of the investments or reinvestments made pursuant to the powers herein granted. CTF has exclusive control over the investment and reinvestment of the Fund. Assets of the Fund may be commingled for purposes of investment with other assets of CTF.

8. CTF as Owner of the Fund

The Fund shall be the property of CTF and owned by it in its normal corporate capacity. In such capacity, CTF shall have exclusive control of Contributions to the Fund, the investment return derived there from, and any distributions from the Fund subject to the terms of this Agreement.

9. Compensation to CTF

As compensation for its services, CTF shall receive an administrative fee based on its Administrative Fee Schedule as approved by the Board of Trustees. This fee is collected quarterly based on the asset value on the last business day of the preceding calendar quarter. Costs such as commissions paid in the purchase or sale of the Fund assets and investment management fees are charged directly to the Fund.

IN WITNESS WHEREOF, the founding Donor and CTF have caused this Agreement to be executed by their duly authorized officers, as of the day and year first written above.

FOUNDING DONOR (s)

Mayor and City Council of Cumberland
By Brian K. Grim, Mayor

Date

COMMUNITY TRUST FOUNDATION, INC.

President

Date



Regular Council Agenda
January 3, 2017

Description

Order authorizing execution of a Non-Endowed Restricted Fund Agreement with the Community Trust Foundation to create a fund to support the potential development of a skateboard park at Constitution Park; approving allocations to the fund of \$5,000 from the Bowers Trust Fund and \$381.37 in donations from Corey Zinkhan; and providing that in the event the City does not pursue the skateboard park project, all funds may be used to recreation improvements at Constitution Park

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: January 3, 2017

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

THAT, the property located at 29-35 Baltimore Street, owned by Suite Thirty One LLC (Tax Acct. #04-025482), be and is hereby granted a one-time Historic District Property Tax Credit commencing with the 2016-2017 Tax Year, in the amount of Two Thousand, Nine Hundred Sixty-Six Dollars and 46 Cents (\$2,966.46) to be used within five (5) years; and

BE IT FURTHER ORDERED, that this application was approved by the Historic Preservation Commission at their meeting on December 19, 2016.

Mayor Brian K. Grim



Sherri Nicol <sherri.nicol@cumberlandmd.gov>

Fwd: 29-35 Baltimore Street Historic District Tax Incentive Recommendation

1 message

Margie Woodring <margie.woodring@cumberlandmd.gov>
To: Sherri Nicol <sherri.nicol@cumberlandmd.gov>

Fri, Dec 30, 2016 at 1:44 PM

Margie Woodring

City Clerk
CITY OF CUMBERLAND
57 N. Liberty Street
Cumberland, MD 21502
Phone: 301-759-6447
Email: margie.woodring@cumberlandmd.gov

----- Forwarded message -----

From: **Kathy McKenney** <kathy.mckenney@cumberlandmd.gov>
Date: Tue, Dec 20, 2016 at 5:49 PM
Subject: 29-35 Baltimore Street Historic District Tax Incentive Recommendation
To: Margie Woodring <margie.woodring@cumberlandmd.gov>

Margie,

Attached please find a copy of the Historic District Tax Incentive that was recommended by the Historic Preservation Commission by unanimous vote at their December 19, 2016 meeting. Could this be placed for approval during one of the January Mayor and City Council meetings?

Thanks,
Kathy

Kathy McKenney

Community Development Programs Manager
City of Cumberland
57 North Liberty Street
Cumberland, MD 21502
301-759-6431 (phone)
301-759-6432 (fax)
www.ci.cumberland.md.us

Historic District Tax Incentive Program

By Kathy McKenney

29-35 Baltimore Street

Owner: Suite Thirty One LLC

Contact: Janet Wunderlick

Tax Account #: 04-025482

A Historic District Tax Incentive Application has been received from the owners of the property located at 29-35 Baltimore Street. Based on research, calculations (within the allowable two-year project time period), and materials received, I would like to make the following recommendation:

- ❖ City of Cumberland property tax credit recommended in the amount of \$2,966.46 (10% of total eligible project costs of \$29,664.61). The credit will be applied to real estate property taxes and is valid for a total of five years. Any credits remaining after that time will expire.
- ❖ Property tax assessment freeze is not eligible since the expenses total 8.8% of the pre-improvement value of the property (\$261,800).



Regular Council Agenda
January 3, 2017

Description

Order approving the application of an Historic Tax Credit to property at 29-35 Baltimore Street, owned by Suite Thirty One, LLC; the recommended tax credit is \$2,966.46 applied over a 5-year period. Any credits remaining after that time will expire.

Approval, Acceptance / Recommendation

Budgeted

1st Reading

2nd Reading

3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)