



**MAYOR**

Brian K. Grim

**CITY ADMINISTRATOR**

Jeff Rhodes

**CITY SOLICITOR**

Michael Scott Cohen

**COUNCIL**

Nicole Alt-Myers

Seth D. Bernard

David Caporale

David Kauffman

**CITY CLERK**

Marjorie A. Woodring

## MINUTES

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

DATE 3/17/2015

### **\*Pledge of Allegiance**

#### **I. ROLL CALL**

PRESENT: Brian K. Grim, President; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Donald Dunn, Fire Chief; Captain Gregory Leake, CPD; Marjorie Woodring, City Clerk

#### **II. CERTIFICATES, AWARDS AND PRESENTATIONS**

- (A) Presentation of a photograph of the Thomas Beall Monument from Edward Taylor, President of the Cumberland Historic Cemetery Organization.

Edward Taylor, Jr., President of the Cumberland Historic Cemetery Organization, stated that the organization has been in existence 1983 and works to restore and care for cemeteries while also aiming to promote tourism through their work. To date, the organization has invested over \$5.5 million in erecting and restoring historical monuments, including the only monument erected in the state of Maryland to honor African-American Union Civil War Soldiers.

M. Taylor advised that the CHCO had built a monument in the Fall dedicated to Thomas Beall, who, along with 34 other pioneer families, had founded the city of Cumberland in 1787. The organization had installed a 3-foot granite stone tablet with an inscription that told of the history of Thomas Beall and Cumberland's founding. This evening, Mr. Taylor presented a photo of that monument to the Mayor and City Council with the hope that it could hang in City Hall for visitors to read about Mr. Beall.

- (B) Presentation of Certificates of Recognition to the Fort Hill High School and Allegany High School Cheerleading Squads for their performances in the Ocean City "Reach the Beach" National Cheerleading Competition.

Due to the number of people in attendance for this presentation, Mayor Grim adjourned the meeting to the City Hall Rotunda. Mayor Grim praised both the Fort Hill High School and Allegany High School squads for their outstanding achievements and presented each with Certificates of Recognition from the Mayor and City Council. The meeting then reconvened in the Council Chambers.

### **III. CITY ADMINISTRATOR'S REPORT**

#### **(A) Discussion of the installation of a bike lane on Frederick Street.**

Mayor Grim advised that the Bicycle Advisory Commission had presented a proposal for the implementation of a bike lane on Frederick Street and a "share the road" program for Bedford Street. He stated a great deal of public interest has been spurred by the recommendation and Council felt there was a need for discussion of the proposal before proceeding further with the recommendation.

Councilman Kauffman stated that he had made it clear during the last 6-8 months that he was in favor of the bike lane, but felt that before the recommendations were permanently implemented and the grant funds accepted, the City should close down one of the lanes for a trial period. He stated that there were some misconceptions, however, of what the trial was intended to accomplish. The trial was not intended to identify how many bikes would use the lane or how the bikes would interact with the vehicles. It would be used to determine the impact on vehicular traffic when two lanes are reduced to one. He believed the trial should be implemented for a minimum of a 2-week period.

Mayor Grim asked for Council's approval to allow those who had signed up for public comment at the end of the meeting with comments related to the bike lane to speak now. Council expressed agreement and Mayor Grim opened the floor for public comment.

Leo McDonville, 1725 Frederick Street, stated he wanted to clear up misinformation. He stated that Frederick Street residents understood that Frederick Street has been used as a bike route for quite some time. The portion of the proposal they are opposed to is the concrete section that starts at the 800 block of Frederick Street and runs 1.2 miles, which is a small portion of a rider's route. His big concern was the potential for incidents with residents turning on and off Frederick Street and traffic getting backed up. He stated there is no destination point in that direction and expressed several concerns including that there is a lack of an adequate turning lane to and from driveways and cross streets, and limited sight lines. He stated the suggestion from the residents is to post the "share the road" signs and make it look like Bedford Street so there's uniformity.

Councilwoman Alt-Myers asked Captain Leake whether there were a lot of reports of cars being rear-ended as they were exiting driveways in other city streets. Captain Leake advised that, without looking through the reports, he was not aware of a lot of reports.

William Swarner, 1612 Bedford Street, questioned whether joggers and walkers could use the bike lane, as well. Mayor Grim advised that they could not and Mr. Swarner stated that was discrimination. He also questioned why bikers no longer had to obtain licenses for their bikes and was advised that such a law was no longer on the books.

Judy Martin, 1038 Myrtle Street, stated there was not a surge of bicyclists on Frederick Street, but she was not against cycling or safety. She stated the lane would cause a safety issue for people backing out of their driveways and elderly people will get hit. She asked Council if they would have been considering a bike lane on Frederick Street if not for the \$78,000 grant. Councilman Kauffman stated he would have definitely considered it as part of the implementation of the strategic plan that called for re-branding and re-identifying the city. Ms. Martin questioned whether all \$78,000 of the grant was targeted for Frederick Street and was advised that it was, in conjunction with the "share the road" plan for Bedford Street.

Councilwoman Alt-Myers stated that she understood the concerns caused by change, but she believed the Bicycle Advisory Commission has come together to look at common ground to do something positive for the community without disrupting life on Frederick Street. The bike lane will give a bit of buffer to cars on the side of the street. Regarding exiting the street, Frederick Street is still a big, wide street and the lane will add a safety buffer. Parking had been planned for the left side and the committee revised the original plans to keep parking on the right based on complaints received.

Ms. Martin stated that the residents felt the bike lane would adversely affect property values and Councilwoman Alt-Myers stated that she could provide statistics showing that property values in Woodcock Hollow had increased as a result of being next to a bike trail. The trail offers another avenue to connect to the community.

Councilman Kauffman stated that, with regard to the destination, the roadway is a nationally designated bike roadway and he was hopeful that the connection would enhance this national resource, if the trial period was positive. He stated that although only a handful of bikers used the route now, the objective was to try to grow users. He reiterated that the trial, for him, was about how vehicular traffic was impacted and the goal was to increase use of the route to bring more riders into that area. If the trial proved successful, Kauffman encouraged Council to commit to the bike lane for at least 4-5 years, and not on a 2-year election cycle. The beauty of the bike lane is that the lane can be removed by simply repainting the line, if, down the road, removal is desired. He stated the trial should be for no less than 2 week and the middle lane should be shut down but parking on the left side should not be prevented. Using pylons to mark the lane would be a low-cost way to evaluate the trial period.

Harold Martin, 1038 Myrtle Street, stated that after the initial bike lane conversation last July, the Mayor and Council had an ad in the paper asking to hear from the neighbors. He felt the only fair way to do that was to get up a petition and he did get 213 signers the first time out. He stated he hoped the City would consider holding off on the bike lane until the water line running down the left side of Frederick Street was repaired. He stated he did not know of anyone getting hit with the opening of a car door on Frederick Street. He further questioned whether the lane needed to be 10 foot wide and stated that tractor trailers would damage the storm drains along the left hand side. Mr. Martin stated he was in favor of doing the trial period before moving ahead further.

**PETITION:** Mayor Grim acknowledged receipt of the petition handed to him by Mr. Martin with 257 signatures in opposition to the bike lane.

Tim Cernak, 912 Bedford Street, stated he has been a resident of Bedford Street since 2005 and was not personally opposed to the bike lane. The larger concern was the speeding that occurred on Bedford and Frederick Streets and the fact that the more densely populated areas had a lot of kids. He suggested a passive 3-4 way stop intersection be strategically placed on Bedford and Frederick to control the traffic problem. Mr. Cernake stated the Mayor and Council were short-changing the tax payer on Frederick Street by closing down a large part of Frederick Street to implement a 2-mile bike lane, and greater passive traffic control measure would eliminate the speeding problem.

Brett Showalter, 12 S. Lee Street and member of the Bicycle Advisory Commission (BAC), read a letter on behalf of the BAC, thanking the Mayor and Council for the opportunity to continue to consider efforts to make cycling in Cumberland safer and for recognizing the health effects of cycling as well as the tourism benefits to welcoming cyclists into the community. The BAD encouraged the Mayor and Council to accept the \$78,000 in funds from the State of Maryland and recommended the implementation of the proposal submitted by the BAC which was based on several months of input from the community. He stated the claims that the lane will ruin or totally disrupt the neighborhood were largely unfounded and asked Council to consider whether Cumberland was truly a bike friendly community. Mr. Showalter further petitioned Council to implement the 2-week trial period

**PETITION:** Mr. Showalter presented a petition of 362 signatures of resident who support implementation of the bike lane, stating that the Allegany County Chamber of Commerce and several city businesses have publicly supported the lane, as well.

Mr. Martin asked what size the lane would be and was advised that the proposed width as 10 feet, but that could be part of the conversation moving forward, after the determination was made as to whether vehicular traffic was negatively impacted.

Mr. Swaner asked how many of the names on the petition in favor of the lane lived on Bedford or Frederick Street. Mayor Grim advised that although the majority may not live in the corridor, people throughout the community have a vested interest in the City's infrastructure.

Councilman Bernard stated that he was in favor of the bike one and believed it was the right decision if the Mayor and Council want to community to grow.

**MOTION:** Councilman Bernard motion the the City move forward with the recommendation for a 2-week trial run on Frederick Street and barring any unforeseen incidents or significant impacts, further motion the the City implement the bike lane proposal from the Bicycle Advisory Commission, accept the state funding, and take a step forward by implementing this proposal.

**AMENDED MOTION:** Councilman Kauffman suggested that the motion be amended and stated that he would support moving forward with a trial period.

Councilman Caporale stated he agreed and wanted to reevaluate the circumstances at that time.

Councilwoman Alt-Myers stated she agreed because it sounded like if the trial was position, the citizens would be open to a bike lane that is not as wide.

Councilman Bernard stated he was willing to accept Councilman Kauffman's amended motion.

MOTION: Councilman Kauffman motioned to amend the original motion and Councilman Caporale seconded the motion. The motion was passed on a vote of 5-0.

MOTION: Councilman Bernard motioned to proceed with the 2-week trial period. Councilman Kauffman seconded the motion and it was approved on a vote of 5-0.

Councilman Kauffman requested that the public provide honest feedback during the trial period to allow the City to evaluate the problems and allow problems to be mitigated before the end of the period.

#### **IV. DIRECTOR'S REPORT**

##### **(A) Fire**

1. Fire Department Monthly Report for February, 2015.

Motion to approve the reports was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and approved on a vote of 5-0.

##### **(B) Administrative Services**

1. Administrative Services Monthly Report for January, 2015.

Motion to approve the reports was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and approved on a vote of 5-0.

##### **(C) Public Works**

1. Utilities Division & Central Services Monthly Reports for February, 2015.

Motion to approve the reports was made by Councilwoman Alt-Myers, seconded by Councilman Kauffman, and approved on a vote of 5-0.

#### **V. APPROVAL OF MINUTES**

##### **(A) Routine**

1. Approval of the Work Session Minutes of February 3, 2015.

Motion to approve the minutes was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and approved on a vote of 5-0.

##### **(B) Administrative / Executive**

1. Approval of the Administrative Session Minutes of January 20 and February 3, 2015.

Motion to approve the minutes was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and approved on a vote of 5-0.

January 20, 2015 Administrative Session Meeting

PRESENT: Mayor Brian Grim, Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman.

ALSO PRESENT: Jeff Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Jeff Barclay, Allegany County Economic Development; Marjorie Woodring, City Clerk

MOTION to enter into closed session to discuss board and commission appointments, plans regarding a business proposal, and union negotiations was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers, and passed on a vote of 5-0.

AUTHORITY to close the session was provided by the Annotated Code of Maryland, State Government Article, Sections 10-508 (a) (1), (4) and (7).

TOPICS: Board and commission appointments, plans regarding a business proposal, union negotiations

## **VI. PUBLIC HEARINGS**

David Umling, City Planner, provided background on the intent of the proposed ordinances. He stated the 2013 Comprehensive Plan, adopted December, 2013, suggested numerous neighborhood revitalization and economic development strategies that required a thorough review of all development regulations. The comprehensive zoning review conducted in 2014 addressed plan recommendations, grammatical corrections, other errors, and codification of recent administrative interpretations. Mr. Umling reviewed details of the zoning text changes, subdivision regulation changes, and zoning map changes and outlined the adoption process for the changes.

- (A) Public hearing to receive comment on an Ordinance authorizing the adoption of a Zoning District Map, dated April 7, 2015, to replace the existing official version and made part of the City's Zoning Ordinance.

Mayor Grim convened the public hearing at 7:40 p.m.

Phillip Kenney, Po Box 45, Frostburg, MD, Co-owner of Kenney Signs, stated his company supported the regulation and agreed with most of the proposed changes, but felt there should be some additional consideration given to some of the wording. He asked to be able to meet with staff for further discussion. He stated the proposed changes would have an economic impact on Cumberland the the surrounding community. He cited specific sections of the code dealing with the size limit for electronic message signs, message signs on two opposite sides of a building, the movement of scrolling messages, the limit of brightness of the signs, and public review of the affidavit required for submission of an application.

Councilman Kauffman stated an ad hoc committee was reviewing the sign regulations and that committee was tackling many of the issues Mr. Kenney had brought up.

Joy Zembower, 604 Kent Avenue, stated that she and her neighbors objected to the possibility of business locating on their street. She questioned whether the City was anticipating an office building where Memorial Hospital was or another business for that area. Mr. Rhodes stated there have been some general inquires, all along the lines of medical uses. Mrs. Zembower stated that the neighborhood was used to doctor's offices, but is had been and is a lovely middle-class neighborhood and she was concerned about the zone changes and potential parking issues.

Councilman Kauffman stated that assisted living centers had been discussed and parking challenges could be mitigated by the parking garages that were not removed. He, personally, would advocate loudly to locate residential housing in that neighborhood and felt that would be the best use of that land to strengthen the neighborhood. He did not want to limit uses for the land, however.

Mr. Rhodes stated that other than the Central Business District, all businesses would be required to provide parking in their plans and comply with the code requirements.

With no further comments, Mayor Grim adjourned the public hearing at 7:54 p.m.

- (B) Public hearing to receive comment on an Ordinance to repeal and reenact with amendments Chapter 23 of the City Code entitled "Subdivision."

Mayor Grim convened the public hearing at 7:54 p.m.

No comments were offered at this time.

Mayor Grim adjourned the public hearing at 7:54 p.m.

- (C) Public Hearing to receive comment on an Ordinance to repeal and reenact with amendments a Zoning Ordinance to establish rules and regulations relating to all matters concerning planning and/or zoning and the administration thereof within the City of Cumberland.

Mayor Grim convened the public hearing at 7:55 p.m.

Jim Ballas, 600 Ridgewood Avenue, stated there was some concern that the rezoning is extending beyond the Memorial site to include the northern part of Kent Avenue, the eastern part of Louisiana, and the southern part of Williams Street. He stated this was a surprise to the residents, who felt they deserved to know what was happening. He stated the City should do a better job of notifying the citizens. He expressed further concern that the changes permit high rises in this area. He asked the Mayor and Council to exercise restraint and just re-zone the 2-3 businesses that may be non-compliant rather than all of the streets.

Darren Howell, 435 Williams Street, asked if there would be any tax rate change with the rezoning, whether the interest in Memorial has been mostly doctors office or clinics, whether methadone clinics would be considered, and whether low-income subsidized housing would be considered. Mr. Rhodes advised there was no tax change proposed. The City has had one repeated interest along the lines of a nursing care facility but it didn't involve anything along the lines of a methadone clinic. He couldn't speak to the possibility of subsidized housing until such a project was presented. He noted that there had been great support from Council for residential housing in this area.

Terry Socha, 1822 Bedford Street, stated she agreed with the comments about providing effective notice to the residents. She asked whether the Central Assembly of God Church would pay taxes if they became a commercial business. Mr. Rhodes stated that any property that was rented on a for-profit basis would be taxed. She stated there were nice houses on Bedford and Frederick Street and her concern was that the City did not look at the matter in a comprehensive manner. There were already big changes in the traffic pattern because of Sheetz, the Dollar General and vehicular and truck traffic needed to be addressed. Regarding the bike lane, she suggested that other solutions be looked at that would work over the long term, rather than doing it because grant money was available.

With no further comments, Mayor Grim adjourned the public hearing at 8:07 p.m.

## **VII. NEW BUSINESS**

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

1. Order appointing Monna Johnson, Lt. Jim Dillingham, and John Michaels to the Human Relations Commission for 3-year terms effective 3/31/15 - 3/31/18, and John Jacobs and Aaron Hendrickson to the Planning and Zoning Commission for 5-year terms effective 3/17/15 - 3/17/20.

Mr. Rhodes reviewed each Consent Agenda item and Mayor Grim called for questions or comments prior to vote. Motion to approve items 1-4 on the Consent Agenda was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 5-0.

ORDER NO. 25,789

2. Order authorizing execution of Change Order No. 1 to City Project "Sludge Screening Study" (4-14-WWTP) with Whitman, Requardt & Associates in the estimated increased amount of \$127,600, with 18 months added to the contract.

Mr. Rhodes reviewed each Consent Agenda item and Mayor Grim called for questions or comments prior to vote. Motion to approve items 1-4 on the Consent Agenda was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 5-0.

ORDER NO. 25,790

3. Order authorizing the execution of Change Order No. 4 to current contract with Ritter & Paratore Contracting, Inc. on current City Project "Demolition of Memorial Hospital" (19-12-M) in the increased amount of \$30,766.65, with an additional 149 work days.

Mr. Rhodes reviewed each Consent Agenda item and Mayor Grim called for questions or comments prior to vote. Motion to approve items 1-4 on the Consent Agenda was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 5-0.

ORDER NO. 25,791

4. Order accepting the sole source proposal from Link Computer Corporation to provide services and hardware for a Nimble SAN disk unit in an amount not to exceed \$40,000.

Mr. Rhodes reviewed each Consent Agenda item and Mayor Grim called for questions or comments prior to vote. Motion to approve items 1-4 on the Consent Agenda was made by Councilman Kauffman, seconded by Councilman Caporale, and approved on a vote of 5-0.

ORDER NO. 25,792

### **VIII. PUBLIC COMMENTS**

All public comments are limited to 5 minutes per person

Rock Cioni, Chairman of the Parks and Recreation Board, stated he was in attendance at the invitation of Councilman Bernard. He stated the majority of the Board was in favor of the proposed location of the skate park in Constitution Park where the museum pieces are now located. One member was against it on the grounds of liability concerns and one member thought it should be located at the Center Street playground. Mr. Rhodes cautioned that removal of the museum pieces may be more difficult than expected and that the Airforce would need to be contacted about the airplane. Mr. Cioni stated that the caboose could possibly be donated to the Canal Place. He further stated that the kids were excited about the skatepark and the recommendation of the Board was to allow them to be part of the planning and monitoring so that they, also, felt ownership of the project. He asked that renovations to the bathhouse and day camp be considered. Mr. Cioni stated he was trying to breathe more life into the Parks and Rec Board and saw it as an economic development tool.

### **IX. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 8:20 p.m.

Minutes approved on: May 5, 2015

Mayor Brian K. Grim

ATTEST: Marjorie A. Woodring, City Clerk



Regular Council Agenda  
March 17, 2015

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**Description**

Presentation of a photograph of the Thomas Beall Monument from Edward Taylor, President of the Cumberland Historic Cemetery Organization.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 17, 2015

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**Description**

Presentation of Certificates of Recognition to the Fort Hill High School and Allegany High School Cheerleading Squads for their performances in the Ocean City "Reach the Beach" National Cheerleading Competition.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 17, 2015

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**Description**

Discussion of the installation of a bike lane on Frederick Street.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

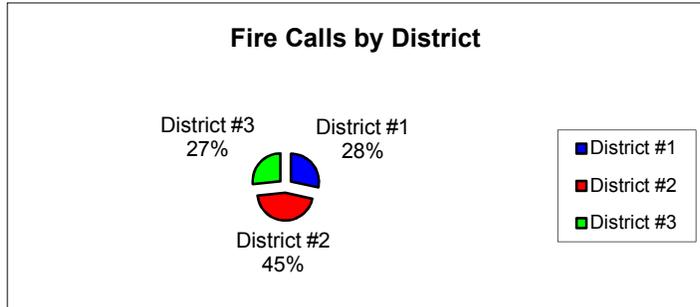
**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**REPORT OF THE FIRE CHIEF FOR FEBRUARY, 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	31
District #2	49
District #3	29
Out of City	1
	110



Number of Alarms:	
First Alarms Answered	107
Working Alarms Answered	3
	110

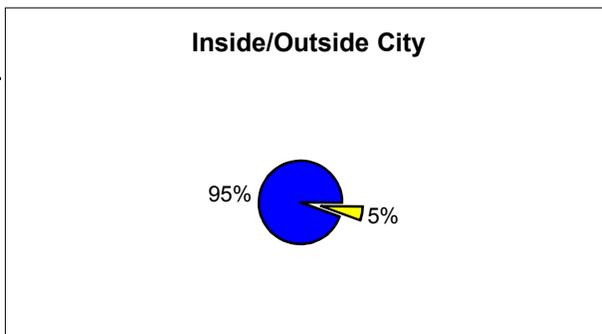
Calls Listed Below:	
Property Use:	
Public Assembly	2
Educational	0
Institutional	7
Residential	69
Industrial, Utility	0
Stores and Offices	7
Storage	2
Special Properties	23
	110

Type of Situation:	
Fire or Explosion	8
Overpressure	0
Rescue Calls	52
Hazardous Conditions	9
Service Calls	17
Special Incident Type	1
Good Intent	11
False Calls	12
	110

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in February:	\$3,610.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$23,210.00
Fire Service Fees for Fire Calls Paid in February:	\$500.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	\$7,618.26
Fire Service Fees for Inspections and Permits Billed in February:	\$850.00
Fire Service Fees for Inspections and Permits Paid in February:	\$50.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$800.00

**Cumberland Fire Department Responded to 424 Emergency Medical Calls:**

In City Calls	401
Out of City Calls	23
Total	<u>424</u>



Cumberland Fire Department provided 7 Mutual Aid Calls:

7 Mutual Aid Calls within Allegany County	
0 Mutual Aid Calls outside of Allegany County	
	<u>7</u>

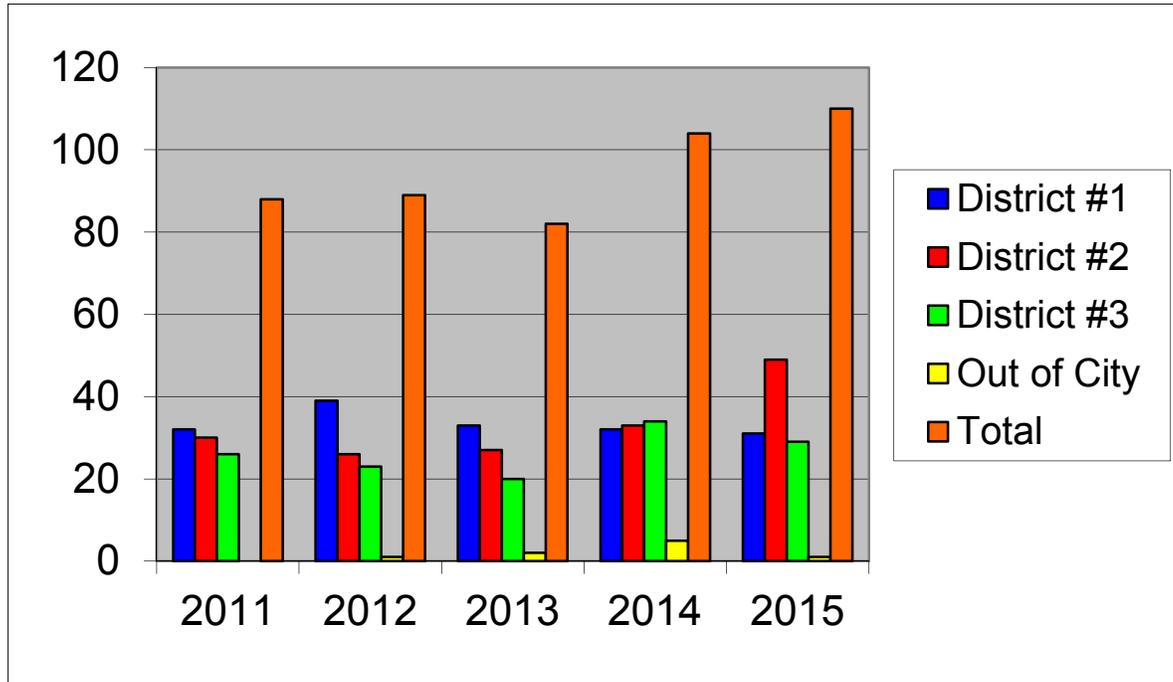
Cumberland Fire Department provided 16 Medic Assist Calls:

6 Paramedic Assist Calls within Allegany County	
10 Paramedic Assist Calls outside of Allegany County	
	<u>16</u>

Total Ambulance Fees Billed by Medical Claim-Aid for the month of February:	\$128,394.50
Ambulance Fees Billed Fiscal Year to Date:	\$1,118,175.19
Ambulance Fees Paid: Revenue Received in February	\$100,439.48
FY2015 Fees Paid in FY2015:	\$586,450.01
Total Fees Paid in FY2015: (All fees, previous and current fiscal years, paid in FY2015.)	\$714,052.64

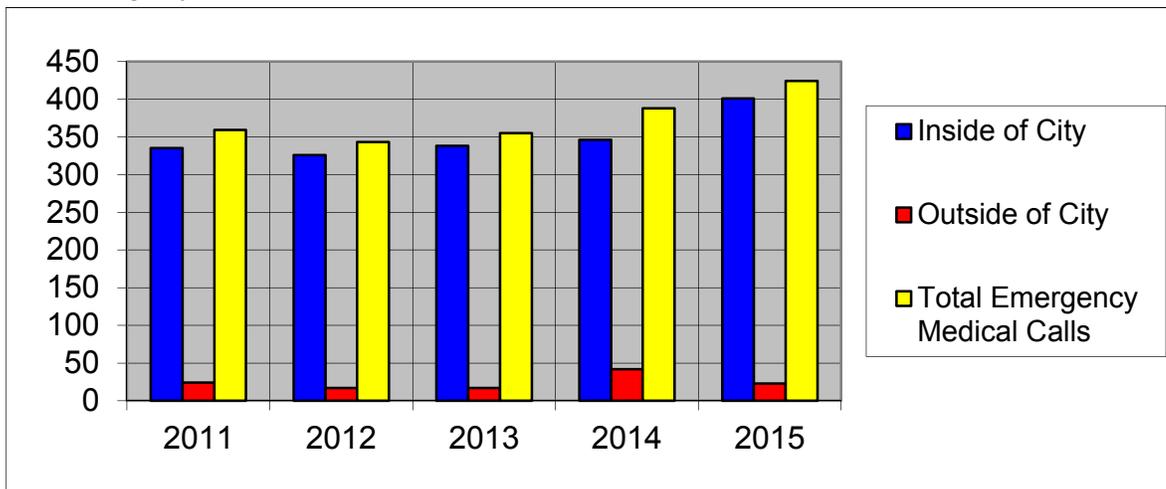
**Fire Calls for the Month of February for a Five-Year Period**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
District #1	32	39	33	32	31
District #2	30	26	27	33	49
District #3	26	23	20	34	29
Out of City	<u>0</u>	<u>1</u>	<u>2</u>	<u>5</u>	<u>1</u>
Total	88	89	82	104	110



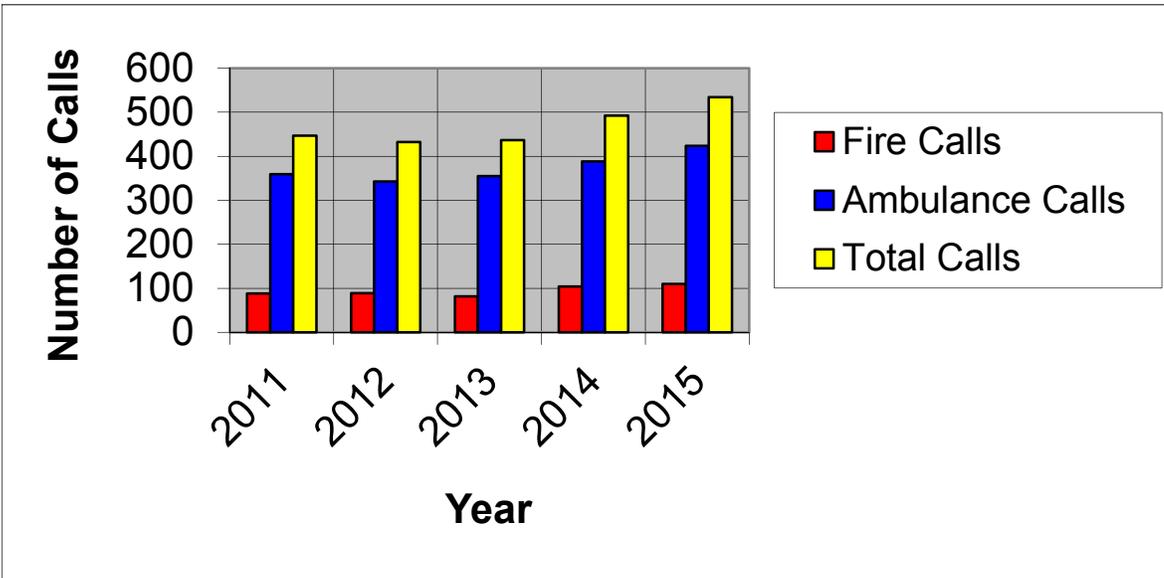
**Ambulance Calls in the Month of February for a Five-Year Period**

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Inside of City	335	326	338	346	401
Outside of City	<u>24</u>	<u>17</u>	<u>17</u>	<u>42</u>	<u>23</u>
Total Emergency Medical Calls	359	343	355	388	424



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

	<u>2011</u>	<u>2012</u>	<u>2013</u>	<u>2014</u>	<u>2015</u>
Fire Calls	88	89	82	104	110
Ambulance Calls	359	343	355	388	424
Total Calls	447	432	437	492	534



**Training**

Training Man Hours: 43.50  
 Training Listed Below:

Aerial Operations	7.50
SCBA Inspection and Care	12.50
Bariatric Training	10.00
Fire Behavior	4.50
Physical Fitness	9.00
	<hr/>
	43.50

**Fire Prevention Bureau**

Complaints Received	0
Conferences Held	43
Correspondence	3
Inspections Performed	18
Investigations Conducted	9
Plan Reviews	3
Pre-Plans by crews	6





Regular Council Agenda  
March 17, 2015

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**Description**

Fire Department Monthly Report for February, 2015.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

February 3, 2015

Honorable Mayor and City Council  
City Hall  
Cumberland, Maryland 21502

Re: Administrative Services Monthly Report for January, 2015

Dear Mayor and City Council Members:

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

### **Management Information Systems**

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

#### **Statistics**

111 completed help desk requests  
299 open help desk requests

#### **Activities**

Major department initiatives in the past month include:

- Continued working with New World Systems on Finance/HR system replacement
- Continued to assist with CPD covert camera needs
- Assisted HR with preparation of W2's
- Assisted Finance with preparation of 1099's
- Coordinate upgrade to NovusAgenda system
- Work with New World Systems on Laserfiche integration

### **Parks and Recreation**

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

**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

#### **Areas of work**

- Recreation Advisory Board Meeting for January postponed and rescheduled due to weather for February 2.
- July 4<sup>th</sup> Fireworks proposals are due to P&R on Monday February 5, 2014
- Planning for pool and day camp season 2015

- Seasonal employment applications available – Lifeguards, Day camp, park watchman
- Begin contact with Leagues, groups and schools for the upcoming spring/summer ball field and facility use.
- Prepare for Pavilion reservations to begin February 2, 2015
- 2014 Season wrap up – Income and participation

### Meetings

- Staff meeting
- Arts Council meeting related to Summer Concert series at Constitution Park
- Training Meetings for new Computer Programs for Financial and Payroll
- Meeting with new Council Member Seth Bernard

### Upcoming

- Constitution Park Pavilion reservations to begin Monday February 2, 2015
- January/February Recreation Advisory Board Meeting – February 2 and 23, 2015, 6:30 p.m. – Conference Room, Community Development
- Continue to take summer seasonal employment applications for lifeguards, day camp counselors, park watchman and ball field supervisor
- July 4<sup>th</sup> Fireworks – Determine results of bids and confirm the company to provide this service (Working with Shannon Adams)
- Work with League and school representatives for facility spring/summer field usage
- Planning for 2015 Spring/Summer
- Work with FSU Recreation Students and Dr. Natalie Buta for the Spring Easter Egg Hunt program.
- Spring Marble tournaments in area schools
- Coordinate with the MD Cooperative Extension office for Spring and Summer programs
- Prepare for Summer Lunch Program
- Annual Budget preparation

## **Community Development**

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

### CDBG

CDBG staff began the annual process of soliciting needs and requests regarding the annual CDBG application process. Notices of the public hearing were provided to various agencies and service providers were solicited as to needs and project requests for the 2015 CDBG funding year. City departments were also notified related to any projects that could be requested from the city side of the process. Staff also continued work on the CDBG five year plan which is required as part of the 2015 application. Meetings were held with various existing organizations as to the annual application process and any activities or projects they may want to submit for the coming year. Technical assistance meetings were held with various groups that may be applying for projects for the next year. Staff also worked with the Human Relations Commission and Neighborhood Advisory Commission during the month.

The annual city budget process began and the Community Development department budget requests were completed and provided to finance as part of the annual process.

**Code Enforcement Activity**

- Newly Opened Cases
  - 20 Nuisance
  - 17 Property Maintenance
- Closed Cases
  - 40 Nuisance
  - 16 Property maintenance
- Citations Issued
  - 6 Nuisance
  - 3 Property Maintenance
- Cased Adjudicated to Court
  - 1 Nuisance
  - 4 Property Maintenance
- Cases Heard in Court
  - 5 Property maintenance
- Bi-weekly Community Development Coordination meeting were initiated and will be held regularly on Monday morning
  - staff has identified inter office processing issues and will begin implementing procedure to assist in workflow
- Bi-weekly Code Enforcement meeting were initiated and will be held regularly on Monday mornings
  - concentrating code enforcement efforts to identified areas/neighborhoods
  - developing "door hanger" program to help streamline spring nuisance/property maintenance efforts
  - identified areas of congestion and duplication with interoffice procedures
  - working on procedures that will produce results rather than paper processing
- Demolition of 216 Knox Street completed
- Loves Travel Plaza has added hotel to development
- Working with Economic Development to identify blight removal projects in target areas
- Working with Neighborhood Housing Services to identify blight removal/land bank activities
- Continuing work in the Baltimore Avenue - Goethe Street corridor
- Multiple residential and commercial project is various stages of development

**Code Enforcement**

Nuisance & Junk		Property Maintenance		Building Code	
<u>Vehicle Complaints</u>		<u>Complaints</u>		<u>Complaints</u>	
Received:	10	Received:	11	Received:	0
Corrected:	33	Corrected:	12	Corrected:	0

Housing Code

Complaints

Received: 00

Corrected: 12

Zoning Complaints

Received: 00

Corrected: 03

**Permits, Applications, and Licenses**

Building Permits

Received: 02

Issued: 02

Residential Rental License

Received: 20

Issued: 20

Plan Reviews

Received: 0

Issued: 0

Occupancy Permit

Received: 10

Issued: 05

**Housing Inspections**

Conducted: 40

Passed: 37

**Court Activity**

Municipal Infractions

Written: *(See above)*

Adjudicated:

**Revenue**

Building Permits: \$ 495.00

Miscellaneous Permits: \$ 82.00

Occupancy Permits:	\$ 195.00
Utility Permits:	\$ 00.00
Reviews, Amendments, and Appeals:	\$ 00.00
Rental Licenses:	\$ 1275.00
Paid Inspections:	\$ 00.00
<u>Municipal Infractions:</u>	<u>\$ 00.00</u>
TOTAL	\$ 2047.00
Demolition Permit (Bonds)	\$ 00.00

### **Historic Planner/Preservation Coordinator**

**Historic Preservation Commission (HPC)** met January 14<sup>th</sup>. One Certificate of Appropriateness was approved for Tree removal at 40 Greene Street – Riverside Park.

One qualified application for HPC membership (Cumberland resident) was received and will go before M&CC for approval at the February meeting.

An order for prints from the Herman and Stacia Miller photo collected was received for the ‘Power House’ for use in a book being written by Andrew Sparber and as part of an exhibit at the Allegany Museum.

### **Tax Credit Applications:**

A tax credit application for 518 Washington Street is under review. This is a Part II application for COA #555.

A tax credit application for 222 Washington Street is under review.

**Upcoming Class:** ‘Working with Historical Commission for Real Estate Professional’ will be held on March 19<sup>th</sup> at ACM CE. A PowerPoint and an agenda have been prepared.

**Conference Call:** Staff attended ‘Enhancing Bicycle/Pedestrian Use along Main Streets’ with MD DHCD and SHA. Comments to both included: enhance pedestrian and bicycle access while preserving historic character and features; be sure the State plans to coordinate this with the TAC signage program; and Staff advocated that DHCD and SHA present a courtesy review of the plan to the local historic preservation commissions across the State.

### **Community Legacy:**

**CLG FFY15 Grant Round** deadline is February 27 and request from City for matching funds will be added to budget planning for both the Children’s program (CAMP) and for National Register nominations.

**CLG / Historic Context Guidelines update** - of the four bids received, two qualified, and Johnson, Mirmiran & Thompson was approved by a committee and chosen for recommendation to M&CC for approval. This will then go before Maryland Historical Trust for approval, then letters will be sent to all bidders by the

City Clerk. HPC will meet with the consultants. MHT defers to our local procurement process so that will satisfy the CLG sub-grant requirements.

**CL / Neighborhoods Matter Grant** - City staff has reviewed seven applications with \$26,549.57 in funding requests. MHT and Codes reviews are required once final requested documentation is provided by homeowners.

### Comptroller's Office

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

#### Cash Flow:

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

On January 1, 2015 the City had a positive Cash Balance of \$2,878,339. During January 2015, there were debt payments in the amount of \$892,273. The cash balance at January 31, 2015 was \$3,311,527.

As of January 31, 2015 the significant balances are:

<u>Taxes receivable (General Fund):</u>	<u>\$2,909,075</u>
FY 2015	\$1,590,229
FY 2014	612,259
FY 2013	292,026
FY 2012	59,644
FY 2011	55,332
Prior FY's	299,585

The current year taxes of \$1,590,229 is comprised of the following major taxes:

Real property (non-owner occupied)	\$ 631,456
Non-Corp Personal Property	8,860
Corporate Personal Property	284,647
Real Property (Semiannual payments)	\$ 638,899

Accounts Payable: \$ 66,256

(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**  
**January 2015**

	<u>Operating Cash</u>	<u>Investments</u>
Beginning Balance 1/1/2015	\$ 2,878,339	\$ 5,226,170
Plus:		
Total Cash Receipts	\$ 2,328,766	\$
Cash Transfers (to Investments)	\$	\$
Less:		
Total Cash Disbursements	\$ 1,895,578	
Ending Balance 1/31/2015	\$ 3,311,527	\$ 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 \$2,909,075 will definitely impact our cash balance. **The real property taxes of \$638,899 (non-residential) were due on 9/30/2013 and the \$631,456 (residential) taxes were due on 12/31/2014.** There are 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



Regular Council Agenda  
March 17, 2015

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**Description**

Administrative Services Monthly Report for January, 2015.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**



Regular Council Agenda  
March 17, 2015

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**Description**

Utilities Division & Central Services Monthly Reports for February, 2015.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# Mayor and City Council of Cumberland

## Work Session Minutes

2<sup>nd</sup> Floor Conference Room

City Hall

57 N. Liberty Street

Cumberland, MD 21502

Tuesday, February 3, 2015

5:15 p.m.

**PRESENT:** Mayor Brian Grim; Council Members Nicole Alt-Myers, David Caporale, David Kauffman

**ABSENT:** Seth Bernard, City Councilman

**ALSO PRESENT:** Jeffrey D. Rhodes, City Administrator; Shawn Hershberger, Economic Development Coordinator; Cady Kirkwood, Economic Development Assistant; Marjorie Woodring, City Clerk; Media

### I. ECONOMIC DEVELOPMENT UPDATE

Shawn Hershberger, Economic Development Coordinator, reviewed the economic development goals and principals that had been laid out in the strategic planning process. He provided updates on the following strategies that were planned to be implemented from the date of adoption of the plan through the first 9 months of the plan:

1. Organize and formalize a 501(c)(3) entity
  - Draft documents have been distributed for review and educational purposes.
  - Verbal commitments of 3-years' time and money have been obtained from private sector leaders with positive reactions for the plan
  - Cities currently using 501c3 EDO's include Rockville, Baltimore, Aberdeen, Ocean City
  - Counties currently using 501c3 EDO's include Anne Arundel, Caroline, Somerset, Prince George's and Howard
2. Create and convene industry roundtables
  - The Department is continuing to participate in existing roundtables and working with Allegany College of MD to replicate their successful model
3. Perform an incubation program feasibility study
  - A feasibility study had begun last week and was expected to wrap up in April
4. Clarify, advertise, and expand fiber service availability
  - The Department was working with Exclamation Labs on a webpage to highlight fiber availability
  - Partnering opportunities were being explored with the City's MIS Department and the Board of Education on the expansion of commercially available fiber in downtown and south Cumberland.

5. Implement an online business climate and workforce survey
6. Lay out initial marketing materials
  - A contract has been signed with Platinum PR and initial material is being constructed
7. Implement community outreach and education initiatives
  - The Department is working with Allegany College of Maryland to create an ED 101 video, followed by ED 101 video directed towards kids
  - PACE outreach to MD Department of Business and Economic Development (DBED) included delivery of 39 gift bags to DBED staff and lunch with their recruitment team.
  - Meeting would be held this week with site selectors in Atlanta to discuss Cumberland's assets
  - Meeting would be planned with site selectors in Chicago next month
8. Provide outreach to area property owners
  - A database of property information is being created
9. Perform a financial analysis on upper story rehabilitation of downtown buildings
  - A draft RFP has been prepared
  - Initial partnership discussion has taken place with the Downtown Development Commission (DDC)
10. Pursue the creation of a Housing Market Analysis
  - The Department is partnering with the City's Department of Community Development to undertake this analysis.
11. Complete a detailed retail opportunity analysis for the Cumberland

Mr. Hershberger reviewed the following activities:

1. Potential for a microbrewery / brewpub to be located in the Footers building
2. The startup company Allegany Steel Building began operations in the Lila Building
3. 123 Baltimore Street and 130 Mechanic Street have been purchased with renovation planned
4. Azad's Rug and Fine Arts Emporium will be opening in the spring
5. Small entrepreneur activity and new commercial activity has increased over the past several months

Councilman Kauffman questioned whether the Economic Development Department was able to handle implementation of the plan with current staffing. Mr. Hershberger advised that the plan wisely suggested ramping up to a third staff person, but as the department was currently moving from planning to implementation stages, the workload was hectic but good. Councilman Kauffman emphasized that the Mayor and City Council had adopted a plan to advance the community, and if there were additional resources needed to advance that plan, the Mayor and Council needed to know to be able to make it happen.

## II. YMCA WATER / SEWER CREDIT

Mr. Rhodes advised that since it first opened, the Riverside YMCA has been provided a utility credit by the City to assist with their overhead costs. The City had been involved with new construction of the YMCA facility, has helped to underwrite the bond, and has been supportive of its services since

its inception. In exchange for the utility credit, the City was provided benefits from the YMCA, such as yearly memberships for public safety employees, recertification of lifeguards, and a seat on the Parks and Recreation Board. The credit has always been dollars-based and at the end of the last authorization period, the City made them aware that they were approaching the end of their credit faster than usual. Mr. Rhodes provided a breakdown of their usage number of the past several years to show that the City's increase in sewer rates probably impacted this situation more than an increase in usage.

The YMCA has submitted a letter asking to revisit their credit and suggesting that they be provided a credit of up to 222,000 cu. ft. of usage each year rather than a dollar credit. They also indicated that they would be updating their toilets and showers to water saving facilities. Mr. Rhodes stated that 222,000 cu. ft. amounted to \$25,578.79 at current rates; 20 memberships for public safety employees amounted to \$12,270 per year; and lifeguard recertification saved the City about \$1,000 per year.

The Mayor and Council discussed modifications to the current credit and questioned whether additional benefits could be provided to offset the modification.

Mayor Grim questioned whether additional memberships could be offered to families who were not able to afford them. Mr. Rhodes said he would inquire.

Councilman Kauffman stated that if additional benefits could be in some way provided to the citizens, he would be comfortable with the 222,000 cu. ft. credit.

The remainder of Council provided no objections.

### **III. FY16 BUDGET CYCLE PREPARATIONS**

Mr. Rhodes stated that although the budget cycle was very yearly in its process, he wanted to update Council on a few things.

1. Tax collection and revenues are stable, with a couple possible exceptions.
2. Highway User Revenues were still out there. Governor Hogan was supportive of increasing the HUR's but it was difficult to know where they would end up. The City has worked to develop a plan to allow it to withstand changes in funding from outside sources.
3. A determination of the Constant Yield was still two weeks out, but early indications show that the City's assessments may have gone down slightly.
4. Department budgets are due by February 12.
5. No significant employee swings were expected.
6. A review of the City's financial policies would be undertaken.
7. A recommendation would be made to establish line items to develop a 5-year capital improvement and equipment planning.
8. The departments have been asked to continue to hold the line on spending.

Mr. Rhodes asked Council to consider several issues and provide him feedback:

1. What should be done with the Memorial Campus site? Demolition is in its final stages and the land will become available this year. Some interest has been shown in the site, but nothing of significance.
2. What should be done with the East Side School site once demolition is complete? Some casual interest has been shown for this site.
3. Are there any additional projects or programs that Council would like to see?
4. Should a surcharge be established to address the CSO storage project?

Councilwoman Alt-Myers stated the following:

1. A trend has risen in the last couple years with regard to gang activity and she would like to see a CPD gang unit reestablished.
2. Based on comments from the Parks and Rec Board, some funding needed to be invested in the facilities at the park pool.
3. With regard to rental inspections, she suggested dividing the City up in sections to address a phase at a time and to use outside inspection services to relieve some of the burden from City staff.
4. She was agreeable to looking at wage increases but also would like to consider ways to reward employees with water/sewer or tax credit in order to entice them to live within the city.

Councilman Kauffman stated the following:

1. He was opposed to a tax increase to offset the Constant Yield.
2. Although the City's financials have been challenging, employee wages needed to be looked at across the board. Although he did not want to put the City in a bad position financially, the City at least needed to prepare at some point to provide wage increases.
3. He would like to see a continuation of the road surfacing approach the City undertook last year in which more patchwork was done and increased the volume of street that could be attended to. Mr. Rhodes stated there was significant money set aside to continue this program in the spring.
4. He would like to pursue consolidation of services as aggressively as possible, including permitting, code enforcement, and EMS services.

Mayor Grim stated the following:

1. He was opposed to tax increases.
2. The Enterprise Funds needed to pay for themselves.
3. More needs to be done with blight removal and funding for needs to be increased each year to allow the City to be aggressive in their response to this issue. He suggested looking at which neighborhoods were prime for significant redevelopment and consider taking a block

by block approach, with the possibility of clearing out an entire block if need be. Mr. Rhodes suggested that if that approach was adopted, the Economic Development Office should possibly be staffed with a redevelopment function in order to address the post-use of these areas.

**IV. PUBLIC COMMENT**

Mayor Grim stated that a local media outlet has brought to light a story that the City of Cumberland is not supporting the funding of State initiatives in certain areas. He stated for the record that the City of Cumberland supports the Washington Street Lighting project, the Allegany Museum project, and the Footer Dye Works project, and that it is absolutely untrue that the City has asked the State to move State funding from one budget to another. He stated that the City, in fact, has no ability to do so. He stated the City supports all three project, has not requested change, will not be requesting changes, and hopes that all three projects will be funded.

**V. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 1:20 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

Approved: \_\_\_\_\_



Regular Council Agenda  
March 17, 2015

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**Description**

Approval of the Work Session Minutes of February 3, 2015.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

# Mayor and City Council of Cumberland

## Administrative Session Minutes

City Hall Conference Room

Tuesday, January 20, 2015

5:00 p.m.

**PRESENT:** Mayor Brian Grim; Council Members Nicole Alt-Myers, Seth Bernard, David Caporale, David Kauffman

**ALSO PRESENT:** Jeff Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Charles Hinnant, Chief of Police; Jeff Barclay, Allegany County Economic Development; Marjorie Woodring, City Clerk

**NOTICE:** Notice of intent to hold an Administrative Session on Tuesday, January 20, 2015, at 5:00 p.m. was provided to the media via email notification and posted to the City's website on January 16, 2015.

**MOTION:** Motion to enter into closed Administrative Session to discuss board and commission appointment, plans regarding a business proposal, and union negotiation was made by Councilman Kauffman, seconded by Councilwoman Alt-Myers and passed on a vote of 5-0.

**AUTHORITY TO CLOSE SESSION:**

*Annotated Code of Maryland, State Government:*

- Section 10-508 (a) (1): to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of appointees, employees, or officials over whom this public body has jurisdiction; or any other personnel matter that affects one or more specific individuals; to conduct collective bargaining negotiations or consider matters that relate to the negotiations
- Section 10-508 (a) (4): to consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- Section 10-508 (a) (7): to consult with counsel to obtain legal advice on a legal matter.

**TOPICS:** Board and commission appointments; plans regarding a business proposal; union negotiations

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

Brian K. Grim, Mayor \_\_\_\_\_

ATTEST: \_\_\_\_\_

Marjorie A. Woodring, City Clerk

# Mayor and City Council of Cumberland

## Administrative Session Minutes

City Hall Conference Room  
Tuesday, February 03, 2015  
5:00 p.m.

**PRESENT:** Mayor Brian Grim; Council Members Nicole Alt-Myers, David Caporale, David Kauffman

**ABSENT:** Seth Bernard, City Councilman

**ALSO PRESENT:** Jeff Rhodes, City Administrator; Marjorie Woodring, City Clerk

**NOTICE:** Notice of intent to hold an Administrative Session on Tuesday, February 3, 2015, at 5:00 p.m. was provided to the media via email notification and posted to the City's website on January 30, 2015.

**MOTION:** Motion to enter into closed Administrative Session to discuss union negotiations was made by Councilman Kauffman, seconded by Councilman Caporale and passed on a vote of 4-0.

**AUTHORITY TO CLOSE SESSION:**

*Annotated Code of Maryland, State Government:*

- Section 10-508 (a) (9): to conduct collective bargaining negotiations or consider matters that relate to the negotiations

**TOPICS:** Union negotiations

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

Brian K. Grim, Mayor \_\_\_\_\_

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



Regular Council Agenda  
March 17, 2015

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**Description**

Approval of the Administrative Session Minutes of January 20 and February 3, 2015.

**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 ADOPT A ZONING DISTRICT MAP, ENTITLED 'OFFICIAL ZONING MAP, CITY OF CUMBERLAND,' DATED APRIL 7, 2015, WHICH SHALL BE A PART OF THE ZONING ORDINANCE, PURSUANT TO THE COMPREHENSIVE REZONING CONDUCTED PURSUANT TO THE 2013 COMPREHENSIVE PLAN, WHICH OFFICIAL ZONING MAP SHALL REPLACE THE EXISTING OFFICIAL ZONING MAP, IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED FROM TIME TO TIME."

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

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

**WHEREAS**, the Mayor and City Council have adopted the 2013 Comprehensive Plan, which includes provisions necessitating that amendments be made to the City's Official Zoning Map.

**WHEREAS**, following the adoption of the 2013 Comprehensive Plan, City staff began a comprehensive review of the Official Zoning Map to identify changes that would be needed in order to implement the recommendations set forth in the Comprehensive Plan.

**WHEREAS**, in connection with the foregoing, Staff made revisions to the Official Zoning Map and requested that the City of Cumberland Municipal Planning and Zoning Commission take the matter under consideration and recommend that the Mayor and City Council approve those revisions. Those revisions are set forth in the document titled ZMA 14-01 - Comprehensive Rezoning Staff Report Comprehensive Zoning Map Amendments, October 23, 2014 (the "Staff Report").

**WHEREAS**, the Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on December 8, 2014 and, at its January 12, 2015 meeting, voted unanimously to recommend the approval of the amendments to the Official Zoning Map proposed in the Staff Report. Notice of the time and place of the hearing was published in the Cumberland Times-News, a newspaper of general circulation in the City of

Cumberland, once each week for two successive weeks (on November 24, 2014 and December 1, 2014), the first such notice having been published at least 14 days prior to the hearing, as required by Section 15.04.02 of the Zoning Ordinance

**WHEREAS**, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on March 17, 2015, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on March 3, 2015 and March 10, 2015), the first such notice having been published at least 14 days prior to the hearing, as required by Section 4-203(b) of the Land Use Article of the Annotated Code of Maryland.

**WHEREAS**, consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the proposed amendments to the Official Zoning Map as set forth in the Staff Report.

**NOW, THEREFORE:**

**SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND**, that the zoning district map entitled 'Official Zoning Map, City Of Cumberland,' dated April 7, 2015, shall be a part of the City of Cumberland Zoning Ordinance and shall constitute the Official Zoning Map for the City of Cumberland.

**SECTION 2: AND BE IT FURTHER ORDAINED**, not less than three (3) copies of the said Official Zoning Map shall be filed in the office of the City Clerk.

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

Passed this 7th day of April, 2015.

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Brian K. Grim, Mayor

ATTEST:

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Marjorie A. Woodring, City Clerk

REMINDERS :

ATTACH COPY OF THE MAP



Regular Council Agenda  
March 17, 2015

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**Description**

Public hearing to receive comment on an Ordinance authorizing the adoption of a Zoning District Map, dated April 7, 2015, to replace the existing official version and made part of the City's Zoning Ordinance.

**Approval, Acceptance / Recommendation**

The 2nd and 3rd readings of this Ordinance are scheduled for the April 7, 2015 public meeting.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

**ORDINANCE NO. \_\_\_\_\_**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 23 OF THE CODE OF THE CITY OF CUMBERLAND TITLED 'SUBDIVISIONS', TO-WIT: THE SUBDIVISION REGULATIONS OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND."

**WHEREAS**, Title 5 of the Land Use Article of the Annotated Code of Maryland empowers municipalities with the authority to enact and amend subdivision regulations.

**WHEREAS**, in accordance with the foregoing, the Mayor and City Council deem it necessary for the purpose of promoting the health, safety, morals, or general welfare of the City of Cumberland to occasionally amend its Subdivision Regulations, as local needs and changes in State or Federal laws may warrant.

**WHEREAS**, following the adoption of the 2013 Comprehensive Plan, City staff began a comprehensive review of the existing Subdivision Regulations for the purpose of ascertaining the changes that would be needed in order to implement the recommendations set forth in the Comprehensive Plan. The review also included an assessment of grammatical and internal consistency changes, legal wording changes and administrative interpretations of the existing Subdivision Regulations.

**WHEREAS**, in connection with the foregoing, Staff made revisions to the Subdivision Regulations and requested that the City of Cumberland Municipal Planning and Zoning Commission take the matter under consideration and recommend that the Mayor and City Council approve those revisions. Those revisions are set forth in the document titled SRA 14-01 - Comprehensive Rezoning Staff Report Comprehensive Subdivision Regulation Amendments, October 23, 2014 (the "Staff Report").

**WHEREAS**, the Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on the December 8, 2014 and, at its January 12, 2015 meeting, voted unanimously to recommend the approval of the amendments to the Subdivision Regulations set forth in the Staff Report.

**WHEREAS**, the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on March 17, 2015, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of

Cumberland, on March 3, 2015 and March 10, 2015, as required by Section 5-103 of the Land Use Article of the Annotated Code of Maryland.

**WHEREAS,** consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the amendments to the Subdivision Regulations as set forth in the Staff Report.

**NOW, THEREFORE:**

**SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND,** that Chapter 23 of the Code of the City of Cumberland, the Subdivision Regulations, is repealed in its entirety and reenacted with amendments, the reenacted version of Chapter 23 being attached hereto.

**SECTION 2: AND BE IT FURTHER ORDAINED,** that the City Clerk shall send a certified copy of the reenacted subdivision regulations to the Clerk of the Circuit Court for Allegany County, Maryland.

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

Passed this 7th day of April, 2015.

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Brian K. Grim, Mayor

ATTEST:

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Marjorie A. Woodring, City Clerk

REMINDER:

ATTACH COPY OF SUBDIVISION REGULATIONS DOCUMENT - DAVE UMLING WILL  
NEED TO SUPPLY.



Regular Council Agenda  
March 17, 2015

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**Description**

Public hearing to receive comment on an Ordinance to repeal and reenact with amendments Chapter 23 of the City Code entitled "Subdivision."

**Approval, Acceptance / Recommendation**

The 2nd and 3rd readings of this Ordinance are scheduled for the April 7, 2015 public meeting.

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 REPEAL AND REENACT, WITH AMENDMENTS, A ZONING ORDINANCE OF THE CITY OF CUMBERLAND, MARYLAND, TO PROMOTE THE HEALTH, SAFETY, MORALS, AND GENERAL WELFARE OF THE COMMUNITY BY REGULATING AND RESTRICTING THE HEIGHT, NUMBER OF STORIES AND SIZE OF BUILDINGS AND OTHER STRUCTURES, THE PERCENTAGE OF LOT THAT MAY BE OCCUPIED, THE SIZE OF YARDS, COURTS, AND OTHER SPACES, THE DENSITY OF POPULATION, AND THE LOCATION AND USE OF BUILDINGS, SIGNS, STRUCTURES, AND LAND FOR TRADE, INDUSTRY, RESIDENCES, OR OTHER PURPOSES, IN ACCORDANCE WITH A COMPREHENSIVE PLAN; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT OF THE REGULATIONS AND RESTRICTIONS; TO IMPOSE CERTAIN DUTIES AND CONFER POWERS UPON THE BUILDING ENGINEER AND THE BOARD OF APPEALS, WHICH SAID BOARD IS CREATED BY THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE FOR APPEALS; TO PROVIDE PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE; TO PROVIDE FOR AMENDMENTS TO THIS ORDINANCE AND TO PROVIDE FOR THE REPEAL OF ALL OTHER LAWS IN CONFLICT WITH THIS ORDINANCE; IN ACCORDANCE WITH THE PROVISIONS OF THE LAND USE ARTICLE OF THE ANNOTATED CODE OF MARYLAND, AS AMENDED FROM TIME TO TIME."

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

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

**WHEREAS**, the Mayor and City Council have adopted the 2013 Comprehensive Plan, which includes provisions necessitating that amendments be made to the City's Zoning Ordinance.

**WHEREAS**, following the adoption of the 2013 Comprehensive Plan, City staff began a comprehensive review of the existing Zoning Ordinance for the purpose of ascertaining the changes that would be needed in order to implement the recommendations set forth in the Comprehensive Plan. The review also included an assessment of grammatical and internal consistency changes, legal wording changes and administrative interpretations since the last comprehensive rezoning in 2008.

**WHEREAS,** in connection with the foregoing, Staff made revisions to the Zoning Ordinance and requested that the City of Cumberland Municipal Planning and Zoning Commission take the matter under consideration and recommend that the Mayor and City Council approve those revisions. Those revisions are set forth in the document titled ZTA 14-01 - Comprehensive Rezoning Staff Report Comprehensive Zoning Text Amendments, October 23, 2014 (the "Staff Report").

**WHEREAS,** the Municipal Planning and Zoning Commission held a public hearing on the subject matter of this Ordinance on the December 8, 2014 and, at its January 12, 2015 meeting, voted unanimously to recommend the approval of the amendments to the Zoning Ordinance set forth in the Staff Report subject to the revision of the definition of "Auto Impoundment Area" as set forth in Section 2.03(15) and the rejection of the proposed amendments to the minimum parking space requirements for Medical and Dental Clinics in Section 12.02.03 (11). Notice of the time and place of the hearing was published in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on November 24, 2014 and December 1, 2014), the first such notice having been published at least 14 days prior to the hearing, as required by Section 15.04.02 of the Zoning Ordinance

**WHEREAS,** the Mayor and City Council held a public hearing regarding the subject matter of this Ordinance on March 17, 2015, having published notice of the time and place of the hearing together with a summary this Ordinance in the Cumberland Times-News, a newspaper of general circulation in the City of Cumberland, once each week for two successive weeks (on March 3, 2015 and March 10, 2015), the first such notice having been published at least 14 days prior to the hearing, as required by Section 4-203(b) of the Land Use Article of the Annotated Code of Maryland.

**WHEREAS,** consistent with the recommendation of the Municipal Planning and Zoning Commission, the Mayor and City Council have determined that they should approve the proposed amendments to the Zoning Ordinance as set forth in the Staff Report, subject to the two exceptions previously noted herein.

**NOW, THEREFORE:**

**SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND,** that Chapter 25 of the Code of the City of Cumberland, as enacted by Ordinance No. 3607, passed on March 18, 2008, and as amended from time to time, be and is hereby repealed.

**SECTION 2: AND BE IT FURTHER ORDAINED,** that there is hereby adopted by the Mayor and City Council of Cumberland, for the purpose of establishing rules and regulations relating to all matters concerning planning and/or zoning, that certain Ordinance recommended by the Municipal Planning and Zoning Commission, and all amendments thereto, of which not less than three (3) copies are filed in the office of the City Clerk, including all official zoning maps and appendices thereto, and unless specifically deleted from this Chapter, such Ordinance is hereby adopted and incorporated as fully as if set out at length in this Ordinance, and the provisions thereof shall be controlling in connection with all matters regarding planning or zoning, and the administration thereof within the City of Cumberland.

**SECTION 3: AND BE IT FURTHER ORDAINED,** that the text of Section 25-1 of the City Code shall remain unaffected by the passage of this Ordinance, as the intent of this Ordinance is to repeal the existing Zoning Ordinance and replace it with the amended and reenacted version of the document attached hereto.

**SECTION 4: AND BE IT FURTHER ORDAINED,** that this Ordinance shall take effect ten (10) days from the date of its passage.

Passed this 7th day of April, 2015.

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Brian K. Grim, Mayor

ATTEST:

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Marjorie A. Woodring, City Clerk

REMINDERS:

ATTACH COPY OF ZONING ORDINANCE DOCUMENT - DAVE UMLING WILL NEED TO  
SUPPLY.



Regular Council Agenda  
March 17, 2015

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**Description**

Public Hearing to receive comment on an Ordinance to repeal and reenact with amendments a Zoning Ordinance to establish rules and regulations relating to all matters concerning planning and/or zoning and the administration thereof within the City of Cumberland.

**Approval, Acceptance / Recommendation**

The 2nd and 3rd readings of this Ordinance are scheduled for the April 7, 2015 public meeting.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

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

DATE: March 17, 2015

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

THAT, the following board and commission appointments be and are hereby approved:

COMMISSION	NAME	SEAT	TERM
Human Relations Commission	Monna Johnson	Seat 1	3/31/15 – 3/31/18
	Lt. Jim Dillingham	Seat 3	3/31/15 – 3/31/18
	John Michaels	Seat 4	3/31/15 – 3/31/18
Planning & Zoning Commission	John Jacobs	Seat 1	3/17/15 – 3/17/20
	Aaron Hendrickson	Seat 3	3/17/15 – 3/17/20

\_\_\_\_\_  
**Brian K. Grim, Mayor**



Regular Council Agenda  
March 17, 2015

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**Description**

Order appointing Monna Johnson, Lt. Jim Dillingham, and John Michaels to the Human Relations Commission for 3-year terms effective 3/31/15 - 3/31/18, and John Jacobs and Aaron Hendrickson to the Planning and Zoning Commission for 5-year terms effective 3/17/15 - 3/17/20.

**Approval, Acceptance / Recommendation**

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

**Source of Funding (if applicable)**

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

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

DATE: March 17, 2015

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

THAT the City Administrator be and is hereby authorized to execute Change Order No. 1 to the existing contract with Whitman, Requardt & Associates, LLP, 801 South Caroline Street, Baltimore, MD 21231, for the "Sludge Screening Project" (04-14-WWTP) in the estimated increased amount of One Hundred Twenty-seven Thousand, Six Hundred Dollars and No Cents (\$127,600.00), bringing the total cost of the contract to One Hundred Seventy-seven Thousand, Six Hundred Dollars and No Cents (\$177,600.00); and

**BE IT FURTHER ORDERED**, that Eighteen (18) additional months shall be added to the contract.

\_\_\_\_\_  
**Brian K. Grim, Mayor**

<b>Whitman, Requardt &amp; Associates, LLP (4-14-WWTP)</b>	<b>Amounts</b>
Original Contract Amount	\$ 50,000.00
Change Order No. 1	\$127,600.00
New Contract Amount	\$177,600.00

Funding: 003.399XI.63000 CDA



February 2, 2015

Mr. John J. DiFonzo, P.E.  
City of Cumberland  
20 Bedford Street  
3rd Floor, Ste. 343  
Cumberland, MD 21501-1702

Re: Sludge Screening Design Proposal

Dear Mr. DiFonzo:

In accordance with the City's request, Whitman, Requardt & Associates, LLP (WR&A) is pleased to submit our proposal for engineering services for a primary sludge screening facility at the City of Cumberland wastewater treatment plant (Cumberland WWTP). As detailed in the WR&A *Screening Study Report* dated December 2014, the presence of larger and stringy debris, commonly referred to as 'rags', has many deleterious effects on the treatment process. Removing the rags is the only way to decrease the impact of these issues. The recommendation of the report is to remove the rags directly from the primary sludge with sludge screens.

The required improvements for the Cumberland WWTP are as follows:

- Install two (2) new sludge screens in the existing Solids Dewatering Building adjacent to the existing sludge grit hydrocyclones.
- Upgrade primary sludge transfer pumps.
- Modify piping to have two primary sludge treatment trains each with a sludge hydrocyclone and screen in series.
- Overhead monorail with hoist to maintain the sludge screens.
- Rag collection system.

Our Scope of Services will include the following tasks:

#### **PART I – DESIGN**

- A. Attend a kick-off meeting with the City to review project objectives.
- B. Review plans, specifications, operating data, and other data pertaining to the associated facilities.

- C. Visit wastewater treatment plant to take dimensions and verify existing equipment data.
- D. Verify pumping hydraulics to determine new pumping head.
- E. Conceptual Design
  - 1. Prepare 30% level design drawings.
  - 2. Prepare and submit five (5) sets of documents for review by the City.
  - 3. Perform QA/QC review.
- F. Pre-Final Design
  - 1. Prepare 75% level design drawings.
  - 2. Prepare technical specifications.
  - 3. Prepare construction cost estimate.
  - 4. Prepare and submit five (5) sets of documents for review by the City.
  - 5. Meet with the City to receive comments.
  - 6. Perform QA/QC review.
- G. Final Design
  - 1. Prepare final design drawings including City comments from the 75% submittal.
  - 2. Prepare complete specification packages including bidding documents and agreement form.
  - 3. Prepare final construction cost estimate update.
  - 4. Prepare five (5) sets of final documents for use by the City.
  - 5. Perform final QA/QC review.
- H. Prepare final bid-ready documents.
- I. A list of anticipated drawings is shown on Attachment A.

**PART II – ADVERTISE AND BIDDING**

- A. Provide electronic scans of contract documents for prospective bidders.
- B. Conduct the pre-bid meeting, prepare meeting minutes, and distribute to all attendees.
- C. Prepare up to two (2) addenda in response to questions received by prospective bidders.
- D. Evaluate bids, prepare bid tabulation, and make a recommendation to The City for the award of the contract.

**PART III – SERVICES DURING CONSTRUCTION**

A separate proposal will be developed for services during construction after the design is completed.

SCHEDULE

We are prepared to begin work immediately. We anticipate that all the services referenced herein will be completed by December 2016.

<b>Milestone / Activities</b>	<b>Estimated Time to Complete</b>
Part I - Design	6 months
Part II – Advertise and Bidding	2 months
Part III – Construction	8 months

COMPENSATION

We will perform this work for a fee based on 2.33 times the actual technical payroll plus out-of-pocket expenses. The factor of 2.33 is applicable to the actual payroll rates of technical personnel working on this project. The factor includes payroll burden overhead costs and profit. Out-of-pocket expenses include travel to and from the project site at 57.5 cents per mile, subsistence costs associated with travel, reproduction, and the actual costs for any other expenses necessary for this project. The budgeted fee for engineering services will not be exceeded without approval.

The estimated fee for this work is as follows:

<b>Part I – Design</b>	<b>\$ 118,000</b>
<b>Part II – Advertise and Bidding</b>	<b>\$ 9,600</b>
<b>Total</b>	<b>\$127,600</b>

Details of this fee are shown in Attachment B. Invoices will be submitted every four weeks for work performed during the previous four-week period, and are due within 30 days following receipt.

ACCEPTANCE

If this proposal is acceptable to you, please return one signed copy of this contract that will serve as your acceptance of the scope and contract terms.

We thank you for the opportunity to be of continued service to the City of Cumberland.

Very truly yours,

Whitman, Requardt & Associates, LLP

Dennis J. Hasson, P.E., BCEE  
Partner

ACCEPTED BY:

\_\_\_\_\_  
Authorized Signature

\_\_\_\_\_  
Date

Enclosures

Attachment A – Anticipated List of Drawings

Attachment B – Technical Fee Estimate

cc: Raquel Ketterman – City of Cumberland  
Mick Daum – City of Cumberland  
David Nixson – WR&A  
Dale Emerson – WR&A  
Proposals

## Attachment A

### LIST OF ANTICIPATED DRAWINGS

Based on the project scope we have prepared a list of anticipated drawings by design discipline.

- G-1 Title Sheet and Drawing Index
- C-1 Site Plan
- S-1 Legend Abbreviations & General Notes
- S-2 Screen Platform Plans and Sections
- S-3 Screen Platform and Monorail Details
  
- M-1 Legend, Abbreviations & General Notes
- M-2 Process Flow Diagram
- M-3 Schematics and Typical Details
- M-4 Primary Sludge Pumping Station – Plan and Section
- M-5 Primary Sludge Pumping Station – Pump Curve and Details
- M-6 Primary Sludge Room – Plan
- M-7 Primary Sludge Room – System Characteristics and Details
  
- E-1 Legend, Abbreviations, & General Notes
- E-2 Primary Sludge Pumping Station - Power
- E-3 Primary Sludge Room Plan - Power
- E-4 Single Line Diagram – Power Distribution System
- E-5 MCC – Single Line Diagram & Elevation
- E-6 Panel Schedules
- E-7 Electrical Details
  
- I-1 Legend, Abbreviations & General Notes
- I-2 Plant Control System & Instrumentation Details
- I-3 Primary Sludge Room P&ID
- I-4 Primary Sludge Pumping Station – Controls Diagram and Control Panel Elevation
- I-5 Primary Sludge Pumping Station – Misc. Control Diagrams
- I-6 Primary Sludge Room – Plan

# Attachment B Technical Fee Estimate

MANHOUR ESTIMATE AND PROPOSAL														REVISION 0						
CLIENT: City of Cumberland														DATE 2/3/2015 BY DRN						
TASK	PROJECT DESCRIPTION: Sludge Screening Facilities	Project Manager	Struct. Assoc. / Proj. Engr.	Struct. Engineer	Struct. Designer / CADD	Mech. Assoc. / Proj. Engr.	Mech. Engineer	Elect. Assoc. / Proj. Engr.	Elect. Engineer	Elect. Designer / CADD	SCADA Assoc. / Engineer	SCADA Designer / CADD	WR&A TOTALS	WR&A EXPENSES	Subcontractor hours	Subcontractor Payroll	Subcontractor Expenses	Line Totals		
															T, R, E (See S, or L Legend)	T, R, E (See S, or L Legend)				
Use Labor Cost Rates for year: 2015		\$80	\$65	\$43	\$31	\$58	\$52	\$50	\$35	\$28	\$49	\$39								
<b>Phase 1</b>	<b>Design and Bid Ready Documents</b>																			
1	Project Meetings	24	16			24	8	8			8	8	96	R, T	\$200		\$0	-	\$0	\$13,696
2	Conceptual / Pre-Final Design	16	12	90	50	24	240	72		56	16	40	616	R, T	\$500		\$0	-	\$0	\$67,267
3	Final Bid Ready Contract Documents	16	8	36	20	16	80	50		52	16	40	334	R, T	\$500		\$0	-	\$0	\$35,789
<b>SUBTOTALS =</b>		<b>56</b>	<b>36</b>	<b>126</b>	<b>70</b>	<b>64</b>	<b>328</b>	<b>130</b>	<b>0</b>	<b>108</b>	<b>40</b>	<b>88</b>	<b>1046</b>		<b>\$1,200</b>	<b>Subcontractor Total</b>		<b>\$0</b>		
<b>SUB-TOTAL DOLLARS =</b>		<b>\$10,438</b>	<b>\$5,452</b>	<b>\$12,624</b>	<b>\$5,056</b>	<b>\$8,686</b>	<b>\$39,740</b>	<b>\$15,145</b>	<b>\$0</b>	<b>\$7,046</b>	<b>\$4,567</b>	<b>\$7,997</b>	<b>\$116,752</b>			<b>Profit on Sub</b>		<b>0.0%</b>		
				232	Structural	\$23,132	392	Mech.	238	Electrical	\$22,191	128	\$7,997			<b>WR&amp;A Total</b>		<b>\$117,952</b>		
Use Labor Cost Rates for year: 2015		\$80	\$65	\$43	\$31	\$58	\$52	\$50	\$35	\$28	\$49	\$39								
<b>Phase 2</b>	<b>Assistance During Bidding</b>																			
1	Pre-Bid Meeting					8							8	T	\$100			-	\$0	\$1,086
2	Prepare Addenda	4	2	4	8	8	16	2	4	8	2	8	66	R	\$200			R, T	\$0	\$7,088
3	Bid Evaluation	2				2	4						8					-	\$0	\$1,129
<b>SUBTOTALS =</b>		<b>6</b>	<b>2</b>	<b>4</b>	<b>8</b>	<b>18</b>	<b>20</b>	<b>2</b>	<b>4</b>	<b>8</b>	<b>2</b>	<b>8</b>	<b>74</b>		<b>\$300</b>	<b>Subcontractor Total</b>		<b>\$0</b>		
<b>SUB-TOTAL DOLLARS =</b>		<b>\$1,118</b>	<b>\$303</b>	<b>\$401</b>	<b>\$578</b>	<b>\$2,443</b>	<b>\$2,423</b>	<b>\$233</b>	<b>\$326</b>	<b>\$522</b>	<b>\$228</b>	<b>\$727</b>	<b>\$9,303</b>			<b>Profit on Sub</b>		<b>0.0%</b>		
				14	Structural	\$1,282	38	Mech.	14	Electrical	\$1,081	10	\$727			<b>WR&amp;A Total</b>		<b>\$9,603</b>		

Bare Labor Cost rates for year	2015	\$80.00	\$65.00	\$43.00	\$31.00	\$58.25	\$52.00	\$50.00	\$35.00	\$28.00	\$49.00	\$39.00
Contract Rates - LOADED LABOR AT A FACTOR OF:	2.33	\$186.40	\$151.45	\$100.19	\$72.23	\$135.72	\$121.16	\$116.50	\$81.55	\$65.24	\$114.17	\$90.87

S = Subcontractor  
L = laboratory Cost  
R = Reproduction  
T = Travel

**TOTAL \$127,554**



Regular Council Agenda  
March 17, 2015

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**Description**

Order authorizing execution of Change Order No. 1 to City Project "Sludge Screening Study" (4-14-WWTP) with Whitman, Requardt & Associates in the estimated increased amount of \$127,600, with 18 months added to the contract.

**Approval, Acceptance / Recommendation**

It is the Engineering Department's recommendation to execute Change Order No. 1 with WR&A for the "Sludge Screening Study" (4-14-WWTP) project in the estimated increased amount of \$127,600.00. This Change Order will be for Engineering Service for the design and construction bidding phase for the installation of 2 Sludge Screens at the WWTP. This Change Order will add 18 months to the current contract.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$127,600.00

**Source of Funding (if applicable)**

003.399XI.63000 CDA

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

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

DATE: March 17, 2015

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

THAT the City Administrator be and is hereby authorized to execute Change Order No. 4 to the existing contract with Ritter & Paratore Contracting, Inc., 2435 State Route 5, Utica, New York 13502, for the "Memorial Hospital Demolition Project" (19-12-M) in the increased amount of Thirty Thousand, Seven Hundred Sixty-six Dollars and Sixty-five Cents (\$30,766.65), bringing the total cost of the contract to an amount not to exceed Two Million, Forty-seven Thousand, Four Hundred Forty-four Dollars and Sixty-three Cents (\$2,047,444.63); and

**BE IT FURTHER ORDERED**, that One Hundred Forty-nine (149) additional work days shall be added to the contract.

\_\_\_\_\_  
**Mayor Brian K. Grim**

Ritter and Paratore Contracting, Inc. (19-12-M)	Change Orders
Original Contract Amount	\$ 1,474,900.00
Change Order No. 1	\$ 76,726.16
Change Order No. 2	\$ 400,058.18
Change Order No. 3	\$ 64,993.64
Change Order No. 4	\$30,766.65
New Contract Amount	\$2,047,444.63

Funding: 021.096A.57900



# AIA Document G701™ – 2001



## Change Order

<b>PROJECT</b> (Name and address): Demolition of Memorial Hospital Cumberland Memorial Hospital 600 Memorial Avenue Cumberland, MD 21502	<b>CHANGE ORDER NUMBER:</b> 004 <b>DATE:</b> February 19, 2015	<b>OWNER:</b> <input type="checkbox"/> <b>ARCHITECT:</b> <input type="checkbox"/> <b>CONTRACTOR:</b> <input checked="" type="checkbox"/> <b>FIELD:</b> <input type="checkbox"/> <b>OTHER:</b> <input type="checkbox"/>
<b>TO CONTRACTOR</b> (Name and address): Ritter & Paratore Contracting, Inc. 2435 State Route 5 Utica, NY 13502	<b>ARCHITECT'S PROJECT NUMBER:</b> 0541-13-255 <b>CONTRACT DATE:</b> September 24, 2013 <b>CONTRACT FOR:</b> Demolition of Memorial Hospital	

### THE CONTRACT IS CHANGED AS FOLLOWS:

(Include, where applicable, any undisputed amount attributable to previously executed Construction Change Directives)

1. Removal and legal disposal of an addiitonal 380 lineal feet of ACM pipe insulation  
Total Labor and Materials \$30,766.65  
See attached proposal.

The original Contract Sum was	\$	1,474,900.00
The net change by previously authorized Change Orders	\$	541,777.98
The Contract Sum prior to this Change Order was	\$	2,016,677.98
The Contract Sum will be increased by this Change Order in the amount of	\$	30,766.65
The new Contract Sum including this Change Order will be	\$	2,047,444.63

The Contract Time will be increased by one hundred forty nine (149) days.  
The date of Substantial Completion as of the date of this Change Order therefore is June 15, 2015.

**NOTE:** This Change Order does not include changes in the Contract Sum, Contract Time or Guaranteed Maximum Price which have been authorized by Construction Change Directive until the cost and time have been agreed upon by both the Owner and Contractor, in which case a Change Order is executed to supersede the Construction Change Directive.

### NOT VALID UNTIL SIGNED BY THE ARCHITECT, CONTRACTOR AND OWNER.

<u>EADS Architects, Inc.</u> <b>ARCHITECT</b> (Firm name)	<u>Ritter &amp; Paratore Contracting, Inc.</u> <b>CONTRACTOR</b> (Firm name)	<u>Mayor and City Council of Cumberland</u> <b>OWNER</b> (Firm name)
<u>450 Aberdeen Drive</u> <u>Somerset, PA 15501-1749</u> <b>ADDRESS</b>	<u>2435 State Route 5</u> <u>Utica, NY 13502-7717</u> <b>ADDRESS</b>	<u>57 N. Liberty Street</u> <u>Cumberland, MD 21502</u> <b>ADDRESS</b>
<u><i>Timothy B. Hoffman</i></u> <b>BY</b> (Signature)	<u><i>Alan Wandle</i></u> <b>BY</b> (Signature)	<u><i>Jeffrey Rhodes</i></u> <b>BY</b> (Signature)
<u>Timothy B. Hoffman, AIA</u> (Typed name)	<u>ALAN WANDLE</u> (Typed name)	<u>Jeffrey Rhodes</u> (Typed name)
<u>February 19, 2015</u> <b>DATE</b>	<u>02-23-2015</u> <b>DATE</b>	<u></u> <b>DATE</b>





Regular Council Agenda  
March 17, 2015

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**Description**

Order authorizing the execution of Change Order No. 4 to current contract with Ritter & Paratore Contracting, Inc. on current City Project "Demolition of Memorial Hospital" (19-12-M) in the increased amount of \$30,766.65, with an additional 149 work days.

**Approval, Acceptance / Recommendation**

It is the Engineering Department's recommendation to execute Change Order No. 4 to the current contract with Ritter & Paratore Contracting, Inc. on the "Demolition of Memorial Hospital" (19-12-M) project in the increased amount of \$30,766.65, for the removal and legal disposal of an additional 380 LF of ACM pipe insulation. This change order will add an additional 149 days.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

Original Contract Value : \$1,474,900.00

Previous Change Orders 1-3 : \$541,777.98

Current Change Order: \$30,766.65

New Contract Amount : \$2,047,444.63

**Source of Funding (if applicable)**

021.096A.57900

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

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

DATE: March 17, 2015

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

THAT, the sole source proposal from Link Computer Corporation to provide services and hardware for a second Nimble SAN disk unit be and is hereby accepted in an amount not to exceed Forty Thousand Dollars (\$40,000).

---

**Brian K. Grim, Mayor**

Budgeted:  
General Fund – MIS Department



# We Have Prepared a Quote For You

2nd Nimble SAN-CS215

Quote #003918 | v2

prepared for  
**CITY OF CUMBERLAND**



## 2nd Nimble SAN-CS215

Quote ID: 003918

Expires: 03/06/2015

**Prepared For:**

CITY OF CUMBERLAND  
 Jon Daddysman  
 57 NORTH LIBERTY STREET  
 CUMBERLAND, MD 21501  
 JDaddysman@allconet.org

**Link Computer Corporation Representative:**

Dan Servello  
 Phone: 814-742-7700  
 Email: dservello@linkcorp.com



### Hardware

Description		Price	Qty	Ext. Price
CS215-4G-12T-640F	<b>CS215, 2x1 DUAL 1GbE, (QTY 2 pair),12x1TB HDD,4x160GB SSDs</b>	\$34,000.00	1	\$34,000.00
<b>Hardware Subtotal</b>				<b>\$34,000.00</b>

### Services

Description		Price	Qty	Ext. Price
SLA 4HR	<b>4 HR Part Del, SW Supt &amp; Infosight, NextGen Arrays - 12 Mth</b>	\$4,000.00	1	\$4,000.00
Link Install Estimate	<b>Installation of Nimble SAN for DR Purposes. Standard Rates and Travel will apply.</b>	\$2,000.00	1	\$2,000.00
<b>Services Subtotal</b>				<b>\$6,000.00</b>

### Quote Summary

Description	Amount
Hardware	\$34,000.00
Services	\$6,000.00
<b>Total</b>	<b>\$40,000.00</b>

PA or MD SALES TAX MAY BE APPLICABLE AND WILL BE SHOWN ON INVOICE(S)  
 Note: This is Not an Invoice! Please do not pay from this Quote.

Signature \_\_\_\_\_

Date \_\_\_\_\_

PO Number \_\_\_\_\_



Margie Woodring &lt;margie.woodring@cumberlandmd.gov&gt;

**Fwd: Sole source request**

1 message

**Jon Daddysman** <jon.daddysman@cumberlandmd.gov>

Wed, Mar 4, 2015 at 11:29 AM

To: Margie Woodring &lt;margie.woodring@cumberlandmd.gov&gt;, Jon Daddysman &lt;jon.daddysman@cumberlandmd.gov&gt;

**Hello Margie****As requested I am sending you the approval email that was approved by Jeff Rhodes along with the Quote Documentation from Link Corp****Thank you  
Jon****Jon Paul R. Daddysman Jr.**

IT Specialist for the City of Cumberland, MD

Desk: 301-759-6401

Cell: 240-580-0497

Email: Jon.Daddysman@cumberlandmd.gov

Web: www.cumberlandmd.gov

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

From: **Johnna Byers** <johnna.byers@cumberlandmd.gov>

Date: Mon, Feb 23, 2015 at 6:41 PM

Subject: Fwd: Sole source request

To: Jon Daddysman &lt;jon.daddysman@cumberlandmd.gov&gt;

Begin forwarded message:

**From:** Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>**Date:** February 23, 2015 at 3:19:12 PM EST**To:** Johnna Byers <johnna.byers@cumberlandmd.gov>**Subject: Re: Sole source request**

Approved

On Mon, Feb 23, 2015 at 12:10 PM, Johnna Byers &lt;johnna.byers@cumberlandmd.gov&gt; wrote:

Good morning Jeff,

MIS would like to request a sole source purchase of services and hardware from Link Computer for a second Nimble SAN disk unit.

We are hosting over 25 virtual servers, including the New World .NET Windows servers, on our current Nimble SAN. The second one would provide additional disk space and redundancy if a

failure occurs. Link Computer is the only regional distributor and installer of these products. They installed the first Nimble here approximately one year ago and are very familiar with our network.

We have money budgeted this fiscal year (FY2015) for this purchase. Their price of \$39,500 came in under that budgeted amount. Their price quote is attached.

Please let me know how to proceed.

Thanks,  
Johnna

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 **Link\_Compu.003918.v2.8-CS215 - 1 Yr Maint - ACTUAL.pdf**  
523K



Regular Council Agenda  
March 17, 2015

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**Description**

Order accepting the sole source proposal from Link Computer Corporation to provide services and hardware for a Nimble SAN disk unit in an amount not to exceed \$40,000.

**Approval, Acceptance / Recommendation**

Attached.

Budgeted

1st Reading

2nd Reading

3rd Reading

**Value of Award (if applicable)**

\$40,000

**Source of Funding (if applicable)**

General Fund - MIS Department