MAYOR	COUNCIL
Brian K. Grim	Nicole Alt-Myers
	Seth D. Bernard
CITY ADMINISTRATOR	David Caporale
Jeff Rhodes	Richard J. "Rock" Cioni
CITY SOLICITOR	**CITY CLERK**
Michael Scott Cohen	Marjorie A. Woodring

AGENDA

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

DATE 4/19/2016

***Pledge of Allegiance**

I. ROLL CALL

II. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Presentation from John DiFonzo, Director of Engineering, and Dave Curry, Public Works Operations Manager, on the valve replacement project at Greene and Mechanic Streets

III. DIRECTOR'S REPORT

(A) Fire

1. Fire Department monthly report for March, 2016

(B) Public Works

1. Maintenance Division monthly report for March, 2016

2. Engineering Department monthly report for March 2016

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the regular session minutes of April 5, 2016

V. NEW BUSINESS

(A) Ordinances

1. Ordinance *(1st reading)* - to amend Section 2.03 (22) of the City Code to modify the definition of a "Boarding House / Hostel" and to change the zoning areas in which boarding houses and hostels are permitted

(B) Resolutions

1. Resolution granting the Western Maryland Scenic Railroad Development Corporation a property tax credit for the 2015-2016 tax year, as authorized by provisions of the Annotated Code of Maryland

(C) Orders (Consent Agenda)

1. Order rescinding Order No. 25,954 and reapproving Change Order No. 1 to "2015 Grass Mowing Contract - Non-Residential (7-15-M)" with Biser Lawncare & More, in the increased amount of $2,500 to correct a bookkeeping error

2. Order approving the 2015 Annual Report of the Affirmation Action Committee

3. Order approving the recommendation of the Cumberland Historic Preservation Commission to designate property at 515 Greene Street, once owned by Jane Gates, as a Local Historic Site

4. Order accepting the donation of properties at 445 Central Ave., 453-455 Central Ave., and E/S Central Ave. from Kim J. Rennie in exchange for the release of judgments from municipal infractions held against Ms. Rennie, authorizing execution of documentation necessary for the transfer, and abating all taxes and utilities owed on the properties

5. Order authorizing acceptance of a deed for 610 Maryland Avenue from Nicholas Walters for the amount of $7,024.90, provided title to the property is good and marketable and stipulating other contingencies necessary to effect the transfer

VI. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

VII. ADJOURNMENT

Regular Council Agenda
April 19, 2016

Description

Presentation from John DiFonzo, Director of Engineering, and Dave Curry, Public Works Operations Manager, on the valve replacement project at Greene and Mechanic Streets

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
April 19, 2016

Description
Fire Department monthly report for March, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

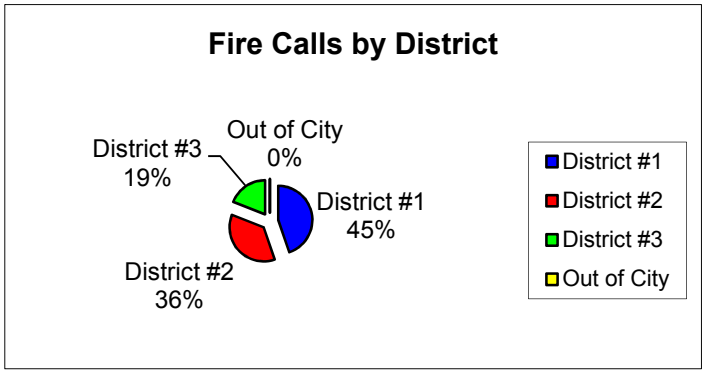
Source of Funding (if applicable)

REPORT OF THE FIRE CHIEF FOR THE MONTH OF MARCH 2016
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 105 Fire Alarms:

Responses by District:

District #1	47
District #2	38
District #3	20
Out of City	0
	105



Number of Alarms:

First Alarms Answered	104
Working Alarms Answered	1
	105

Calls Listed Below:

Property Use:

Public Assembly	1
Industry, Utility	1
Educational	1
Institutional	6
Residential	66
Manufacturing	2
Mercantile, Business	2
Storage	1
Special Properties	25
	105

Type of Situation:

Fire	10
Overpressure, Rupture	1
Rescue Calls	56
Hazardous Conditions	5
Service Calls	9
Good Intent Calls	10
False Calls	14
	105

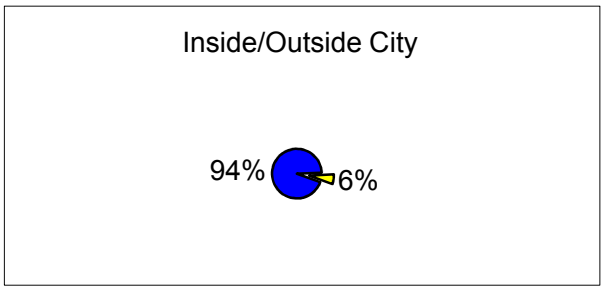
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in March:	$1,940.00
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date:	$22,790.00
Fire Service Fees for Fire Calls Paid In March:	$935.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	$7,420.00
Fire Service Fees for Inspections and Permits Billed in March:	$150.00

Item # 2

Fire Service Fees for Inspections and Permits Paid in March:	$850.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	$1,450.00

Cumberland Fire Department Responded to 465 Emergency Medical Calls:

In City Calls	436
Out of City Calls	29
Total	465



Cumberland Fire Department provided 20 Medic Assist Calls:

15	Paramedic Assist Calls within Allegany County
5	Paramedic Assist Calls outside of Allegany County
20	

Bowman's Addition VFD	2
Corriganville VFD	2
Cresaptown VFD	5
District #16 VFD	1
Flintstone VFD	4
LaVale Vol. Rescue Squad	1
	15
Fort Ashby VFD	1
Short Gap VFD	1
Springfield Area Rescue Squad	2
Wiley Ford VFD	1
	20

Cumberland Fire Department provided 9 Mutual Aid Calls:

9	Mutual Aid Calls within Allegany County
0	Mutual Aid Calls outside of Allegany County
9	

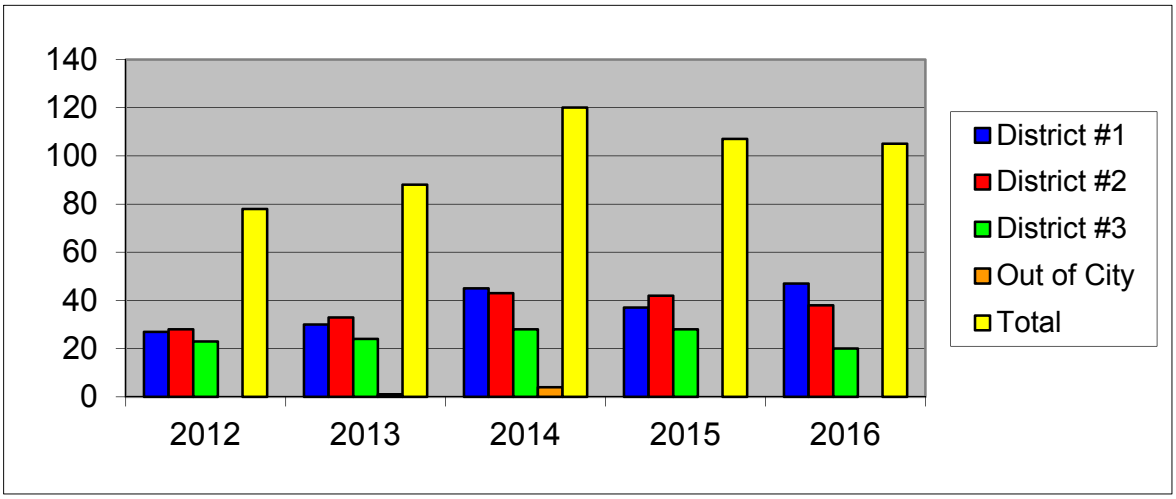
Bowman's Addition VFD	3
Cresaptown VFD	5
LaVale Vol. Rescue Squad	1
	9

Total Ambulance Fees Billed by Medical Claim-Aid for March:	$134,708.48
Ambulance Fees Billed Fiscal Year to Date:	$1,200,374.10
Ambulance Fees Paid: Revenue Received in March:	$109,762.60
FY2016 Ambulance Fees Paid in FY2016:	$681,352.61

Total Ambulance Fees Paid in FY2016: $838,029.47
(All ambulance fees, previous and current fiscal years, paid in FY2016.)

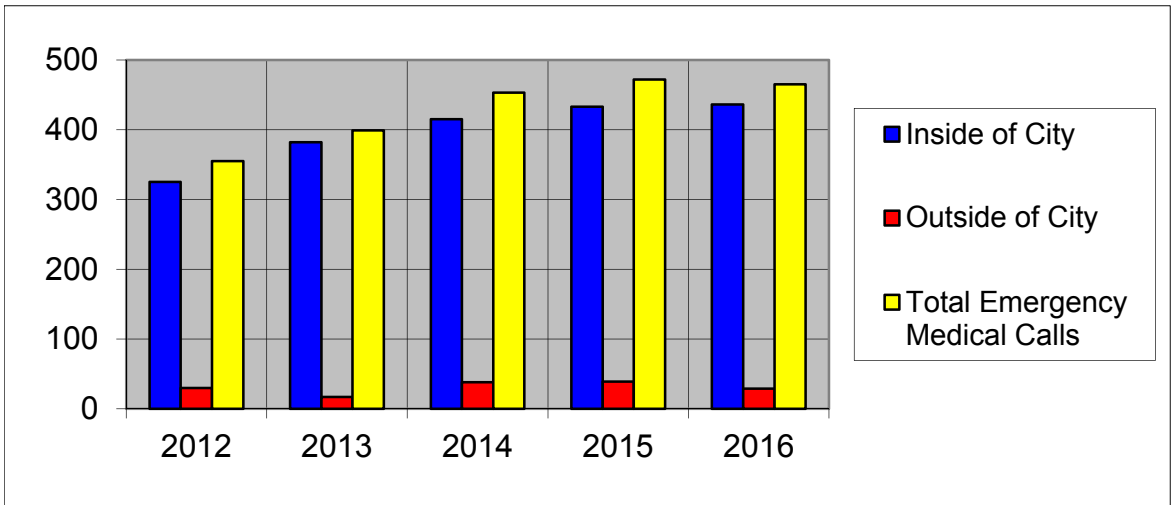
Fire Calls in the Month of March for a Five-Year Period

	2012	2013	2014	2015	2016
District #1	27	30	45	37	47
District #2	28	33	43	42	38
District #3	23	24	28	28	20
Out of City	0	1	4	0	0
Total	78	88	120	107	105



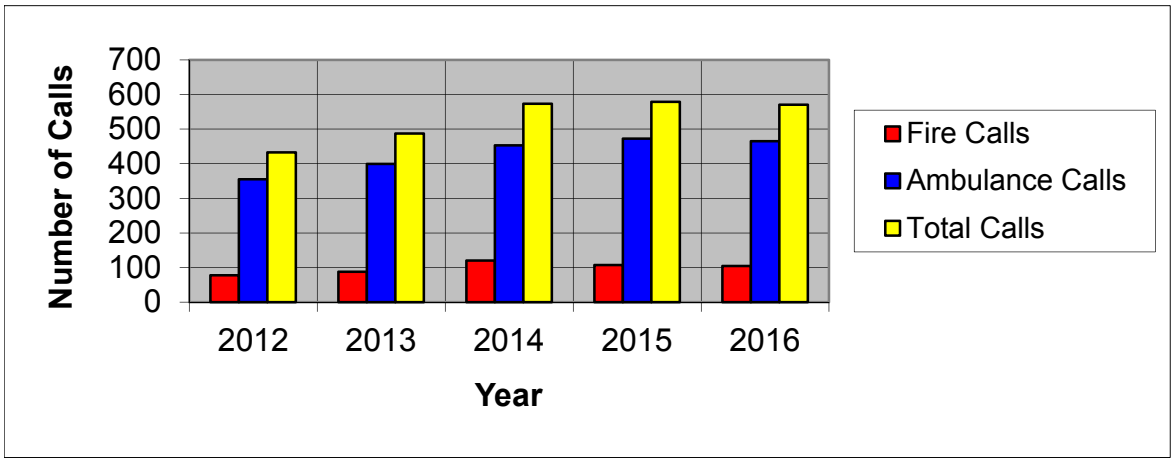
Ambulance Calls in the Month of March for a Five-Year Period

	2012	2013	2014	2015	2016
Inside of City	325	382	415	433	436
Outside of City	30	17	38	39	29
Total Emergency Medical Calls	355	399	453	472	465



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

	2012	2013	2014	2015	2016
Fire Calls	78	88	120	107	105
Ambulance Calls	355	399	453	472	465
Total Calls	433	487	573	579	570



Training:

Training Man Hours:	311.25	
HIPAA Regulations		24.00
Hose Operations		27.50
Apparatus Check Procedures		16.50
SCBA Refresher		13.50
SCBA Donning Methods		11.00
General Building Construction		23.00
Inservice Inspections		11.00
Plan Review		13.00
CVA Emergencies		1.00
Emergency Medical Service		11.00
Circulatory System		16.50
Cardiovascular System		11.00
Pediatric Emergencies		15.00
Strategic & Tectical Operations		8.25
Physical Fitness		12.00
MayDay Procedures		13.00
Confined Space Rescue		84.00
		311.25

Fire Prevention Bureau:

Complaints Received	1
Conferences Held	80
Correspondence	12
Inspections Performed	9
Investigations Conducted	11

Plan Reviews 4

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

Regular Council Agenda
April 19, 2016

Description
Maintenance Division monthly report for March, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

MAINTENANCE DIVISION REPORT
March 2016

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
MARCH 2016

- POTHOLES AND COMPLAINTS
  - Potholed 11 days using approximately 12 ton of cold mix.

- UTILITY HOLE REPAIR
  - Completed 5 Water Utility Hole Repairs using 4 CY of concrete.

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 35 Traffic Control Signs.
  - Installed/Repaired 7 Street Name Signs.
  - Installed 8 Handicapped Signs/ Removed 1 Handicapped Sign/ Repaired 1 Handicapped Sign

- STREET SWEEPING
  - Swept 141 curb miles (approx. 56 cubic yards of debris).

- MISCELLANOUS
  - Completed 5 Service Requests.
  - Picked up Salt Barrels.
  - Brush Removal and Tree Work - 5 days.
  - Cleaned Baltimore Street Underpass 1 time.

STREET MAINTENANCE - MARCH 2016		3/1-3/5	3/6-3/12	3/13-3/18	3/19-3/25	3/26-3/31	TOTAL
SERVICE REQUEST COMPLETED			1			4	5
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY		2				2
UTILITY HOLES REPAIRED	WATER				2	3	5
	SEWER						0
	CY				2.25	2.00	4
	TONS						0
POTHOLES FILLED	STREETS						0
	ALLEYS						0
	DAYS	4	2	2	2	1	11
	Cold Mix	X	X	X	X	X	0
	TONS						0
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED			1				1
	CY		1.50				2
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED		8	15			12	35
STREET NAME SIGNS REPAIRED/INSTALLED		5	2				7
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED			1				1
		1				7	8
						1	1
PAINTING PERFORMED	BLUE	1				7	8
	YELLOW						0
	RED	4					4
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS				5	9	14
	MILES				55	86	141
SWEEPER DUMPS HAULED TO LANDFILL	TONS						0
SALT BARRELLS - PICK UP	DAYS		1	1			2
CLEANED BALTIMORE ST. UNDERPASS			1				1
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Days	3	2				5
Check Drains/Clean Debris	DAYS			2			2
LEAF PICK UP	Loads						0

Hooley Plunge Rocky Gap - Provide 12 cans and 6 No Parking Signs
Greene Street Corridor Clean Up 3/7-3/9
Radius Repair @ Grand & Third Street 1.5 CY
Guardrail repair and wall installation @ Oakland/Harding 3/10-3/21
Traffic Control for Pub Crawl 3/11/16 & 3/14/16
Road Stabilization Project on Waverly Terr. (Gabion Baskets installed) 3/17/16-3/22/16
Work @ Pistol Range for CPD 3/23/16-3/24/16
Haul waste material from MSC to Baltimore/Bellevue as per Dave Cox
Sidewalk repair on Columbia St @ Bedford St3/29 & 3/31
Sink hole repair on Queen Street 3/30/16
Close sidewalk @ Baltimore and Altamont as per Chris Gay 3/31/16

Item # 3

PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
MARCH 2016

- Constitution Park
  - Turned water on.
  - Cleaned up Rotary Area for scout project.
  - Built a new roof on concession building @ Long and installed metal roofing and new spouting.
  - Repaired ceiling inside the building @ Long.
  - General clean-up of Park including setting out garbage cans.
  - Cut Long Field.

- Mason Complex
  - Turned Water on
  - General clean-up of Complex including setting out garbage cans.
  - Repaired road and a pipe damaged during snow hauling.
  - Field Maintenance began: lining and dragging all softball fields.
  - Cut Fields and Restrooms.

- Abrams Field
  - Turned water on.
  - Maintained field for AC and Washington Middle School Girls Softball.
  - Cut Abrams 2 times.

- Miscellaneous Work
  - Water was turned on at JC Field.
  - Garbage and Bathrooms are cleaned 3 times a week.
  - Hung Flags at Washington Headquarters.

Parks and Recreation								
Field Work								
March 2016								
		Line		Spike		Drag		General Cleanup Prior to Season
Flynn				1		1		
Nonnenmann				1		1		
Northcraft				`1		1		
Bowers		1		1		2		
Cavanaugh		4		2		4		

Parks and Recreation Department					
Grass Cutting					
March 2016					
		P&R			Seasonals
Fairmont					
Ridgedale					
Springdale					
Mason		2			3/29/16, 3/30/16
Park					
Long		1			3/30/16
Cavanaugh		2			3/21/16, 3/30/16
Smith Park					
Vets Park					
Pine Ave					
JC					
Valley St Parklet					
Abrams		1			3/31/16
Washington HQ					
Sundial					
Lucys Park					
MCS					
Evitts Creek					
Boat Ramp					
Davidson 332-334					
Mullen					
500 Block of Maryland Ave.					
14 Somerville in Rear					
Old HRDC					
Rolling Mills Parklet					
East Side School					
Goethe					
Pistol Range					
					Item # 3

Parks and Recreation Department
Miscellaneous Work
March 2016
Build roof and place metal on concession @ Long Field (3/7 – 3/11)
Turn water on at fields (Mason & Park)
Make repairs along road at Mason (from trucks hauling snow removal)
Clean up Rotary area in Park for Scout project
General cleanup at all locations
Install spouting for new roof at Long
Paint cans - Flag Ceremony at Liberty Gardens (3/31)

Fleet Maintenance
March 2016

Total Fleet Maintenance Projects	**143**
Street Maintenance	41
Snow Removal	0
DDC	0
CPD	23
Water Distribution	10
P & R Maintenance	21
CFD	7
Sewer	7
Code Enforcement	0
Flood	0
PIP	0
WWTP	0
Engineering	0
Facility Maintenance	0
Fleet Maintenance	0
Central Services	0
Municipal Parking	0
Public Works	0
Water Filtration	0
Small Engine Repairs	0
Scheduled Preventive Maintenance	29
Field Service Calls	5
Total Work Orders Submitted	**0**
Risk Management Claims	**0**
Fork Lift Inspections	**0**

Regular Council Agenda
April 19, 2016

Description
Engineering Department monthly report for March 2016

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						March 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2008	05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	**UPDATE** - This project was separated from 17-03-S(1) because of cost. A smaller investigation/design phase is currently in progress with will be funded through a small SRF Loan, which will also include costs to work on CSX Property. The investigation needs to take place at a busy spot in CSX the yard.	JDF	4/15/2016
2009	12-09-T	Circulation, TAC Signing and Traffic Signal Studies	Three traffic related planning studies	Study	**UPDATE** - City comments on the plans have been provided to SHA and we expect to see FINAL Plans by June 2016.	JDF	4/15/2016
2009	22-09-M	Maryland Avenue Wall & Sidewalk Repairs	Replace of a portion of sidewalk and its supporting wall in the 900 Block of Maryland Avenue	Funding	**UPDATE -** The design work on this project will be finalized in March and if temporary easements can be obtained the project will be bid with construction taking place this summer. Another section of wall has failed a few houses north of this project. We hope that the extra work can be done under the same contract, but won't know that until we obtain bids.	JDF	3/9/2016
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Design	**UPDATE** This project was included in the Governor's proposed budget for FY'17. We hope to be able to bid the project near the end of FY'16 so that the project can be awarded in late summer or fall of 2016. This is an optimistic schedule, and it may be that actual finalization work won't be able to start until FY'17.	JDF	3/31/2016
2011	24-11-W	Water Line Extension From MD 144 to Ali Ghan Shrine Club	Add water line supply as part of a proposed Love's Country Store Development.		**COMPLETE** - This project is now complete, as-built drawings were submitted in early March, 2016.	JDF	3/9/2010
2011	25-11-SWM	25-11-SWM Love's Country Store and Travel Stop	SWM review for a proposed development	Construction	**NO CHANGE** - SWM as-builts received. Construction of Sleep Inn continues	PJD	3/31/2016
2012	2-12-M	Baltimore Avenue Improvements	Resurfacing of Baltimore Ave. from Front Street to Marion Street; with ADA and bicycle safety improvements, water main replacement (Goethe St to Marion St), and traffic safety improvements.	Construction	SHA material clearances have been finalized. SHA review of project sketch book (quantities) continues, and preparations of design waivers for ADA compliance continues (required where the design or field changes did not meet the maximum State requirements, but meets the minimum State requirements, and or the Federal requirements).The design waivers will be submitted in March, and the contract will be correcting several ADA compliance issues in March.	JRD	3/9/2016
2012	10-12-M	Bike Improvements on Mechanic and Centre St	Bike Lane Markings and Signs on Centre and Mechanic Sts from Henderson Ave to Harrison St	Design	UPDATE - Center Street paving was included in CDBG funding package. The current plan is to mill and pave Centre Street and Valley Street under the IA Contract, then to install pavement markings and signs along with the Frederick Street / Bedford Street Bike Improvement Project. The milling and paving work is expected to begin in April 2016. Bike improvements will follow under a separate contract. The grant funded work must be completed in the 2016 construction season, or the City will lose the funding.	JDF	3/31/2016

Item # 4

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						March 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2013	1-13-FPM	Misc Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	**NO CHANGE** - Final SWM submittal and O & M agreement approved. Specifications 90% complete. Design drawings approximately 80% complete.	PJD	3/31/2016
2013	4-13-SWM	Avirett Development at 12313 Messick Road	Development at Messick Road, north of the proposed Chessie Federal Credit Union site.	Design	**NO CHANGE** - Final SWM submittal and O & M agreement approved.	PJD	3/31/2016
2013	5-13-WFP	Sodium Hypochlorite Conversion	Investigate feasibility of converting from usage of chlorine gas to sodium hypochlorite.	Construction	Adding VFD drive (by Central Services staff) to minimize water hammer effect from pump starting and stopping.	PJD	3/31/2016
2013	11-13-M	Frederick & Bedford Sts. Bike Lane Improvements	Proposed bicycle safety improvements; including, bike lanes along Frederick Street and Bedford Street from the Mechanic Street to the City Limits, where possible, and traffic calming	Design	This project is expected to be bid out in May 2016 for summer installation. Work must be completed by the end of the construction season 2016. The milling and paving contract is providing some important pavement repairs and providing removal of existing lane marking so that new line can be installed in accordance with the plans. This work only affects the McMullen Bridge portion of the project.	JDF	4/15/2016
2014	04-14-WWTP	Sludge Screening Study	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to	Study	**UPDATE-** Price proposal has been requested form the selected equipment supplier. A request for an MDE Permit has been submitted. As soon as we are sure funding is in place this project will be finalized for bidding.	JDF	3/9/2016
2014	05-14-M	Mill Grind, patch and Resurface Pavements in accordance with MD SHA Contract	Belt Contract to mill and pave	Construction	Piedmont Avenue and Ashland Avenue were paved in 2015. Greene Street paving will be planned when Belt Paving informs us that they can do paving work in the City.	JDF	3/9/2015
2014	10-14-M	Amtrak Station Streetscape Improvements - Baltimore Street Rail Connection	ADA improvements to curbs and sidewalks along Baltimore Street from George Street to Chessie System Railroad Tracks.	Design	Updates to the SHA specifications need to be inserted into the contract documents, and the documents resubmitted to SHA for final review and permission to bid the project.	JRD	3/9/2016
2014	10-14-M	Canal Street Rehabilitation Improvements	This project will make bicycle safety improvements to Canal Street.	Construction	Work is complete, however the contract is not yet complete. The City Bike Improvement was combined with a Canal Place Contract.	JDF	12/30/2015
2014	13-14-M	Mechanic Street Access Road Improvement Project	Repaving and ADA ramp improvements to the section Mechanic Street from I-68 to Bedford Street. Includes improvements to the block of Bedford Street from N. Centre to N. Mechanic Street and Baltimore Street to the Bridge.	Design	Received updated design for review of ADA ramps.	PJD	3/31/2016
2014	17-14-M	Demolition of East Side School		Construction	**NO CHANGE** - Work complete. Awaiting MDE review and permission to remove S&EC devices	PJD	3/31/2016
2014	18-14-SWM	New HS at site of SHH - SWM	SWM for new Allegany High School	Construction	Revised SWM plan reviewed and approved.	PJD	3/31/2016

Item # 4

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						March 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2014	19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	**UPDATE** - The Design Report from Alta Planning + Design was submitted and we are planning a very brief presentation to the mayor and City Council in May, 2016. The next step in this project will be to seek funding. We believe that several West Side Project could be combined into a single funding request. More on that as the other project reports are completed.	JDF	4/15/2016
2015	1-15-M	Maryland Smart Energy Communities 2015	Designation and Grant for energy reduction improvements. Also required 3 deliverables in 2015: Energy Reduction and Renewable Energy Policies, Energy Baseline, and an energy reduction plan.	Planning	**UPDATE** Quotes received from contractors for HVAC replacement at the admin building. Quotes to be submitted to MEA for approval to move forward. MEA application submitted February 5 for continuing energy reduction improvements and possible renewable energy projects to be completed in FY17.	RJK	3/2/2016
2015	9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	This project should become a Canal Place Project, but the City will have to be involved because the Flood Control Project. The MDOT Planning Funding may be turned over to Canal Place so that the preliminary study can get started and Canal Place is expected to find additional funding so the project can proceed to the design stage.	JDF	2/10/2016
2015	13-15-SWM	Sheetz Improvement at Greene Street - SWM	Complete revamp of the facility at Greene Street	Planning	**NO CHANGE** -SWM Site Development approved	PJD	1/31/2016
2015	14-15-SWM	Hampton Inn - Welton Drive	New Hampton Inn off Welton Drive	Planning	**NO CHANGE** - Awaiting Site Development Plan submittal	PJD	3/31/2016
2015	15-15-P	Mill Grind, patch and Resurface Pavements in accordance with MD SHA Contract	A similar contract had been awarded to Belt Paving in 2014, however Belt could not provide City work, so other paving contractors were asked to provide the work. Only IA Construction responded with a proposal	Construction	Planning work for paving is underway and will be reported in more detail in the April 2016 report.	JDF	4/15/2016
2015	16-15-M	2015 Fall Tree Removal	Hazard Tree Removal	Construction	**UPDATE** Contractor has removed trees will be returning to grind stumps.	PTE	3/9/2016
2015	18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Study	Study contract awarded to Whitman Requardt & Associates (WR & A), and they were notified to start work on 17 Dec 2015. A study update is anticipated in April 2016.	PJD	2/29/2016
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	**NO CHANGE** Awaiting GIS data (infrastructure counts) and Finance Dept spreadsheets.	RJK	12/30/2015

Item # 4

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						March 31, 2016	
Order	**Project No.**	**Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
2015	21-15-M	Washington Street Lighting	Install decorative lighting along Washington Street	Design	**UPDATE -** This project was originated by the Neighborhood Association, however after they received State funding the City has agreed to take on the project and provide the necessary local funds to get it completed. Design work is currently in progress and we should be able to provide a good update in the May, 2016 report. Paving of Washington Street in included in the IA Paving Contract, but work can't begin until all of the conduit work for lighting is completed.	JDF	4/15/2016
2015	23-15-M	Flood Insurance Rate Map (FIRM) Modernization and Implementation	Update FIRMs and the Floodplain Ordinance, and conduct an outreach to the community to apprise landowners of the impact of those changes.	Planning	**NO CHANGE** - Received FEMA update letter 10 Dec 2015.The FIRM comment period is finished. Draft Model Ordinance customized for Cumberland in hand and being reviewed. For Allegany County, the current target for the effective date of DFIRM is Spring, 2017	PJD	2/29/2016
2016	4-16-W	Valve Replacements & Repairs-S. Mechanic and Greene Streets	Install 30" valve on Mechanic street because existing 30" side-operated gate valve is not reliably operable; repair broken 12" valve at Harrison and Mechanic; and install 20" valve at Greene	Planning	Strategy being finalized. Contractor given permission to order valves and fittings.	PJD	3/31/2016
2016	5-16-SWM	Gasoline and Manual Car Wash Station - Willowbrook Road	L.C. Nixon Development Company Car Wash and Gas Station development of an existing property into a Gas Station and manual car wash.	Design	Concept Plan received and reviewed. Awaiting revision addressing the handling of wash water.	PJD	3/31/2016

Item # 4

City of Cumberland, Maryland
Engineering Division - Monthly Report

Program Projects Update						March 31, 2016	
Order	**Department**	**Program/Project Name**	**Description**	**Phase**	**Comments**	**Updated By**	**Date of Update**
	PUBLIC WORKS	Curbside Recycling	Curbside recycling program started in the City of Cumberland July 1, 2014	Ongoing	**UPDATE** News briefs periodically submitted to CTN. Generating another 20 Notify Me users!!! Also, Burgmeier's Hauling periodically has 3 different garbage trucks that collect both garbage and recycling. Here is a Notify Me sent just last week in regards to this: **DID YOU KNOW?** **Burgmeier's Hauling has a variety of split collection trucks in Cumberland. Each truck collects garbage and recycling in one stop!** **One style has the recycling collection compartment on the front side. Another style has BOTH compartments in the rear. A third style (shaped like a large dump truck) has compartments inside the truck for both garbage and recycling.**	RJK	2-Mar-16
	WWTP	Cumberland Pretreatment Program	City Ordinance No. 3251 regulates industrial and significant dischargers to Cumberland's sewer and POTW. There are 4 Significant Industrial Users (SIUs) permitted under this Ordinance. Program	Regulatory	**UPDATE** WMHS Industrial Permit is in the process of being renewed. Minimal changes expected.	RJK	2-Mar-16
	WWTP	POTW NPDES Permit	Requirements for compliance		**UPDATE** Biomonitoring was conducted the week of Feb 15. WWTP awaiting results at this time.	RJK	2-Mar-16
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	**NO CHANGE** The City of Cumberland is limited annually to 23,000 gpd in connections (or about 92 new housing units). Any new large size developments shall undergo review from the Engineering Division for the need for approval for new connections.	RJK	4-Feb-16
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.		**NO CHANGE** The recreation subcommittee of the steering committee has been getting inquires about additional access of Evitts Creek Water Company property for disabled individuals as well as mountain bikes.	PTE	30-Dec-15
	STC	Shade Tree Commission	Care of trees along city rights of way and in parks.	NA	**UPDATE** Stump grinding by contractors; trees ordered for spring planting; Arbor Day at Constitution Park on April 28th.	PTE	9-Mar-16
	Evitts Creek Water Company	Forest Stewardship Plan (aka Resource Management Plan)	Management of the forested property around Lakes Gordon and Koon	NA	**NO CHANGE** The Forest Management Plan is in the analysis and writing stage.	PTE	9-Mar-16

Item # 4

John:

Here is my planning staff activities report contribution for the month of March 2016. If you should have any questions, please let me know. Thanks.

2013 Comprehensive Plan Implementation – Consulted with Canal Place staff on the status of the Riverwalk project. Reviewed and updated Plan Implementation status report.

Cumberland Bicycle Advisory Committee – Made arrangements for the April CBAC meeting and meeting location. Prepared a draft agenda and notified the CBAC members of the April meeting. Completed an SHA bicycle needs survey and distributed the survey to the CBAC members.

Subdivision/Site Plan Reviews - Prepared and mailed a notice of intent to void letter for the May expiration deadline of SPR 77 – Allegany High School site plan. Responded to an inquiry from Dodge Reports regarding the current status of the Messick Road Chessie FCU branch office. Conducted a review of the final revised site plan for the Allegany High School and secured the Planning Commission Chairman's signature on the plan. Reviewed a proposed Edison Avenue minor subdivision concept with the Code Enforcement Admin.

Zoning Amendment Petitions – Attended a March 15 scoping meeting for Mobile Food Truck guidelines and regulations. Attended March 18 and 31 Food Truck Regulations committee meetings. Researched Mobile food truck regulations in comparable cities. Began preparing draft regulations for Mobile Food Trucks. Forwarded the draft Boarding House Zoning Text Amendment (ZTA 15-01) to the Mayor and Council based on the Planning Commission's March 14 recommendation of approval. Prepared a draft Powerpoint Mayor and Council public hearing presentation for ZTA 15-01 – Boarding Houses.

Planning Commission Administration – Attended the March 14 Planning Commission meeting. Finalized the agenda and meeting packet for the March 14 meeting and prepared the packets for mailing to the members. Forwarded the 2015 Annual Report approved by the Planning Commission to the Mayor and Council for final presentation. Prepared a Powerpooint slide show for the Mayor and Council presentation of the Annual Report. Canceled the April 11 Planning Commission meeting due to a lack of agenda items and posted notices of the cancelation on the CD Bulletin Board and the City's Web Site. Attended the March 9 Historic Preservation Commission meeting to discuss the review process for site plans and subdivisions and how coordination with Historic Preservation staff on reviews is accomplished.

Board of Appeals Administration – Scheduled a BOA meeting for April 6. Finalized the April 6 meeting agenda and prepared the BOA meeting packet for mailing to the members. Coordinated with the Code Administrator to determine variance needs for a proposed residential garage and patio roof on Frederick Street. Reviewed and prepared a staff report for the ZA 131 – 130 North Mechanic Street Conditional Use petition. Prepared a legal ad for ZA 131. Submitted the legal ad for publication in the Cumberland Times-News and posted copies on the CD Bulletin Board and the City's Web Site. Responded to Times-News inquiries regarding ZA 131 – 130 North Mechanic Street. Canceled the April 20 BOA meeting due to a lack of agenda items.

MDP/MML Coordination – Reviewed handouts for and participated in the March 11 Rural Economies workgroup teleconference. Reviewed the draft meeting summary for the March 11 meeting. Discussed aspects of the city's Food Truck regulation efforts with MML staff. Met with MDP Western MD office staff on March 17 to discuss Census boundary issues.

Annexation Petitions – No work was conducted on this task during the month of March.

Street Closure/Naming Petitions – No work was conducted on this task during the month of March.

Economic Development – Attended the March 1 Heritage Association meeting.

General Transportation Issues/Projects – Reviewed draft 2016 County-wide transportation priorities & project summaries. Attended an SHA Quarterly Transportation Coordination meeting at the District 6 office on March 14. Attended the March 21 C & O Canal Scenic Byway Plan scoping workshop in Hagerstown. Review the latest FHWA guidance regarding highway functional classifications in preparation for April meeting with SHA. Checked with Code Enforcement staff to identify all new street addresses issued between January 1 and March 31 for the upcoming April quarterly report to Allegany County.

Greene Street Complete Street Plan (19-14-M) – Coordinated with the Director of Engineering on the Mayor and Council presentation of the plan.

TMDL/Stormwater Management Coordination and Implementation - No work was conducted on this task during the month of March.

Zoning Administration – Responded to an inquiry from a sign consultant regarding zoning requirements for replacement of a pre-existing, nonconforming freestanding sign. Reviewed current zoning requirements for new antennas and telecommunication towers for consistency with recent AG guidance from the City Solicitor and provided comments. Responded to an inquiry regarding sign permits from a National Sign Consultant. Reviewed the National League of Cities guidebook on truck vendors. Responded to inquiries from a sign consultant for McDonalds on Industrial Boulevard regarding standards and requirements for an electronic changeable copy sign. Prepared a zoning determination letter for 1 Frederick Street. Discussed required setbacks and permit requirements for an accessory building with an Olive Street property owner. Responded to questions from the Salvation Army regarding proposed ADA renovations. Responded to questions regarding conditional uses in the R-U Zone from a Williams Street property owner.

Western Maryland Local Government Exchange Board of Directors – Participated in March 30 and 30 Western MD LGE teleconference to discuss and finalize the draft workshop agenda. Contacted a Tri-County Council staffperson to serve as a Keynote speaker for the June 1 workshop.

Miscellaneous Other Activities – Prepared and submitted a Planning Staff activities report for the month of February. Completed and filed an annual ethics disclosure statement. Responded to questions from a Cumberland homeowner regarding recent changes in flood insurance rate maps and how to determine

whether or not he needs flood insurance. Requested that the National Road Monument flags be raised for the Summer tourist season.

Regular Council Agenda
April 19, 2016

Description
Approval of the regular session minutes of April 5, 2016

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

MAYOR
Brian K. Grim

CITY ADMINISTRATOR
Jeffrey D. Rhodes

COUNCIL
Nicole Alt-Myers
Seth D. Bernard
David J. Caporale
Richard J. Cioni, Jr.

CITY SOLICITOR
Michael Scott Cohen

CITY CLERK
Marjorie A. Woodring

MINUTES

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

DATE: April 5, 2016

***Pledge of Allegiance**

I. ROLL CALL

The meeting convened at 6:15 P.M.

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, and Richard J. Cioni, Jr.

ABSENT: Councilwoman Nicole Alt-Myers

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

II. PROCLAMATIONS

(A) Proclaiming Thursday, April 28, 2016 as Cumberland Arbor Day

Mayor Grim read the proclamation and presented it to Dennis Bittinger, Chairman of the Shade Tree Commission, and Paul Eriksson, Natural Resource Technician. Mr. Bittinger expressed the Commission's appreciation for the support of the Mayor and Council and discussed some community projects being worked on in cooperation with the Allegany County Board of Education and the prisons.

III. DIRECTOR'S REPORT

(A) Administrative Services

1. Administrative Services monthly report for February, 2016

Item Action: Approved

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

(B) Public Works

1. Shade Tree Commission 2015 Annual Report

Item Action: Approved

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

2. Utilities Division monthly report for February, 2016

Item Action: Approved

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

IV. APPROVAL OF MINUTES

(A) Routine

1. Approval of the regular session minutes of March 1 and 15, 2016

Item Action: Approved

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

(B) Administrative / Executive

1. Approval of the closed session minutes of March 1, 2016

Item Action: Approved

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

CLOSED MEETING OF MARCH 1, 2016

PRESENT: Brian K. Grim, President; Council Members Seth Bernard, David Caporale, and Richard J. Cioni, Jr.; Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk

ABSENT: Councilwoman Nicole Alt-Myers

MOTION to enter into closed session to discuss personnel issues and union negotiations was made by Councilman Caporale, seconded by Councilman Bernard and was passed on a vote of 4-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Article, Section 10-508 (1).

TOPICS: Board and commission appointments, union negotiations

V. PUBLIC HEARINGS

(A) Public Hearing - Staff recommendations for the award of 2016 CDBG funding will be provided

Mayor Grim convened the public hearing at 6:22 P.M.

Lee Borror, Community Development Specialist, reviewed the annual process for the CDBG plan and the timelines involved in that process and the criteria for application review. The City received $730,431 in CDBG funding for 2016 and staff considered funding requests for well over that amount. Ms. Borror reviewed the recommended projects and recommended amount of award to each. Additional public comment would be accepted through April 21, 2016 and the final recommendations would be put before the Mayor and Council for approval on May 3, 2016.

Mayor Grim advised that he would continue to abstain from the approval process for this funding because he currently serves as the Executive Director of Cumberland Neighborhood Housing Services and sits on the HRDC Board of Directors, both of which are sub-recipients of CDBG grant funds.

Mayor Grim opened the floor for public comment. Being none, the public hearing was closed at 6:28 P.M.

VI. NEW BUSINESS

(A) Orders (Consent Agenda)

Item Action:

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

1. Order declaring a 1995 Chevrolet Truck (VIN 1GCEK19H9SE170264) to be surplus property and authorized for sale or trade-in

   ORDER NO. 25,951

2. Order declaring a 2004 GMC Truck, VIN 1GKEK13Z34R226717; 1988 Chevrolet Truck, VIN 1GCGV26K6JF156059; and a 1988 Ford Truck, VIN 1FTEE14N5JHA88498 to be surplus property and authorized for sale or trade-in

   ORDER NO. 25,952

3. Order accepting the bid of Christopher Reuschel to operate the concession stand at Constitution Park Pool for the 2016 operating season for a base amount of $1,000 and 0% of the gross sales, and authorizing the execution of a contract for these services that shall be renewable for two (2) additional years upon mutual consent

   ORDER NO. 25,953

4. Order authorizing the execution of Change Order No. 1 to the current City contract "2015 Grass Mowing Contract - Non-Residential (7-15-M)" with Biser Lawncare and More in the increased amount of $2,500.00, adding Zero (0) days to the contract

   ORDER NO. 25,954

5. Order authorizing the Sole Source award of City Contract 15-15-P(1) to IA Construction Corporation to provide milling and paving on Centre and Valley Streets, in the unit price contract value of $207,016.00, based on IA Construction's proposal to honor the prices awarded in Belt Paving, Inc.'s State Contract with Maryland SHA (Contract No. XY4015177)

ORDER NO. 25,955

6. Order authorizing execution of Change Order No. 2 to the current contract with Shaffer Construction for Amtrak Trail Connection Project (10-14-M) in the increased amount of $50,010.00 for approximately 3334 square feet of repair and restoration of existing sidewalk in the downtown area for pedestrian access. An additional 75 working days shall be added to this project.

ORDER NO. 25,956

7. Order approving the execution of Lease Agreements with Baltimore Street Grill, Ristorante Ottaviani, and the Embassy Theater to allow for their use of public right-of-way for outdoor dining and entertainment purposes

ORDER NO. 25,957

8. Order declaring certain WiFi equipment to be surplus property and authorized for sale or trade-in

ORDER NO. 25,958

9. Order authorizing the following appointments: Human Relations Commission- Donna Struntz (4/5/16 - 3/31/18), Heidi Marie Gardner (4/5/16 - 3/31/18), Dr. Joy Reckley-Murphy (4/5/16 - 3/31/19); Parks and Recreation Board - Hayden Ort-Ulm (4/5/16 - 10/12/19); Shade Tree Commission - J. Christine Bridges (4/5/16 - 8/2/18); Zoning Board of Appeals - Thomas Farrell (4/5/16 - 1/15/19)

ORDER NO. 25,959

VII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

Ken Wilmont, 514 Fort Avenue, discussed a vehicle collision he was involved in 3 years ago from which he had received injuries. He stated the person who had run into him had been involved in several more such incidents since then and the problem was that nobody was notified when vehicle registrations expired. Mr. Wilmont stated that the justice system was not doing its job and asked the Mayor and Council to lodge complaints in this regard as it was costing money to continue to run these issues through the court system.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:37 P.M.

Minutes approved on _____

Mayor Brian K. Grim _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Regular Council Agenda
April 19, 2016

Description

Ordinance *(1st reading)* - to amend Section 2.03 (22) of the City Code to modify the definition of a "Boarding House / Hostel" and to change the zoning areas in which boarding houses and hostels are permitted

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO AMEND: (i) SECTION 2.03(22) OF THE CITY OF CUMBERLAND ZONING ORDINANCE FOR THE PURPOSE OF AMENDING THE DEFINITION OF A 'BOARDING HOUSE/HOSTEL' TO LIMIT THE NUMBER OF BEDROOMS AND NUMBER OF RESIDENTS ALLOWED IN A SINGLE DWELLING UNIT THAT IS USED FOR THAT PURPOSE; AND (ii) THE USE REGULATION TABLE SET FORTH IN SECTION 6.02 OF THE SAID ZONING ORDINANCE FOR THE PURPOSE OF PROHIBITING THE USE OF BOARDING HOUSES/HOSTELS IN THE R-U AND G-I ZONES AND PERMITTING THEM IN THE B-H ZONE."

WHEREAS, Title 4, Subtitle 2 of the Land Use Article of the Annotated Code of Maryland grants the Mayor and City Council the power to enact a zoning ordinance, to amend it from time to time, and to provide for its administration and enforcement.

WHEREAS, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, and/or general welfare of the City to amend the City of Cumberland Zoning Ordinance from time to time.

WHEREAS, overcrowding issues in a particular boarding house raised City staff's awareness of the lack of clarity in the Zoning Ordinance regarding the scale of such uses in residential neighborhoods and their appropriateness in certain zones;

WHEREAS, staff proposed amendments to the definition of "Boarding house/Hostel" set forth in Section 2.03(22) of the Zoning Ordinance in order to restrict the number of bedrooms and limit the number of residents allowed in a single dwelling unit used as a boarding house/hostel. Presently, the Zoning Ordinance does not contain such limitations.

WHEREAS, in considering the overcrowding issue, staff also considered whether the boarding house/hostel use is compatible with the other uses permitted in zones where this use is permitted. They determined that it is not compatible with the uses permitted in the R-U and G-I zones. Staff also determined that, although the use is not permitted in the B-H zoning district, it is compatible with the other uses permitted therein. Accordingly, staff proposed amendments to the Use Regulations Table set forth in Section 6.02 of the Ordinance which would prohibit the boarding house/hostel use in the R-U and G-I zones and permit it in the B-H zone.

WHEREAS, the City of Cumberland Municipal Planning and Zoning Commission held a public hearing on the subject matter of

this ordinance on the 14th day of March, 2016, and determined that it should recommend that the Mayor and City Council pass an ordinance adopting the amendments to the City of Cumberland Zoning Ordinance which were proposed by staff.

WHEREAS, notice of the time and place of the hearing was published in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on February 29, 2016 and March 7, 2016), the first such notice having been published at least 14 days prior to the hearing, as required by Section 15.04.02 of the Zoning Ordinance.

WHEREAS, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on May 17, 2016, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on May 3, 2016 and May 10, 2016), the first such notice having been published at least 14 days prior to the hearing, as required by Section 4-203(b) of the Land Use Article of the Annotated Code of Maryland.

WHEREAS, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the proposed amendments to the Zoning Ordinance.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 2.03(22) of the City of Cumberland Zoning Ordinance, as enacted by Ordinance No. 3648, passed on August 4, 2009, is hereby amended as follows[1]:

(22) Boarding House/Hostel: A building containing a single dwelling unit where lodging is provided **IN NOT MORE THAN FOUR (4) BEDROOMS** with or without meals (prepared using central/congregate cooking facilities for the entire building) ~~for two (2) or more~~ **TO NOT MORE THAN FOUR (4)** persons who are not members of the operator's family, and by prearrangement for definite periods of time and for

[1] Stricken out text denotes language stricken from the Zoning Ordinance. Bold print text denotes language added to the Zoning Ordinance. All changes are highlighted.

compensation, whether direct or indirect, but not to include group homes, rest homes or homes for the aged.

SECTION 2: AND BE IT FURTHER ORDAINED, that the portion of the Use Regulations Table set forth in Section 6.02 of the Ordinance applicable to Boarding houses/Hostels, is hereby amended as follows:

USE REGULATIONS TABLE

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	**R-E**	**R-S**	**R-U**	**R-O**	**B-L**	**B-H**	**B-CBD**	**B-C**	**I-G**	**G-C**	**G-I**
Residential											
....											
Boarding houses/Hostels			~~P~~	P	P	P	P			P	~~P~~
....											

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this _____ day of _____, 2016.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

CITY OF CUMBERLAND MARYLAND

ENGINEERING DEPARTMENT

TO: **Jeff Rhodes, City Administrator**

FROM: **David Umling, City Planner**

DATE: **March 15, 2016**

RE: **ZTA 15-01 – Boarding Houses**

Please find attached a report approved by the Planning Commission (by a 2-0 vote) at its March 14, 2016 regular meeting recommending approval by the Mayor and Council of a Zoning Text Amendment (ZTA 15-01). This text amendment was prepared by staff as a measure to reduce the overall scale of boarding houses that may be built in the city, to prohibit them in the R-U (Urban Residential) and G-I (Gateway Industrial) zones, and to allow them in the B-H (Highway Business) zone.

Under the Land Use Article of the Annotated Code of Maryland, this report must be presented to the Mayor and City Council at a regular meeting and a date scheduled for a final public hearing by the Mayor and City Council before the ordinance may be adopted. Therefore, we would like to request a public hearing date at which time I can explain the proposed amendment and answer any questions the Mayor and Council members may have. Once the hearing has been scheduled, I will prepare the required public notice and submit it to Margie Woodring for publication in the Cumberland Times as prescribed by Maryland Law. Please feel free to submit the draft ordinance language to our City Solicitor for his use in preparing the final Ordinance.

If you have any additional questions, please let me know. I will transmit a copy of this memo to Margie Woodring by e-mail, along with an editable computer file copy of the proposed ordinance. Thank you for your assistance.

Attachment

cc: Margie Woodring (via e-mail)

MAYOR
BRIAN K. GRIM

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

CITY ADMINISTRATOR
JEFFREY D. RHODES

CITY ENGINEER
JOHN J. DIFONZO P.E.

MEMBER MARYLAND MUNICIPAL LEAGUE (MML)

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

CUMBERLAND PLANNING COMMISSION STAFF REPORT

ZTA 15-01 – Boarding Houses Amendment

November 4, 2015

Overview:

A recent overcrowding issue with a Boarding House in South Cumberland raised awareness of the lack of clarity in the Zoning definition of Boarding Houses regarding the scale of such uses in residential neighborhoods. City staff Administration, Code Enforcement, and Planning staff met on October 21, 2105 to discuss these issues, review research on Boarding House zoning standards in comparable communities across Maryland, and to consider appropriate changes to the city's Zoning Ordinance. A matrix illustrating how Boarding or Rooming House are defined and governed by Zoning ordinances in Cumberland and nine other Maryland cities is attached to this report. A determination was made that the permitted number of rooms and tenants allowed within a Boarding House can be better limited to prevent overcrowding issues and the areas of the city where such uses may be allowed should be limited. A matrix illustrating how Boarding or Rooming House are defined and governed by Zoning ordinances in Cumberland and nine other Maryland cities is attached to this report. Based on this analysis and discussion, the following changes are recommended to the Definitions section (Section 2.03) and Use Regulations Table (Section 6.02) of the Zoning Ordinance.

Procedural Status:

The City Planner prepared a draft Zoning Text Amendment based on the discussion and recommendations from the October 21, 2015 meeting. The draft was circulated to the City Administrator and Code Enforcement staff for review and comment. A final working draft was prepared and filed as a Zoning Text Amendment application (ZTA 15-01) on October 29, 2015. The draft ZTA was scheduled for review by the Planning Commission at its December 14, 2015 regular meeting.

Staff Recommendation:

Staff has determined and recommends that, based on the research conducted on comparable zoning definitions in other Maryland cities contained in this staff report, that the proposed Zoning Text Amendment is appropriate to address overcrowding issues that can occur in Boarding Houses in residential neighborhoods and that the revised standards are consistent with zoning requirements in comparably sized cities across Maryland.

Planning Commission Action:

[✓] Recommend adoption of ZTA 15-01 to the Mayor and City Council as presented in the November 4, 2015 staff report with no additional changes.

[ ] Recommend adoption of ZTA 15-01 to the Mayor and City Council as presented in the November 4, 2015 staff report with the following specific amendments requested by the Planning Commission at the January 11, 2016 public hearing:

_____

_____

_____

_____

_____

_____

_____

_____

[ ] Recommend denial of ZTA 15-01 to the Mayor and City Council.

Motion by: John Jacobs

Seconded by: Aaron Hendrickson

Vote:

In favor of motion: 2 Opposed: 0 Abstained: 1

Number of voting members present: 3

Signed: _____ Date: 3/14/ 2016

Chair, Cumberland Planning Commission

_____ Date: 3/14 2016

Secretary, Cumberland Planning Commission

(Secretary absent from meeting)

ATTACHMENT 1

Boarding House Zoning Standards Matrix

Boardinghouse Zoning in Maryland Cities

City	Number of Persons Allowed	Special provisions
Cumberland	2+	Tenants must be unrelated to the operator's family. Central/congregate cooking facilities required.
Frostburg	1-2	Tenants must be unrelated to property owner. No cooking facilities in tenant rooms.
Cambridge	4+	Tenants must not be within the 2nd degree of kinship to the operator.
Westminster	Unrestricted	Simply defined as a dwelling where meals & lodging are provided for compensation to nontransients.
Hagerstown	Unrestricted	Simply defined as a dwelling where meals & lodging are provided for compensation to nontransients.
Frederick	Not more than 2	Lodging must be provided for 4 or more months.
Salisbury	Unrestricted	Defined as a building (not a hotel) where lodging &/or meals are provided for compensation.
Bowie	4-9	Defined as a dwelling where lodging (without meals) is provided for compensation.
Gaithersburg	3-5	Not a home occupation. Prohibited after October 1, 1985.
Rockville	3+	Not a home occupation. Use prohibited.

ATTACHMENT 2

ZTA 15-01 – Boarding Houses

ZTA 15-01 – BOARDING HOUSES
Proposed Zoning Text Amendment
October 29, 2015

NOTE: (New language to be added is depicted in **BOLD-FACED CAPITAL LETTERS** and language to be deleted is depicted in ~~strikethrough~~ font)

AMEND ONLY THE FOLLOWING SPECIFIC DEFINITION IN SECTION 2.03 – DEFINITIONS AS FOLLOWS:

(22) Boarding House/Hostel: A building containing a single dwelling unit where lodging is provided **IN NOT MORE THAN FOUR (4) BEDROOMS** with or without meals (prepared using central/congregate cooking facilities for the entire building) ~~for two (2) or more~~ **TO NOT MORE THAN FOUR (4)** persons who are not members of the operator's family, and by prearrangement for definite periods of time and for compensation, whether direct or indirect, but not to include group homes, rest homes or homes for the aged.

AMEND THE USE REGULATIONS TABLE IN SECTION 6.02 AS FOLLOWS:

USE REGULATIONS TABLE

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	**R-E**	**R-S**	**R-U**	**R-O**	**B-L**	**B-H**	**B-CBD**	**B-C**	**I-G**	**G-C**	**G-I**
Residential											
Single-family detached dwellings	P	P	P	P			C			P	P
Single-family attached dwellings	P*	P*	P	P			P			P	P
Two-family dwellings	P*	P*	P	P			P			P	P
Low-rise apartments		P*	P	P			P			P	P
Mid-rise apartments				P			P				
High-rise apartments				P			P				
Bed and breakfasts	P		P	P	P		P			P	P
Dwelling Units/Mixed Use					P	P	P	P		P	P

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	**R-E**	**R-S**	**R-U**	**R-O**	**B-L**	**B-H**	**B-CBD**	**B-C**	**I-G**	**G-C**	**G-I**
Boarding houses/Hostels			P	P	P	P	P			P	P
Home occupations	P		P	P	P	P	P	P	P	P	P
Home offices of convenience	P	P	P	P	P	P	P	P	P	P	P
Residential conversions			P	P						P	P
Group homes	P	P	P	P						P	P
Assisted living subject to the provisions of the zoning district	P	P	P	P			P			P	
Mobile home parks pursuant to the City's mobile home park ordinance			C								
Private Residential Garage	C	C	C	C							
Commercial Uses/Sales											
Motels, hotels, and motor inns					P	P	P	P		P	P
Retail buildings (less than 5,000 sq. ft.)				C	P	P	P	P	P	P	P
General merchandise buildings (more than 5,000 sq. ft. but less than 20,000 sq. ft.)					C	P	P	P	P	P	P
Retail centers (20,000 sq. ft. or greater)						P	P	P	P	P	P
Planned shopping centers						P	P	P	P	P	P
Retail/accessory light manufacturing				C	P	P	P	P	P	P	P
Flea markets					P	P	P	P	P		
Repair services such as shops for household appliances, watch, shoe, bicycle, and lock repair and other similar services				C	P	P	P	P	P	P	P
Building materials yards						P		P	P		P
Contractor's equipment storage yard or plant								P	P		C
Wholesale businesses, warehouses, and similar non-processing storage and distribution uses, except bulk storage of chemicals, petroleum products, and other flammable, explosive, or noxious materials								P	P		C
Bulk plants									P		
Manufacturing											
Heavy manufacturing									P		

Key:
P Permitted Use
C Conditional Use
P* Permitted only within cluster developments (pursuant to Section 9)

USE DESCRIPTION	R-E	R-S	R-U	R-O	B-L	B-H	B-CBD	B-C	I-G	G-C	G-I
Light manufacturing and assembly						P	C	P	P		P
Incinerators									P		
Junk yard (Salvage yard)									C		
Restaurants, Bars, Nightclubs											
Restaurants, general					P	P	P	P	P	P	P
Restaurants, fast food, with drive-thru service					C	P	C	P	P	P	P
Restaurants, fast-food, w/o drive-thru service					P	P	P	P	P	P	P
Brewpubs, microbreweries					P	P	P	P	P	P	P
Bars and nightclubs					P	P	P	P	P	P	P
Office, Clerical, Services Not Related to Sale of Goods											
Government uses	P	P	P	P	P	P	P	P	P	P	P
Banks and financial institutions				P	P	P	P	P	P	P	P
Banks and financial institutions, including drive-in service places				C	P	P	P	P	P	P	P
Personal service establishments				C	P	P	P	P	P	P	P
Health clubs or spas					P	P	P	P	P	P	P
Commercial laundry establishments						C		P	P	C	P
Professional services, including but not limited to offices of realtors, lawyers, clergymen, teachers, architects, engineers, insurance agents, etc.				P	P	P	P	P	P	P	P
Veterinary offices/hospitals					P	P		P	P	P	P
Kennels								P	P		C
Business, administrative, or corporate offices for public agencies, nonprofit organizations, or private corporations				P	P	P	P	P	P	P	P
Child day care homes	P	P	P	P						P	
Child day care centers	C	C	P	P	P		P			P	
Mini-storage facilities						P		P	P		P
Health Care and Related Uses											

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	**R-E**	**R-S**	**R-U**	**R-O**	**B-L**	**B-H**	**B-CBD**	**B-C**	**I-G**	**G-C**	**G-I**
Hospitals	C		C	P							
Laboratories, medical	C		C	P	C	P	P	C	C	P	C
Ambulatory health care facilities	C		C	P	C	C	C	C	C	C	C
Adult day treatment, domiciliary care facilities	C		C	P	C		P				
Convalescent homes	C		C	P							
Nursing homes	C		C	P							
Intermediate care facilities	C		C	P			P				
Motor Vehicle Related Sales & Service											
Automobile sales/service establishments, including used car lots						P	P	P	P	P	P
Truck, farm equipment, mobile home, boat, and recreational vehicle sales/service establishments						P		P	P	P	P
Auto service stations/Convenience Stores						P		P	P	P	P
Auto repair stations						C		P	P	C	P
Auto repair garages and body shops						C		P	P	C	P
Auto impoundment areas									P		
Recreation, Amusement, Entertainment											
Commercial indoor recreation, indoor theaters					P	P	P	P	P	P	P
Commercial outdoor recreation					C	P		P	P		P
Public and private parks, recreation areas, historic areas, conservation areas, and other similar uses employing open land with open structures	P	P	P	P	P	P	P	P	P	P	P
Adult Businesses[1]											
Adult entertainment establishments									P		
Adult retail establishments									P		
Cemeteries and Funeral Homes											
Cemeteries	C	C	C								
Funeral homes	C		C	P	P	P	P			C	

1. Adult businesses may not be located within 1,500 linear feet of any public library, public park, public playground, school, church or similar place of worship, child care center, community center, or residence.

Key: P Permitted Use C Conditional Use P* Permitted only within cluster developments (pursuant to Section 9)											
USE DESCRIPTION	**R-E**	**R-S**	**R-U**	**R-O**	**B-L**	**B-H**	**B-CBD**	**B-C**	**I-G**	**G-C**	**G-I**
Educational, Research, Cultural, Religious, Social, Fraternal											
Schools and educational institutions (including private, charter, & magnet schools as defined and permitted by the md state department of education)	C	C	C	P			C				
Dormitories, fraternity and sorority houses				P							
Places of worship and related uses	P	P	P	P	P	P	P	P		P	
Private commercial educational institutions including schools for dance, music, art, drama, and other similar activities				P	P	P	P			P	
Clubs, lodges, or social buildings					P	P	P	P		C	
Community and cultural center buildings	C		C	P	P	P	P	P		C	P
Laboratories, research								P	P		C
Transportation/Infrastructure Facilities											
Railroad terminals, repair yards, and facilities									P		
Motor freight terminals									P		
Passenger terminals including taxi stands, bus, and rail passenger stations and shelters						P	P				
Off-street parking lots	P	P	P	P	P	P	P	P	P	P	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P
Wind Energy System, Large											
Wind Energy System, Small	C	C	C	C	C	C	C	C	C	C	C
Agricultural Operations											
Agricultural, horticultural, and forestry uses	P										
Nurseries for growing of flowers, trees, and shrubs not for sale on the lot	P	P	P					P			P
Nurseries for growing of flowers, fruits, vegetables, trees, and shrubs for sale on the lot	P				P	P		P	P	P	P

NOTES:

1. Permitted and prohibited uses in the Conservation District are presented in Section 6.12.

2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in Section 6.14.

3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in Sections 6.09 (Steep Slope Development), 6.10 (Development within Floodplains, Streams, and Buffer Areas), 6.11 (Preservation of Habitats of Threatened and Endangered Species), 6.13 (Gateway Districts), and 10 (Viewshed Protection Overlay District) are subject to the provisions of Section 8 (Site Plan Review).

Regular Council Agenda
April 19, 2016

Description

Resolution granting the Western Maryland Scenic Railroad Development Corporation a property tax credit for the 2015-2016 tax year, as authorized by provisions 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)

City of Cumberland

- Maryland -

RESOLUTION

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, GRANTING THE WESTERN MARYLAND SCENIC RAILROAD DEVELOPMENT CORPORATION, INC., A PROPERTY TAX CREDIT FOR THE TAX YEAR 2015-2016.

WHEREAS, the Mayor and City Council of Cumberland is, by State Law, granted the authority to impose taxes upon the assessed valuation of property situated within the City of Cumberland against the owners of such property; and

WHEREAS, Section 9-302 of the Tax-Property Article of the Annotated Code of Maryland provides that a municipal corporation in Allegany County may grant, by law, a property tax credit against certain property owners; and

WHEREAS, the Western Maryland Scenic Railroad Development Corporation, Inc., is such a property owner designated in Section 9-302(b)(4) of the Tax-Property Article of the Annotated Code of Maryland; and

WHEREAS, the Western Maryland Scenic Railroad Development Corporation, Inc. has, pursuant to Section 9-301(e)(1), applied for the property tax credit; and

WHEREAS, the Mayor and City Council of Cumberland desires to grant to the Western Maryland Scenic Railroad Development Corporation, Inc., a property tax credit against the municipal corporation property tax imposed on the Western Maryland Scenic Railroad Development Corporation, Inc. for the tax year 2015-2016.

NOW, THEREFORE, BE IT RESOLVED THAT, the Western Maryland Scenic Railroad Development Corporation, Inc., be and is hereby granted a property tax credit against any and all municipal corporation property tax imposed upon it by the City of Cumberland for tax year 2015-2016.

Given under our Hands and Seals this 19th day of April, 2016, with the Corporate Seal of the City of Cumberland hereto attached, duly attested by the City Clerk.

Attest:

_____

Marjorie A. Woodring
City Clerk

Mayor and City Council
Of Cumberland

_____

Brian K. Grim
Mayor

April 1, 2016

Mayor Brian Grim and Council
City Hall
57 North Liberty Street
Cumberland, MD 21502

Attention: Mayor Brian Grim and Council, City of Cumberland
Comptroller's Office for the City of Cumberland

Re: Western Maryland Scenic Railroad Development Corp. Tax #: D02128841

Dear Mayor Grim, Council, et al:

As granted to Western Maryland Scenic Railroad in previous years, we are requesting a tax credit/abatement for the property taxes assessed to our organization for the FY 2016. Please consider taking action on this abatement during your next public meeting.

If any additional information is needed, or if you have any questions, please do not hesitate to contact me regarding this request for tax abatement/credit at 301-759-4400 ext.104.

Sincerely,

John Garner
General Manager
Western Maryland Scenic Railroad

Regular Council Agenda
April 19, 2016

Description

Order rescinding Order No. 25,954 and reapproving Change Order No. 1 to "2015 Grass Mowing Contract - Non-Residential (7-15-M)" with Biser Lawncare & More, in the increased amount of $2,500 to correct a bookkeeping error

Approval, Acceptance / Recommendation

Order No. 25, 954 is being rescinded to allow for the correction of an error found in the Order. The new Order will correct the amount to approve an increase of $2,500 to the contract to compensate the contractor for the additional mowing of the East Side School property and the property in the area of the Viaduct between Mechanic and Centre Streets. There will be no work time added to the contract for this Change Order.

☐ Budgeted

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

Value of Award (if applicable)

$2,500.00

Source of Funding (if applicable)

001.078.20100

- Order -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** ___April 19, 2016_____

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

THAT Order No 25,954, passed April 5, 2016, be and is hereby rescinded to correct a bookkeeping error:

BE IT FURTHER ORDERED THAT the City Administrator be and is hereby authorized to execute Change Order No. 1 to the existing contract with Biser Lawncare and More, 14401 Spruce Springs Road, Cresaptown, MD 21502, for the 2015 Grass Mowing Contract – Non-Residential City-Owned Properties (No. 07-15-M), in the estimated unit cost of Two Thousand, Five Hundred Dollars and No Cents ($2,500.00); and

BE IT FURTHER ORDERED THAT, Zero (0) additional days will be added to the contract by this Change Order.

_____

Brian K. Grim, Mayor

Biser Lawncare and More	
Original Contract Amount	$31,100.00
Change Order No. 1	$2,500.00
New Contract Sum	$33,600.00

Source of Funding
001.078.20100

City of Cumberland

Change Order Number: 1

Project: 2015 Grass Mowing Contract Non Residental
City Project No.: 7-15-M
Purchase Order No.: 2016-363
M&CC Order No.: 25858
Contractor: Biser Lawn Care and More
Vendor No.: 148

The Change Order modifies (adds or deletes work) the contract as follows:

Add / Delete	Unit	Est # of Cuttings	Cost Per Cutting	Description	Delete	Add
Mowing of City Owned Property Throughout the City of Cumberland						
ADD	1	10	$ 200.00	East Side School		$2,000.00
ADD	1	10	$ 50.00	Viduct Between Mechanic and Centre Streets		$500.00
				Total Change Order Amount:		$2,500.00

The Original Contract Sum was:	$31,100.00
Previous Change Orders:	$0.00
Contract Sum as a result of Previous Change Orders:	$31,100.00
The Contract Sum increased/decreased by this Change Order:	$2,500.00
The New Contract Sum as a result of this Change Order is:	$33,600.00

Contract Time Change: zero days added

Recommended by: Harold Hipsley — 4/4/16
Assistant Street Superintendent — Date

Contractor: Biser Lawn Care and More
Chris Biser — 3/31/2016
Date

The City of Cumberland
Accepted by: John S. Di Pompo — 4/5/16
Director of Engineering — Date

Approved By: 4-7-16
City Administrator — Date

Mayor and City Council Order Number Authorizing this Change Order:

Regular Council Agenda
April 19, 2016

Description
Order approving the 2015 Annual Report of the Affirmation Action Committee

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __April 19, 2016_

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

THAT, the attached 2015 Annual Report of the Affirmative Action Committee be and is hereby approved.

_____

Mayor Brian K. Grim

City of Cumberland

Affirmative Action Committee

Annual Report – 2015

The Affirmative Action Committee met on February 2, 2016. Present were: Council Woman Nicole Alt-Myers, Michael Cohen, City Attorney and April Howser, Human Resources Officer.

The Human Resources Office advertised eight positions during calendar year 2015. They were as follows:

Police Officer – (24 Applicants)
Service Technician – Water Distribution (39 Applicants)
Automotive Technician – Vehicle Maintenance (15 Applicants)
Administrative Associate II – Police (1 Applicant)
Pipe Technician – Water Distribution (1 Applicant)
Administrative Associate I – Police (96 Applicants)
Administrative Specialist – C3I Narcotics (12 Applicants)
Wastewater Treatment Plant Superintendent (13 Applicants)

The Committee reviewed the practices followed for each position posting. The Department heads were provided a "Hiring Practice Checklist" which was to be used to ensure compliance during the hiring process. Copies of each job posting were provided, along with the interview questions that were asked to each applicant.

After reviewing each job posting, the following recommendations were made for future hiring procedures:

1. Unsuccessful applicants are to be notified about future job vacancies, for which they qualify, without solicitation of positions. Applications are held on file for one year.
2. In-house transfers – have the technical experience with internal candidates that readily qualify and have the skill set to transfer.
3. When posting is made and the department is contemplating an in-house transfer – if it is determined that the pool of qualified applicants is less than five, it is recommended that the position be advertised to the public to reach a more diverse poll of applicants.
4. When reviewing the applications, it is requested that the departments note the reason for rejecting the applicant for an interview and why they were rejected following the interview. Nondiscriminatory reasons must be noted. To the extent possible, objective reasons should be stated as well.

   The Human Resources Office will keep a record of the origin of race for each application provided such information can be obtained from the information on file.

If the Mayor and City Council desire that this report be circulated among departments heads, the City's Human Resources Officer can address the matter.

Regular Council Agenda
April 19, 2016

Description
Order approving the recommendation of the Cumberland Historic Preservation Commission to designate property at 515 Greene Street, once owned by Jane Gates, as a Local Historic Site

Approval, Acceptance / Recommendation
See attached recommendation from Kathy McKenney, Historic Planner.

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** April 19, 2016

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

THAT, the property located at 515 Greene Street, Cumberland, Maryland be and is hereby designated as a Local Historic Structure, as approved and recommended by the Cumberland Historic Preservation Commission by unanimous vote during their April 13, 2016 meeting.

_____

Mayor Brian K. Grim

DEPARTMENT OF COMMUNITY DEVELOPMENT

DATE: 4/14/16

TO: JEFF RHODES, MAYOR AND CITY COUNCIL

CC: JAY OLIVER

FROM: KATHY MCKENNEY

RE: 515 GREENE STREET HISTORIC DESIGNATION

Attached to this memo you will find a copy of the local historic structure survey form for the property located at 515 Greene Street. According to research, the structure was purchased by Jane Gates, a former slave, in 1871 where she lived as a single parent with several children soon after the Emancipation Proclamation. The property continues to be owned by the Gates family descendants to this day. Mr. and Mrs. Gates have requested that the City of Cumberland consider their property for a local historic structure designation.

The Cumberland Historic Preservation Commission and staff will continue to work with the Gates family to pursue a National Register of Historic Places individual nomination for this property and will continue to help to research the history of the property and of the property's namesake, Jane Gates. The family plans to use the property as a tutoring center for high school and elementary students as well as to be a repository for historical books, information, and manumission records of former slaves within Allegany County.

During their April 13, 2016 meeting, the Historic Preservation Commission unanimously voted to approve a recommendation to the Mayor and City Council to identify this structure as an historic property under local law. The local designation would still allow for participation in most of the programs available on the local and state levels for historic properties. Ordinance 3673 allows for the Historic Preservation Commission to make a recommendation for the designation of local historic sites, structures, and districts. The Mayor and City Council must ultimately approve this action.

A copy of the local historic structure survey form and related documentation is attached.

KMM

City of Cumberland
Historic Structure Survey Form

This form is for use in making recommendations for individual properties and districts. If any item does not apply to the property being documented, enter "N/A" for "not applicable."

1. Name of Property Jane Gates

Historic name: Janes Gates House
Other names:

2. Location

Street & number:
515 Greene Street

3. Local Certification

As the designated authority under Ordinance 3208 and chair of the Cumberland Historic Preservation Commission, I hereby certify that the Historic Preservation Commission ☑ recommends to the Cumberland Mayor and City Council that this property is historically significant and should be designated as such under local law.

☐ Does not recommend this property should be designated under local law.

The Mayor and City Council ☐ concurs ☐ does not concur with the recommendation of the Cumberland Historic Preservation Commission.

Signature of certifying official/Title Date

4. Classification

Ownership of Property

- ☑ Private
- ☐ Public-local
- ☐ Public-State
- ☐ Public-Federal

Category of Property

- ☐ Building(s)
- ☐ District
- ☐ Site
- ☑ Structure
- ☐ Object

Number of Resources within Property

	Contributing	Noncontributing
Buildings		
Sites		
Structures		
Objects		
Total		

5. Function or Use

Historic Functions

___The property will be used as a tutoring center for high and elementary students. The property will a location to store historical books, information, manumission records of former slaves in Allegany County. A learning center for college students. Property would be a tourist destination as part of Cumberland's listed historical properties. _Oldest recorded property in Cumberland, Maryland owed by African American family; Property has been viewed by millions of people on PBS Station connecting it to Dr. Henry Lewis Gates Jr, whose Great grandfather four generation backed lived in the property. 1870 census records list Edward Gates living at 515 Greene Street. Dr. Gates is world renowned professor of Harvard University who is been credited with connecting DNA and historical documents to trace roots of African Americans

Current Functions

6. Description

Architectural Classification

_____In early 1800

Materials

Foundation_ _Concrete, Wood, sidling

Walls__Plaster

Roof____Shingles

Other

Summary Statement of Significance: Please see attachment.

7. Form Prepared By

Name/title John E Gates and Sukh R Gates
Organization none
Street & Number 422 Greene Greene Street
City or town Cumberland
State Maryland
Zip Code 21502
Date 3 21 2016
Telephone 301- 777- 3791 301- 268- 7696 301- 268- 7727

8. Property Owner

Name John E Gates, Sukh R Gates
Street & Number 422 Greene
City Cumberland
State Maryland
Zip 21502
Telephone 301 268 7696, 301 268 7727

Jane Gates Home 515 Greene Street
1817 – 1871

In 1871, six years after the Civil War, Jane Gates purchased her home at 515 Greene Street, Cumberland, Maryland. The United States was torn apart socially and economically. Recovery from the Civil War had not been easy; and economic times were extremely difficult for all races, especially for African Americans. Her children were born in the time of slavery. However, she was able to purchase the property and land for $1,400.

Jane Gates lived with her sons and daughters, Henry, Edward, Clara, Alice, and grandson David Gates, at 515 Greene Street. These facts were confirmed in United States 1870 census record. The amazing part about this history is that Jane Gates is listed as a mulatto female, meaning that she was mixed race. The Gates' family members were also members of one of Cumberland's oldest churches, Emmanuel Episcopal Church on Washington Street. Baptismal records at the church list record of Jane Gates' children being members of the church. It is believed that the family played a role with the Underground Railroad with the church. Jane Gates' obituary was published in the Cumberland Times of 1887, a time when it was extremely unusual for obituaries of African Americans to be published in local newspapers.

Greene Street is located on the west side of Cumberland. This neighborhood used to be the location for very upstanding African American professionals. For the past 145 years, there has always been a Gates Family member living on Greene Street. The Gates family owns several properties on Greene Street. However 515 holds historical significance because it's where it all started for the family..

The Jane Gates home is believed to be one of the oldest homes owned by an African Americans in the city of Cumberland. The home remains standing and is currently owned by Jane Gates' fifth grandson, John, and his wife Sukh Gates. The property was included in a national PBS broadcast by her fourth generation grandson, Harvard professor, Dr. Henry Louis Gates, Jr. Dr. Gates, one of the world's experts on genealogy. Dr. Gates helps famous celebrities trace their roots back through DNA science and legal documentation. The information is then shared with the participants which identifies their true race, culture and heritage. The property at 515 Greene Street was also featured on PBS program, ***Finding Your Roots***. Dr. Gates was able to link the Gates family roots to an Irish king.

Lynn Bowman, professor at Allegany College, brings students to the property during a tour of historic African American sites in Cumberland to give them an appreciation for the depth of African American roots in the area. Students are required to write about their visit.

Jane Gates was a fascinating women who was able to purchase property in a time when a lot of white people were not able to do the same. The family is still pursuing the mystery of who the father of Jane Gates' children was. It has been long suspected that a wealthy, unnamed man living on Washington Street was the father of Jane Gates's children. Dr. Gates and his cousin John are pursuing clues through records of the Allegany courthouse and DNA evidence to unlock the mystery of Jane Gates and the heritage of her children and grandchildren. 515 Greene Street remains as evidence of this amazing African American story from Cumberland Maryland.

Descendants of Jane Gates

Generation No. 1

1. Jane[1] Gates was born Abt. 1819 in Maryland[1], and died 06 Jan 1888[2]. She met **Charles Gates**[3]. He was born in Maryland[3].

Notes for Jane Gates:

5 Jul 1870 1870 Allegany Co., Maryland Federal Population Schedule. Jane Gates, head of household, age 51, mulatto, Seamstress and nurse, owns real estate valued at $1,400, born in MD, cannot read or write. Living with her are:
Alice Gates, age 22, mulatto, seamstress and nurse, born in MD, cannot write.
Jennie Gates, age 5, mulatto, born in MD
David Gates, age 9, mulatto, at school, born in MD
Edward Gates, age 12, mulatto, at school, born in MD
[1870 Federal census. Allegany Co., MD, Cumberland, Dist. no. 6, page 61? and 63 (stamped 224), house no. 418, family no. 465. Ancestry.com, online 8 Jul 2005]

31 Aug 1871 Deed signed. Richard Bender and Mary his wife of Allegany Co., MD to Jane Gates of said county, inconsideration of the sume of $1,400.00 convey ground lying and being in City of Cumberland. Adjacent to Old Turnpike Road, East side of an alley which is the first alley West of Allegany Street, Schillings lot. The parcel was sold to Richard Bender by James W. Schley on 18 Sep 1863, HB 21, pg 251. Signed: Richard Bender, Mary A. Bender. Witness: Herman H. Holrock, Justice of the Peace. Recorded at the request of James Gates 8 Dec 1872 (the 2 is struck over with a 1). Is this strike out on the deed book page? [Copy of deed supplied by John Gates, no note as to book or page no.] [In Jane Gates's will supplied by John Gates, the source is given as: Liber H.R. No. 34 folio 589, signed 31 Aug 1871]

4 Jun 1880 1880 Allegany Co., Maryland Federal population schedule. On Green Street, Cumberland, Md. Jane Gates, head of household, age 51, mulatto, widowed or divorced, nurse, cannot read or write, herself and both parents born in MD. Living in her household are:
Henry Gates, her son, age 24, mulatto, single, servant, born in MD as are both his parents
Jennie Gates, her granddaughter, age 16, mulatto, single, attending school, born in MD as are both her parents.
David Gates, her grandson, age 20, mulatto, single, servant, born in MD as are both his parents.
Wesley Burnes, her son-in-law, age 30, mulatto, married, servant, born in MD as are both his parents.
Alice Burnes, her daughter, age 25, mulatto, married, keeping house, cannot write, born in MD as are both her parents.
May Mitchell, her granddaughter, age 7, mulatto, attending school, born in MD as are both her parents.
Living two doors away are Edward Gates, his wife Maud and son Edward.
[1880 Federal population schedule, Green Street, Cumberland, Allegany Co., MD, Dist. no. 6, page 11 (stamped page 128), 4 Jun 1880. Ancestry.com, online 8 Jul 2005]

15 Nov 1887. Will of Jane Gates signed. She signs with her mark. Witnesses: Wm J. Read, J. Wm Jones, Janet Dice. She mentions her daughter Laura Hamilton, granddaughter May Mitchell, and "my following named children, to wit: Henry Gates, Edward Gates, Alice Burns,

Glass and Queensware—No. 55 North Centre street.

Branch Grocery—No. 26 Baltimore street.

JNO. W. SANDERS.

Academy of Music.

H. W. WILLIAMSON.....Manager.

ONE NIGHT ONLY!

Thursday, Jan. 12.

ALADDIN!

—OR—

The Wonderful Lamp.

A Dramatization from the

ARABIAN :-: NIGHTS.

Grand Ballet!

Gorgeous Scenery!

Lovely Costumes!

Enchanting Music!

A PLAY FOR BOTH YOUNG AND OLD.

The entire production under the personal direction of John A. Ellsler.

40 People 40

of this county, died at Mt. Savage last night. His remains will be brought to this city on Monday morning, en route for Buffalo Mills, Pa., where they will be interred.

West Virginia Central Bonds Above Par.

The following from the proceedings of the Piedmont city council of December 27th, shows the local value of securities: "The finance committee reported that they could buy Town Hall bonds at $12 premium and West Virginia Central railroad bonds at $4 premium."

The Piedmont "Herald" Changes Hands.

With its issue of to-day Mr. Frank W. Rose, succeeds Mr. W. W. Tapp as editor and proprietor of the Piedmont *Herald*. Mr. Rose has for some time been connected with the paper and has done much to improve its appearance and matter.

Death of "Aunt Jane Gates."

Last night at 11 o'clock "Aunt Jane Gates," colored, a family servant of the Stover's died in the 75th year of her age. She has lived for a long time on Green street where her death occurred. Her remains will be interred at Rose Hill cemetery to-morrow afternoon at 3 o'clock. Services will be held at her residence on Green street.

A Probable Loss to the G. C. C. & I. Co.

Fears are entertained for the safety of the schooner Georgia Shepard, Captain E. W. Cash, which sailed

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Item # 10

Attachment number 2 \nPage 7

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Item # 10

Page No. 4

☞ Inquiries numbered 7, 16, and 17 are not to be asked in respect to infants. Inquiries numbered 11, 12, 15, 16, 17, 19, and 20 are to be answered (if at all) merely by an affirmative mark, as /.

SCHEDULE 1.—Inhabitants in Dist Fret No 6, in the County of Allegany State of Maryland, enumerated by me on the 5th day of July, 1870.

Post Office: Cumberland

George A. Hoffman, Ass't Marshal.

224

	Dwelling-houses, numbered in the order of visitation.	Families, numbered in the order of visitation.	The name of every person whose place of abode on the first day of June, 1870, was in this family.	Age at last birthday. If under 1 year, give months in fractions, thus, ⅙.	Sex.—Males (M.), Females (F.)	Color.—White (W.), Black (B.), Mulatto (Mu.), Chinese (C.), Indian (I.)	Profession, Occupation, or Trade of each person, male or female.	Value of Real Estate.	Value of Personal Estate.	Place of Birth, naming State or Territory of U. S.; or the Country, if of foreign birth.	Parentage. Father of foreign birth.	Mother of foreign birth.	If born within the year, state month (Jan., Feb., &c.)	If married within the year, state month (Jan., Feb., &c.)	Attended school within the year.	Education. Cannot read.	Cannot write.	Whether deaf and dumb, blind, insane, or idiotic.	Constitutional Relations. Male Citizens of U. S. 21 years of age and upward.	Male Citizens of U. S. of 21 years of age and upward, whose right to vote is denied or abridged on account of race, color, or previous condition, or any other cause.
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
1			Gatin Lennie	5	F	W				Maryland										
2			" David	9	M	W	At School			" "		C			/					
3			" Edward	12	M	W	"			" "					/					
4	419	446	Hall James	35	M	B	Porter at Hotel	800		" "						/	/		/	
5			" Annie	32	F	M	Keeping House			" "										
6			" James	8	M	B				" "										
7			" Mary	5	F	B				" "										
8			" Charles	3	M	B				" "										
9			" Floyd	8/12	M	B				" "			Jun							
10			" Johan	59	M	B	Hostler to work			" "										
11			" Patsy	28	F	B				" "										
12	420	447	Kesselt George	30	M	W	Boating			Prussia	/	/							/	
13			" Sarah	38	F	W	Keeping House			Hanover	/	/								
14			" Henry	7	M	W				Maryland	/	/								
15			" Joseph	3	M	W				" "	/	/								
16			" Betty	1	F	W				" "	/	/								
17	421	448	Hager Wm	22	M	W	Coin Saloon			" "									/	

unto the said Bartley, Lease his Executors, administrators or assigns, paying said purchase money, the said lots and parcels of ground and premises above described and hereby bargained and sold that at any time or times hereafter during the continuance of this present lease, on the request and at the proper cost and charges of the said Bartley Lease his Executors, administrators or assigns and on his or their paying or tendering in payment the sum of one hundred dollars of lawful money as aforesaid therefor to the said Frederick Minker and Eva L. his wife, their heirs or assigns, they the said Frederick Minker and Eva L. his wife their heirs or assigns shall and will make and execute, or cause to be made and executed unto the said Bartley Lease his Executors administrators or assigns, or to such of them as shall be thereunto entitled, a good lease of the above bargained and described lots and parcels of ground for other fifteen (15) years, to commence and date effect from and at the ends of the term aforesaid, the same is above bargained subject to the same rents and under like covenants, clauses and agreements as are therein contained except the building covenant as above written so that the present lease may be renewed and renewable forever. Witness our hands and seals.

Test.
H. S. Flannagan

Frederick Minker (seal)
E. L. Minker (seal)

State of Maryland: Allegany County, to wit:

I hereby certify that on this fourteenth day of October eighteen hundred and seventy one, before me the subscriber a Justice of the Peace of the State of Maryland in and for Allegany County, personally appeared Frederick Minker and Eva L. Minker and did severally acknowledge the aforegoing lease to be their respective act.

H. S. Flannagan J.P.

Paid

Examined & Recorded Nov 1 1873

Stamps 50 cts
Stamp 5

At the request of James Gates this Deed was recorded Nov. 8th 1873.

This Deed made this 31st day of August in the year eighteen hundred and seventy one, by and between Richard Bender and Mary Bender his wife of Allegany County in the State of Maryland, Witnesseth that in consideration of the sum of Fourteen hundred dollars unto the said Richard Bender and Mary Bender his wife the grantors unto James Gates of said County and State in fee simple the lots or parcels of ground lying and being in the City of Cumberland, Allegany County Maryland which is contained within the following metes and bounds, courses and distances, to wit: Beginning for the same at a stake standing on the North side of St. Otho Turnpike Road and on the East side of an alley, which is the first alley West of Allegany street in said City and running thence with said alley

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Jane Gates

‹ Back to Gates surname

Jane Gates

Birthdate:	between circa 1819 and circa 1823
Birthplace:	Maryland, United States
Death:	Died January 6, 1888 in Cumberland, Allegany County, Maryland, United States
Place of Burial:	Cumberland, Allegany County, Maryland, United States
Immediate Family:	Wife of unknown partner of Jane Gates Mother of Alice Burnes; Henry Gates; Edward L. Gates; NN Gates and NN Mitchell
Occupation:	Nurse, laundress, midwife
Managed by:	Randy Stebbing
Last Updated:	March 13, 2015

View Complete Profile

Historical records matching Jane Gates

view all matches ›

Jane Gates in WikiTree

Jane Gates in FamilySearch Family Tree

Jane Gates in Cumberland Daily Times - Cumberland, Maryland -...

Immediate Family

view all

- unknown partner of Jane Gates — husband
- Alice Burnes — daughter
- Henry Gates — son
- Edward L. Gates — son
- NN Gates — daughter
- NN Mitchell — daughter

About Jane Gates

"Native Sons of Liberty" By HENRY LOUIS GATES Jr. Published August 6, 2006 in the New York Times:

"I have been obsessed with my family tree since I was a boy. My grandfather, Edward Gates, died in 1960, when I was 10. After his burial at Rose Hill Cemetery in Cumberland, Md. — Gateses have been buried there since 1888 — my father showed me my grandfather's scrapbooks. There, buried in those yellowing pages of newsprint, was an obituary, the obituary, to my astonishment, of our matriarch, a midwife and former slave named Jane Gates. "An estimable colored woman," the obituary said."

- **Residence**: 1880 - Cumberland, Allegany, Maryland, USA
- **Race**: Mulatto
- **Ethnicity**: American
- Updated from MyHeritage Match by SmartCopy: *Sep 30 2014, 9:58:43 UTC*

Is your surname **Gates**?

Research the Gates family

Start your family tree now

Jane Gates's Geni Profile

Contact profile manager

View family tree

Share your family tree and photos with the people you know and love

- Build your family tree online
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Get Started

Share

Like Share Sign Up to see what your friends like.

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Related Projects

American slaves

Item # 10

notes

From African-American Lives: Making the Journey WNET, 2006:

"Following Alles' discovery, geneticist Dr. Rick Kittles finally lays to rest the rumor that Samuel Brady, or any member of the Brady family, had fathered Jane Gates' children. Y-chromosome testing reveals that Dr. Gates shares no descent with a confirmed male descendant of Samuel Brady and a descendant of Samuel Brady's brother, much to the disappointment of the Gates family."

Jane Gates's Timeline

view all 11

1819	1819	Birth of Jane Maryland, United States
1855	1855 Age 36	Birth of Alice Burnes Maryland, United States
1856	1856 Age 37	Birth of Henry Gates Maryland, United States
1857	1857 Age 38	Birth of Edward L. Gates Maryland, United States
1888	January 6, 1888 Age 69	Death of Jane Cumberland, Allegany County, Maryland, United States
	January 1888 Age 69	Burial of Jane Cumberland, Allegany County, Maryland, United States
????		Birth of NN Gates
????		Birth of NN Mitchell

Genealogy Directory:

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Item # 10

Item # 10

Google earth
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Pitkin St
Schenectady St
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Ridge Blvd
Rockaway Ave
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Stone Ave
Saratoga Ave
Howard Ave
Bristol St
Sutter Ave
Dumont Ave
Livonia Ave
Glenmore Ave
Linden Blvd
Pennsylvania Ave
Van Sinderen Ave
Fulton St
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Pacific St
Bond St
Schermerhorn St
Flatbush Ave
Hoyt St
Smith St
Nevins St
Gowanus Expy
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President St
Sackett St
Douglass St
Degraw St
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Regular Council Agenda
April 19, 2016

Description

Order accepting the donation of properties at 445 Central Ave., 453-455 Central Ave., and E/S Central Ave. from Kim J. Rennie in exchange for the release of judgments from municipal infractions held against Ms. Rennie, authorizing execution of documentation necessary for the transfer, and abating all taxes and utilities owed on the properties

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

- ORDER -

of the

Mayor and City Council of Cumberland

MARYLAND

ORDER NO. _____ **DATE:** __April 19, 2016_

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

THAT the Mayor be and is hereby authorized to accept the donation of properties at:

445 Central Avenue (Tax Account No. 22-007300),

453-455 Central Avenue (Tax Account No. 22-004034), and

E/S Central Avenue (Tax Account No. 22-005847),

from the owner of the properties, Kim J. Rennie, in exchange for the release of the judgments from municipal infractions the City of Cumberland holds against Ms. Rennie; and

BE IT FURTHER ORDERED,

THAT the Mayor, City Administrator, and City Solicitor are hereby authorized to execute documentation necessary to effect the transfer; and

BE IT FURTHER ORDERED,

THAT the taxes and utilities owed on the above listed properties be and are hereby abated.

_____

Mayor Brian K. Grim

THIS DEED, made this _____ day of April, 2016, by and between **Kim J. Rennie**, of Frederick County, Virginia, party of the first part, and **Mayor and City Council of Cumberland**, a Maryland municipal corporation, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars ($10.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby grant, bargain and sell, release, confirm and convey unto the party of the second part, its successors and assigns, the following described property, to wit:

First Parcel: **ALL** that lot or ground situated in the City of Cumberland, Allegany County, Maryland, and being situate on Central Avenue in said City of Cumberland, and which said parcel of land is more particularly described as follows, to-wit:

BEGINNING for the same at a steel pipe stake on the Easterly margin of Central Avenue, said point being the corner of Lot No. 443, and which said lot is now or previously owned by Walter Huff, et ux; thence running with said margin of Central Avenue North 37 degrees East 50 feet to a steel pipe stake; thence leaving Central Avenue South 53 degrees East 120 feet to a steel pipe stake; thence running South 37 degrees West 50 feet to a steel pipe stake; and thence by Lot No. 443, aforesaid, North 53 degrees West 120 feet to the point of **BEGINNING**.

Second Parcel: **ALL** that lot or ground situated on the Easterly side of Central Avenue in the City of Cumberland, Allegany County, Maryland, and which said parcel is more particularly described as follows, to-wit:

BEGINNING for the same at a point on the Easterly side of Central Avenue, formerly Ann Street, Extended as now located by the City Engineer of the City of Cumberland, at the end of 6.92 feet on the second line of a deed from Asahel Willison to Lucy Roman, dated October 17, 1903, and recorded among the Land Records of Allegany County, Maryland in Liber 94, folio 20; and running thence with the Easterly side of said Central Avenue, as now located, North 44 degrees 04 minutes East 63.1 feet to the division line between Lot No. 301 of the Cumberland Improvement Company and the land herein described, and running thence with said division line South 60 degrees 47 minutes East 115.75 feet to Anderson Street, (called for, but never opened); thence with said Street South 43 degrees 20 minutes West 91.45 feet to the end of the second line of the aforesaid Deed from Asahel Willison to Lucy Roman; thence reversing said line North 46 degrees 40 minutes East 113.8 feet to the place of **BEGINNING**.

Third Parcel: **ALL** that lot or ground situated on the Easterly side of Central Avenue in the City of Cumberland, Allegany County, Maryland, and which said parcel is more particularly

described as follows, to-wit:

BEGINNING for the same at the end of the first line of that deed recorded in Liber 143, folio 23, Allegany County, Maryland Land Records; said beginning point standing on the Southeasterly side of Central Avenue and running thence with part of the first line reversed of the deed mentioned aforesaid, and the Southeasterly side of Central Avenue, North 43 degrees 20 minutes East 55 feet; thence at right angles to the Southeasterly side of Central Avenue South 46 degrees 40 minutes East 150 feet to intersect the third line of the aforementioned deed and with part of said third line reversed, South 43 degrees 20 minutes West about 16 feet to the end of the second line of the aforementioned deed and with said second line, reversed, North 61 degrees 15 minutes West 155 feet to the place of **BEGINNING**.

IT BEING the same property which was conveyed from David S. Marvin to Kim J. Rennie by deed dated May 5, 2009 and recorded among the Land Records of Allegany County, Maryland in Book 1588, Page 28.

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

TO HAVE AND TO HOLD the above-described property unto the party of the second part, its successors and assigns in fee simple forever.

AND the said party of the first part for herself, her personal representatives, heirs and assigns does hereby warrant specially the title to the above-described property and covenant that she will execute such other and further assurances of the same as may be requisite or necessary.

WITNESS the hand and seal of the party of the first part the day and year first above written.

WITNESS:

_____ _____**(SEAL)**

Kim J. Rennie

STATE OF VIRGINIA,
FREDERICK COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2016, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Kim J. Rennie**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that she executed the same for the purposes therein contained; and she further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is $0.00 and that the total payment made to the grantor was $0.00.

WITNESS my hand and Notarial Seal.

_____
NOTARY PUBLIC

My Commission Expires: _____

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney.

_____
MICHAEL SCOTT COHEN

Regular Council Agenda
April 19, 2016

Description

Order authorizing acceptance of a deed for 610 Maryland Avenue from Nicholas Walters for the amount of $7,024.90, provided title to the property is good and marketable and stipulating other contingencies necessary to effect 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:** __April 19, 2016_

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

THAT, the Mayor be and is hereby authorized to accept a Deed from Nicholas Walters for the property and improvements located at 610 Maryland Avenue, as recorded in the Land Records of Allegany County, Maryland in Book 1376, Page 137, for the purchase amount of Seven Thousand, Twenty-four Dollars and Ninety Cents ($7,024.90); and

BE IT FURTHER ORDERED, that the City shall accept the deed effecting the transfer of said property, provided title to the property is good and marketable, as determine by the City Solicitor; and

BE IT FURTHER ORDERED, that the City Solicitor shall be empowered to consent to the increase or decrease on the purchase price of no more than 10% of the amount stated above; and

BE IT FURTHER ORDERED, that closing shall take place within 90 days of the date of this Mayor and Council Order; and

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

_____

Mayor Brian K. Grim