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

AGENDA

Mayor and City Council of Cumberland
City Hall Council Chambers
Room 212
12:00 A.M.

DATE 5/19/2015

***Pledge of Allegiance**

I. ROLL CALL

II. PROCLAMATIONS

(A) Proclaiming the week of May 17 - 23 to be Food Allergy Awareness Week in the City of Cumberland

(B) Proclaiming Thursday, May 21, 2015 "Paint the Town Blue for Police Day" in the City of Cumberland

III. CERTIFICATES, AWARDS AND PRESENTATIONS

(A) Presentation of the Tree City USA Award to the City of Cumberland by the MD Department of Natural Resources

IV. DIRECTOR'S REPORT

(A) Police

1. Police Department monthly report for April, 2015

(B) Fire

1. Fire Department monthly report for April, 2015

(C) Administrative Services

1. Administrative Services monthly reports for March and April, 2015

(D) Public Works

1. Utilities Division & Central Services monthly report for April, 2015

2. Maintenance Division monthly report for April, 2015

3. 2014 Annual Report of the Cumberland Planning Commission - Presentation by Dave Umling, City Planner

V. PUBLIC HEARINGS

(A) Public Hearing - regarding a pending Ordinance to approve the application to amend the City's Zoning Map to rezone property located at 208-210 Oldtown Road from R-U (Urban Residential) to R-R (Rehabilitation and Redevelopment) in order to re-establish commercial use at that location

VI. UNFINISHED BUSINESS

(A) Ordinances

1. Ordinance *(2nd and 3rd readings)* - authorizing the conveyance of 446 Bond Street to Robert T. Fravel and Brenda M. Fravel for the sum of $1,500 payable by terms of a promissory note

VII. NEW BUSINESS

(A) Ordinances

1. Ordinance *(1st reading)* - providing for the City Tax Levy for FY16

2. Ordinance *(1st reading)* - providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A," for the purpose of (I) providing all of a portion of the funds necessary for financing or refinancing costs of (a) improvements to the water system and the sewer system, (b) facility and property improvements, (c) information systems improvements and equipment, (d) other street improvements, and (e) acquisition of new and/or replacement vehicles and equipment, (II) funding a portion of a capital reserve fund, and (III) paying issuance and other costs related to the bonds

(B) Orders (Consent Agenda)

1. Order authorizing the execution of a Contract of Sale for the purchase of 521-523 Maryland Avenue from William V. Miller, Jr. for the amount of $25,000, setting forth certain contingencies for the sale, authorizing an extension of 60 day for the closing if necessary, and authorizing the City Administrator and City Solicitor to execute documents to facilitate the transfer

VIII. PUBLIC COMMENTS

All public comments are limited to 5 minutes per person

IX. ADJOURNMENT

Regular Council Agenda
May 19, 2015

Description

Proclaiming the week of May 17 - 23 to be Food Allergy Awareness Week in the City of Cumberland

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland

~ MARYLAND ~

Proclamation

WHEREAS, *Fifteen million Americans have food allergies and the number of people susceptible to the disease is growing, having increased by 50% among children between 1997 and 2011; and*

WHEREAS, *one of the dangers presented by severe allergies is anaphylaxis, a sudden, severe allergic reaction that simultaneously affects major organs and can cause death within a matter of minutes in severely allergic individuals; and*

WHEREAS, *Eight specific foods are found to cause 90% of food allergy reactions, those being shellfish, fish, milk, eggs, peanuts, tree nuts, soy, and wheat; and*

WHEREAS, *restaurant and school environments present the highest threat of danger for people with food allergies as people are not fully aware of the ingredients used in the food preparation and are often unprepared to handle a sudden allergic reaction; and*

WHEREAS, *allergies can be better kept under control by taking careful precautions such as reading ingredient labels, learning how foods are prepared when eating out, and creating an allergy management plan in the event of an occurrence; and*

WHEREAS, *the Mayor and City Council would like to help promote a greater awareness of this disease and encourage all citizens to learn about what they can do to help protect themselves, their friends, and their loved ones.*

Now, Therefore, the Mayor and City Council of Cumberland,

do hereby proclaim the week of May 17-23, 2015 to be

"Food Allergy Awareness Week"

Given under our Hands and Seals this 19th day of May, in the Year 2015,
with the Corporate Seal of the City of Cumberland hereto attached,
duly Attested by the City Clerk.

ATTEST:

MAYOR AND CITY COUNCIL OF CUMBERLAND

Marjorie A. Woodring
City Clerk

Brian K. Grim
Mayor

Regular Council Agenda
May 19, 2015

Description

Proclaiming Thursday, May 21, 2015 "Paint the Town Blue for Police Day" in the City of Cumberland

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Cover Memo

Item # 2

CITY OF CUMBERLAND

THE MAYOR & CITY COUNCIL OF THE CITY OF CUMBERLAND DECLARES WITH THIS

PROCLAMATION

WHEREAS officers of the Cumberland Police Department provide a professional public safety to the citizens of the City of Cumberland;

WHEREAS citizens of Cumberland respect and appreciate the men and women who wear the badge every day in the City of Cumberland;

WHEREAS the Cumberland Police Department has received CALEA accreditation and certification on their first attempt; and

WHEREAS the City of Cumberland recognizes the significance of service of the men and women of the Cumberland Police Department;

The Mayor and City Council of the City of Cumberland do declare May 21, 2015, as

"PAINT THE TOWN BLUE FOR POLICE DAY"

In the City of Cumberland, Maryland

Given under my hand and the Corporate seal of the
City of Cumberland, on this
21st day of the month of May, 2015

Mayor Brian K. Grim

Regular Council Agenda
May 19, 2015

Description
Presentation of the Tree City USA Award to the City of Cumberland by the MD Department of Natural Resources

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
May 19, 2015

Description
Police Department monthly report for April, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

City of Cumberland Department of Police

Monthly Report

April 2015

Item # 4

City of Cumberland Department of Police

Monthly Report

April 2015

Part 1 Crimes for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Aggravated Assaults	2	4	B & E (All)	25	27	Murder	0	0	Rape	2	1
Robbery	2	4	Theft - Felony	6	4	Theft - Vehicle	4	3			

Selected Criminal Complaints for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Theft - Misdemeanor	36	37	Theft - Petty	38	48	Domestic Assaults	26	44	CDS	43	63
Disturbances	196	241	DOP/Vandalism	32	29	Indecent Exposure	2	1	Sex Off - Other	3	5
Suicide	0	0	Suicide - Attmpt.	3	2	Tampering M/V	0	0	Abuse - Child	2	2
Trespassing	13	26	Assault on Police	3	4	Assault Other	50	52			

Selected Miscellenous Incidents for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Alcohol Volations	5	5	Juvenile Compl.	28	19	Missing Persons	15	10	School Resource	88	65
School Threat	1	1	Sex Off. Regist.	26	31	Truancy	4	12	Death Investigation	3	1

Selected Traffic Incidents for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
DWI	7	6	Hit & Run	17	34	M/V Crash	63	66	Traffic Stop	614	338

Selected Service Calls for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
Alarms	57	62	Assist Motorist	35	38	Check Well-Being	75	89	Foot Patrol	31	33
Assist Other Agency	55	71	Bike Patrol	0	4	Special Events	7	3	Suspicious Activity	72	90

Arrests Totals for the Month

	2014	2015		2014	2015		2014	2015		2014	2015
M/V Citations	153	75	M/V Warnings	453	260	Adult Crim.	134	166	Juvenile Crim.	33	22

	2014	2015
Total Incidents Reported :	**2,688**	**2,242**

Charles Hinnant - Chief of Police

Item # 4

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

APRIL 2015

SWORN PERSONNEL: 51 SWORN OFFICERS

Administration	5 officers
Squad 1A	8 officers
Squad 1B	8 officers
Squad 2A	9 officers
Squad 2B	9 officers
C3I/C3IN	7 officers
School Resource	2 officers
Academy	3 officers

CIVILIAN EMPLOYEES: 6 full time, 6 part time

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

LEAVE REPORT

VACATION TAKEN: 816 HOURS — YEAR TO DATE (beginning 7/1/14): 8801 HOURS

COMP TIME USED: 69 HOURS — YEAR TO DATE (beginning 7/1/14): 1348 HOURS

SICK TIME USED: 519 HOURS — YEAR TO DATE (beginning 7/1/14): 3504 HOURS

OVERTIME REPORT

OVERTIME WORKED: 551 HOURS — YEAR TO DATE (beginning 7/1/14): 3790 HOURS

HOSPITAL SECURITY: 144 — YEAR TO DATE (beginning 7/1/14): 735 HOURS

COURT TIME WORKED: 67 HOURS — YEAR TO DATE (beginning 7/1/14): 418 HOURS

TRAINING REPORT

27 OFFICERS TRAINED FOR 851 HOURS — YEAR TO DATE (beginning 7/1/14) 4845 HOURS

CUMBERLAND POLICE DEPARTMENT

Warrant Fugitive Initiative

April 2015 totals for warrant initiative, broken down by agency:

CPD	9 arrests	9 warrants served	
ACSO	11 arrests	16 warrants served	
MSP	0 arrests	0 warrants served	
FPD	0 arrests	0 warrants served	
C3I	8 arrests	8 warrants served	
C3IN	0 arrests	0 warrants served	
OTHER	1 arrest	1 warrant served	(Garrett Co. Sheriff's Office)
TOTALS	**29 arrests**	**34 warrants served**	**1 subpoena served (ACSAO)**

Of these, Detective David Broadwater arrested 29 people, served 34 warrants and served 1 subpoena (for the Allegany County State's Attorney's Office).

He opened 28 "Fugitive" investigations, 2 Assist Other Agency investigations and made arrests in 8 existing cases, for a total of 38 cases generated for the month.

SIGNIFICANT CASES:

1.) On 04/16/2015, the Cumberland Police and Investigators with C3I responded to a reported shooting on Spring Street in Cumberland. A suspect, with ties to Baltimore, was quickly identified and a warrant charging him with 1st Degree Assault, Attempted 1st Degree Murder, and related charges was obtained. The suspect had fled the area that night. Detective Broadwater coordinated with the U.S. Marshal's Service and the Maryland State Police Apprehension Unit to begin tracking the suspect. As a result of those efforts, the suspect was apprehended in Baltimore on 04/18/2015 and returned to Cumberland to face charges.

2.) During the week of April 20-24, 2015, a warrant sweep was conducted in Allegany County as part of the "Safe Streets" initiative. Detective Broadwater was personally responsible for arresting 23 suspects, serving 29 warrants and serving 1 subpoena for the State's Attorney's Office during the week-long operation.

CPD ACTIVITY
OUTSIDE CPD JURISDICTION

APRIL 2014

4/28/15 – 5/3/15 Six members of the Cumberland Emergency Response Team were deployed to Baltimore to assist with the riot situations. During this 6-day deployment, 6 officers worked 220 regular hours, 179 overtime hours, and 30 double-time hours. In addition, CPD incurred an additional $2,400.00 in overtime expenses at home while paying officers to cover regular duties due to manpower shortages.

During the deployment, Cumberland Police officers assisted Baltimore agencies with providing security at several crime scenes as well as major protesting sites. The officer's main responsibility was to provide less lethal coverage for riot control officers working the line.

4/19/15 CPD CERT and Hostage Negotiators responded to Wheeler Road in Oldtown to assist the Allegany County Sheriff's Office and Maryland State Police with a suicidal subject who was barricaded inside his home with several weapons. After several hours, the suspect surrendered without incident.

4/5/15 CPD patrol officers responded to the Three Ponds area off Williams Road to assist the Allegany County Sheriff's Office and Natural Resource Police with an armed assault. Upon arrival, CPD officers assisted with the investigation, which resulted in the arrest of one juvenile.

4/2/15 CPD officers assisted the Allegany County Sheriff's Office with an assault investigation that occurred in the 1900 block of Frederick Street, just outside the City limits.

Regular Council Agenda
May 19, 2015

Description
Fire Department monthly report for April, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

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

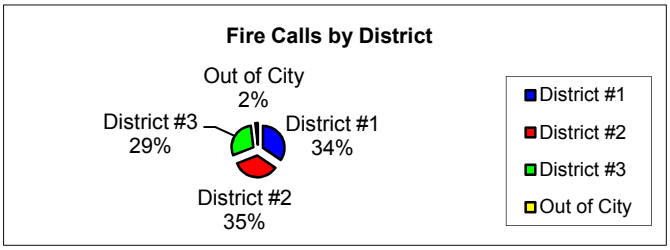
Value of Award (if applicable)

Source of Funding (if applicable)

REPORT OF THE FIRE CHIEF FOR THE MONTH OF APRIL, 2015
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 110 Fire Alarms:

Responses by District:	
District #1	38
District #2	38
District #3	32
Out of City	2
	110



Number of Alarms:	
First Alarms Answered	108
Second Alarms Answered	2
	110

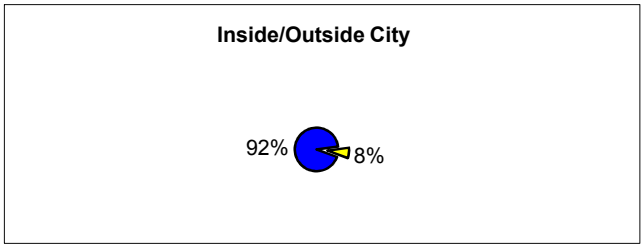
Calls Listed Below:	
Property Use:	
Public Assembly	2
Educational	1
Institutional	7
Residential	59
Manufacturing	0
Stores and Offices	3
Storage	4
None	2
Special Properties	32
	110

Type of Situation:	
Fire or Explosion	16
Overpressure Rupture	3
Rescue Calls	41
Hazardous Conditions	13
Service Calls	10
Good Intent Calls	17
False Calls	10
	110

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in April:	$3,770.00
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date:	$27,880.00
Fire Service Fees for Fire Calls Paid in April:	$2,000.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	$10,768.26
Fire Service Fees for Inspections and Permits Billed in April:	$0.00
Fire Service Fees for Inspections and Permits Paid in April:	$0.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	$1,600.00

Cumberland Fire Department Responded to 441 Emergency Medical Calls:

In City Calls	407
Out of City Calls	34
Total	441



Total Ambulance Fees Billed by Medical Claim-Aid in April:	$130,400.00
Ambulance Fees Billed Fiscal Year to Date:	$1,389,689.81
Ambulance Fees Paid:	
Revenue Paid in April:	$83,015.41
FY2015 Ambulance Fees Paid in FY2015:	$763,152.38
Total Ambulance Fees Paid in FY2015:	$893,645.24

(Includes all fees paid, previous and current fiscal years, paid in FY2015.)

Cumberland Fire Department provided 12 Mutual Aid Calls:

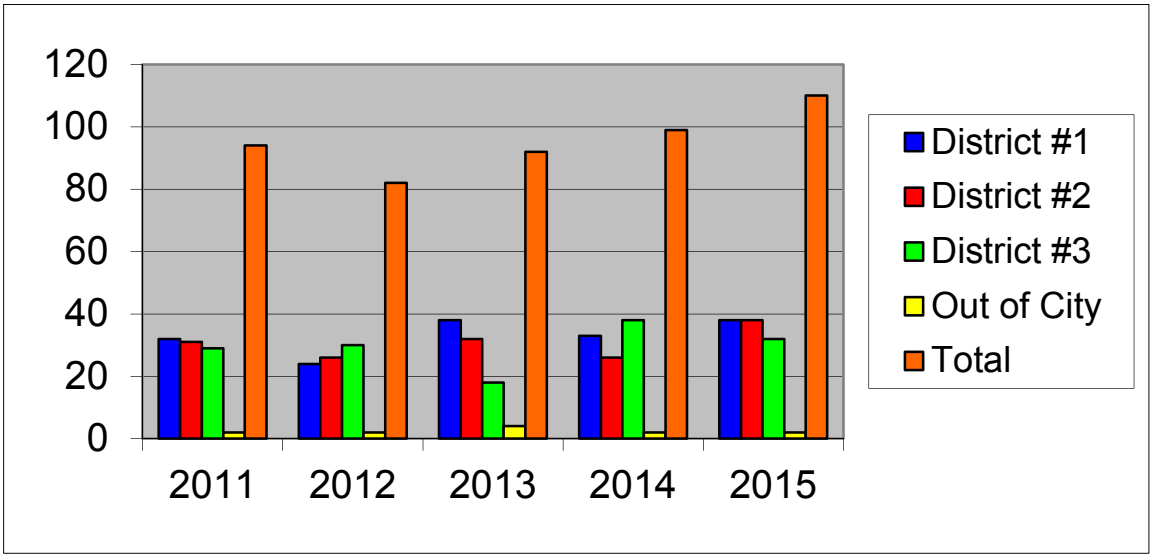
12	Mutual Aid calls inside Allegany County
0	Mutual Aid calls outside of Allegany County
12	

Cumberland Fire Department provided 22 Paramedic Assist Calls:

14	Paramedic Assist calls inside Allegany County
8	Paramedic Assist calls outside of Allegany County
22	

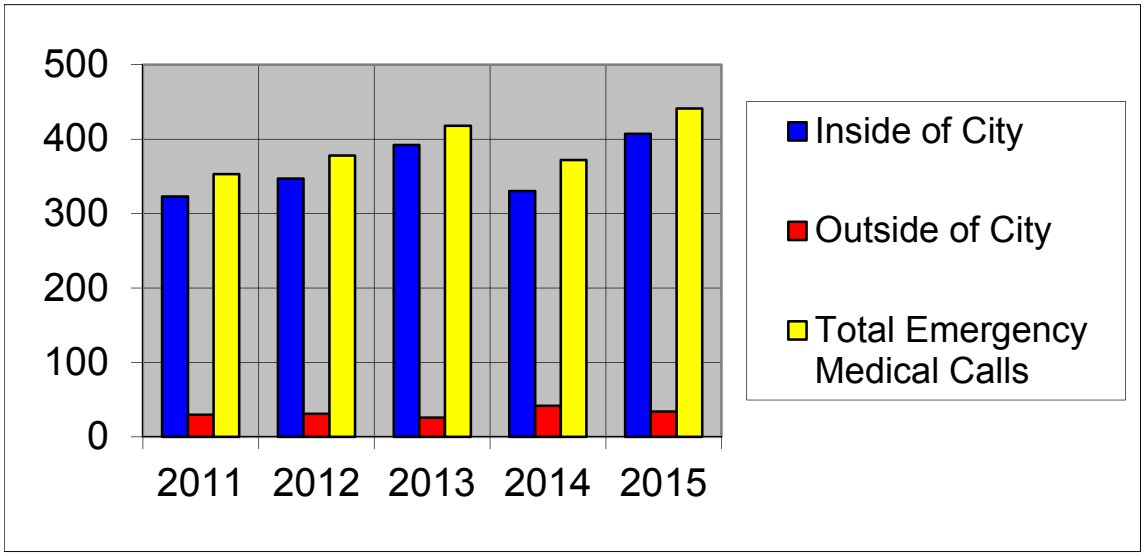
Fire Calls in the Month of April for a Five-Year Period

	2011	2012	2013	2014	2015
District #1	32	24	38	33	38
District #2	31	26	32	26	38
District #3	29	30	18	38	32
Out of City	2	2	4	2	2
Total	94	82	92	99	110



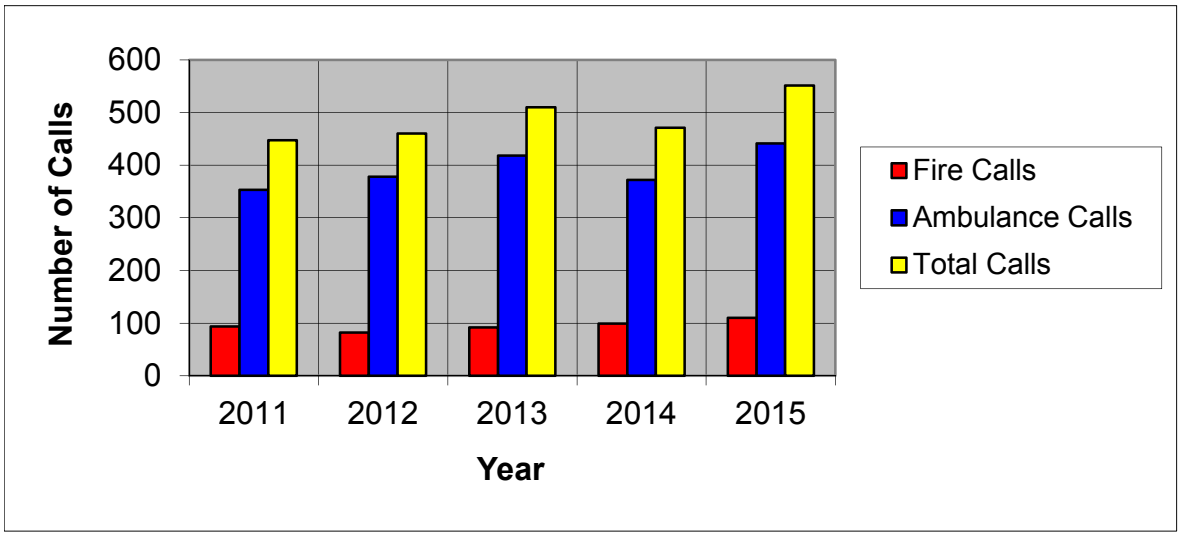
Ambulance Calls in the Month of April for a Five-Year Period

	2011	2012	2013	2014	2015
Inside of City	323	347	392	330	407
Outside of City	30	31	26	42	34
Total Emergency Medical Calls	353	378	418	372	441



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

	2011	2012	2013	2014	2015
Fire Calls	94	82	92	99	110
Ambulance Calls	353	378	418	372	441
Total Calls	447	460	510	471	551



Training

Training Man Hours:	**225.25**	
Training Listed Below:		
Safety		37.00
Hose Operations		48.00
Pump Operations		3.00
Aerial Operations		1.50
SCBA Inspection and Care		11.00
In Service Inspections		10.00
Life Pack 15		1.00
Fire Officer I Course		39.00
Physical Fitness		10.00
Extrication		64.75
		225.25

Fire Prevention Bureau

Complaints Received	0
Conferences Held	79
Correspondence	12
Inspections Performed	7
Investigations Conducted	5
Pre-Plans by Crews	7
Plan Reviews	3

Personnel

Lieutenant/EMT-B Barry D. Winters was promoted to Management Captain on April 26, 2015.

Lieutenant/EMT-Paramedic Vincent R. Pyle was promoted to Management Captain on April 27, 2015.

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

Regular Council Agenda
May 19, 2015

Description
Administrative Services monthly reports for March and April, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

May 7, 2015

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for March, 2015

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of March, 2015.

Management Information Systems

Management Information Systems reports the following activities for the month of March, 2015:

Statistics

359 completed help desk requests
299 open help desk requests

Activities

Major department initiatives in the past month include:

- Continue to resolve miscellaneous issues with New World Systems .NET software
- Assist New World with upgrade of .NET software
- Resolve issues resulting from upgrade of .NET software
- Continue working with New World Systems for Utilities System project start
- Continue to assist with CPD covert camera needs
- Continue working with CivicPlus on new website and content management system

Parks and Recreation

Parks and Recreation reports the following information for the month of March, 2015:

Reservations for the six covered Pavilions at Constitution Park continue to be taken for the 2014 season. Rental Fees are $ 100.00 for the Large Pavilion and $ 75.00 for the Small Pavilion. **Reservations made in the month of March – 20**
Pavilion usage is scheduled to begin April 1
Co-ed Volleyball League - 7 teams, 56 participants, games are played weekly on Wednesday nights at South Penn Elementary School. Play is under the direction of Carol Brown. 4 weeks of games – 12 matches - Attendance 192
April games will determine season champions – League playoffs will be scheduled

Field and court usage for the month of March:
Allegany College of MD – Women's Softball Games only at Long Field
Washington Middle School girls' softball - Cavanaugh
Tennis Teams:
Bishop Walsh Girls – Mason Complex Courts
Bishop Walsh Boys – Park Courts
Practices:
The Cumberland Girls Softball Association began practice at Jaycee and Cavanaugh Fields
The Co-ed Softball League began practice as weather permitted

Areas of work

- Continue to work with leagues, groups and schools for the upcoming spring/summer ball field and facility use. Practices and individual league meetings began in March
- Park Pool 2015 season – continue to work with Amy Nazelrod. Coordinated and set up interviews for lifeguards and swim test – Saturday April 4, 2015 at FSU pool.
- Distributed supplies and information for School Marble Tournaments to local school coordinators – school tournaments will be held at individual school - March thru May.
- Work related to FY 2016 Budget.
- Continue work related to pavilion reservations.
- Work on the 2015 "Summer Movie under the stars" program
- Summer Day Camp Brochure preparation/Park Pool Brochure
- Work with all volunteer groups for Easter Egg Hunt- FSU students, 4-H and MD Cooperative Extension Office, Finan Center volunteer recreation group and all businesses donating prizes and supplies for the program – Event scheduled for Friday April 3, 2015
- Day Camp personnel interviews
- Constitution Park Pool Concession Stand Bid process

Meetings
Monday Staff meetings
FSU Recreation students
Budget related meeting
Recreation Advisory Board Meeting Monday March 23
Allegany Count Board of Education Food Service – meeting lunch menus revisions
Meeting related to maintenance and ball field supervisor at Mason Complex

Upcoming –

- Amusement Park ticket sales tickets distributed to agencies in mid-April
- Recreation Advisory Board Meeting Monday April 27, 6:30 p.m. Constitution Park
- Annual Easter Egg Hunt Scheduled for Friday April 3, at Constitution Park
- The Ball field supervisor employee for Mason Complex will begin April 1, 2015.
- Work related to upcoming summer season – Day camp, summer lunch program, pool operations etc.
- Healthy Kids Day at YMCA Sunday May 17, 2015
- Annual Day of Caring and Sharing with County United Way Friday May 8, 2015

Community Development

The Community Development Department reports the following activities for the month of March, 2015:

Community Development Block Grant

During March, CDBG staff continued to work toward completion of the five year plan. Data gathering continued regarding various sections of the consolidated plan. Project requests were evaluated and the draft project list was developed. Staff prepared for the public hearing presentation. Staff also prepared for the annual fair housing program to be held at Allegany College. The Human Relations Commission determined the final agenda for the program and it was decided that low income transportation issues should be the primary topic for the program. Staff has also been working with Public works and Engineering to develop a potential street improvements activity. Staff are looking at reprogramming some remaining funds from prior years to support the street improvement effort. Handicapped accessibility locations were also discussed. The Neighborhood Advisory Commission also met and it looking at developing a new meeting format that may be more productive in the long run. Lastly, staff also worked with sub-recipients regarding various issues.
Concerning the annual budget process, the general fund Community Development department budget was developed and budget meetings held. Amounts available for the remainder of the fiscal year and next year related to blighted property acquisition and demolition were discussed and developed. The Downtown Development commission has also been working on finalization of their budget. In addition, the DDC summer entertainment efforts are being finalized.

Code Enforcement Activity

- Newly Opened Cases
  - 31 Nuisance
  - 20 Property Maintenance
- Closed Cases
  - 38 Nuisance
  - 17 Property Maintenance
- Citations Issued
  - 7 Nuisance
  - 3 Property Maintenance
- Cases Adjudicated to District Court
  - 4 Nuisance
  - 0 Property Maintenance
- 10 Cases Heard in District Court
  - 7 Nuisance
  - 3 Property Maintenance

- Bi-weekly Community Development Coordination meeting were conducted
  - Staff training conducted on complaint processing software
  - Identified issues associated with rental licensing processing

- Bi-weekly Code Enforcement meeting were conducted
  - Produced in house door hangers.
  - Developed procedures for door hanger use streamlining nuisance and high grass and weeds complaints

- Developed written procedures for violation processing beginning with an initial in person visit

- Continuing to concentrate code enforcement efforts in targeted neighborhoods. Current concentration in the Goethe/Baltimore Ave. corridor
- Demolition of 547 Eastern Avenue completed
- Multiple residential and commercial projects in various stages of development

Code Enforcement

Nuisance & Junk Vehicle Complaints		Property Maintenance Complaints		Building Code Complaints	
Received:	54	Received:	30	Received:	0
Corrected:	05	Corrected:	45	Corrected:	0
Housing Code Complaints		Zoning Complaints			
Received:	01	Received:	00		
Corrected:	00	Corrected:	00		

Permits, Applications, and Licenses

Building Permits		Residential Rental License		Plan Reviews	
Received:	01	Received:	25	Received:	1
Issued:	01	Issued:	25	Issued:	0

Occupancy Permit	
Received:	05
Issued:	03

Housing Inspections

Conducted:	48
Passed:	48

Court Activity

Municipal Infractions
Written: *See report above*
Adjudicated:

Revenue

Building Permits:	$145.00
Miscellaneous Permits:	106.00
Occupancy Permits:	135.00
Utility Permits:	00.00
Reviews, Amendments, and Appeals:	50.00
Rental Licenses:	1125.00
Paid Inspections:	00.00
Municipal Infractions:	00.00
TOTAL	$1561.00

Demolition Permit (Bonds) $ 00.00

Historic Planning/Preservation

Historic Preservation Commission (HPC) met March 11th. Four Certificates of Appropriateness were approved for: 40 N. Centre signage; 19 Frederick Street ADA improvement; 117 Hanover Street demolition and reconstruction of dwelling; 49 Baltimore Street marquee and façade repairs and improvements; and, 64 Baltimore Street façade renovations and signage for Cumberland Arms and storefronts.

HPC annual Election of Officers was held March 11. Chairman Cheri Yost, Vice Chairman Kathy Condor, and Secretary Suzanne Wright have all agreed to continue serving.

A tax credit application (Part II) for 518 Washington Street will be presented before HPC for determination for recommendation to M&CC. Another application for 222 Washington Street is under review.

'Working with Historical Commission for Real Estate Professional' was held March 19th at ACM CE with 14 attending.

CLG Grant Round FFY 2015 - The application has had favorable feedback from Maryland Association of Historic District Commission (MAHDC).
CLG FFY I 15 Grant – Staff and the HPC have begun working with Johnson, Mirmiran & Thompson (JM&T), the consultant for the Historic Context project.

Comptroller's Office

The Comptroller's office reports the following information for the month of March, 2015:

Cash Flow:
Attached for your review is a Cash Flow Summary for the month of March 2015.

On March 1, 2015 the City had a positive Cash Balance of $4,181,428. During March 2015, there were debt payments totaling $806,140. The cash balance at March 31, 2015 was $3,052,915.

As of March 31, 2015 the significant balances are:

Taxes receivable (General Fund):		$2,270,073
FY 2015	$1,278,498	
FY 2014	492,911	
FY 2013	109,217	
FY 2012	40,627	
FY 2011	54,263	
Prior FY's	294,557	

The current year taxes of $1,278,498 is comprised of the following major taxes:

Real property (non-owner occupied)	$ 517,891
Non-Corp Personal Property	8,802
Corporate Personal Property	208,741

Real Property (Semiannual payments)$ 502,245

Accounts Payable: $ 98,526
(This excludes upcoming debt service payments and payroll.)

Payroll expenses for the upcoming month are an estimated $1,100,000.

The balance of restricted investments now includes the CDA 2012 bond proceeds for capital projects in the amount of $866,352. This does not include any use of the GOB 2013 Bonds proceeds on $1,984,126 for the demolition of the Memorial Hospital. The total of all of these funds are only available for the payment of bond-funded capital projects (CDA 2012 and GOB 2008) totals $2,226,170. The closing for CDA 2014 was on August 28, 2014, and during the month a total draw of $1,674,133 was made for equipment purchases made prior to the bond closing. Of the total bond issue of $7,533,069, there is a balance of $5,858,936 available for Capital Projects and Capital Equipment budgeted in FY's 2013, 2014 and 2015.

Cash Flow Summary
March 2015

	Operating Cash	*Investments*
Beginning Balance 3/1/2015	$ 1,718,589	$ 5,226,170
Plus:		
Total Cash Receipts	$ 2,637,197	$
Cash Transfers (to Investments)	$	$
Less:		
Total Cash Disbursements	$ 3,898,529	
	$ 2,920,097	
Ending Balance 3/31/2015		$ 5,226,170

Cash Balances and Taxes Receivable status:
There has not been any need to obtain any short-term borrowing. The cash balance has improved and is expected to remain stable during FY 2015. The tax receivables of $2,270,073 will definitely impact our cash balance. **The real property taxes of $517,891 (non-residential) were due on 9/30/2014 and the $502,245 (residential) taxes were due on 12/31/2014.** There is currently 449 properties that have three years of taxes outstanding, which makes them eligible for tax sale in May 2015.

Respectfully submitted,

Jeff Rhodes
City Administrator

May 15, 2015

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for April, 2015

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of April, 2015.

Management Information Systems

Management Information Systems reports the following activities for the month of April, 2015:

Statistics

182 completed help desk requests
321 open help desk requests

Activities

Major department initiatives in the past month include:

- Continue to resolve miscellaneous issues with New World Systems .NET software
- Resolve issues resulting from upgrade of .NET software
- Continue working with New World Systems for Utilities System project start
- Continue to assist with CPD covert camera needs
- Continue working with CivicPlus on new website and content management system
- Resolve issues from SQL problem on .NET database server
- Resolve issues resulting from prolonged power failure in city hall and public safety
- Configure new network domain servers

Parks and Recreation

Parks and Recreation reports the following information for the month of April, 2015:

Reservations for the six covered Pavilions at Constitution Park continue to be taken for the 2015 season. Rental Fees are $ 100.00 for the Large Pavilion and $ 75.00 for the Small Pavilion.
10 _ Reservations were received in the month of March.
Usage of the Pavilions – Month of April – 5 pavilions reserved and used
1 Rental of the Activities Building April 25

Amusement Park Tickets received in Mid- April for sale – Major Amusement park tickets are sold at a reduced price; this is a fund raiser for the State Recreation Association – MRPA

The **Ball field Supervisor** seasonal employee began working to supervise the ball fields at Mason Sports Complex April 1. Restrooms are now open and cleaned on a daily basis for participants using the complex. (Weather permitting all other restroom facilities will be open and available for use on a daily basis Constitution Park, Cavanaugh and Jaycee fields)

Annual Easter egg Hunt – Held Friday April 3, 2015 – The Spring Semester Program Planning class from FSU assisted P&R in the planning of the event. Games, story time and other activities were led by the FSU students. The Maryland Cooperative Extension Office, older youth 4-H, also participated.
Approximately 500 Children Pre-K to 5th grade and adults in attendance.

Field and court usage for the month of April:
Middle School and College:
Allegany College of MD women's softball (Long Field)
Washington Middle School – Girls Softball (Cavanaugh & Mason Fields)
Spring Soccer Leagues:
Allegany Soccer Alliance
YMCA Youth Soccer League
Tennis Teams:
Bishop Walsh Girls – Mason Complex Courts
Bishop Walsh Boys – Park Courts
Practices
Dapper Dan League began practices at Long and Al Abrams Fields
The Girls Softball League began practices at Jaycee and Cavanaugh Fields
Adult Leagues at Mason Complex
Most Leagues began practice in April:
Christian League – (regular league play began April 27)
Coed Softball League (regular league play began April 12)
Over 30 League – (regular league play began April 25)
Industrial League – Organizational Meetings
1 Coed Softball Tournament (April 11)
School marble tournament play continues in local schools to determine school champions to participate in the City tournament May 11 –Girls, May 12 – Boys, at the Constitution Park Marble Ring area. Six Elementary and Middle schools are participating this year.

Co-ed Volleyball League - 6 teams, 54 participants, games are played weekly on Wednesday nights at South Penn Elementary School. Play is under the direction of Carol Brown. 3 weeks of games in April determined the season champions. League playoffs ended the season on April 15.
Attendance 162

Meetings attended:

- Monday morning staff meetings
- Regular Monthly Meeting of the Recreation Advisory Board -4/27
- The meeting for Lunch program training was held in Columbia on April 21

- Annual State MRPA Conference – April 14-16

Areas of work

- Continue to coordinate league and field usage between leagues, maintenance, and department office.
- Park Pool 2015 season – continue to work with Amy Nazelrod. Coordinated and set up interviews for lifeguards and swim test – Saturday April 4 at FSU pool.
- Summer Day camp program planning and interviews
- Summer Lunch program coordination
- Daily Pavilion reservation
- 67th Annual Battie Mixon Fishing Rodeo
- Outdoor movies in the park schedule
- Assumed the "Sunday in the Park Concert Series" from the Allegany Arts Council

Upcoming – for May

- Constitution Park Watchman begin work May 3 with weekends only until pool opening
- Healthy Kids Day at the YMCA, Sunday May 17, 2-5 p.m.
- Pool season preparation
- Staff meeting for pool staff Sunday May 1
- City Marble Tournament May 11 & 12
- Recreation Advisory Board May Meeting (May 18)
- 67th Annual Battie Mixon Fishing Rodeo – Saturday May 30
- Upcoming School visits to promote summer programs
- Day of Caring and Sharing Friday May 8
- Sunday in the Park Concert Series begins Sunday May 24 with The Potomac Concert Band

Community Development

The Community Development Department reports the following activities for the month of April, 2015:

During April, Community Development Block Grant (CDBG) staff continued to work toward completion of the five year and annual action plans concerning the annual CDBG block grant application submission. Staff prepared for the second required hearing and comments from the public were taken and considered. The proposed application will be put out for public comment with application submission required by May 15. Senior Community Development Specialist continued to work with various neighborhood groups on trash removal and other support activities. Staff also developed and met with various providers concerning fair housing. Staff also continued to support the Neighborhood Advisory Commission.
The Property Improvement program staff continued to provide improvements to low and moderate income homeowners as the weather improved. Staff also provided support to various sub-recipients during the month. Per HUD environmental requirements, the City is the responsible entity and may be required to process and approve environmental submissions for other entities using HUD funds within our area. This could be problematic as one staff member has always handled the environmental process and this

could create measurable staff time issues. Staff will be seeking more guidance concerning this potential issue.

Planning, Zoning & Code Enforcement Report

Code Enforcement Activity

- Newly Opened Cases
  - 35 Nuisance
  - 18 Property Maintenance
- Closed Cases
  - 48 Nuisance
  - 31 Property Maintenance
- Citations Issued
  - 0 Nuisance
  - 1 Property Maintenance
- Cases Adjudicated to District Court
  - 4 Nuisance
  - 8 Property Maintenance
- 10 Cases Heard in District Court
  - 1 Nuisance
  - 3 Property Maintenance

- Bi-weekly Community Development Coordination meeting were conducted
  - Identified issues associated with rental licensing processing
  - Meet with Michael Cohn to resolve rental waiver issues and remove non-rental building from the billing system
  - Work toward streamlining billing and invoice processing for upcoming billing cycle
  - Purged delinquent rental licensing files and reduced the number of outstanding violations

- Bi-weekly Code Enforcement meeting were conducted
  - Identified problems with complaint processing
  - Developing written procedures to be used consistently as protocol
  - Developed a focus and monitor group to be use by code enforcement officers to better track problem properties
  - Developing tracking system to better meet enforcement and citation deadlines

- Continuing to concentrate code enforcement efforts in targeted neighborhoods. Current concentration in the Goethe/Baltimore Ave. corridor
- Began using door hangers as an initial form of contact with approximately 60% response rating for immediate call back and contact with citizen
- Demolition of 7 and 9 Arch Street completed
- Multiple residential and commercial projects in various stages of development

- Love's Travel Plaza and Country Store permit issued and construction is underway
- Received plan on Love's proposed Sleep Inn project
- Multiple residential and commercial projects in various stages of development

Code Enforcement

Nuisance & Junk Vehicle Complaints		Property Maintenance Complaints		Building Code Complaints	
Received:	16	Received:	06	Received:	0
Corrected:	09	Corrected:	39	Corrected:	0

Housing Code Complaints		Zoning Complaints	
Received:	02	Received:	00
Corrected:	01	Corrected:	00

Permits, Applications, and Licenses

Building Permits		Residential Rental License		Plan Reviews	
Received:	08	Received:	65	Received:	0
Issued:	02	Issued:	65	Issued:	0

Occupancy Permit	
Received:	06
Issued:	04

Housing Inspections

Conducted:	35
Passed:	34

Revenue

Building Permits:	$ 40,565.00
Miscellaneous Permits:	$ 285.00
Occupancy Permits:	$ 150.00
Utility Permits:	$ 00.00
Reviews, Amendments, and Appeals:	$ 00.00
Rental Licenses:	$ 7100.00
Paid Inspections:	00.00
Municipal Infractions:	$ 00.00
TOTAL	$ 48,100.00
Demolition Permit (Bonds)	$ 00.00

Historic Planning/Preservation

The Cumberland Historic Preservation Commission (HPC) met on Wednesday, April 8. Four Certificates of Appropriateness (COA) were approved at the meeting.

A. 182 North Mechanic Street - Brown Insurance / Don Fischer - Fischer Signs
B. 500 Washington Street - Greg Wolff
C. 130 North Mechanic Street - Bill Sayed
D. 117 Hanover Street - Karin Morgan

The HPC recommended the approval of Historic District Tax Incentives for the 518 Washington Street project application. One COA application was approved administratively for 118 Baltimore Street - M&T Bank - Jerry Calhoun.

- No Section 106 reviews were processed during the month of April. NEPA process amendment letters were sent to the appropriate agencies for review of the modified project scope of what was formerly known as the Amtrak Entryway Improvement project.

- There was one Community Legacy compliance review submitted for the Neighborhood Restoration program for 443 Baltimore Avenue.

- Progress continues with the Certified Local Government subgrant-funded project to update the historic context and Preservation Guidelines for the Canal Place Preservation District.

- The most recently awarded Community Legacy funding agreement was received form the Maryland Department of Housing and Community Development for signature. Once the fully executed document is received, work can begin to launch the façade improvement program that has been funded and will be administered by the Downtown Development Commission with assistance from the Historic Planner/Preservation Coordinator.

- A press release was issued to announce the availability of the second round of Upper Story Redevelopment program applications. $50,000 remains in the project for allocation to at least one more project location. Applications were made available to the public online and in hard copy at the end of the month, and a workshop is planned for May 11th. Applications are due no later than noon on July 7th.

- Progress slowed on the Neighborhoods Matter grant program but is once again moving forward and will be working with property owners to complete those items currently incomplete in their application and forwarding compliance reviews to the Maryland Historical Trust so that staff can provide notices to proceed to successful applicants.

- On April 2nd, the Historic Planner/Preservation Coordinator was again asked to participate on the review committee for local grant applications submitted to the Canal Place Preservation and Development Authority. On that same day, the first inspection for the current Upper Story Redevelopment Program project at 50 North Centre Street took place. Good progress was observed.

- The Historic Planner/Preservation Coordinator attended the monthly meeting of the Downtown Development Commission.

- Routine grant administration reports were submitted to the State Highway Administration, Maryland Historical Trust, and Department of Housing and Community Development.

Comptroller's Office

The Comptroller's office reports the following information for the month of April, 2015:

Cash Flow:
Attached for your review is a Cash Flow Summary for the month of April 2015.

On April 1, 2015 the City had a positive Cash Balance of $3,052,915. During April 2015, there were debt payments totaling $1,420,503. The cash balance at April 30, 2015 was $1,886,490.

As of April 30, 2015 the significant balances are:

Taxes receivable (General Fund):	$2,050,100
FY 2015	$1,164,992
FY 2014	448,252
FY 2013	48,431
FY 2012	40,076
FY 2011	53,832
Prior FY's	294,517

The current year taxes of $1,164,992 is comprised of the following major taxes:

Real property (non-owner occupied)	$ 499,387
Non-Corp Personal Property	7,992
Corporate Personal Property	176,047
Real Property (Semiannual payments)	$ 457,943

Accounts Payable: $ 418,662
(This excludes upcoming debt service payments and payroll.)

Payroll expenses for the upcoming month are an estimated $1,100,000.

The balance of restricted investments now includes the CDA 2012 bond proceeds for capital projects in the amount of $632,560. This does not include any use of the GOB 2013 Bonds proceeds of approximately 1.5 million remaining from the demolition of the Memorial Hospital. GOB 2008 was finally fully expended in April 2015. For CDA 2014 of the total bond issue of $7,533,069, there is a balance of $4,279,543 available for Capital Projects and Capital Equipment budgeted in FY's 2013, 2014 and 2015.

Cash Flow Summary
April 2015

	Operating Cash	*Investments*
Beginning Balance 4/1/2015	$ 1,718,589	$ 5,226,170
Plus:		
Total Cash Receipts	$ 2,213,509	$
Cash Transfers (to Investments)	$	$
Less:		
Total Cash Disbursements	$ 3,247,116	
	$ 1,886,490	
Ending Balance 4/30/2015		$ 5,226,170

Cash Balances and Taxes Receivable status:

There has not been any need to obtain any short-term borrowing. The cash balance has improved and is expected to remain stable during FY 2015. The tax receivables of $2,050,100 will definitely impact our cash balance. **The real property taxes of $499,387 (non-residential) were due on 9/30/2014 and the $457,953 (residential) taxes were due on 12/31/2014.** There were 159 properties the City place up for tax sale, and of those, 35 were sold to bidders and 124 were assumed by the City. An additional 16 were city properties that the County placed up for tax sale. The total taxes outstanding for the 175 properties was $181,770 and we collected $49,016 of taxes as a result of the tax sale.

Respectfully submitted,

Jeff Rhodes
City Administrator

Regular Council Agenda
May 19, 2015

Description
Utilities Division & Central Services monthly report for April, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

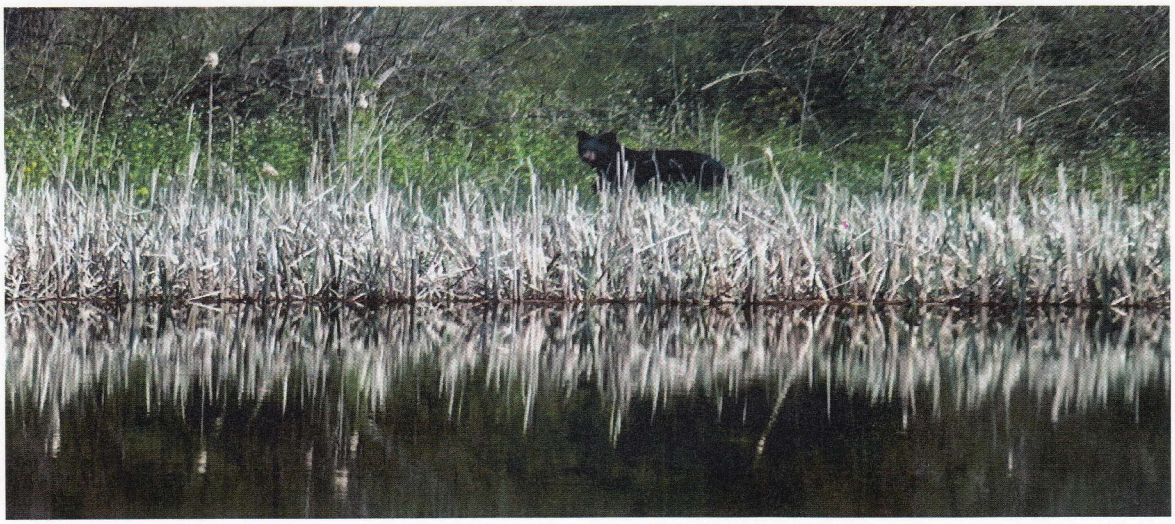
☐ 1st Reading
☐ 2nd Reading
☐ 3rd Reading

Value of Award (if applicable)

Source of Funding (if applicable)

UTILITIES DIVISION & CENTRAL SERVICES April 2015

Black Bear seen at the City Water Filtration Watershed in April 2015



Wastewater Treatment Plant

Chlorine Building

Removal of Detritor Incline Rake

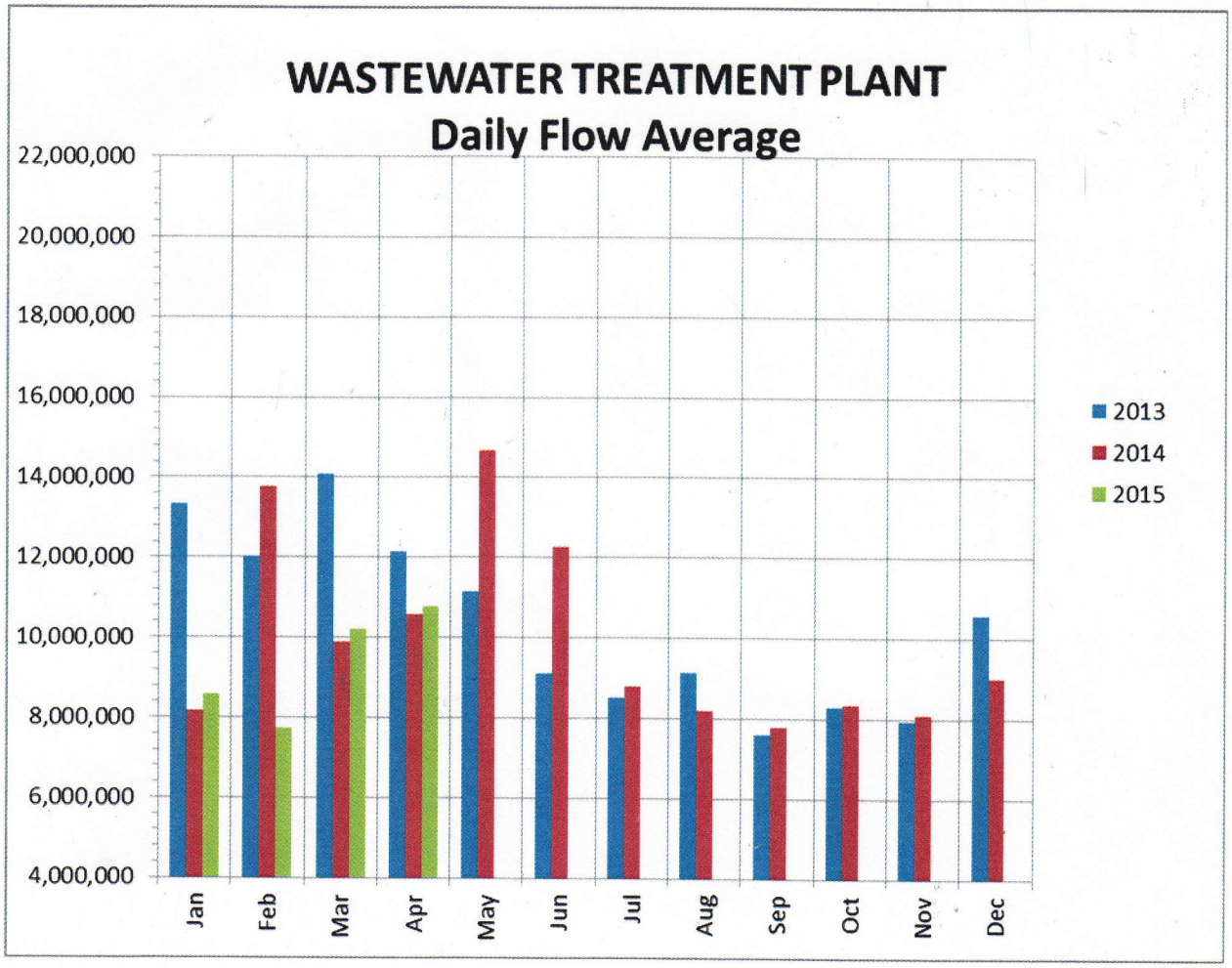
Wastewater Treatment Plant – April 2015

OPERATIONS:

Treated 322,785,000 gallons @ an average of 10.760 million gallons per day. Removed 238,433 pounds of total suspended solids; 224,834 pounds of BOD; 30,274 pounds of total nitrogen; and 2,990 pounds of total phosphorous. Processed 654,875 gallons of sludge producing 83.76 Dry Tons of Class A bio solids. 65 work orders were completed. The Annual Hoist Inspection by Apparatus Repair & Engineering (A.R.E.) was completed on April 14. Frostburg State University classes toured the Plant on April 21 & 22. All Federal and State reporting requirements were in compliance. Monthly Flow Comparison Chart is attached.

MAINTENANCE:

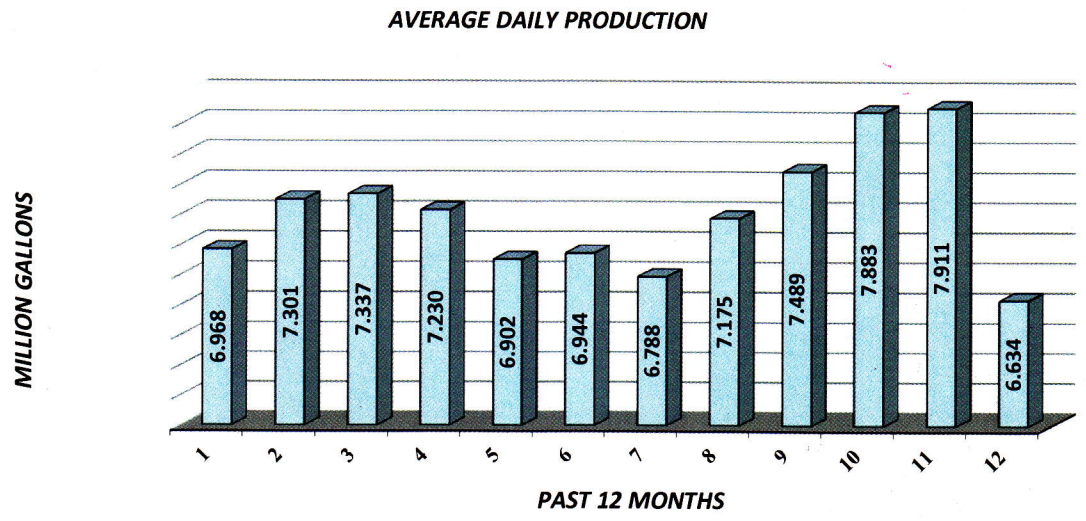
Cleaned weirs on Primary Clarifiers. Pressure washed Gravity Thickener #1. Fixed leak and added support to pipe on boiler in Dewatering Bldg. Added bypass to digester drip pot. Installed solid cover over final effluent parshall flume. Replaced valve on polymer tank and cleaned both gravity belt thickeners in the GBT Bldg. Drained and cleaned out mud well at the Denite Filter Bldg. Installed 40 ft. of pipe and 300 ft. of french drain at the Methanol Storage Tank area. Installed new wind direction sock on the roof of the Chlorine Bldg. Serviced both riding and push mowers for grass cutting season.

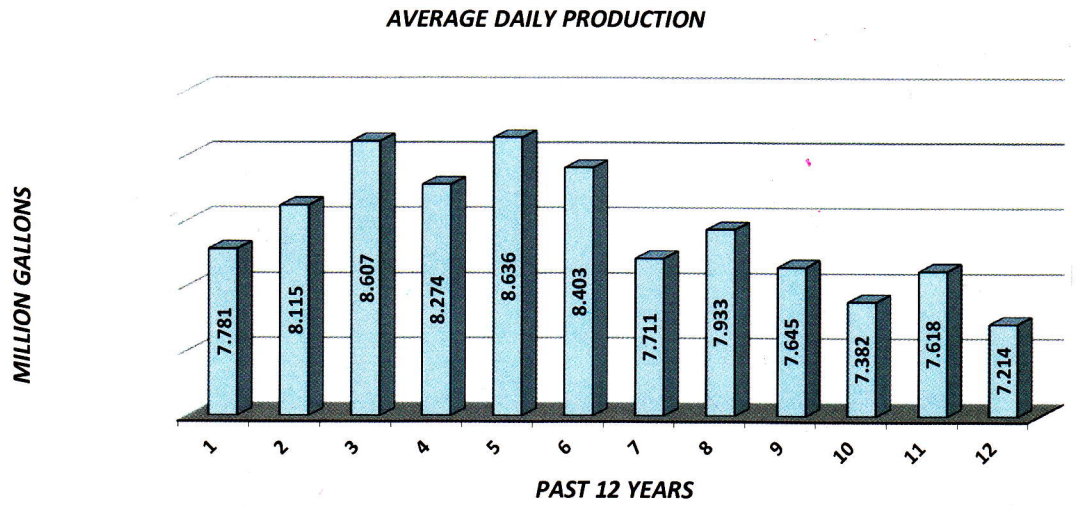


CITY OF CUMBERLAND'S WATER TREATMENT PLANT

MONTHLY UTILITY REPORT

APRIL 2015





EVENTS SUMMARY

- 100% COMPLIANCE WITH ALL FEDERAL & STATE DRINKING WATER REGULATIONS
- 130 PREVENTATIVE MAINTENANCE TASKS COMPLETED/ 1,300 WATER ANALSIS PERFORMED/ LAKES AT 100% CAPACITY
- TREATMENT PLANT, PUMPING STATIONS, TANKS AND RESERVOIRS OPERATED/MAINTAINED CONTINUOUSLY 744 HOURS
- STATE OF MARYLAND DEPARTMENT OF ENVIRONMENT PERFORMED TRI-ANNUAL AUDIT OF LABORATORY
- STATE OF PENNSYLVANIA DEPARTMENT OF ENVIRONMENT PERFORMED INSPECTION OF WATER TREATMENT PLANT
- PRE-CONSTRUCTION MEETING HELD FOR NEW CHLORINE GAS TO SODIUM HYPOCHLORITE CONVERSION
-

Sewer & Flood Monthly Report - April 2015

Sewer

3,470	Ft. Sewer Mains flushed
5	Sewer main repairs (212 Decatur St., 408 Kean Terr., 631 Brookfield Ave., 408 Lynn Terr., and Bopp Ave. at Frederick Street)
3	Clean-outs installed
1	Catch basin repaired (Bopp & Frederick St)
14	Catch basins cleaned
1,212	Ft. Sewer Mains televised
46	Ft. Sewer Lines televised
5	Overflows checked

- Assisted Water Department at seven (7) work sites hydro excavating

Flood

Test run station pumps

Worked with Marshall Ruby & Sons on Viaduct Sluice gate repair

Filled tree holes in with top soil in narrows

C.S.O. Inspections

Repaired Sewage Regulator and assisted with Vac, cleaning pit on Wineow St.

Mowed 30 acres

Cleaned bull pen (4 loads) and Ridgeley ditch/West Levee Ditch

WATER DISTRIBUTION

Utilities Activity Report for April 15					
REQUEST	W/E 4/10/15	W/E 4/17/15	W/E 4/24/15	W/E 4/30/15	MONTHLY TOTALS
Service Technicians					
NON READS/MDM go backs	29	41	23	9	102
VACANT Accounts report					0
FINAL READS/TURN ONS/SHUT OFFS	2		8	3	13
CURB/METER BOX MAINTENANCE					0
LEAK INVESTIGATIONS/turn off-on	1	6	7	6	20
STOP LOCATES/MAINTENANCE					0
METER/STOP INVESTIGATIONS	17	5	4	10	36
REPAIR WIRING/GET READING					0
ORANGE TAG FOR REPAIRS					0
YELLOW TAG FOR H/L USAGE/APPT	2		1	1	4
RED TAG FOR SHUT OFF					0
TURN WATER ON	52	36	38	26	152
TURN WATER OFF				3	3
NONPMT/BAD CK/AGREE SHUT OFFS	43	33	34	26	136
SHUT OFF RECHECKS	34	73	51	25	183
PULL METERS - READS/SPAC/WR OFF			1		1
PUT METERS BACK ON LINE/READS	2				2
REPLACE/REPAIR METER/LID/VALVE					0
DIRTY WATER/ODOR					0
SVC SEPARATIONS/INVESTIGATIONS					0
INSTALL COUPLERS/PLUGS/LOCK	2	1			3
NEW METER/DIAL	10	6	7	8	31
METER TESTS-Residential					0
METER TESTS - Industrial					0
Ind - Register/Chamber Chg Out					0
Industrial - Chamber Cleaning					0
Industrial - Strainer Cleaning					0
HYDRANTS FLUSHED	35				35
PRESSURE CHECK/NO WATER	1				1
MOVE METERS OUTSIDE/READINGS	5	4	5		14
Smartpoint change outs/New installs	7	9	7		23
Replace smartpoint antenna					0
REPAIR/REACTIVATE/MOVE SPs		1		2	3
INSULATE METER BOXES	250	50	50	18	368
FREEZE UPS/METERS & LINES					0
CCP - BACKFLOW/RETRO	5	4	5		14
HYDRANT/IRRIGATION METER					0
Pipe Technicians					
LINE LOCATOR	78	71	106	49	304
TAPS SERVICED	5	6	6	1	18
LEAKS REPAIRED	1				1
FLUSHED HYDRANT @ AUBURN AVE/WTBO	3				3
PAINTED NUMBERS ON HYDRANTS	2				2
CHECKED HYDRANTS NOT WASTING	5				5
306 ARCH-SCREENINGS/COLD MIX/LEVELED		4			4
CHECKED HYDRANTS TO BE REPLACED		3			3
REPAIRED HYD #279					0
TOP SOILED & SEEDED 60 & 68 BOONE ST		3			3
RESET CURB BX - 831 GEPHART DR		3			3
421 ARCH - SCREENINGS			3		3
FLUSHED HYDRANT - AVIRETT AVE			3		3
REPLACED HYDRANT #333			4		4
132 GRAND - BACKFILLED SIDEWALK			4		4
CLEANED TRUCKS				3	3
CLEANED TOOLS				3	3
SET POLE AT WWTP FOR CENTRAL SVCS				3	3
					0
Watershed					
Excavated ground for parking for excavator					
Moved topsoil to shale bank and prepaired it for seed					
Put heavy stone down for nase then put crushed stone down for top coat					
Fueled equipment					
Put small cap on hydrant #882					
Sewed seed on topsoil at dam					
Picked up trash around dam					
Worked with 304 crew (4/6/15) - Valentine water main project					
Checked out dock for Bob at upper dam					
Burned brush at dam					
Got old equipment reaqdy to bring in to town for sale					
Put new battery in D-5					
Took blade out from under grader					
Went to Lowe's to purchase items for boat dock					
Started making weights for dock - have to mix 14 - 60lb bags and make 24 - 2 gallon buckets for concrete					
Greise Farm - repaired leak on 36" main					
Investigated leak on Mason Rd - private					
Old Greise farm & Day farm - dug out broken blowoff valve box/placed operating nut on/renewed valve box & widened area					
Cleared water line on Day Farm					
Moved backhoe to Adams Farm					
Met Bob at Cole St with keys					
Checked vault on 36" line off Smousesmill Rd					
Dug up line on Adams Farm to check for leak					
Dug up valve box to straighten it					
Cleared some fallen trees off water line at Days Farm					
Attended safety meeting					
Went to Fort Ashby to get estimate for brush hog					
Cut down dead tree at gate on city property					
Dug ditch on water line to drain water off Golden Lane					
Checked gate at Rouzees - put lock on gate					
Repaired leak on 36" water line off Golden Lane					
Made part for ramp on equipment trailer					
Projects					
Projects - VALENTINE AVE/NEW MAIN	18			11	29
WEEKLY TOTALS & GRAND TOTAL					1542

Item # 7

Central Services – April 2015

- **City Hall**: Drained chiller, removed air from lines and started chiller; installed exhaust fan in 3rd floor women's restroom; ran circuit for new EM light for stairwell to basement and replaced EM light in basement equipment room; Repaired fax line that was unhooked.

- **Municipal Service Center**: Worked on power outage for transfer switch; installed transfer switch and back-up generator; installed UPS on all computers; ran a CAT5 at Mechanic's Shop; assisted in the start-up of the new generator; laid out sprinkler line for new generator room; picked up relief valve and new nitrogen tank to check lines. Installed new relief valve on tank of air compressor.

- **Public Safety Building**: Assisted Barnard Door Company.

  Police: Repaired Police garage door; installed new heat pump for CSI Unit; repaired faucet in 1st floor restroom; repaired two lights in Julie Sterne's Office.

- **Fire Station #2:** Installed EM switch for boiler. Repaired #4 and #5 fire doors, ordered new receiver module. Two employees continued to work at Fire Station #2.

- **Parks/Recreation**: Replaced high voltage lines and installed stress cones for lights at Cavanaugh Field.

- **Senaca Pump Station**: Installed and assisted in the start-up of the new generator.

- **Viaduct Pump station**: Disconnected power from rec. gate to remove and rebuild.

- **N. Mechanic Street CSO**: Replaced radio.

- **Sewer Department**: Wired pole lights at pit.

- **Water Filtration Plant**: Wired A/C Unit; repaired heat system in lower building; repaired DAF mixer VFD.

- **Wastewater Treatment Plant**: Worked on locating dead short in GBT#2 cabinet; repaired belt alarm failure on GBT; set telephone pole and core-drilled manhole for new fiber optic data cable; repaired short on GBT #2 and installed belt brake sensor; installed power supply on Chlorine monitor in Chlorine building.

- **Traffic and Street Lights:** Installed LED and new globe at Liberty St.; repaired lights at Henderson & Valley St., Repaired conduit in sidewalk at Harrison St.; repaired light at Centre St. & Queen City Drive; repaired light at Queen City Drive and Front St.

- Load-tested generators.

Regular Council Agenda
May 19, 2015

Description
Maintenance Division monthly report for April, 2015

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

MAINTENANCE DIVISION REPORT
April 2015

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
APRIL 2015

- POTHOLES AND COMPLAINTS
  - Potholed 29 Streets and 7 Alleys using approximately 6 ton of cold mix and 30 ton of HMA.

- UTILITY HOLE REPAIR
  - 10 Water Utility Hole Repairs and 4 Sewer Utility Hole Repairs using approximately 42 CY of Concrete and 12 tons of HMA.

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
  - Installed/Repaired 15 Traffic Control Signs.
  - Installed/Repaired 5 Street Name Signs.
  - Installed 4 HC Signs/Removed 1 HC Sign.

- SWEEPER
  - Swept 233 curb miles (approx. 80 cubic yards of debris).
  - Hauled 41.2 tons of debris from sweeper dumps to landfill.

- MISCELLANOUS
  - Set out, maintained and removed traffic control on Frederick Street for Bike Lane.
  - Removed 6 stumps in the Park and hauled to Dam.
  - Installed Pre-cast curbing on Euclid with 6 tons of topsoil and 3 ton of HMA.
  - Installed Guardrail for Flood Control in Ridgeley.
  - Installed underdrain on Ridgewood to control groundwater.
  - Completed 19 Service Request.
  - Cleaned Baltimore Street Underpass 4 times.
  - Cleaned wash and debris from drains and street 3 times from rain.

STREET MAINTENANCE - APRIL 2015		4/1-4/4	4/5-4/11	4/12-4/18	4/19-4/25	4/26-4/30	TOTAL
SERVICE REQUEST COMPLETED				6	8	5	19
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER	1	1	4	1	3	10
	SEWER			3		1	4
	CY	14.00	1.25	17.00	3.00	7.00	42
	TONS			2.0	6.5	3.0	12
POTHOLES FILLED	STREETS			4	14	11	29
	ALLEYS			1	1	5	7
	DAYS	1	4				5
	Cold Mix						0
	TONS			4.0	15.0	11.0	30
PERMANENT PATCH	CY						0
	TONS				5		5
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED		2	6		7		15
STREET NAME SIGNS REPAIRED/INSTALLED			2		3		5
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED					1		1
		4					4
		1					1
PAINTING PERFORMED	BLUE	4					4
	YELLOW						0
	RED	1			2		3
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	2		8	5	6	20
	MILES	17		83	54	79	233
SWEEPER DUMPS HAULED TO LANDFILL	TONS		41.2				41
SALT BARRELLS - Set out/Re-Fill	DAYS						0
CLEANED BALTIMORE ST. UNDERPASS			1	1	1	1	4
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Days						0
Check Drains/Clean Debris	DAYS		1		2		3
LEAF PICK UP	Loads						0

Set out traffic control on Frederick Street 4/7/15
Removed traffic control on Frederick Street 4/21/15

Remove stumps in Park and haul to dam 4/8-9/15

Pre-cast curbing on Euclid 4/14--4/16
6 ton of topsoil and 3 ton of HMA

Guardrail instalation for Flood Control in Ridgeley4/22-23/15

Item # 8

Underdrain Istallation on Ridgewood Ave to control ground water 4/28/15-4/30/15

PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
APRIL 2015

- Constitution Park
  - Completed pool deck repairs.
  - Worked OT for Easter Egg Hunt on Good Friday.
  - Covered graffiti on Caboose and playground equipment.
  - Put pool filter back together from winter repairs.
  - Tree work (removed trees and stumps).
  - Repaired playground equipment.
  - Cleaning pool liner for opening.
  - Cut grass 5 days.

- Mason Complex
  - Cleaned up debris @ CPD Pistol Range.
  - Cut grass 8 days.

- Field Work
  - Continued to Line and Drag 6 Softball Fields.
    - All Fields have been spiked 1 time.
  - Hauled Material in to Flynn Field to make repairs to infield.
  - Line Soccer Fields 3 times.
  - Seeded and mulched outfield @ Cavanaugh from lighting work.

- Miscellaneous Work
  - Garbage and Bathrooms are cleaned 3 times a week.
  - Hung Flags at Washington Headquarters'.
  - Repaired to water leaks at restrooms (JC, Long, Bath House, and Mason).

Parks and Recreation								
Field Work								
April 2015								
		Line		Spike		Drag		General Cleanup Prior to Season
Flynn		4		1		3		Filled in holes with material
Nonnenmann		8		1		4		
North Craft		7		1		5		
Bowers		1		1		1		
Galaxy		3						
United		3						
Nonnenmann SF				1				
Bowers FB								
Tigers Practice								
Long				1		1		
Abrams				1		1		
Cavanaugh		10		1		5		
JC		4				1		

Parks and Recreation Department					
Grass Cutting					
April 2015					
		P&R			Seasonals
Fairmont		1			1
Ridgedale		1			1
Springdale		2			
Mason		8			1
Park		5			3
Long		2			1
Cavanaugh		4			1
Smith Park		1			
Vets Park		2			1
Pine Ave					
JC		3			1
Valley St Parklet		2			1
Abrams		3			1
Washington HQ		1			
Sun Dial		1			
Lucys Park		1			1
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		1			1
Goethe					
Pistol Range					

Parks and Recreation Department
Miscellaneous Work
April 2015
Completed pool deck repairs
Worked Easter Egg Hunt in Park on Good Friday
Hung flags at Washington Headquarter
Covered graffiti on Caboose
Seeded and mulched Cavanaugh from light repair work
Cleaned up debris at CPD Pistol Range
Put pool filter back together
Tree work in Park
Repaired playground equipment
Put table together at Long
Turned water on at Long and worked on ceiling in concession
Worked on backfilling where stumps were removed in Park
Cleaned up pool
Repaired water leaks at Long

Fleet Maintenance
April 2015

Total Fleet Maintenance Projects	**140**
Street Maintenance	25
Snow Removal	0
DDC	0
CPD	28
Water Distribution	14
P & R Maintenance	26
CFD	4
Sewer	7
Code Enforcement	1
Flood	5
PIP	0
WWTP	0
Engineering	3
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	16
Field Service Calls	11
Total Work Orders Submitted	**33**
Risk Management Claims	**2**
Fork Lift Inspections	**0**

Regular Council Agenda
May 19, 2015

Description

2014 Annual Report of the Cumberland Planning Commission - Presentation by Dave Umling, City Planner

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 DEPARTMENT

Inter-Office Memorandum

TO: Jeff Rhodes, City Administrator

FROM: David Umling, City Planner

DATE: March 24, 2015

RE: 2014 Planning Commission Annual Report

Sections 1-207 & 208 of the Land Use Article of the Annotated Code of Maryland requires that the City prepare and adopt a Planning Commission Annual Report, which must be adopted by the Planning Commission, presented to the Mayor and Council (which may authorize any changes to the City's development review process recommended in the report), submitted to the Secretary of the Maryland Department of Planning (MDP), and made available for public inspection. The law also requires that the report be adopted and submitted to MDP prior to July 1 of the following year.

Staff prepared the attached report (7 copies, 1 for the Mayor and each Council member, 1 for the City Clerk's official record, and 1 for the City Administrator) and presented it to the Planning Commission at its March 23, 2015 special meeting. The Planning Commission voted unanimously at the meeting (4-0 in favor) to adopt the attached report. The report concludes that no changes to the City's Comprehensive Plan or review procedures are necessary. I am forwarding this report to you for the scheduling of a presentation to the Mayor and Council, prior to final submission to Secretary David Craig at MDP.

Please let me know when in May this report can be scheduled for presentation to the Mayor and Council. I would like to schedule this presentation for the same date as the public hearing for ZMA 15-01, the 208 Oldtown Road RR Rezoning. If you have any questions or concerns about it, please contact me. Thank you for your assistance.

Attachments

cc: Margie Eirich (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)

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ANNUAL REPORT OF THE CUMBERLAND PLANNING COMMISSION

CY2014: January 1 – December 31, 2014

Adopted by the Cumberland Planning Commission on March 23, 2015

I. Introduction

The Land Use Article of the Maryland Annotated Code (formerly known as Article 66b) requires that every local Planning Commission prepare an Annual Report to assess development activity and public facility changes over the past year and assess their consistency with adopted plans for the local government, adjoining local governments, and state agencies that provide funding assistance for the City's public facility improvements. The reporting requirement were expanded in 2009 by the MD General Assembly to include requirements for local governments to establish a specific percentage goal to increase the percentage of new development located within the local government's Priority Funding Area and to report on a series of "performance measures" to demonstrate the community's progress in concentrating growth and development. These new requirements are codified in the Land Use Article. The new Law exempts municipalities from these additional (2009) reporting requirements where all of the land in the municipality is located within a Priority Funding Area and where the municipality issues fewer than 50 building permits for "new residential units" in the reporting year. According to a 2010 determination by the Maryland Department of Planning, eligibility for this reporting exemption is based on the actual number of permits issued regardless of the number of dwelling units that were permitted by each permit.

In Cumberland, all of the City's area is located within a Priority Funding Area. Consequently, the City is not required to establish a specific percentage goal to increase the percentage of new development located within the City's Priority Funding Area, in accordance with The Land Use Article. In regard to the second reporting exemption criterion, the City issued a total of 10 building permits for new residential units in 2014. Therefore, the City is exempt from the additional reporting requirements added to the Land Use Article of the Maryland Annotated Code in 2009.

Once prepared by the Planning Commission, the report and its recommendations must be filed with and presented to the local Legislative Body, which may direct actions necessary "to insure the coordination of a viable planning and development process." Maryland Law also requires that the Annual Report be made available for public inspection, and that a copy must be mailed to the Secretary of the Department of Planning. This report shall fulfill the aforementioned Annual Report requirements for the City of Cumberland.

II. Development Activity

A. Construction & Occupancy Permits

To evaluate construction activity during 2014, staff reviewed all building, demolition, and occupancy permits issued over the calendar year. Permits issued for minor alterations, outbuildings (such as storage sheds or garages in support of an existing primary use structure), building additions (that did not result in new residential units or independent business spaces), and repairs were ignored in the analysis. Only building and occupancy permits that resulted in the construction or occupancy of new residential units or nonresidential units were included in the inventory. These permits represent development activity that added new capacity to the City, rather than building renovations and minor additions or changes in use from one commercial use to another.

When evaluating permit data, it is important to understand that a considerable time lag can occur between the issuance of a building permit to begin construction and an occupancy permit to occupy a completed building. This time lag can range from six months for a typical single family home when work begins at the start of the seasonal construction period to several years for a major project that is built in phases or is delayed by unanticipated site conditions, financing interruptions, or difficulties securing building supplies and/or unfavorable weather interruptions. Consequently, only a small number of the occupancy permits issued in any given fiscal year may be for buildings that received a building permit in the same fiscal year.

A tally of the 2014 permits that fall within these criteria shows that the City issued a total of 10 building permits for new residential construction, resulting in the addition of 10 units. This is a slight increase (numerically) relative to the gradual declines from the prior two years, where only 5 permits were issued in 2013 and 7 permits in 2012. If this increase persists, it may represent a slow pattern of recovery to the gradual increase that occurred from 2009 through 2011 (15 in 2009, 19 in 2010, and 26 in 2011). However, it should be noted that 8 of the 10 new residential building permits issued in 2014 were for homes built in the Cornerstone Hill project off James Day Drive, which is nearing build-out. Only 2 of the new residential building permits issued were for individual infill lots. Therefore, it is difficult to know at this time if the slight increase in permitted new housing units in 2014 represents a potentially sustainable housing construction recovery trend or merely a push to completion of a previously permitted residential development project. The total reported value of the residential building permits issued in 2014 was $1,575,000, which represents a slight increase in the total value of new units built in 2013 ($1,128,000) and 2012 ($1,163,000).

No building permits for multiple family dwellings were issued during 2014, 2013, or 2012. The lack of multifamily dwelling projects in recent years reflects a general saturation of the rental market resulting from a number of tax credit-subsidized projects that were built during the height of the recent Recession (2007-2010). These subsidies were offered to stimulate apartment construction as a way to provide alternative affordable housing options for the growing number of homeowners displaced by foreclosure (due to sub-prime mortgage practices) during the Recession. However, the Recession-driven spike in foreclosures did not affect the Cumberland housing market to the same degree as other areas of

the state because mortgage costs did not increase as rapidly as in other areas (relative to actual home values) and fewer homeowners in the local housing stock hold mortgages on their properties. Consequently, the sudden increase in apartment construction in a housing market with lower overall population growth and fewer homeowner displacements contributed to greater saturation of the rental market.

A total of 8 occupancy permits for 8 new residential units were issued in 2014, which is consistent with the 8 occupancy permits for 10 new residential units that were issued in 2013. All 8 occupancy permits in 2014 were issued for the units built in the Cornerstone Hill project. This pattern represents a significant decline from the 28 residential occupancy permits issued in 2012. However a number of the residential units for which occupancy permits were issued in 2012 were for units that were issued building permits in prior years when more residential building permits were issued. The general pattern in residential occupancy permits further reflects a fluctuating trend over the prior years of 24 in 2009, 16 in 2010, and 36 in 2011.

These overall low permit figures continue to reflect the reduced level of development activity initially caused by the 2007 Economic Recession. Although the city appeared to experience a brief three-year recovery in residential building permit activity between 2009 and 2011, development activity has subsided over the past three years. This reversal can be attributed in large part to the sudden absence of multi-family development projects that helped buoy residential construction activity between 2009 and 2011. The relatively high number of occupancy permits issued for new residential units in 2012 reflected the completion and occupancy of units in three large multi-family projects (the Cumberland Meadows apartment complex on Old Willowbrook Road, Cumberland Townhomes II on Pennsylvania Avenue, and the Cornerstone Hill project on James Day Drive) that were issued building permits during those earlier years. As those earlier large projects are completed, the number of occupancy permits can be expected to decline until they more closely reflect the reduced building permit activity reflected in 2012 and 2013 permit data.

The City's permit records also show that a total of 12 residential demolition permits (removing a total of 14 residential dwelling units from the housing stock) were issued in 2014. These figures represent a gradual slow decline from the number of demolition permits issued in the past two years (15 residential demolition permits removing 15 residential units in 2013, and 19 residential demolition permits removing 22 former residential units in 2012). When the number of residential units demolished in 2104 (14) are subtracted from the number of new residential units permitted for construction during the year (10), the City realized a net loss of 4 residential units. As long as the number of demolitions continues to exceed the number of new residential dwelling units constructed during each year, the overall pattern of housing stock decline is likely to persist.

The City also issued a total of 4 residential occupancy permits for conversion projects that resulted in an additional net removal of 3 residential dwelling units from the City's housing stock. When the number of residential units gained or lost due to conversions of existing residential and commercial buildings is considered (-3 residential units), **the City's overall housing stock experienced a decrease of 7**

residential unit in 2014. This net decrease is greater than the net loss of 1 residential unit that occurred in 2013.

As noted earlier, 8 of the 10 new residential building permits issued in 2014 were concentrated in the Cornerstone Hill project just east of the City's downtown area, while the other two permits were issued for single family homes on the City's East and South sides. The map and tables provided at the end of this report show the property locations of the permits that were issued in 2014. All development activity occurred within the City's Priority Funding Area and in areas of the City that are currently served by adequate water and sewer.

Only two new building permits were issued in 2014 for new non-residential construction (the same number as was issued in 2013). One of these permits was issued for a new County Sheriff's Office on Kelly Road. The other was issued for a portable imaging system unit at the Western MD Health System on Willowbrook Road. The total value for new commercial construction in 2014 was $430,000.

B. Site Plans

The only major site plan approved in 2014 was a condominium plat for the Cumberland Arms Building at 64 Baltimore Street. The plat, submitted in 2013, did not result in any new construction and did not create any new building lots on the property. The plat only divided the existing building into two condominium units. No new minor site plans for new buildings were approved in 2014. Only one minor and one major site plan was approved in 2013. There were no major site plan submissions/approvals in 2012.

C. Subdivision Plats

No new major subdivisions (creating five or more new lots) were filed or approved in 2014, 2013, or 2012. A revised Final Plat for the Averitt Commercial Subdivision on Messick Road was approved by the Planning Commission in 2014, however this plat revision did not increase or reduce the number of approved lots within the subdivision, it only transferred land from one existing lot of record in the subdivision to two others. Similarly, no new minor subdivisions were filed or approved in 2014, 2013, or 2012. The last minor subdivision plat was approved in 2011.

III. Regulatory Amendments & Annexations

The Planning Commission reports that two regulatory actions were completed during 2014. The city annexed two commercial properties along Ali Ghan Road on the city's northeastern corner. No other Zoning Map Amendments, Zoning Text Amendments, or Subdivision Regulation Amendments, were adopted during the year. A review of these changes is provided below.

A. Comprehensive Plan Amendments

No new comprehensive plan amendments were initiated or completed in 2014. The 2013 Comprehensive Plan update was completed on December 17, 2013 with the adoption of the City-Wide Element, which was the second and final volume of the plan. The City-Wide Element addressed the local issues and needs raised in the Neighborhood Element (which was adopted in 2012), contained the city's long-range planning and development policies, and also addressed the legal planning requirements of the Land Use Article of the Annotated Code of Maryland.

B. Zoning Text Amendments

No Zoning Text Amendments were adopted by the Mayor and Council in 2014. However, the 2013 Plan Comprehensive Rezoning was initiated by staff and the Planning Commission during the year. The comprehensive rezoning package includes a Comprehensive Zoning Text Amendment (ZTA 14-01), a Comprehensive Zoning Map Amendment (ZMA 14-01) and a Comprehensive Subdivision Regulations Text Amendment (SRA 14-01). The Planning Commission completed its public hearing on the proposed amendments that comprise the entire package on December 12, 2014. A final recommendation from the Planning Commission and subsequent action by the Mayor and Council are anticipated to be completed in 2015. No zoning text amendments were adopted in 2012, but two were adopted in 2011 and one was adopted in 2013.

C. Zoning Map Amendments

The City adopted no new Zoning Map Amendments in 2014, 2013 or 2012. As noted above, a comprehensive zoning map amendment (ZMA 14-01) is in progress as part of the 2013 Plan Comprehensive Rezoning. Final action on that amendment is anticipated in 2015. Two Zoning Map Amendments were filed and approved in 2011.

D. Subdivision Regulations Amendments

The City made no changes to the Subdivision Regulations in 2014 or 2013. As noted above, a comprehensive subdivision regulations amendment (SRA 14-01) is in progress as part of the 2013 Plan Comprehensive Rezoning. Final action on that amendment is anticipated in 2015.

E. Annexations

The City adopted two annexations in October 2014. The total area annexed was approximately 2.68 acres (the first parcel contained 2.13 acres and the second contained 0.55 acres). Both of these parcels are located along Ali Ghan Road and were incorporated into the Loves Travel Plaza landholding to become part of the commercial travel plaza that they are constructing. The annexed parcels have been zoned B-H (Highway Business) and were accepted by MDP as part of the city's Priority Funding Area. One additional annexation was approved in 2013 at the corner of Messick Road and Industrial Boulevard. No annexations were approved in 2012.

IV. Infrastructure Improvements/Extensions

A. Street Improvements

The City constructed no new public streets during 2014. All street improvements during the year involved surface restoration, reconstruction, and paving of existing streets. These paving projects are now governed by the City's Pavement Management System, which was completed in 2006. The Pavement Management System identified roughly $67,000,000 in street improvement needs, and the Mayor and Council have obtained financing to begin implementation of the improvement schedule for the first three years.

The City continued work on a major street resurfacing/widening project (initiated in 2013) for significant portions of Baltimore Avenue (between the CSX railroad and Marion Street). The project also includes small sections of Front Street, Henderson Avenue, and Marion Street and is anticipated to be completed in 2015. Comprehensive patching work was undertaken with financial assistance from MDOT on a number of city streets, including significant portions of Greene, Centre, Lee, Beall, and Baltimore Streets, as well as portions of Louisiana, Virginia, Ashland, and White Avenues and Winifred Road. This patching work is intended to temporarily stabilize the travel surface until such time as funding can be committed to a more extensive street rehabilitation and resurfacing project. The city is in the process of preparing an ARC grant application for funding to rehabilitate Mechanic Street from I-68 to Bedford Street, including ADA crossing improvements. The city completed engineering work for a reconstruction of Chase Street, which was driven by a full water line replacement under the street to repair a leak. The reconstruction work is scheduled to be undertaken in 2015. The city also hired engineering/planning consultants for a CSX railroad bridge replacement (on Washington Street) and a proposed complete street redevelopment project for the Greene Street corridor between Baltimore Street and I-68. The Washington Street railroad bridge was reduced to single-lane traffic in 2014, due to deterioration of the structure. The latter project, which is being funded by the Cumberland Area MPO, will encompass a full rehabilitation of the street, sidewalk (including ADA crossings), and streetscape improvements. These studies are slated for completion in 2015.

Finally, the city is working with SHA officials to redesign the Virginia Avenue/Industrial Boulevard intersection to alleviate traffic congestion and a lengthy traffic signal cycle length. The city concurred with SHA's preliminary design for the project in 2014, and SHA has initiated final engineering and design work.

B. Water Extensions

No major water line extensions were undertaken by the City in 2014. The city is still awaiting construction of the Loves Travel Plaza so that the final extension of the new line constructed across Evitts Creek in 2013 can be completed. The city completed a major water line replacement project along Chase Street in 2014 to repair several leaks. The City also completed replacement of 36-inch inlet and outlet valves at Fort Hill Reservoir in 2014.

The City also completed several minor (routine maintenance) water line replacements in 2014 to upgrade aging lines. None of these replacement projects added any new capacity to the system, but are part of the City's ongoing efforts to target lines that may be in danger of failing.

C. Sewer Extensions/Improvements

No major sewer line extensions were undertaken by the City during 2014. A project to remove sludge and clean the anaerobic digester for the wastewater treatment plant is underway and anticipated to be completed in 2015. The City continued its work to expand stormwater storage capacity as part of the Combined Sewer Overflow project (which involves the planned addition of a storage and handling facility at the City's Wastewater Treatment Plant). The city's work on the ENR treatment system upgrade was completed in 2011 and the city began conducting routine sampling and flow monitoring in 2012.

D. Other Public Facility Improvements

The lion's share of the City's other public facility improvements undertaken during 2014 were related to public recreation. These projects included the design of bikeway improvements for Mechanic and Centre Streets and a bike lane along Frederick Street, both of which will be funded through the new MD Bikeways program. The initiation of construction on these projects is on hold pending authorization from the Mayor and Council. The proposed bike lane on Frederick Street generated considerable neighborhood controversy, and the Mayor and Council appears inclined to conduct a test of the traffic impacts of the proposed bike lane in the spring of 2015 before authorizing staff to begin work establishing the lane. Additional bicycle safety improvements for Canal Street were proposed in 2014, and the city has applied for ARC funding to finance that project.

IV. Consistency Assessment

A. Consistency between Infrastructure Improvements & Development Activity

All of the development activity that was permitted and undertaken during 2014 occurred within the City's Priority Funding Area and in areas where adequate infrastructure capacity was determined to exist. All development activity also occurred within areas designated as Septic System Tier 1 (served by municipal sewer) on the City's adopted SB 236 Septic System Tier Map. This map appears as an appendix in the City's 2013 Comprehensive Plan.

Overall residential development activity during the year resulted in a net decrease of 7 units, which exceeded the net loss of one unit in the previous year (2013). Most of the new residential units permitted for construction in 2013 were for a large residential development (Cornerstone Hill) that was permitted in previous years. The lack of any new major or minor subdivisions over the past few years suggests that the City can expect fewer residential building permits to be issued in outlying years. No new residential or commercial development permits were issued in the central business district during

2014. The City annexed two new properties in 2014 on the City's East Side, which will become part of the proposed Loves Travel Plaza, which is scheduled for construction in 2015.

B. Consistency with Adopted Plans

All development activity permitted in 2014 occurred in areas of the City where such activity was permitted by current zoning. These developments were approved as consistent with the 2013 Comprehensive Plan (conceptual future land use map), and were located within the City's Priority Funding Area. As part of the adopted 2013 Comprehensive Plan, the City established a desired population growth rate of up to 15% over a twenty-year planning horizon. The potential population impacts from development activity approved and permitted within the City during 2013 would not exceed that rate of growth.

The City's major infrastructure improvement projects undertaken in 2013 are all specifically recommended by or otherwise consistent with the City's Comprehensive Plan and supporting documents. These improvements resulted in little or no additional infrastructure capacity, which is commensurate with the level of development activity that occurred within the City in recent years.

C. Consistency with Adjoining Government Plans

In 2014, Allegany County completed the process of adopting a major update of its 2002 comprehensive plan. The development activity permitted in the City during 2014 was not incompatible with the County's new plan. Also, none of the development activity that did occur in the City in 2014 was adjacent to the County boundaries.

D. Consistency with State Financing Agency Plans

All of the major infrastructure improvement projects undertaken during 2014 involved State and/or Federal funding support, primarily the MD Department of the Environment (for the City's sewer improvement projects). These projects were determined to be in compliance in order to receive funding. All infrastructure improvements undertaken and development permits approved by the City in 2014 were located within the City's Priority Funding Area.

E. Consistency with Recommendations from Previous Annual Report

The last Annual Report prepared by the City's Planning Commission covered calendar year 2013. Many of the infrastructure projects undertaken in 2014 were continuations of projects discussed in the 2013 Annual Report. All projects undertaken during the year and all findings from this report are generally consistent with the previous report.

V. Conclusions & Recommendations

Based on this assessment, the City experienced a continued decrease in development activity from the 2913 report. Despite a slight increase in the number of building permits issued in the past year (10

permits issued in 2014 versus 5 permits in 2013, the City's overall housing stock realized a net decrease of 7 residential units, which results in a three-year pattern of reduced residential development from the peak years of the 2007-2009 Recession. Much of the reduced recent residential building permit activity can be attributed to the continued absence of multi-family construction, which had helped buoy residential permit activity during the years immediately following the Recession. Judging from the relative lack of new residential subdivision activity, the City anticipates that this trend will continue with a general tendency towards modest recovery in outlying years. Precisely when this recovery will take hold and how strong it may be depends on a number of critical economic influences, including continued recovery in the single family housing market, greater levels of job creation and stability, and expanded economic and population growth trends in the Washington and Baltimore areas.

All development activity approved in Cumberland in 2014 was generally consistent with the City's 2013 Comprehensive Plan and supporting documents, the City's Zoning Ordinance and the applicable provisions of the County's plans. The major infrastructure projects undertaken by the City during the year were consistent with the City's plans, consistent with the demands created by the development permits that were issued, and consistent with the applicable requirements and plans of the applicable State financing agencies.

Consequently, staff has determined that no changes in the City's current policies or plans are needed in response to the activities permitted and undertaken by the City during 2015.

APPENDIX

2014 PERMIT DATA AND LOCATION MAPS

2014 Residential New Construction

PERMIT	RB#	Issue Dt.	Job	Cost of Job	Applicant's Name	No. of Resi Units	St No	Street Name	Map	Lot	Parcel
RB	1289	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	177	Sunrise Circle	105	19	368
RB	1290	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	175	Sunrise Circle	105	20	368
RB	1291	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	173	Sunrise Circle	105	21	368
RB	1292	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	171	Sunrise Circle	105	22	368
RB	1293	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	169	Sunrise Circle	105	23	368
RB	1294	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	167	Sunrise Circle	105	24	368
RB	1295	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	165	Sunrise Circle	105	25	368
RB	1296	01/24/14	New Residential Cons	$ 170,000.00	Cumberland Housing Alliance	1	163	Sunrise Circle	105	26	368
RB	1323	12/06/14	SFD Construction	$ 100,000.00	Steven Carithers	1	25	Beechwood Drive	112		636
RB	1324	11/17/14	Showcase Homes	$ 115,000.00	Showcase Homes (Buckley)	1	12007	Old Willowbrook RD	26	2	139

Total Applications	Total Construction Cost	Total No. of Units
10	1,575,000.00	10

Single Family Dwelling
Single Family Dwelling - Attached
Single Family Dwelling - Garage
Single Family Dwelling - Modular

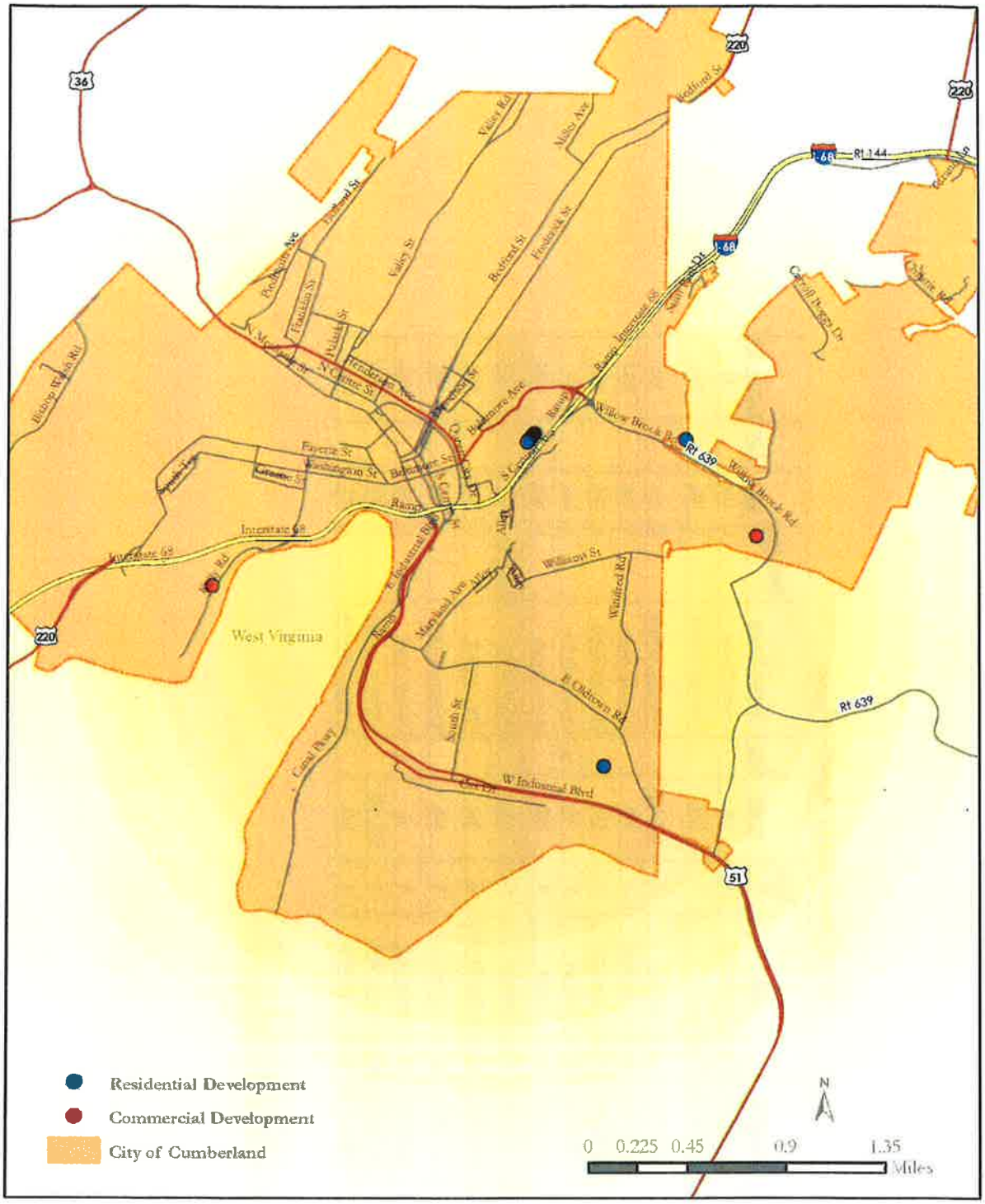
2014 Commercial New Construction

PERMIT	RB#	Issue Date	Job	Cost of Job	Applicant's Name	Busi/Contractor	St No	Street Name	Map	Lot	Parcel #
RB	1305		Commercial Construct	$ 300,000.00	A. C. Commissioners	Same - Sheriffs Office	695	Kelly Road	26		120
RB	1340	01/08/15	MRI Trailer and wall	$ 130,000.12	Clark Contractors, Inc	Same - WMHS	12400	Wilowbrook RD	26	1	229

Total Applications	Total Construction Cost
2	430,000.00

Single Commercial Use

Permits Issued for New Development



2014 Demolition Applications

DP#	Mail Dt.	JOB	R or C	St No	Dir.	Street Name	Resi U's	Map	Lot	Parcel ID#
420	1/23/2014	City of Cumberland	R	106		Roberts Street	1	113		83
421	1/23/2014	Brian Grant	R	577		Cromwell Terrace	1	105		385
422	3/5/2014	Delmas Brabson	R	478/480		Baltimore Avenue	2	105		56F
425	4/30/2014	City of Cumberland	R	240		Columbia Street	1	104		2013
426	4/30/2014	City of Cumberland	R	427		Columbia Street	1	104		1930
427	5/8/2014	Harvey Shadwell	R	18	W	Clement Street	1	113		41
434	12/3/2014	Timothy Meade	R	610		Ann St (Place)	1	104		1026
435	7/8/2014	Total Wrecking	C	900		Seton Drive	Hospital	107		7267
437	9/18/2014	Mayor & City Council	R	451		Pine Avenue	1	105		660
438	11/5/2014	City of Cumberland	R	316		Broadway Street	1	105		299
439	10/30/2014	City of Cumberland	R	8	E	Oldtown Road	1	109		2885
440	12/23/2014	City of Cumberland	R	474-476		Baltimore Avenue	2	105		0057F
441	12/23/2014	City of Cumberland	R	472		Baltimore Avenue	1	105	2	030F

Total Residential Structures	12
Total Commercial Structures	1

2014 Occupancy Permits

OP No.	Date Issued	Applicant	Business	Action	ST #	Dir	Street Name	Map	Lot	Parcel	Tax No.
1748	01/29/14	Adam Fadley/Health Club	Hard as Oak Cross/fit/Health Club	Comm Conv to Comm			Mary Street	113		7407	04-009118
1750	01/07/14	George Alwright	B & G Retail Outlet	Comm Conv to Comm	101		Baltimore Street	104		7001	22-011480
1751	01/29/14	Jennette Kerns	Same (Flower Shop to 1 Unit)	Comm Conv to Residential	221		Maryland Ave	105		7082	22-007866
1752	01/07/14	Roy Robertson	Superfos	Office	116		Valley Street	104		7246	05-028140
1753	02/05/14	Samantha Monroe	Sam's Club	Child Day Care Center	917		Gay Street	109	5-16	7042A	04-018028
1754	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	177		Sunrise Circle	105	19	368	22-018167
1755	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	175		Sunrise Circle	105	20	368	22-018159
1756	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	173		Sunrise Circle	105	21	368	22-018205
1758	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	173		Sunrise Circle	105	22	368	22-018191
1759	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	171		Sunrise Circle	105	23	368	22-018256
1760	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	169		Sunrise Circle	105	24	368	22-018248
1761	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	167		Sunrise Circle	105	25	368	22-018280
1762	01/24/14	Cumberland Housing Alliance Inc	Same	New Single Family Dwelling	165		Sunrise Circle	105	26	368	22-017314
1763	01/28/14	Carla Malanis	Oculas	Retail Furniture	444	N	Centre Street	104		2126	05-029147
1764	03/19/14	Frederick Shober	The Miss Salon	Beauty Salon	183	N	Centre Street	104		7040	14-003762
1767	02/20/14	Kelly Houdersheldt	Under The Sun	Retail Store	7	N	Liberty Street	104		71488	14-003649
1768	02/11/14	Phil Crippen - Crippen Construction	Allegany Management Serv	Dry Cleaning Pick/Drop Only	100	N	Mechanic Street	104		71058	14-006125
1770	03/03/14	Matthew Crawford	Sweet Charlotte Photography	Home Occupation	416		Louisiana Ave	1069		2653	04-034198
1771	03/03/14	James Bucy	Same	2 units Converstion to SFD	418		Seymour St	111		1537	04-034236
1773		Bernie Nicols	Mezzo's	Bar/Restaurant	114	S	Centre Street	104		7032	22-005901

1774	04/15/14	AllCity Hospitality	Ramada Inn	Hotel	100	S	George Street	104	2	7030	22-009990
1775	04/02/14	Paul Green	Eagles	Social/Event Hall	38	N	Mechanic Street	104		7100B	14-003738
1776	04/02/14	A2Z Property Rental	Rental Services	Office	1		Washington Street	106		7091	06-004318
1778	04/15/14	Howard J. Faulkner	Psychiatric Office	Office	208	N	Centre Street	104		079B	14-005684
1779	04/28/14	Living Word Lutheran	Church	Church	800		Hilltop Drive	109		7097A	04-038800
1780	07/01/14	Michelle Jefferson	BOIII	Fitness Center	1050		Industrial Blvd Ste 11	112		7454A	04-038150
1781	08/05/14	Gail Hall	House & Hotel Room/Board	House & Hotel Room/Board	9		Decatur Street	105		0160F	23-006243
1782	07/02/14	Karl Gargulinski	Random Stuff	Flea Market	325		Virginia Avenue	111		7284	04-039432
1783	05/28/14	Deanna Rock	Lawyer Office - Lila Bldg	Office	83		Baltimore Street	104		7229A	04-027329
1784	06/13/14	Michelle Ingrodi	Charm City Animal Rescue	Office/Animal Adoption	10	S	Mechanic Street	104		7141A	04-049152
1785	06/13/14	Paula Jilanis	Serene Massage & Body Works	Massage Centre	83		Baltimore Street	104		7229A	04-027329
1786	06/13/14	Kayla Deal	Senior Benefit Services Inc	Office	309		Willowbrook Road	105		0847E	22-005049
1787	06/23/14	Jerilyn Jackson	Allegany Conflict Resolution Ctr	Office	56	N	Centre Street	104		7208B	14-003193
1788	06/17/14	Tiffany Condry	Hush Skin Care	Boutique Facial	64		Baltimore Street	104		7229B	14-003177
1790	06/26/14	Randy Hardman	Office State Comptroller	Office	3		Pershing Street	104		7148A	04-044517
1794	VOID See OP 1780	Mark Gilmore	Planet Fitness	BOIII Cumberland	1050		Industrial Blvd	112		7454A	04-038150
1795	08/25/14	Hand Institute	Hand Institute	Therapy Clinic	309		Willowbrook Road	105		847E	22-005049
1796	09/10/14	David Bena	David Bena	Office	300	E.	Oldtown Road	109		7050A	04-010213
1797	09/10/14	Tim Mullaney	Ahak In Services	Office	301		Henderson Avenue	104		7029	05-025850
1798	09/30/14	Tim Mullaney	Draegar Diagnosis	Store	301		Henderson Avenue	104		7029	05-025850
1801	10/23/14	Sharon Bearnon	Medical Office	Medical Office	945		Bishop Walsh Drive	107		7236	06-019358
1802	10/03/14	Delawder & Delawder	Conversion from 4 to 2 Units	Residential Conversion	15		Weber Street	105		356G	35-002219
1803	09/30/14	William Patch	Res Conversion to Comm	Res to Commercial	405	S	Cedar Street	111		2195	04-033930
1805	10/23/14	Cumb Finest (Lisa Claus)	Comm Conversion to Residential	Comm to Residential	128		Virginia Avenue	111		7254	04-030729
1806	10/07/14	Billie Gilpin	Residential Conversion (2-1) to SFD	Res Conversion (2-1) to SFD	413	S	Cedar Street	111		2194	04-018184

1807	12/03/14	Kelly Llewellyn	Office Space	Office	18		Greene Street	106		976	06-015409
1808	11/12/14	Beverly Conis	IPS Worldwide LLC	Office	60	N	Centre Street	104		7209B	14-005046
1811	12/12/14	Christopher Reuschel	More Wise Computer	Retail Service	302		Virginia Avenue	111		1926	04-046447
1812	12/12/14	Big D Electric	Same	Office	33		Queen Street	113		7392	04-013220
1813	12/12/14	Kathy Thompson	Western MD Pain & Rehab	Office	1050		Industrial Blvd #18	112		7454A	04-038150

Conversion - Commercial to Residential Units		2
Conversion - Residential to Residential		3
Conversion - Residential to Conversion		1
New Single Residence		8
Residence to Residence and Room/Board		1
Conversion - Commerical to Commercial		2
Residential		1
Commercial OP		26

Regular Council Agenda
May 19, 2015

Description

Public Hearing - regarding a pending Ordinance to approve the application to amend the City's Zoning Map to rezone property located at 208-210 Oldtown Road from R-U (Urban Residential) to R-R (Rehabilitation and Redevelopment) in order to re-establish commercial use at that location

Approval, Acceptance / Recommendation

1st reading of this Ordinance was approved on April 21, 2015.

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

Regular Council Agenda
May 19, 2015

Description

Ordinance *(2nd and 3rd readings)* - authorizing the conveyance of 446 Bond Street to Robert T. Fravel and Brenda M. Fravel for the sum of $1,500 payable by terms of a promissory note

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, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING CERTAIN SURPLUS PROPERTY LOCATED AT 446 BOND STREET IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO ROBERT T. FRAVEL AND BRENDA M. FRAVEL."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 446 Bond Street in the City of Cumberland, Allegany County, Maryland;

WHEREAS, the said property was declared to be surplus property under the terms of Order No. 25,806, passed by the Mayor and City Council on April 21, 2015;

WHEREAS, Robert T. Fravel and Brenda M. Fravel desire to purchase the said property for the sum of $1,500.00; and

WHEREAS, the Mayor and City Council of Cumberland deem the acceptance of that offer to be in the City's best interests.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept Robert T. Fravel and Brenda M. Fravel's offer to purchase the real property located at 446 Bond Street, Cumberland, MD 21502 for the purchase price of $1,500.00, provided that all costs of effecting the transfer and all recordation and transfer taxes shall be borne by the Fravels and they shall be responsible for the payment of a prorated portion of the current year real estate taxes;

SECTION 2: AND BE IT FURTHER ORDAINED, that if the Fravels are not able to pay the entire purchase price at the time of the delivery of the deed, its delivery shall be conditioned upon their execution of a promissory note for the unpaid purchase money, said promissory note to require payments in the amount of $100.00 per month at zero percent interest if the payments are made in a timely manner, said promissory note to be prepared by the City Solicitor.

SECTION 3: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed in the form attached hereto as Exhibit A or in a similar form, conveying the aforesaid real property to the Fravels in exchange for the payment of the aforesaid purchase price;

SECTION 4: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this ____ day of _____, 2015.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

EXHIBIT A

NO TITLE SEARCH PERFORMED

THIS QUITCLAIM DEED, made this _____ day of _____, 2015, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, party of the first part, and **ROBERT T. FRAVEL and BRENDA M. FRAVEL**, husband and wife, of Allegany County, Maryland, parties of the second part.

WITNESSETH:

That for and in consideration of the sum of One Thousand Five Hundred Dollars ($1,500.00) 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 quitclaim unto the parties of the second part, their personal representatives, heirs and assigns, all of the party of the first part's right, title, interest and estate in and to the following described property lying and being in the City of Cumberland, Allegany County, Maryland, to wit:

ALL that lot or parcel of ground situated on the Southwesterly side of Bond Street in the City of Cumberland, Election District No. 5, Allegany County, Maryland, known and designated as part of Lot No. 4 in Gephart's Second Addition to Cumberland, which is more particularly described as follows, to-wit:

BEGINNING for the same on the Southwesterly side of Bond Street at the end of the division line between Lots Nos. 3 and 4 in said addition, and running then with the Southwesterly side of Bond Street South 61-3/4 degrees East 25 feet, then South 28 1/4 degrees West 70 feet, then parallel with Bond Street North 61-3/4 degrees West 25 feet to the aforesaid division line, and then with part of said division line North 28-1/4 degrees East 70 feet to the place of beginning.

IT BEING the same property which was conveyed from Craig A. Robertson, Sheriff of Allegany County, Maryland to the Mayor and City Council of Cumberland by deed dated August 1, 2012 and recorded among the Land Records of Allegany County, Maryland in Book 1944, Page 55.

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 parties of the second part, their personal representatives, heirs and assigns, in fee simple forever as tenants by the entireties.

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

WITNESS/ATTEST:

MAYOR AND CITY COUNCIL
OF CUMBERLAND

_____ **By:_____(SEAL)**
Marjorie A. Woodring, City Clerk **Brian K. Grim, Mayor**

STATE OF MARYLAND,
ALLEGANY COUNTY, TO WIT:

I HEREBY CERTIFY, that on this _____ day of _____, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Brian K. Grim**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is $1,500.00 and that the total payment made to the grantor was $1,500.00 and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident of the State of Maryland.

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, and that no title search was performed in connection with its preparation.

_____

MICHAEL SCOTT COHEN

Regular Council Agenda
May 19, 2015

Description
Ordinance *(1st reading)* - providing for the City Tax Levy for FY16

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, Maryland, entitled "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, PROVIDING FOR THE CITY TAX LEVY FOR THE FISCAL YEAR BEGINNING JULY 1, 2015, AND ENDING JUNE 30, 2016."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, That the levy for the Fiscal Year 2016 for the City of Cumberland shall be as follows:

Real Estate (Full Value)	$ 843,325,565	@ $.9654	$ 8,141,465
Personal Property:			
Individual	1,970,790		
Corporation	64,555,710		
	$ 66,526,500	@ $2.6480	$ 2,011,622
Penalties and interest			451,000
Deferred revenue			0
Tax credits			(190,000)
Total Property Taxes			$ 10,414,087
Other Revenues			
Other taxes	$ 312,900		
Licenses and permits	172,700		
Intergovernmental	3,055,404		
Charges for services	1,591,428		
Fines and forfeitures	2,000		
Interest	6,050		
Miscellaneous	620,374		
Inter-fund transfers	4,146,705		
Capital Financing	$1,289,000		
Total Other Revenues			$ 11,196,561
Total Levy			**$ 21,610,648**

Item # 12

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect from the date of its passage.

Passed this _____ day of June, 2015.

_____
Brian K. Grim, Mayor

ATTEST:

_____
Marjorie A. Woodring
City Clerk

Regular Council Agenda
May 19, 2015

Description

Ordinance *(1st reading)* - providing for the issuance and sale of $3,260,000 of General Obligation Bonds, known as "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A," for the purpose of (I) providing all of a portion of the funds necessary for financing or refinancing costs of (a) improvements to the water system and the sewer system, (b) facility and property improvements, (c) information systems improvements and equipment, (d) other street improvements, and (e) acquisition of new and/or replacement vehicles and equipment, (II) funding a portion of a capital reserve fund, and (III) paying issuance and other costs related to the bonds

Approval, Acceptance / Recommendation

☐ Budgeted

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

Value of Award (if applicable)

Source of Funding (if applicable)

ORDINANCE NO. _____

MAYOR AND CITY COUNCIL OF CUMBERLAND
INFRASTRUCTURE BONDS, 2015 SERIES A

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED AN ORDINANCE OF MAYOR AND CITY COUNCIL OF CUMBERLAND, A MUNICIPAL CORPORATION OF THE STATE OF MARYLAND (THE "CITY"), PROVIDING FOR THE ISSUANCE AND SALE OF AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED THREE MILLION TWO HUNDRED SIXTY THOUSAND DOLLARS ($3,260,000.00) OF GENERAL OBLIGATION BONDS OF MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, TO BE KNOWN AS THE "MAYOR AND CITY COUNCIL OF CUMBERLAND INFRASTRUCTURE BONDS, 2015 SERIES A" (OR BY SUCH OTHER OR ADDITIONAL DESIGNATIONS AS REQUIRED BY THE COMMUNITY DEVELOPMENT ADMINISTRATION IDENTIFIED HEREIN, THE "BONDS"), TO BE ISSUED AND SOLD PURSUANT TO THE AUTHORITY OF SECTIONS 4-101 THROUGH 4-255 OF THE HOUSING AND COMMUNITY DEVELOPMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED, FOR THE PURPOSE OF (I) PROVIDING ALL OR A PORTION OF THE FUNDS NECESSARY FOR FINANCING OR REFINANCING COSTS OF THE PROJECTS IDENTIFIED HEREIN AS (A) IMPROVEMENTS TO THE WATER SYSTEM AND THE SEWER SYSTEM, (B) FACILITY AND PROPERTY IMPROVEMENTS, (C) INFORMATION SYSTEMS IMPROVEMENTS AND EQUIPMENT, (D) OTHER STREET IMPROVEMENTS, AND (E) ACQUISITION OF NEW AND/OR REPLACEMENT VEHICLES AND EQUIPMENT, (II) FUNDING A PORTION OF A CAPITAL RESERVE FUND, AND (III) PAYING ISSUANCE AND OTHER COSTS RELATED TO THE BONDS; PROVIDING THAT THE BONDS SHALL BE ISSUED UPON THE FULL FAITH AND CREDIT OF THE CITY; PROVIDING FOR THE DISBURSEMENT OF THE PROCEEDS OF THE SALE OF THE BONDS AND FOR THE LEVY OF ANNUAL TAXES UPON ALL ASSESSABLE PROPERTY WITHIN THE CITY FOR THE PAYMENT OF THE PRINCIPAL OF AND INTEREST ON THE BONDS AS THEY SHALL RESPECTIVELY MATURE; PROVIDING FOR THE FORMS, TENOR, DENOMINATIONS, MATURITY DATES AND OTHER PROVISIONS OF THE BONDS; PROVIDING FOR THE SALE OF THE BONDS; AND PROVIDING FOR RELATED PURPOSES, INCLUDING THE METHOD OF FIXING THE INTEREST RATE OR RATES TO BE BORNE BY THE BONDS, THE APPROVAL, EXECUTION AND DELIVERY OF DOCUMENTS, AGREEMENTS, CERTIFICATES AND INSTRUMENTS AND THE MAKING OF OR PROVIDING FOR THE MAKING OF REPRESENTATIONS AND COVENANTS CONCERNING THE TAX STATUS OF THE INTEREST ON THE BONDS.

_____
Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

RECITALS

WHEREAS, Mayor and City Council of Cumberland (the "Issuer") is a municipal corporation of the State of Maryland organized and operating under a charter (the "Charter") adopted in accordance with Article XI-E of the Constitution of Maryland and Article 23A of the Annotated Code of Maryland, as amended (now codified in the Local Government Article of the Annotated Code of Maryland, as amended); and

WHEREAS, Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), authorizes the Community Development Administration (the "Administration"), an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith; and

WHEREAS, pursuant to the authority of the Act, the Issuer has determined to issue its general obligation bonds in the aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) (the "Bonds", as defined herein) for the purpose of (i) financing or refinancing costs of certain projects identified herein as (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, (ii) funding a portion of a capital reserve fund, and (iii) paying issuance and other costs related to the Bonds; and

WHEREAS, the Issuer proposes to issue and sell the Bonds to the Administration, in connection with the Local Government Infrastructure Financing Program of the Administration (the "Program"); and

WHEREAS, it is the intention of the Issuer by this Ordinance to provide for the issuance and sale of the aforementioned Bonds and to obtain a loan or loans from the Administration pursuant to the Program (collectively, the "Loan"); and

WHEREAS, the Issuer intends to authorize the execution and delivery of the Bonds and all other documents, certificates and other materials related to the issuance, sale and delivery of the Bonds and the Loan; and

WHEREAS, the Administration intends to issue one or more series of its Local Government Infrastructure Bonds to finance the Loan and other loans to be financed pursuant to the Program.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

Section 1. Authorization, Terms, Form of Bonds.

(a) Mayor and City Council of Cumberland (the "Issuer") shall borrow upon its full faith and credit and shall issue and sell upon its full faith and credit an aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) of its general obligation bonds, to be issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended (the "Act"), to be known as the "Mayor and City Council of Cumberland Infrastructure Bonds, 2015 Series A" or by such other or additional designations as required by the Administration identified in subsection (b) below, including (without limitation) to identify separate series or subseries and/or to reflect a different year of issuance (collectively, the "Bonds"). The proceeds from the sale of the Bonds shall be used for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified as follows: (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (E), the acquisition or payment for, as applicable, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, permitting, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, and functionally related activities necessary at the locations or facilities at which such undertakings occur (collectively, the "Project"), (ii) funding a portion of a capital reserve fund, and (iii) paying issuance and other costs related to the Bonds. Notwithstanding the foregoing description of the Project, the Mayor of the Issuer (the "Mayor"), in consultation with the City Administrator of the Issuer (the "City Administrator"), any other appropriate officials of the Issuer, and the Community Development Administration (the "Administration"), is hereby authorized and empowered, on behalf of the Issuer, to determine prior to the sale of the Bonds not to apply Bond proceeds to finance or refinance costs of any one or more components of the Project due to tax, budgetary or other concerns.

(b) The Bonds shall be issued as one or more fully registered bond certificate(s) in the aggregate principal amount not to exceed Three Million Two Hundred Sixty Thousand Dollars ($3,260,000.00) payable to the Administration as the registered owner thereof. The Bonds shall be issued in such aggregate principal amount or such lesser aggregate principal amount as determined by the Mayor pursuant to subsection (g) below, which shall be equal to the aggregate principal amount of the loan or loans to the Issuer from the Administration (collectively, the "Loan") under the Local Government Infrastructure Financing Program of the Administration (the "Program").

(c) The Bonds shall be dated as of the date of issue, or as of such other date as is specified by the Administration; shall be numbered from R-1 upward or as otherwise required by

the Administration; shall be initially registered in the name of the Administration or its designee; shall bear interest from the date of issuance of the Local Government Infrastructure Bonds issued by the Administration (the "Administration's Bonds"), payable semiannually on May 1 and November 1, at such annual rate or rates and be payable in annual principal installments at the designated office of the Administration.

(d) The Bonds shall bear interest at an annual rate or rates of interest for a total interest cost (expressed as a yield) not to exceed 2.80 percent for a loan with a maturity of ten (10) years or less, and 3.85 percent for a loan with a maturity of more than ten (10) years but not more than twenty (20) years, the actual rate or rates of interest to be borne by the Bonds to be determined and established by the Mayor acting pursuant to Section 1(g) of this Ordinance.

(e) The Bonds shall be in substantially the form set forth on Exhibit A attached hereto and made a part hereof, which form, together with all of the covenants and conditions therein contained, is hereby adopted by the Issuer as and for the form of obligation or obligations to be incurred by the Issuer and such covenants and conditions are hereby made binding upon the Issuer, including the promise to pay therein contained.

(f) The Bonds are to be issued in connection with the Program to finance or refinance all or a portion of the costs of the Project and to pay costs of issuance, bond insurance premiums and other related costs. Under the Program, the Issuer will enter into a Repayment Agreement and a Pledge Agreement with the Administration (respectively, the "Repayment Agreement" and the "Pledge Agreement"). The Issuer also will execute and deliver in connection with the issuance of the Bonds and the Program any additional documents, agreements, instruments and certificates requested by the Administration (which, together with the Repayment Agreement and the Pledge Agreement, are herein referred to as the "Program Documents"). The Program Documents shall be in such forms and shall contain such terms and conditions as shall be approved by the Mayor and/or the City Administrator and acceptable to the Administration.

(g) Because this Ordinance is being passed before the details have been finalized for the financing pursuant to which the Administration will issue the Administration's Bonds (the "Administration Financing") that will fund the Loan to the Issuer under the Program, the Mayor is hereby authorized to make such changes to the amount and form of the Bonds, including insertions therein or additions or deletions thereto, as may be necessary or appropriate to conform the terms of the Bonds to the terms of the financing to be provided to the Issuer under the Program. Without limiting the foregoing, it is presently contemplated that the Loan will be in an amount not to exceed $3,260,000.00 in aggregate principal amount hereby authorized, subject to final approval by the Administration; accordingly, the Mayor is specifically authorized: (i) to make changes to the aggregate principal amount of the Bonds in order to reflect the final aggregate principal amount of the Loan not to exceed $3,260,000.00 as approved by the Administration and accepted by the Issuer, and (ii) to authorize and approve an interest rate or rates and payment schedule(s) reflecting the principal and interest payments with respect to the Bonds but not to exceed the maximum total interest cost to be borne by the Bonds as set forth in subsection (d) above.

(h) This borrowing is in conformance with and does not exceed any and all applicable debt limitations under the Charter of the Issuer (the "Charter").

Section 2. Execution. The Bonds shall be executed on behalf of the Issuer by the manual or facsimile signature of the Mayor, and the seal of the Issuer shall be affixed thereto or reproduced thereon and attested by the manual signature of the City Clerk of the Issuer (the "City Clerk"). The Program Documents shall be executed on behalf of the Issuer by the Mayor and/or the City Administrator. In the event any official whose signature appears on any of the Bonds or the Program Documents shall cease to be an official prior to the delivery of the Bonds or the Program Documents, or, in the event any official whose signature appears on any of the Bonds or the Program Documents becomes an official after the date of the issue, the Bonds or Program Documents shall nevertheless be valid and binding obligations of the Issuer in accordance with their terms. The Mayor is hereby authorized, empowered and directed to complete the applicable forms of the Bonds and to make modifications, deletions, corrections or other changes thereto in any manner which the Mayor, in the Mayor's discretion, shall deem necessary or appropriate in order to complete the issuance and sale of the Bonds, as will not alter the substance thereof. The Mayor and/or the City Administrator are hereby authorized, empowered and directed to complete the applicable forms of the Program Documents and to make modifications, deletions, corrections or other changes thereto in any manner which such official, in the discretion of such official, shall deem necessary or appropriate in order to complete the execution and delivery of the Program Documents in accordance with the provisions of this Ordinance, as will not alter the substance thereof. The execution and delivery of the Bonds by the Mayor and the execution and delivery of the Program Documents by one or more of the duly authorized officials provided for in this Section 2 shall be conclusive evidence of such official's or officials' approval of the forms and substance thereof. To the extent appropriate, additional officials of the Issuer and the City Solicitor to the Issuer may be signatories to the Program Documents with respect to facts, representations, certifications, covenants and agreements within the scope of their respective responsibilities or authority.

Section 3. Registration of Bonds. The City Clerk shall act as registrar for the Bonds and shall maintain registration books for the registration and registration of transfer of the Bonds. No security or bond shall be required of the City Clerk in the performance of the duties of registrar for the Bonds.

The Issuer may deem and treat the person in whose name any Bond shall be registered upon the books of the Issuer as the absolute owner of such Bond, whether such Bond shall be overdue or not, for the purpose of receiving payment of, or on account of, the principal of, premium, if any, and interest on such Bond and for all other purposes.

Section 4. Prepayment. The Bonds are being issued in connection with the Program and will secure payment of the Administration's Bonds, which are being issued by the Administration to provide funds to purchase the Bonds from the Issuer. The Repayment Agreement limits the right of the Issuer to prepay the Bonds in accordance with restrictions upon the right of the Administration to redeem the Administration's Bonds. Accordingly, the Issuer may prepay the Bonds only in accordance with the provisions of the Repayment Agreement and the terms governing prepayments as set forth in the Bonds.

Section 5. Replacement of Mutilated, Lost, Stolen, or Destroyed Bonds. In case any Bond (a "Bond" being, for purposes of this Section, any one of the Bonds) shall become mutilated or be destroyed, lost or stolen, the Issuer may cause to be executed and delivered a new Bond of like series or subseries, date and tenor and bearing the same or a different number, in exchange and substitution for each Bond mutilated, destroyed, lost or stolen, upon the owner paying the reasonable expenses and charges of the Issuer in connection therewith and, in the case of any Bond being destroyed, lost or stolen, upon the owner filing with the Issuer evidence satisfactory to it that such Bond was destroyed, lost or stolen, and furnishing the Issuer with indemnity satisfactory to it. Any Bond so issued in substitution for a Bond so mutilated, destroyed, lost or stolen: (i) may be typewritten, printed or otherwise reproduced in a manner acceptable to the Administration, and (ii) shall constitute an original contractual obligation on the part of the Issuer under this Ordinance whether or not the Bond in exchange for which said new Bond is issued shall at any later date be presented for payment and such payment shall be enforceable by anyone, and any such new Bond shall be equally and proportionately entitled to the benefits of this Ordinance with all other like Bonds, in the manner and to the extent provided herein.

Section 6. Use of Proceeds. The proceeds of the Bonds shall be held and invested by the Administration in its sole discretion and shall be:

(a) Administered and disbursed by the Administration pursuant to the Repayment Agreement. The proceeds of the Bonds shall be used, when and as required, to pay Development Costs (as defined in the Repayment Agreement).

(b) After the Project has been completed and all Development Costs in connection therewith have been paid, any balance of the proceeds of the sale of the Bonds held by the Administration under the Repayment Agreement may be applied to the next maturing principal installment, payment of interest on the Bonds or prepayment of the Bonds, as permitted by the Administration.

Section 7. Covenants. The Issuer covenants with the Administration and for the benefit of the owners from time to time of the Bonds that so long as the Bonds or installments of principal thereunder shall remain outstanding and unpaid:

(a) The Issuer will duly and punctually pay, or cause to be paid, to the Administration the principal of the Bonds, premium (if any) and interest accruing thereon, at the dates and places and in the manner mentioned in the Bonds from unlimited ad valorem taxes in the event that available funds are inadequate to make such payment.

(b) The Issuer covenants that so long as any of the Bonds are outstanding and not paid, unless other funds are available for payment of principal of, premium, if any, and interest on the Bonds, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on the Bonds as the same become due and payable; and in the event that the revenues available

from the taxes so levied in any fiscal year shall prove inadequate for the above purposes, the Issuer shall levy additional taxes in the succeeding fiscal year to make up such deficiency; and the full faith and credit and the unlimited taxing power of the Issuer are hereby irrevocably pledged to the punctual payment of the principal of and interest on the Bonds as the same become due.

(c) The Issuer will promptly provide to the Administration (or to any person designated by the Administration) all financial information and operating data concerning the Issuer as may be required by the Administration in its discretion in order to comply with the requirements of Rule 15c2-12 of the United States Securities and Exchange Commission, as in effect from time to time, applicable to the Administration's Bonds.

Section 8. Ordinance a Contract. The provisions of this Ordinance shall constitute a contract with the purchasers and owners from time to time of the Bonds, and this Ordinance shall not be repealed, modified or altered in any manner materially adverse to the Administration and interests of such purchasers or owners while the Bonds or any portion thereof remain outstanding and unpaid without the consent of the owners of the Bonds and the Administration.

Section 9. Pledge of Local Government Payments. As contemplated and authorized by Section 4-229(b) of the Act, the Issuer hereby pledges, assigns and grants a security interest to the Administration, its successors in trust and assigns, in all right, title and interest of the Issuer in and to the Local Government Payments (as defined in the Pledge Agreement), now or hereafter acquired, (i) to secure payment of the principal of, premium, if any, and interest on the Bonds and any other Local Obligations (as defined in the Pledge Agreement) issued and to be issued from time to time by the Issuer under the Program and (ii) to provide for deposits to the capital reserve fund securing the Bonds the amount of the Issuer's portion of any deficiency in such capital reserve fund as the Administration shall require, all as more fully set forth and provided in the Pledge Agreement.

Section 10. Purchase Price of Bonds. The Bonds shall be sold for cash in accordance with the terms and provisions of this Ordinance at par, or if discount is permitted by law, at such discount as is agreed with the Administration in accordance with the terms and provisions of this Ordinance, and as authorized by Section 4-229(a) of the Act.

Section 11. Sale of Bonds. The Bonds shall be sold to the Administration under the Program at private sale, as authorized by Section 4-229(a) of the Act.

Section 12. Authority to Take Action; Publication and Public Hearing.

(a) The appropriate officials and employees of the Issuer are hereby authorized and directed to do all acts and things required of them by the provisions of this Ordinance, for the full, punctual and complete performance of all the terms, covenants and provisions of the Bonds, the Program Documents and this Ordinance and to do and perform all acts and to execute, seal and deliver all documents or instruments of writing which may be necessary or desirable to carry out the full intent and purpose of this Ordinance and the Program Documents.

(b) As required by the Act, prior to the issuance of the Bonds, the Issuer shall publish in a newspaper of general circulation in the jurisdiction of the Issuer a notice of the proposed issuance of the Bonds, which notice shall include the proposed amount of the issue, the nature of the projects to be financed or refinanced, the time and place of the public hearing, the name of the person(s) and address of the place where written comments may be sent, and the Issuer shall hold a public hearing on the proposed issuance of the Bonds. Such actions may be (or have been) taken prior to or simultaneously with the passage of this Ordinance.

(c) The Issuer shall comply with any publication and/or posting requirements set forth in its Charter that are determined to be applicable to this Ordinance.

Section 13. Tax Matters

(a) Any one or more of the Mayor, the City Administrator, the Treasurer of the Issuer (the "Treasurer") and/or the Comptroller of the Issuer (the "Comptroller") shall be the officers of the Issuer responsible for the issuance of the Bonds within the meaning of the Arbitrage Regulations (defined herein). Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller shall also be the officers of the Issuer responsible for the execution and delivery (on the date of issuance of the Bonds) of a certificate of the Issuer (the "Section 148 Certificate") which complies with the requirements of Section 148 ("Section 148") of the Internal Revenue Code of 1986, as amended (the "Code"), and the applicable regulations thereunder (the "Arbitrage Regulations"), and such official or officials are hereby directed to execute the Section 148 Certificate and to deliver the same to the Administration on the date of the issuance of the Bonds. The Section 148 Certificate may be contained within any of the Program Documents at the discretion of the Administration.

(b) The Issuer shall set forth in the Section 148 Certificate its reasonable expectations as to relevant facts, estimates and circumstances relating to the use of the proceeds of the Bonds, or of any monies, securities or other obligations to the credit of any account of the Issuer which may be deemed to be proceeds of the Bonds pursuant to Section 148 or the Arbitrage Regulations (collectively, "Bond Proceeds"). The Issuer covenants that the facts, estimates and circumstances set forth in the Section 148 Certificate will be based on the Issuer's reasonable expectations on the date of issuance of the Bonds and will be, to the best of the certifying officials' knowledge, true and correct as of that date.

(c) The Issuer covenants and agrees with each of the holders of any of the Bonds that it will not make, or (to the extent that it exercises control or direction) permit to be made, any use of the Bond Proceeds which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 and the regulations thereunder which are applicable to the Bonds on the date of issuance of the Bonds and which may subsequently lawfully be made applicable to the Bonds.

(d) The Issuer further covenants that it shall make such use of the proceeds of the Bonds, regulate the investment of the proceeds thereof, and take such other and further actions as may be required to maintain the excludability from gross income for federal income tax purposes of interest on the Bonds. All officers, employees and agents of the Issuer are hereby authorized and directed to take such actions, and to provide such certifications of facts and estimates

regarding the amount and use of the proceeds of the Bonds, as may be necessary or appropriate from time to time to comply with, or to evidence the Issuer's compliance with, the covenants set forth in this Section.

(e) Any one or more of the Mayor, the City Administrator, the Treasurer and/or the Comptroller, on behalf of the Issuer, may make such covenants or agreements in connection with the issuance of Bonds issued hereunder as such officer(s) shall deem advisable in order to assure the registered owners of such Bonds that interest thereon shall be and remain excludable from gross income for federal income tax purposes, and such covenants or agreements shall be binding on the Issuer so long as the observance by the Issuer of any such covenants or agreements is necessary in connection with the maintenance of the exclusion of the interest on such Bonds from gross income for federal income tax purposes. The foregoing covenants and agreements may include such covenants or agreements on behalf of the Issuer regarding compliance with the provisions of the Code as such officer(s) shall deem advisable in order to assure the registered owners of such Bonds that the interest thereon shall be and remain excludable from gross income for federal income tax purposes, including (without limitation) covenants or agreements relating to the investment of the proceeds of such Bonds, the payment of rebate (or payments in lieu of rebate) to the United States, limitations on the times within which, and the purpose for which, such proceeds may be expended, or the use of specified procedures for accounting for and segregating such proceeds. Such officer(s) may also make on behalf of the Issuer any elections, designations or determinations authorized or permitted by the Code or the Arbitrage Regulations.

Section 14. Effective Date; Miscellaneous. (a) Pursuant to Section 4-232(c) of the Act, this Ordinance shall take effect from the date of its passage by the Mayor and City Council of the Issuer (the "Mayor and City Council"), and it is the intent hereof that the laws of the State of Maryland shall govern its construction and the construction of the Bonds. Any copy of this Ordinance duly certified by the City Clerk or the City Clerk's successor in office shall constitute evidence of the contents and provisions hereof.

(b) Any reference to an official of the Issuer in this Ordinance shall be deemed to include any such official serving in an "acting" capacity (e.g., the Acting City Administrator of the Issuer or the Acting City Clerk of the Issuer). Any reference to an official of the Issuer in this Ordinance shall be deemed to include references to such official if generally known by another title; titles of officials as used in this Ordinance correspond to the titles used in the Charter or the City Code of the Issuer (the "City Code").

(c) In the event the position of any official who is referred to by title in this Ordinance is vacant at the time any action authorized to be taken by such official in accordance with the provisions of this Ordinance shall occur, and no person has been appointed to such position (including in an "acting" capacity) and is incumbent in such position, references in this Ordinance to such official shall be deemed to refer to any other appropriate official of the Issuer charged with such responsibilities under the Charter or the City Code or, to the extent not so provided for in the Charter or the City Code, as designated by the Mayor and City Council. Written evidence of any such designation shall be provided to the Administration. Notwithstanding the foregoing sentence, in the event two or more officials are charged with

responsibility for taking any actions in accordance with the provisions of this Ordinance and only one such position is filled at the applicable time, any such action may be taken solely by the remaining official.

(d) References in this Ordinance to the phrase "to finance", "to pay" or "to fund" or similar phrases shall be deemed to refer to and include "to reimburse" or similar phrases.

(e) The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for all purposes.

(f) Pursuant to Section 4-232(b) of the Act, this Ordinance shall be subject to petition to referendum by the qualified voters of the Issuer in accordance with Section 82A(c) of the Charter provided that the petition is filed not later than 20 days after this Ordinance is passed by the Mayor and City Council. The provisions of Section 82A(c) of the Charter allowing for a referendum petition to be filed within 30 days following passage of a bond ordinance shall be disregarded and the provisions of Section 4-232(b) of the Act shall control the period in which any referendum petition must be filed.

(g) The Mayor's signature on this Ordinance constitutes and signifies his approval of this Ordinance as required by Section 4-232(a)(1)(ii) of the Act.

[CONTINUED ON FOLLOWING PAGE]

(h) The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated hereby.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

_____
Brian K. Grim
Mayor

ATTEST:

_____
Marjorie A. Woodring, City Clerk

Introduced: _____, 2015

Passed: _____, 2015

Effective: _____, 2015

Exhibit A. – Form of Bond

#174579;10002.059

Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

[FORM OF BOND]

EXHIBIT A

United States of America
State of Maryland
Mayor and City Council of Cumberland
Infrastructure Bond, 2015 Series A

No. R-1 $_____

Mayor and City Council of Cumberland, a municipal corporation duly organized and existing under the Constitution and laws of the State of Maryland (the "Issuer"), hereby promises to pay to the

Maryland Community Development Administration

or its registered assigns, the principal amount of _____ Dollars ($_____), plus interest on each unpaid principal installment at the rates per annum set forth under the column designated "Coupon" on Exhibit A attached hereto for each principal installment, in lawful money of the United States of America, as follows: (a) interest on the outstanding and unpaid principal of this bond shall be due and payable in semiannual payments commencing on _____, 20__, and continuing on the first day of [November] and [May] in each year thereafter until final maturity; (b) principal of this bond shall be paid commencing on _____ and on _____ in each year thereafter until final maturity in the aggregate amount of principal installments as set forth on Exhibit A. Payment of the principal hereof and the interest due hereon shall be made by check mailed to the address of the registered owner of this bond as shown on the registration books maintained by the Issuer, or in such other manner and to such other address as the registered owner of this bond may designate. If any payment of the principal of or interest on this bond shall be due on a day other than a Business Day (defined herein), such payment shall be made on the next Business Day with like effect as if made on the originally scheduled date. A "Business Day" is any day other than a Saturday or legal holiday in the State of Maryland observed as such by the Issuer.

In the event any payment hereon (whether principal, interest or both) is not paid when due and payable, such payment shall continue as an obligation of the Issuer and shall bear interest until paid at the rate or rates of interest borne by this bond.

This bond, designated as "Mayor and City Council of Cumberland Infrastructure Bond, 2015 Series A" (this "Bond"), is a general obligation of the Issuer, and has been duly issued by the Issuer for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified and more fully described in the Ordinance

_____
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identified herein as (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, (ii) funding a portion of a capital reserve fund, and (iii) paying issuance costs and other costs related to this Bond. Unless paid from other sources, the Issuer covenants that so long as any portion of this Bond is outstanding and not paid, it shall levy annually, in the manner prescribed by law, ad valorem taxes on all real and tangible personal property within its corporate limits subject to assessment for unlimited taxation in rate and amount sufficient to provide for the payment of the principal of and interest on this Bond as the same become due and payable.

This Bond is issued pursuant to the authority of Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, Sections 81 and 82A of the Charter of the Issuer, and Ordinance No. _____ of the Issuer passed on _____, 2015 and effective on _____, 2015 (the "Ordinance"). The full faith and credit of the Issuer are hereby irrevocably pledged to the payment of the principal of this Bond and the interest to accrue hereon.

This Bond is issued in connection with the Local Government Infrastructure Financing Program of the Community Development Administration, an agency in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland (the "Administration"). This Bond is subject to the terms and conditions of the Repayment Agreement dated as of _____, between the Issuer and the Administration (the "Repayment Agreement").

This Bond is not subject to prepayment by the Issuer prior to [June] 1, 20____. On or after _____, this Bond is subject to prepayment by the Issuer at the prepayment prices, expressed as a percentage of the principal amount to be prepaid, plus accrued interest, if any, to the prepayment date, on the principal amount thereof, and during the periods (both dates inclusive) listed below:

Period	**Price**
_____ through _____	%
_____ through _____	
_____ through thereafter	

Notice of prepayment shall be given, the date of prepayment determined, and all prepayments of this Bond shall be applied in accordance with the provision of the Repayment Agreement.

The Issuer may treat the person in whose name this Bond is registered as the absolute owner hereof, whether or not this Bond shall be overdue, for the purpose of receiving payment thereof and for all other purposes whatsoever, and shall not be affected by any notice to the contrary, except as provided below.

_____
Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

This Bond is assignable and upon such assignment the assignor shall promptly notify the Issuer by certified mail, and the assignee shall surrender this Bond to the Issuer for transfer on the registration records and verification of the portion of the principal amount hereof and interest hereon paid or unpaid, and every such assignee shall take this Bond subject to such condition. In connection with any transfer of this Bond, the Issuer may make a charge sufficient to reimburse it for any tax, or other governmental charge required to be paid with respect to such transfer and any reasonable fees or expenses of the Issuer incurred in connection with such transfer.

Principal of this Bond is paid in annual installments and this Bond is subject to partial redemption without any notation of such payment being made on this Bond or the surrender of this Bond for cancellation and the issuance of a new Bond or Bonds in the amount of the unpaid principal hereof. Accordingly, the outstanding principal of this Bond may be less than the stated face amount hereof and any purchaser or transferee of this Bond should contact the Issuer and the prior owner of this Bond to ascertain the outstanding face amount hereof.

As declared by Section 4-231(c) of the Housing and Community Development Article of the Annotated Code of Maryland, as amended, this Bond shall have and possess all the attributes of negotiable instruments as provided in Section 19-224 of the Local Government Article of the Annotated Code of Maryland, as amended. This Bond is issued with the intent that the laws of the State of Maryland shall govern its construction.

No recourse shall be had for the payment of the principal of, the interest on, or for any claim based hereon or on the Ordinance against any elected or appointed official or employee, past, present or future of the Issuer or any agency thereof; and any such recourse, claim or liability is expressly waived by acceptance by the owner of the delivery of this Bond.

It is hereby certified and recited that each and every act, condition and thing required to exist, to be done, to have happened and to be performed precedent to and in the issuance of this Bond does exist, has been done, has happened and has been performed in full and strict compliance with the Constitution and laws of the State of Maryland, the Charter of the Issuer and the proceedings of the Issuer.

_____
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~~Strike-through~~ = Indicates material deleted by amendment after introduction

IN WITNESS WHEREOF, Mayor and City Council of Cumberland has caused this Bond to be signed in its name by the manual or facsimile signature of its Mayor and its corporate seal to be affixed hereto and attested by the manual signature of the City Clerk, as of the_____, 2015.

ATTEST:

MAYOR AND CITY COUNCIL OF CUMBERLAND

_____
City Clerk

By: _____
Mayor

_____
Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

BOND PAYMENT SCHEDULE

[Use the following paragraph (with necessary modifications) to clarify the amount to be paid under the schedule prepared by the Financial Advisor.]

[Repayment Schedule to be Inserted.]

Each installment of Principal and Interest or Interest alone shall be the aggregate of amounts set forth in this Exhibit A for the date of such payment as shown under the heading designated "Debt Service."

_____
Underlining = Indicates material added by amendment after introduction
~~Strike-through~~ = Indicates material deleted by amendment after introduction

Regular Council Agenda
May 19, 2015

Description

Order authorizing the execution of a Contract of Sale for the purchase of 521-523 Maryland Avenue from William V. Miller, Jr. for the amount of $25,000, setting forth certain contingencies for the sale, authorizing an extension of 60 day for the closing if necessary, and authorizing the City Administrator and City Solicitor to execute documents to facilitate 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:** _____May 19, 2015_____

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

THAT the Mayor be and is hereby authorized to execute a Contract of Sale by and between the Mayor and City Council of Cumberland ("Buyer") and William V. Miller, Jr. ("Seller") for the property and improvements thereon located at 521-523 Maryland Avenue, Cumberland, as recorded among the Land Records of Allegany County, Maryland in Book 504, Page 77, Tax Account No. 22-014730, for the purchase price of Twenty-five Thousand Dollars ($ 25,000.00); and

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

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

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

_____

Brian K. Grim, Mayor

CONTRACT OF SALE

THIS CONTRACT OF SALE ("Contract") is made by and between **Mayor and City Council of Cumberland** ("Buyer") and **William V. Miller, Jr.** ("Seller") and is effective as of the date its execution is completed as shown in the signature provisions on the last page of this Contract.

1. **Property Description.** Seller does agree to sell to Buyer, and Buyer does agree to purchase from Seller, all of the following tracts or parcels of land, together with the improvements thereon which are owned by Seller and are hereinafter referred to collectively as the "Property":

   A. 521-523 Maryland Avenue, Cumberland, MD 21502, Allegany County Land Records Book 504, Page 77, Tax Account No. 22-014730.

2. **Purchase Price.** The purchase price for the Property (the "Purchase Price") is Twenty-Five Thousand Dollars ($25,000.00), which Purchase Price includes the real property and improvements described in Section 1 above.

3. **Payment Terms.** The Purchase Price shall be paid at settlement.

4. **Estate.** The Property is being conveyed in fee simple.

5. **Contingencies.** This Contract and the consummation of the transaction contemplated by its terms are contingent upon the following:

   A. Seller shall deliver the Property to Buyer free of tenants or inhabitants of any kind, with all of any such individuals' personal property and belongings having been removed. Seller shall be responsible for legally evicting any tenants who may have been leasing the Property.

   B. Seller shall be responsible for the termination of all utility services to the Property.

   C. Settlement shall be contingent upon Buyer's performance of a walk-through inspection of the Property within 48 hours of settlement in order to confirm that the Property will be delivered to Seller in accordance with the terms of Sections 5 and 8 of this Contract. Buyer shall have the right to waive this contingency, but such waiver must be effected in a writing submitted to Seller by Buyer's Mayor, City Solicitor or City Administrator. Therefore, it shall be incumbent upon Seller to make arrangements for this walk-through or to procure the written waiver in advance of settlement.

6. **Representations & Warranties.** The Property is being sold in as-is condition, without any express or implied warranties or representations made as to its condition or otherwise, and subject to all defects, if any, known or unknown.

7. **Risk of Loss.** The Property is to be held at the risk of Seller until legal title has passed or possession has been given to Buyer.

8. **Possession.** Seller agrees to give Buyer possession and occupancy of the Property at the time of settlement. Seller will deliver the Property in substantially the same physical condition as of the date of his/her/its execution of this Contract but free of Seller's personal property and all junk, trash and debris.

9. **Adjustments.** All general or special taxes, rents, ground rents, public, private or community water and/or sewer charges, including any deferred sewer and water tap fees, homeowners association charges and all other public, private or governmental charges or assessments, excluding liens which must be paid prior to deed recordation, which may exist, whether such have been levied or not, are to be adjusted and apportioned as of the date of settlement, and will be assumed and paid thereafter by Buyer.

10. **Deed and Title.** Upon payment of the Purchase Price, a deed for the Property containing covenants of special warranty and further assurances shall be executed at Seller's expense by Seller, which shall convey the Property to Buyer. Title to the Property shall be good and merchantable, free of liens and encumbrances, except as specified herein and except use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property.

Seller shall provide Buyer with a draft of the deed in advance of settlement for its review and approval.

11. **Agency/Real Estate Commission.** Seller and Buyer warrant and represent that no real estate broker participated in the procurement or negotiation of this Contract. Each party agrees to defend, indemnify, and hold the other harmless for any claim for real estate commissions arising by reason of the indemnifying party's breach of this warranty. The provisions of this paragraph shall survive Settlement and the delivery of the deed to the Property or the termination of this Contract.

12. **Settlement.** Settlement shall occur no later than forty-five (45) days the effective date of this Contract.

13. **Notice Of Disclosure Or Disclaimer Statements.** Buyer is advised that under Maryland law (Real Property Article, Section #10-702), a purchaser is entitled to receive from a seller a written Residential Property Condition Disclosure Statement on a form provided by the Maryland Real Estate Commission or a Written Residential Property Disclaimer Statement on a form provided by the Maryland Real Estate Commission. A seller must deliver the completed Disclosure or Disclaimer Statement to a purchaser on or before the buyer enters into a contract of sale (with the exception of a Land Installment Contract, an Option to Purchase Agreement and a

Lease Agreement containing an option to purchase provision in which case the disclosure or disclaimer statement must be delivered to the purchaser before the execution of the contract).

If the Disclosure or Disclaimer Statement is delivered by the seller later than 3 days after the seller enters into a contract of sale with a purchaser, the contract is void. A purchaser who does not receive the Disclosure or Disclaimer Statement on or before the execution of a contract by a purchaser has the unconditional right, upon written notice to the seller or the seller's agent, to rescind the contract of sale at any time before the receipt of the Disclosure or Disclaimer Statement or within five (5) days following receipt of the Disclosure or Disclaimer Statement and to the immediate return of any deposit. However, purchaser's right to rescind the contract terminates if not exercised before making a written application to a lender for a mortgage loan, if the lender discloses in writing at or before the time application is made that the right to rescind terminates upon submission of the application.

The following has also been made a part of this Contract.:

( ) Property Disclosure Statement

(X) Property Disclaimer Statement

14. Documentary Stamps, Recordation, Transfer Taxes. All transfer and recordation taxes and fees payable in connection with the sale of the Property shall be split evenly between the parties.

15. Lead Based Paint Hazards. Title X, Section 1018, the Residential Lead-Based Paint Hazard Reduction Act of 1992 (the "Act"), requires the disclosure of certain information regarding lead-based paint and lead-based paint hazards in connection with the sale of residential real property. Unless otherwise exempt, the Act applies only to housing constructed prior to 1978. A seller of pre-1978 housing is required to disclose to the buyer, based upon the seller's actual knowledge, all known lead-based paint hazards in the Properties and provide the buyer with any available reports in the seller's possession relating to lead-based paint or lead-based paint hazards applicable to the Properties. The seller, however, is not required to conduct or pay for any lead-based paint risk assessment or inspection. At the time that the offer to purchase is entered into by the buyer, the seller is required to provide the buyer with the EPA pamphlet entitled "Protect Your Family From Lead In Your Home" and a "Disclosure of Information on Lead-Based Paint and Lead Based Paint Hazards" form.

The seller is required under the Act to provide the buyer with a ten (10) day time period (or other mutually agreeable time period) for the buyer, at the buyer's expense, to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards unless the buyer waives such assessment or inspection by indicating such waiver on the Lead-Based Paint Disclosure form. The seller and any agent involved in the transaction are required to retain a copy of the completed Lead-Based Paint Disclosure form for a period of three (3) years following the date of Settlement.

A SELLER WHO FAILS TO GIVE THE REQUIRED LEAD-BASED PAINT DISCLOSURE FORM AND EPA PAMPHLET MAY BE LIABLE UNDER THE ACT FOR THREE TIMES THE AMOUNT OF DAMAGES AND MAY BE SUBJECT TO BOTH CIVIL AND CRIMINAL PENALTIES.

Seller represents and warrants to Buyer intending that Buyer rely upon such warranty and representation, that the property: was constructed prior to 1978. Seller and Buyer agree, represent and warrant, each unto the other, that no binding and enforceable contract shall be deemed to exist or to have been formed unless the requirements of the Act have been complied with prior to the execution of this Contract by Seller and Buyer. Seller and Buyer represent and warrant that each intended, as a material term of the offer and acceptance, that the requirements of the Act be complied with as an express condition of the formation of a binding and enforceable contract by and between the parties. Buyer and Seller acknowledge by their respective initials below that they have read and understand the provisions of this section.

_____ _____ Buyer's Initials M.V. M. Seller's Initials

16. Assignability. This Contract may not be assigned without the written consent of Seller, said consent not to be unreasonably withheld.

17. Captions. The marginal captions of this Contract are for convenience and in no way define or limit the intents, rights or obligations of the parties hereunder.

18. Entire Agreement. This Contract and any addenda thereto contain the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.

19. Maryland Law Applies. This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable by means of an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and both parties waive the right to claim that such a proceeding is commence in an inconvenient forum or one that lacks proper venue.

20. Breach of Contract and Default. Buyer and Seller are required and agree to make full settlement in accordance with the terms of this Contract and acknowledge that failure to do so constitutes a breach hereof. In the event of a breach, each of the parties hereto is entitled to pursue such rights and remedies as may be available, in law or in equity, including, without limitation, an action for specific performance of this Contract and/or monetary damages. If either party defaults, the party committing the default, whether Buyer or Seller, shall reimburse the non-defaulting party for reasonable attorneys' fees incurred as a result of the default.

21. Binding Effect. This Contract shall be binding upon the parties hereto and each of their respective heirs, personal representatives, administrators, executors, successors, assigns, and guardians

22. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

23. **Jury Trial Waiver. THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS CONTRACT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS CONTRACT.**

24. **Counterparts.** This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument.

25. **Signing by Facsimile or Other Electronic Means.** Each of the parties hereto expressly authorizes and agrees to sign facsimile and/or other electronically transmitted copies of this Contract. Once said facsimile and/or other electronically transmitted copies are fully executed, they shall have the same binding effect as would a signed original Contract once delivered to the other party.

26. **Addenda.** The Contract is subject to the following attached Addenda which are made a part hereof: (1) Maryland Residential Disclaimer Statement; and (2) Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazard.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto as of the date written beneath those signatures.

WITNESS:

MAYOR AND CITY COUNCIL OF CUMBERLAND

_____

By:_____
Brian K. Grim

_____
Date

Sandy Stidham

William V. Miller, Jr.
William V. Miller, Jr.

May 12, 2016
Date

MARYLAND RESIDENTIAL PROPERTY DISCLAIMER STATEMENT

Section 10-702 of the Real Property Article, Annotated Code of Maryland, requires the owner of certain residential real property to furnish the buyer either (A) a RESIDENTIAL PROPERTY DISCLAIMER STATEMENT stating that the owner is selling the property "as is" and makes no representations or warranties as to the condition of the property or any improvements on the real property, except as otherwise provided in the contract of sale, or (B) a RESIDENTIAL PROPERTY DISCLOSURE STATEMENT disclosing defects or other information about the condition of the real property actually known by the owner. Certain transfers of residential property are excluded from this requirement (see the exemptions listed below).

NOTICE TO OWNER(S): Sign this statement only if you elect to sell the property without representations and warranties as to its condition, except as otherwise provided in the contract of sale; otherwise complete and sign the RESIDENTIAL PROPERTY DISCLOSURE STATEMENT.

Property Address: 521-523 Maryland Avenue, Cumberland, MD 21502
Legal Description: Deed recorded among Land Records of Allegany County, Maryland in Book 504, Page 77

The undersigned owner(s) of the real property described above make no representations or warranties to the condition of the real property or any improvements thereon, and the buyer will be receiving the real property "as is" with all defects which may exist, except as otherwise provided in the real estate contract of sale. The owner(s) acknowledge having carefully examined this statement and further acknowledge that they have been informed of their rights and obligations under Section 10-702 of the Maryland Real Property Article.

Seller: William V. Miller, Jr. Date: May 18, 2015
William V. Miller, Jr.

Buyer acknowledges receipt of a copy of this disclaimer statement and further acknowledge that they have been informed of their rights and obligations under Section 10-702 of the Maryland Real Property Article.

Buyer:_____ Date:_____
Mayor and City Council of Cumberland,
by Brian K. Grim, Mayor

Disclosure of Information on Lead-Based Paint and/or Lead-Based Paint Hazards

Lead Warning Statement

Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. The seller of any interest in residential real property is required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the Seller and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.

Seller's Disclosure (initial)

(a) Presence of lead-based paint and/or lead-based paint hazards (check (i) or (ii) below):

(i)___ Known lead-based paint and/or lead-based paint hazards are present in the housing (explain).

_____

_____

MVL/JS Seller has no knowledge of lead-based paint and/or lead-based paint hazards in the housing.

(b) Records and report available to the seller (check (i) or (ii) below):

MVL/JS Seller has provided the purchaser with all available records and reports pertaining to lead-based paint and/or lead-based paint hazards in the housing (list documents below).

Maryland department of the environment
MDE Form 330 certificates # 592170
592174

(ii)___Seller has no reports or records pertaining to lead-based paint and/or lead-based paint hazards in the housing.

Buyer's Acknowledgment (initial)

(c)___ Buyer has received copies of all information listed above.

(d)___ Buyer has received the pamphlet *Protect Your Family from Lead in Your Home.*

(e)___ Buyer has (check (i) or (ii) below):

(i)___ received a 10-day opportunity (or mutually agreed upon period) to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards; or

(ii)___ waived the opportunity to conduct a risk assessment or inspection for the presence of lead-based paint and/or lead-based paint hazards.

Agent's Acknowledgment (initial)

(f)___. Agent has informed the seller of the seller's obligations under 42 U.S.C. 485 2d and is aware of his/her responsibility to ensure compliance.

Certification of Accuracy

The following parties have reviewed the information above and certify, to the best of their knowledge, that the information they have provided is true and accurate.

Buyer:_____ Date: _____
Mayor and City Council of Cumberland,
by Brian K. Grim, Mayor

Seller: William V. Miller, Jr. Date: May 12, 2015
William V. Miller, Jr.

Protect Your Family From Lead In Your Home

EPA
United States
Environmental Protection
Agency

United States Consumer
Product Safety Commission

U.S. EPA Washington DC 20460
U.S. CPSC Washington DC 20207

EPA747-K-94-001
May 1995

Are You Planning To Buy, Rent, or Renovate a Home Built Before 1978?

Many houses and apartments built before 1978 have paint that contains lead (called lead-based paint). Lead from paint, chips, and dust can pose serious health hazards if not taken care of properly.

By 1996, federal law will require that individuals receive certain information before renting, buying, or renovating pre-1978 housing:

LANDLORDS will have to disclose known information on lead-based paint hazards before leases take effect. Leases will include a federal form about lead-based paint.

SELLERS will have to disclose known information on lead-based paint hazards before selling a house. Sales contracts will include a federal form about lead-based paint in the building. Buyers will have up to 10 days to check for lead hazards.

RENOVATORS will have to give you this pamphlet before starting work.

IF YOU WANT MORE INFORMATION on these requirements, call the National Lead Information Clearinghouse at **1-800-424-LEAD.**

This document is in the public domain. It may be reproduced by an individual or organization without permission. Information provided in this booklet is based upon current scientific and technical understanding of the issues presented and is reflective of the jurisdictional boundaries established by the statutes governing the co-authoring agencies. Following the advice given will not necessarily provide complete protection in all situations or against all health hazards that can be caused by lead exposure.

IMPORTANT!

Lead From Paint, Dust, and Soil Can Be Dangerous If Not Managed Properly

FACT: Lead exposure can harm young children and babies even before they are born.

FACT: Even children that seem healthy can have high levels of lead in their bodies.

FACT: People can get lead in their bodies by breathing or swallowing lead dust, or by eating soil or paint chips with lead in them.

FACT: People have many options for reducing lead hazards. In most cases, lead-based paint that is in good condition is not a hazard.

FACT: Removing lead-based paint improperly can increase the danger to your family.

If you think your home might have lead hazards, read this pamphlet to learn some simple steps to protect your family.

Lead Gets in the Body in Many Ways

1 out of every 11 children in the United States has dangerous levels of lead in the blood-stream.

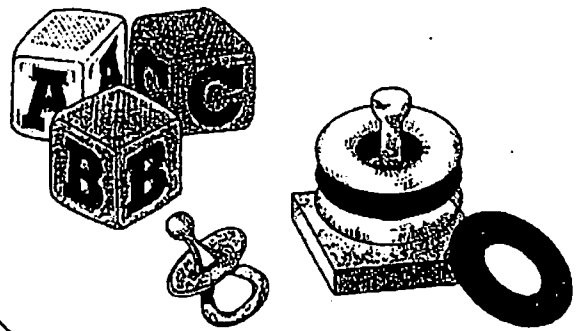
Even children who appear healthy can have dangerous levels of lead.

People can get lead in their body if they:

- Put their hands or other objects covered with lead dust in their mouths.
- Eat paint chips or soil that contain lead.
- Breathe in lead dust (especially during renovations that disturb painted surfaces).

Lead is even more dangerous to children than adults because:

- Babies and young children often put their hands and other objects in their mouths. These objects can have lead dust on them.
- Children's growing bodies absorb more lead.
- Children's brains and nervous systems are more sensitive to the damaging effects of lead.



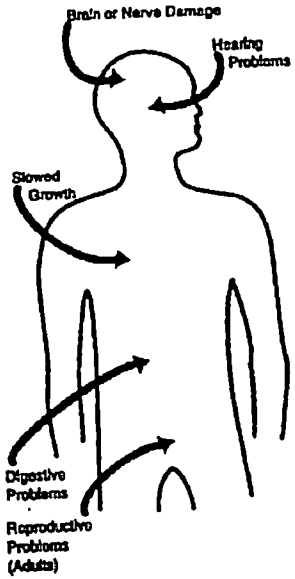
Lead's Effects

If not detected early, children with lead in their bodies can suffer from:

- Damage to the brain and nervous system
- Behavior and learning problems (such as hyperactivity)
- Slowed growth
- Hearing problems
- Headaches

Lead is also harmful to adults. Adults can suffer from:

- Difficulties during pregnancy
- Other reproductive problems (in both men and women)
- High blood pressure
- Digestive problems
- Nerve disorders
- Memory and concentration problems
- Muscle and joint pain



Lead affects the body in many ways.

Checking Your Family for Lead

Get your children tested if you think your home has high levels of lead.

A simple blood test can detect high levels of lead. Blood tests are important for:

- Children who are 6 months to 1 year old (6 months if you live in an older building or home that might have lead in the paint).
- Family members that you think might have high levels of lead.

If your child is older than 1 year, talk to your doctor about whether your child needs testing.

Your doctor or health center can do blood tests. They are inexpensive and sometimes free. Your doctor will explain what the test results mean. *Treatment can range from changes in your diet to medication or a hospital stay.*

Where Lead-Based Paint Is Found

In general, the older your home, the more likely it has lead-based paint.

Many homes built before 1978 have lead-based paint. In 1978, the federal government banned lead-based paint from housing.

Lead can be found:

- In homes in the city, country, or suburbs.
- In apartments, single-family homes, and both private and public housing.
- Inside *and* outside of the house.
- In soil around a home. (Soil can pick up lead from exterior paint, or other sources such as past use of leaded gas in cars).

Where Lead Is Likely To Be a Hazard

Lead from paint chips, which you can see, and lead dust, which you can't always see, can both be serious hazards

Lead-based paint that is in good condition is usually not a hazard.

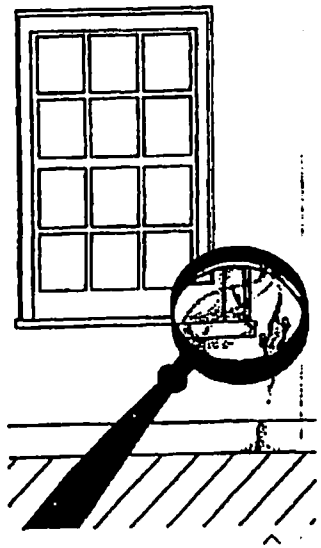
Peeling, chipping, chalking, or cracking lead-based paint is a hazard and needs immediate attention.

Lead-based paint may also be a hazard when found on surfaces that children can chew or that get a lot of wear-and-tear. These areas include:

- Windows and window sills.
- Doors and door frames.
- Stairs, railings, and banisters.
- Porches and fences.

Lead dust can form when lead-based paint is dry scraped, dry sanded, or heated. Dust also forms when painted surfaces bump or rub together. Lead chips and dust can get on surfaces and objects that people touch. Settled lead dust can reenter the air when people vacuum, sweep, or walk through it.

Lead in soil can be a hazard when children play in bare soil or when people bring soil into the house on their shoes. Call your state agency (see page 12) to find out about soil testing for lead.



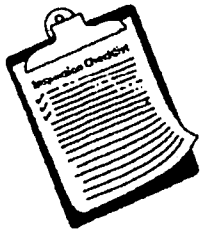
Checking Your Home for Lead

Just knowing that a home has lead-based paint may not tell you if there is a hazard.

You can get your home checked for lead hazards in one of two ways, or both:

- A paint inspection tells you the lead content of every painted surface in your home. It won't tell you whether the paint is a hazard or how you should deal with it.
- A **risk assessment** tells you if there are any sources of serious lead exposure (such as peeling paint and lead dust). It also tells you what actions to take to address these hazards.

Have qualified professionals do the work. *The federal government is writing standards for inspectors and risk assessors. Some states might already have standards in place.* Call your state agency for help with locating qualified professionals in your area (see page 12).



Trained professionals use a range of methods when checking your home, including:

- Visual inspection of paint condition and location.
- Lab tests of paint samples.
- Surface dust tests.
- A portable x-ray fluorescence machine.

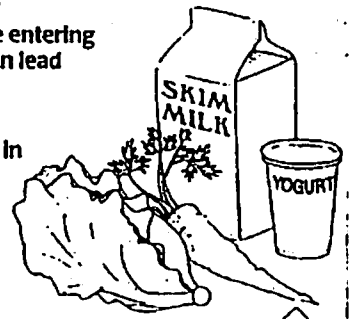
Home test kits for lead are available, but the federal government is still testing their reliability. These tests should not be the only method used before doing renovations or to assure safety.

What You Can Do Now to Protect Your Family

If you suspect that your house has lead hazards, you can take some immediate steps to reduce your family's risk:

- **If you rent, notify your landlord of peeling or chipping paint.**
- **Clean up paint chips immediately.**
- **Clean floors, window frames, window sills, and other surfaces weekly.** Use a mop or sponge with warm water and a general all-purpose cleaner or a cleaner made specifically for lead. REMEMBER: NEVER MIX AMMONIA AND BLEACH PRODUCTS TOGETHER SINCE THEY CAN FORM A DANGEROUS GAS.

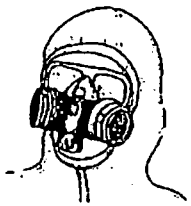
- **Thoroughly rinse sponges and mop heads after cleaning dirty or dusty areas.**
- **Wash children's hands often, especially before they eat and before nap time and bed time.**
- **Keep play areas clean.** Wash bottles, pacifiers, toys, and stuffed animals regularly.
- **Keep children from chewing window sills or other painted surfaces.**
- **Clean or remove shoes before entering your home to avoid tracking in lead from soil.**
- **Make sure children eat nutritious, low-fat meals high in iron and calcium,** such as spinach and low-fat dairy products. Children with good diets absorb less lead.



How To Significantly Reduce Lead Hazards

Removing lead improperly can increase the hazard to your family by spreading even more lead dust around the house.

Always use a professional who is trained to remove lead hazards safely.



In addition to day-to-day cleaning and good nutrition:

- You can **temporarily** reduce lead hazards by taking actions like repairing damaged painted surfaces and planting grass to cover soil with high lead levels. These actions (called "interim controls") are not permanent solutions and will not eliminate all risks of exposure.
- To **permanently** remove lead hazards, you must hire a lead "abatement" contractor. Abatement (or permanent hazard elimination) methods include removing, sealing, or enclosing lead-based paint with special materials. Just painting over the hazard with regular paint is not enough.

Always hire a person with special training for correcting lead problems—someone who knows how to do this work safely and has the proper equipment to clean up thoroughly. If possible, hire a certified lead abatement contractor. Certified contractors will employ qualified workers and follow strict safety rules as set by their state or by the federal government.

Call your state agency (see page 12) for help with locating qualified contractors in your area and to see if financial assistance is available.

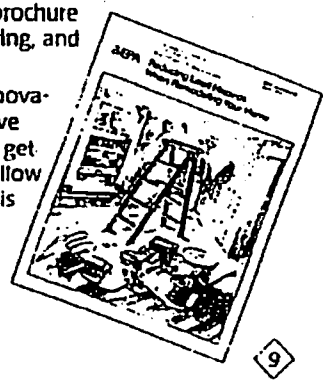
Remodeling or Renovating a Home With Lead-Based Paint

Take precautions before you begin remodeling or renovations that disturb painted surfaces (such as scraping off paint or tearing out walls):

- **Have the area tested for lead-based paint.**
- **Do not use a dry scraper, belt-sander, propane torch, or heat gun** to remove lead-based paint. These actions create large amounts of lead dust and fumes. Lead dust can remain in your home long after the work is done.
- **Temporarily move your family** (especially children and pregnant women) out of the apartment or house until the work is done and the area is properly cleaned. If you can't move your family, at least completely seal off the work area.
- **Follow other safety measures to reduce lead hazards.** You can find out about other safety measures by calling 1-800-424-LEAD. Ask for the brochure "Reducing Lead Hazards When Remodeling Your Home." This brochure explains what to do before, during, and after renovations.

If you have already completed renovations or remodeling that could have released lead-based paint or dust, get your young children tested and follow the steps outlined on page 7 of this brochure.

If not conducted properly, certain types of renovations can release lead from paint and dust into the air.



State Health and Environmental Agencies

Some cities and states have their own rules for lead-based paint activities. Check with your state agency (listed below) to see if state or local laws apply to you. Most state agencies can also provide information on finding a lead abatement firm in your area, and on possible sources of financial aid for reducing lead hazards.

State/Region	Phone Number	Missouri	(314) 526-4911
Alabama	(205) 242-5661	Montana	(406) 444-3671
Alaska	(907) 465-5152	Nebraska	(402) 471-2451
Arkansas	(501) 661-2534	Nevada	(702) 687-6615
Arizona	(602) 542-7307	New Hampshire	(603) 271-4507
California	(510) 450-2424	New Jersey	(609) 633-2043
Colorado	(303) 692-3012	New Mexico	(505) 841-8024
Connecticut	(203) 566-5808	New York	(800) 458-1158
Washington, DC	(202) 727-9850	North Carolina	(919) 715-3293
Delaware	(302) 739-4735	North Dakota	(701) 328-5188
Florida	(904) 488-3385	Ohio	(614) 466-1450
Georgia	(404) 657-6514	Oklahoma	(405) 271-5220
Hawaii	(808) 832-5860	Oregon	(503) 248-5240
Idaho	(208) 332-5544	Pennsylvania	(717) 782-2884
Illinois	(800) 545-2200	Rhode Island	(401) 277-3424
Indiana	(317) 382-6662	South Carolina	(803) 935-7945
Iowa	(800) 972-2026	South Dakota	(605) 773-3153
Kansas	(913) 296-0189	Tennessee	(615) 741-5683
Kentucky	(502) 564-2154	Texas	(512) 834-6600
Louisiana	(504) 765-0219	Utah	(801) 536-4000
Massachusetts	(800) 532-9571	Vermont	(802) 863-7231
Maryland	(410) 631-3859	Virginia	(800) 523-4019
Maine	(207) 287-4311	Washington	(206) 753-2556
Michigan	(517) 335-8885	West Virginia	(304) 558-2981
Minnesota	(612) 627-5498	Wisconsin	(608) 266-5885
Mississippi	(601) 960-7463	Wyoming	(307) 777-7391

EPA Regional Offices

Your Regional EPA office can provide further information regarding regulations and lead protection programs.

EPA Regional Offices

Region 1 (Connecticut, Massachusetts, Maine, New Hampshire, Rhode Island, Vermont)
John F. Kennedy Federal Building
One Congress Street
Boston, MA 02203
(617) 565-3420

Region 2 (New Jersey, New York, Puerto Rico, Virgin Islands)
Building 5
2890 Woodbridge Avenue
Edison, NJ 08837-3679
(908) 321-6671

Region 3 (Delaware, Washington DC, Maryland, Pennsylvania, Virginia, West Virginia)
841 Chestnut Building
Philadelphia, PA 19107
(215) 597-9800

Region 4 (Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee)
345 Courtland Street, NE
Atlanta, GA 30365
(404) 347-4727

Region 5 (Illinois, Indiana, Michigan, Minnesota, Ohio, Wisconsin)
77 West Jackson Boulevard
Chicago, IL 60604-3590
(312) 886-6003

Region 6 (Arkansas, Louisiana, New Mexico, Oklahoma, Texas)
First Interstate Bank Tower
1445 Ross Avenue, 12th Floor, Suite 1200
Dallas, TX 75202-2733
(214) 665-7244

Region 7 (Iowa, Kansas, Missouri, Nebraska)
726 Minnesota Avenue
Kansas City, KS 66101
(913) 551-7020

Region 8 (Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming)
999 18th Street, Suite 500
Denver, CO 80202-2405
(303) 293-1603

Region 9 (Arizona, California, Hawaii, Nevada)
75 Hawthorne Street
San Francisco, CA 94105
(415) 744-1124

Region 10 (Idaho, Oregon, Washington, Alaska)
1200 Sixth Avenue
Seattle, WA 98101
(206) 553-1200

CPSC Regional Offices

Eastern Regional Center
6 World Trade Center
Vesey Street, Room 350
New York, NY 10048
(212) 466-1612

Central Regional Center
230 South Dearborn Street
Room 2944
Chicago, IL 60604-1601
(312) 353-8260

Western Regional Center
600 Harrison Street, Room 245
San Francisco, CA 94107
(415) 744-2966

Simple Steps To Protect Your Family From Lead Hazards

If you think your home has high levels of lead:

- Get your young children tested for lead, even if they seem healthy.
- Wash children's hands, bottles, pacifiers, and toys often.
- Make sure children eat healthy, low-fat foods.
- Get your home checked for lead hazards.
- Regularly clean floors, window sills, and other surfaces.
- Wipe soil off shoes before entering house.
- Talk to your landlord about fixing surfaces with peeling or chipping paint.
- Take precautions to avoid exposure to lead dust when remodeling or renovating (call 1-800-424-LEAD for guidelines).
- Don't use a belt-sander, propane torch, dry scraper, or dry sandpaper on painted surfaces that may contain lead.
- Don't try to remove lead-based paint yourself.

Recycled/Recyclable
Printed on paper that contains at least 20 percent post-

MARYLAND DEPARTMENT OF THE ENVIRONMENT

LEAD PAINT RISK REDUCTION (MDE FORM 330) INSPECTION CERTIFICATE NO. 592170

MDE TRACKING NO.	MDE PROPERTY NO. (Include county code prefix.)	OWNER NAME
218773	01220147 30	WILLIAM V. MILLER JR

Street Address	Unit No.	City	Zip Code	County	Property Construction Date
521 MARYLAND AVE	SFP	CUMBERLAND	21502	ALLEGANY	1895

The Maryland accredited lead inspector must mark an inspection category 1, 2, 3, or 5 and mark the appropriate inspection method. Only **ONE** category and method are to be marked. The following attachments are required to be submitted with the certificate: Form E for Lead Free. Form C, laboratory results, and diagrams for Full Risk Reduction, and Forms B and C, original signed copy of Supervisor's Statement of Work, laboratory results, and diagrams for Modified Risk Reduction. The certificate shall be signed by the inspector who performed the inspection. Inspection certificates and all required attachments must be submitted to MDE within 10 days following Lead Free and Lead Safe Inspections and within 10 days following the receipt of dust sample results for Full and Modified Risk Reduction Inspections. Copies of all inspection records shall be maintained for at least 5 years by lead inspection contractors. Maximum penalties will be pursued by MDE for any falsified documentation that is received by MDE. Indicate "0000" if Property Construction Date is unknown. Lead paint inspection contractors **must** mail inspection certificates and the supporting documentation for inspection certificates to: P.O. Box 943, Jessup, MD 20794.

INSPECTION CATEGORIES

☐ 1. Lead Free	☒ 2. Full Risk Reduction	☐ 3. Modified Risk Reduction	☐ 5. Lead Safe
Methods	**Methods**	**Methods**	**Methods**
☐ **A.** One Time Only *(Interior & Exterior)*	☒ **A.** Dust Inspection	☐ **B.** Visual Inspection **and** Dust Inspection	☐ **A.** Dust Inspection
OR	**OR**	**OR**	**OR**
☐ **B.** Limited *(Interior Lead Free Only)* Passing Re-inspection required no later than: __/__/__	☐ **D.** Dust Inspection with Exterior Waiver	☐ **C.** Visual Inspection **and** Dust Inspection with Exterior Waiver	☐ **B.** Dust Inspection **and** Visual Inspection
			OR
__ Number of Pre-1950 Lead Free Units	Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04 / 30 / __ unless otherwise noted in local code.	Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04/ 30 / __ unless otherwise noted in local code.	☐ **C.** Dust Inspection with Lead Free Exterior
__ Number of Post-1949 Lead Free Units	**OR**	**OR**	**OR**
	☐ **E.** Dust Inspection with Lead Free Exterior	☐ **D.** Visual Inspection **and** Dust Inspection with Lead Free Exterior	☐ **D.** Dust Inspection **and** Visual Inspection with Lead Free Exterior
			AND
			Verification that windows are lead free or have been treated so friction surfaces are lead free.

☒ **PASSED** Based on the findings of the attached inspection report(s), I certify that the **property/unit** meets the certification criteria at this time. *(circle property or unit)*

☐ **FAILED** Based on the findings of the attached inspection report(s), the **property/unit** fails to meet certification criteria at this time. *(circle property or unit)*

I certify that I inspected the above listed **property/unit** on 9/25/13 at 6:30 **a.m./p.m.** under Title 6, Subtitle 8 of the Environment Article, Annotated Code of MD.

Inspector's Name	Inspector's Signature	Accreditation No.	Accreditation Exp. Date	Inspection Contractor Name	Accreditation No.	Accreditation Exp. Date
VERNON SWANGER	[signature]	5699	6/2/15	ADVANCED Lead Services	2812	6/2/15

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MARYLAND DEPARTMENT OF THE ENVIRONMENT

LEAD PAINT RISK REDUCTION (MDE FORM 330) INSPECTION CERTIFICATE NO. 592174

MDE TRACKING NO.	MDE PROPERTY NO. (Include county code prefix.)	OWNER NAME
218773	01220 14730	WILLIAM V. MILLER

Street Address	Unit No.	City	Zip Code	County	Property Construction Date
523 MARYLAND AVE	REAR	CUMBERLAND	21502	ALLEGANY	1895

The Maryland accredited lead inspector must mark an inspection category 1, 2, 3, or 5 and mark the appropriate inspection method. Only **ONE** category and method are to be marked. The following attachments are required to be submitted with the certificate: Form E for Lead Free. Form C, laboratory results, and diagrams for Full Risk Reduction, and Forms B and C, original signed copy of Supervisor's Statement of Work, laboratory results, and diagrams for Modified Risk Reduction. The certificate shall be signed by the inspector who performed the inspection. Inspection certificates and all required attachments must be submitted to MDE within 10 days following Lead Free and Lead Safe Inspections and within 10 days following the receipt of dust sample results for Full and Modified Risk Reduction Inspections. Copies of all inspection records shall be maintained for at least 5 years by lead inspection contractors. Maximum penalties will be pursued by MDE for any falsified documentation that is received by MDE. Indicate "0000" if Property Construction Date is unknown. Lead paint inspection contractors **must** mail inspection certificates and the supporting documentation for inspection certificates to: P.O. Box 943, Jessup, MD 20794.

INSPECTION CATEGORIES

☐ 1. Lead Free	☒ 2. Full Risk Reduction	☐ 3. Modified Risk Reduction	☐ 5. Lead Safe
Methods	**Methods**	**Methods**	**Methods**
☐ **A.** One Time Only *(Interior & Exterior)* **OR** ☐ **B.** Limited *(Interior Lead Free Only)* Passing Re-inspection required no later than: __/__/__ ___ Number of Pre-1950 Lead Free Units ___ Number of Post-1949 Lead Free Units	☒ **A.** Dust Inspection **OR** ☐ **D.** Dust Inspection with Exterior Waiver Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04 / 30 / __ unless otherwise noted in local code. **OR** ☐ **E.** Dust Inspection with Lead Free Exterior	☐ **B.** Visual Inspection **and** Dust Inspection **OR** ☐ **C.** Visual Inspection **and** Dust Inspection with Exterior Waiver Passing Re-inspection (Form D and Supervisor Statement of Work) required no later than 04/ 30 / ___ unless otherwise noted in local code. **OR** ☐ **D.** Visual Inspection **and** Dust Inspection with Lead Free Exterior	☐ **A.** Dust Inspection **OR** ☐ **B.** Dust Inspection **and** Visual Inspection **OR** ☐ **C.** Dust Inspection with Lead Free Exterior **OR** ☐ **D.** Dust Inspection **and** Visual Inspection with Lead Free Exterior **AND** Verification that windows are lead free or have been treated so friction surfaces are lead free.

☒ **PASSED** Based on the findings of the attached inspection report(s), I certify that the **property/unit** meets the certification criteria at this time. *(circle property or unit)*

☐ **FAILED** Based on the findings of the attached inspection report(s), the **property/unit** fails to meet certification criteria at this time. *(circle property or unit)*

I certify that I inspected the above listed **property/unit** on 10/5/13 at 7:00 **a.m./p.m.** under Title 6, Subtitle 8 of the Environment Article, Annotated Code of MD.

Inspector's Name	Inspector's Signature	Accreditation No.	Accreditation Exp. Date	Inspection Contractor Name	Accreditation No.	Accreditation Exp. Date
VERNON SWANGER	[signature]	5699	6/2/15	ADVANCED Lead Services	4812	6/2/15

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