



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

AGENDA

M&CC Regular Meeting
City Hall Council Chambers, 57 N. Liberty Street, Cumberland

DATE: February 18, 2020

CLOSED SESSION

1. 5:00 p.m. - Convene in open session for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding water system issues
2. Executive Session

OPEN SESSION

1. 6:15 p.m - Reconvene into open session

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

1. Summary Statements of closed meetings held February 11 and 18, 2020

Director's Reports

1. Police Department monthly report for January, 2020

(A) Administrative Services

Administrative Services monthly report for December, 2019

(B) Public Works

Maintenance Division monthly report for January, 2020

(C) Utilities - Treatment Plants

Utilities Division Treatment Plants monthly report for January, 2020

(D) Utilities - Flood, Water, Sewer

Utilities Division Flood/Water/Sewer monthly report for January, 2020

Approval of Minutes

1. Approval of the Retreat Minutes of November 15, 201, Executive Session Minutes of November 19, 2019, and the Work Session and Regular Session Minutes of December 3, 2019

Unfinished Business

(A) Ordinances

1. Ordinance No. 3863 (*2nd and 3rd readings*) - to repeal and reenact with amendments Sections 15-26 and 15-27 of the City Code pertaining to the Parks and Recreation Board to reduce the membership number from ten (1) to five (5) to seven (7) members, to reduce the term of board members to three (3) years, and to provide for a city high school student representative as a non-voting member

New Business

(A) Ordinances

- Ordinance No. 3864 - to repeal and reenact with Amendments Chapter 8, Article 2 (Sections 8-26 to 8-36) of the Code pertaining to floodplain management, to meet requirements of the National Flood Insurance Program

(B) Orders (Consent Agenda)

Order 26,607 - accepting the Sole Source proposal from Carl Belt, Inc. for Emergency Storm Line Repair on Cumberland Street in the not-to-exceed amount of \$40,912

Order 26,608 - authorizing the sole source purchase of a new John Deere 6105E Cab Tractor from Finch Services, Inc. for the not-to-exceed amount of \$63,389.55 as part of the Sourcewell cooperative purchasing Ag Tractors 021815-DAC contract

Order 26,609 - authorizing the Sole Source purchase of a new 16' 3-Point Hitch Boom Mower from Diamond Mowers for the not-to-exceed amount of \$28,080, purchased as a part of Sourcewell Contract #052417-DMM

Order 26,610 - authorizing the Sole Source purchase of a New Ford F-550 Crew Cab Canopy Service Body Truck from Keystone Ford in an amount not-to-exceed \$77,060

Order 26,611 - declaring City-owned property known as the former East Side School site, located approximately at 100 Reynolds Street, to be surplus and declaring the City's intent to transfer the property to Allegany Junction Limited Partnership for the purchase price of \$75,000 after the passage of 20 days and the passage of an Ordinance authorizing conveyance

Order 26,612 - approving the designation of certain roadways located within Constitution Park to Executive Drive, Legislative Loop, Judicial Way, and Parkview Avenue

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

Item Attachment Documents:

1. Police Department monthly report for January, 2020



City of Cumberland Department of Police

Monthly Report
January 2020



City of Cumberland Department of Police

Monthly Report

January 2020

Part 1 Crimes for the Month

	2019		2020			2019		2020			2019		2020	
Aggravated Assaults	5	8	B & E (All)	21	24	Murder	0	0	Rape	0	1			
Robbery	3	1	Theft - Felony	1	0	Theft - Vehicle	4	2						

Selected Criminal Complaints for the Month

	2019		2020			2019		2020			2019		2020	
Theft - Misdemeanor	32	21	Theft - Petty	25	22	Domestic Assaults	30	28	CDS	53	52			
Disturbances	161	155	DOP/Vandalism	31	42	Indecent Exposure	2	2	Sex Off - Other	7	4			
Suicide	0	0	Suicide - Atmpt.	0	0	Tampering M/V	0	0	Abuse - Child	3	1			
Trespassing	4	9	Assault on Police	1	3	Assault Other	24	29						

Selected Miscellaneous Incidents for the Month

	2019		2020			2019		2020			2019		2020	
Alcohol Violations	0	3	Juvenile Compl.	8	23	Missing Persons	7	15	School Resource	106	183			
School Threat	0	1	Sex Off. Regist.	11	12	Truancy	3	3	Death Investigation	8	4			

Selected Traffic Incidents for the Month

	2019		2020			2019		2020			2019		2020	
DWI	14	8	Hit & Run	31	21	M/V Crash	52	74	Traffic Stop	442	403			

Selected Service Calls for the Month

	2019		2020			2019		2020			2019		2020	
Alarms	59	59	Assist Motorist	41	49	Check Well-Being	76	85	Foot Patrol	9	30			
Assist Other Agency	66	72	Bike Patrol	0	0	Special Events	8	4	Suspicious Activity	62	52			

Arrests Totals for the Month

	2019		2020			2019		2020			2019		2020	
M/V Citations	73	73	M/V Warnings	353	327	Adult Arrests	171	151	Juvenile Arrests	12	40			

Total Incidents Reported : **2019 2020**
2,074 2,309


Capt Chuck Ternent

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

January 2020

SWORN PERSONNEL: 45 SWORN OFFICERS

Administration	5 officers
Squad D1	8 officers
Squad N1	7 officers
Squad D2	8 officers
Squad N2	8 officers
C3I/C3IN	5 officers
School Resource	2 officers
Academy	1 officer
Military leave	1 officer

CIVILIAN EMPLOYEES: 6 full time, 11 part time

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

* = Grant funded

** = Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 535 HOURS
COMP TIME USED: 271 HOURS
SICK TIME USED: 225 HOURS

YEAR TO DATE (beginning 7/1/19): 5483 HOURS
YEAR TO DATE (beginning 7/1/19): 1729 HOURS
YEAR TO DATE (beginning 7/1/19): 1284 HOURS

OVERTIME REPORT

OVERTIME WORKED: 143 HOURS
HOSPITAL SECURITY: 224 HOURS
COURT TIME WORKED: 375 HOURS

YEAR TO DATE (beginning 7/1/19): 1601 HOURS
YEAR TO DATE (beginning 7/1/19): 1504 HOURS
YEAR TO DATE (beginning 7/1/19): 1129 HOURS

Officers trained for 120 hours during January 2020

Item Attachment Documents:

Administrative Services monthly report for December, 2019

Administrative Services Monthly Report for December, 2019

February 18, 2020

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of December 2019:

Management Information Systems (MIS) Department

December 2019

Statistics

155 completed help desk requests

217 open help desk requests

Activities

Major department initiatives in the past month include:

- Continue working with Community Development on new software deployment project
- Continue troubleshooting/refining mobile data terminal setup in police cars
- Continue making network changes to update our environment and improve security

Parks and Recreation

December 2019

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.

2 weeks of games – 6 matches – Attendance 96

Field Usage: Complete for the season – no usage

Activities Building used - One Building Rental, 2 meetings/City related, 1 other meeting

Christmas Program for the After-School Students

The Cumberland Parks & Recreation Department and the Allegany Museum organized the annual Christmas program for the 21st Century after School Program. Programs were held December 3&4, for John Humbird and South Penn Elementary Schools. Activities both days were related to the Museum's Holiday Theme of "St. Nicholas". The Children also enjoyed having their picture taken with Santa, Mrs. Clause, and Rudolf. They received gifts from Santa and Mrs. Clause at the conclusion of the evening. Volunteers and City Staff working the event included Carol Brown, Dale Burgess, Linda Burgess, Mike Nicholson, Dave Collins and Diane Johnson. Gary Bartlk, and Clara Short coordinated activities on behalf of the Allegany Museum. Mikayla and Zach Dodge organized and sang Holiday music and songs with the group. Holidays included Christmas, Hanukkah, and Kwanzaa.

The Middle School Afterschool Programs from Braddock, Washington, Mt. Savage and Westmar were included for the first time, to the Holiday event at the Allegany Museum, (December 10, 11, 17 & 18). Music, activities were the same without Santa and the other costume characters.

Total attendance for the six-day event was approximately 275 students, plus adult teachers' supervisors and other volunteers

This event is anticipated each year by the Children and Teachers attending the 21st Century after School Program and enjoyed by all involved.

Meetings: December Recreation Advisory Board Meeting December 2,
Meetings related to Fireworks and the New Year's Eve/Ball Drop
Staff meeting
Meeting with Engineering related to Park improvements

Other items: Request for Quotes for 2020 July 4th Fireworks
Began work on upcoming 2020 season
Seasonal Applications for Pool and Day Camp summer employees available to prospective returning employees from 2020

Upcoming: Recreation Advisory Board Meeting – Monday January 6
Seasonal employment applications for employment as Lifeguards, cashier checker and Day camp counselors, are available for the 2020 summer season
Constitution Park Pavilion reservations to begin Monday February 3, 2020
Planning for 2020 Spring/Summer/Fall season
Budget preparation for the 2021 budget
Continue working with new citizen serve software

Community Development Report December 2019

CODE COMPLIANCE

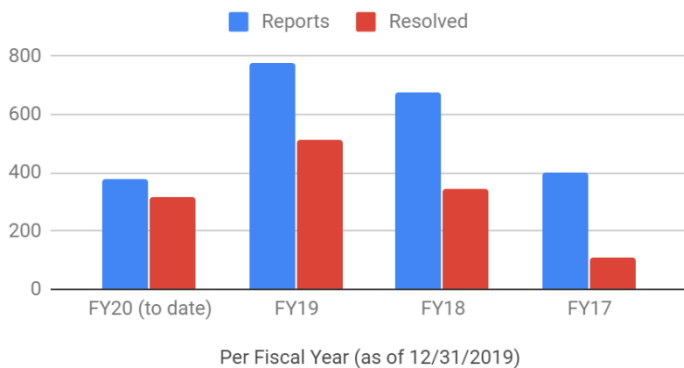
Code Enforcement Activity:

38 calls with 22 resolved.

Closed 23 ad'l cases from previous months.

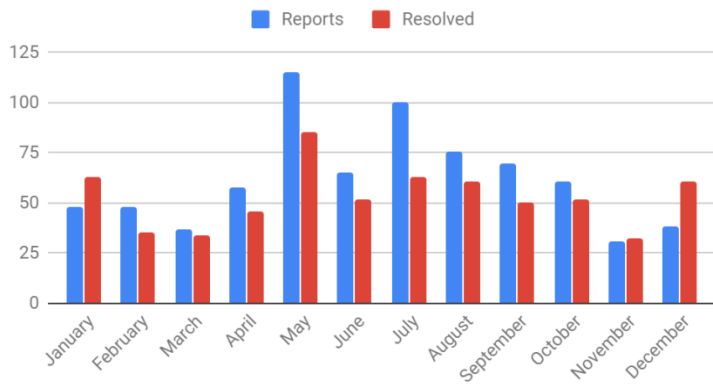
<u>Nuisance & Junk Vehicle</u>		<u>Property Maintenance</u>		<u>Building Code</u>	
Reported	22	Reported	5	Reported	6
Resolved	17	Resolved	1	Resolved	1
 <u>Housing Code</u>		 <u>Zoning</u>			
Reported	6	Reported	3		
Resolved	2	Resolved	1		

Calls vs. Resolved per FY

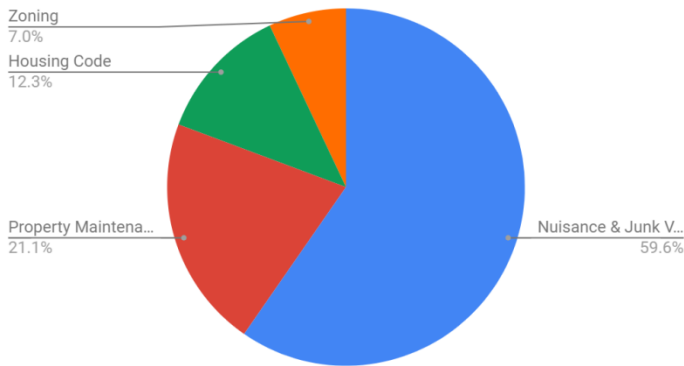


Note: CD is up 29% for FY20 on resolving reports vs. FY19;
67% increase from FY18.; 214% increase from FY17

Calls vs. Resolved per Month per calendar year 2019



Type of Code Violation per 2019 Calendar Year



Permits, Applications, and Licenses

Building Permits

Received: 3
 Issued: 1

Occupancy Permits

Received: 5
 Issued: 5

Plan reviews, etc.

Received: 1
 Issued: 1

COA Permits

Received: 1
 Issued: 1

Rental Licenses

Issued/Renewed: 6

Housing Inspections

Conducted: 51
 Passed: 50

Demolitions

Received: 7

Revenue

Building Permits.....	\$1632.00
Bldg. Permits, Miscellaneous.....	.81.00
Occupancy Permits	225.00
Utility Permits	0.00
Plan Reviews, Amendments & Appeals.....	30.00
Municipal Infractions/Citations	300.00
Rental Licenses (new & renewals)	975.00
Paid Housing Inspection Requests	25.00
Certificates of Appropriateness	30.00

TOTAL.....\$3,268.00

Demolition Permit - Bonds0.00

Code Compliance Manager Report – Noted Activity

- Building permit for Allegany College Library addition, estimated cost \$550,000.00 under review.
- Building Permit for Adams Family Funeral Home new addition estimated cost of \$254,970.00 under review.
- Cumberland Gateway Project reviewed and presented to the Planning Commission 12/18/19 and approved.
- Notice of Violations mailed to: 210–212 Arch St., 15 W. Second St., 553 Patterson Ave., 847 Braddock Rd., 26 W. First St. and 127 Utah Ave.
- Code Enforcement staff focused on Gephart Dr. and Greene St. areas.
- An Unfit for Habitation posting on 513 Fayette St.
- Arrange for Allegany County Animal Control to remove five large dogs from 515 Fayette St.

Community Services Specialist - activity notable from norm:

- Attended Planning Commission Meeting 12/18 to take minutes in absence of appointed staff. Updated contact information of commission for file and online.
- Attended 3 of 4 Citizen Serve meetings. Tasked with new portal “go-live” letter
- SCBCA/South Cumberland Business & Civic Association met 12/10, 42 attended – 5 local delegation. CPD’s Lt. Tichnell gave update on Cumberland crime statistics

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant (CDBG) Monthly Activity	Dec.	2019				
Activity	Year	Initial Fund	ERR	Contract	Spent	Remain
ADA Sidewalk Imps (Cumberland St)	2015	\$110,000.00	x		\$20,517.54	\$89,482.46
CB Sidewalk funds Bellevue	2017	\$23,192.54	x	x	\$0.00	\$23,192.54
CHNS Closing Cost Grant	2018	\$13,403.00	x	x	\$4,000.00	\$9,403.00
Friends Aware, Inc. Facility Rehab Ph 4	2018	\$79,913.00	x	x	\$71,921.70	\$7,991.30
Riverside YMCA Rehab: Roof/Fence/Int doors	2018	\$13,403.00	x	x	\$0.00	\$13,403.00
Program Income YMCA Riverside Rehab: Roof/Fence/In doors	2017 year	\$16,224.73	x	x	\$0.00	\$16,224.73
Program Income 2019	2019	\$1.44				\$1.44
correct on 11/26/19	PRE -	Nov19 dr	POST	Oct	19 Draw	
		Orig			Spent	Remain
2017 YMCA Riverside Rehab:	2017	Amendmen			\$0.00	\$20,072.27

Roof/Fence/Int doors		t				
2017 Constitution Park Grove 4 Inclusive Playground	2017	Amendmen t			\$0.00	\$8,966.77
2018 Admin reprogrammed to Cumb St	2018	\$125,322.00			\$70,762.65	\$58,465.14
2018 Indirect Cost reprogrammed to Cumb St	2018	\$10,081.00			\$9,280.54	\$799.46
2018 Fair Housing reprogrammed to Cumb St	2018	\$13,403.00			\$9,616.17	\$3,786.83
					Activities	\$251,788.94
					Admin(s)	\$0.00
2014-2018 Funds					Total All	\$251,788.94
Bellevue Sidewalks decreased funds Dec 2019	2019	\$79,841.00	x	x		\$79,841.00
HRDC Emergency Housing	2019	\$25,000.00	x	x		\$25,000.00
Admin	2019	\$121,447.70	x	na	\$14,591.82	\$106,855.88
Indir Cost	2019	\$10,552.30	x	na	\$2,638.00	\$7,914.30
FH	2019	\$10,000.00	x	na	\$1,465.05	\$8,534.95
YMCA Gilcrist Ph 5 Playground	2019	\$77,000.00	x	x		\$77,000.00
AHEC Dental Access	2019	\$8,000.00	x	x		\$8,000.00
Assoc Charities Long Term	2019	\$8,750.00	x	x		\$8,750.00
Assoc Charities Short Term	2019	\$7,800.00	x	x		\$7,800.00
Incredible Years Parnting Fam Junct	2019	\$10,000.00	x	x		\$10,000.00
PHA FCH Sidewalks	2019	\$50,000.00	x			\$50,000.00
FCRC Shelter	2019	\$10,500.00	x	x	\$100.00	\$10,400.00
AHEC Denture Program -re-program to Dental Access	2019	\$7,000.00	x	x		\$7,000.00
ACM ADA WEX Loft Lift Rehab	2019	\$40,000.00	x	x		\$40,000.00
YMCA Riverside Rehab: Roof/Fence/Int Doors	2019	\$270,750.00	x	x	\$87,800.00	\$182,950.00
Const Park Grove 4 Inclusive Playground	2019	\$27,000.00	x			\$27,000.00
Summer @ Your Library	2019	\$2,000.00	x	x		\$2,000.00
Assoc Charities Food Pantry	2019	\$3,200.00	x	x		\$3,200.00
Horizon Goodwill Job Training Program	2019	\$21,000.00	x	x		\$21,000.00
2019 Total Funds		\$789,841.00				\$683,246.13
Program Income	2019	\$4.71				\$4.71
Program Income	2019	\$24.41				24.41
		\$789,870.12				\$683,275.25
as of 12/10/2019 post November 2019 Draw						
					Grand Total	\$935,064.19
Community Development Block Grant	Dec.	2019				

(CDBG) Monthly Activity						
Activity	Year	Initial Fund	ERR	Contract	Spent	Remain
ADA Sidewalk Imps (Cumberland St)	2015	\$110,000.00	x		\$20,517.54	\$89,482.46
CB Sidewalk funds Bellevue	2017	\$23,192.54	x	x	\$0.00	\$23,192.54
CHNS Closing Cost Grant	2018	\$13,403.00	x	x	\$4,000.00	\$9,403.00
Friends Aware, Inc. Facility Rehab Ph 4	2018	\$79,913.00	x	x	\$71,921.70	\$7,991.30

**Community Development Programs Manager Report
December 2019**

- Prepared a draft environmental review MOU document and summary for the City Solicitor's review and comment.
- provided a recommendation to the City Administrator from the Parks and Recreation Board related to the rehabilitation of the fields at Mason Recreational Complex that were impacted by the CSO project
- Continued Rose Hill research for a request from the property owner to obtain a local historic designation. Reference material was received from the State Highway Administration
- Assisted the Historic Preservation Commission at their December 11th meeting
- One Certificate of Appropriateness was approved administratively for BB&T at 71 Baltimore Street
- Received sole source approval from the City Administrator and the Mayor and City Council for the purchase and installation of inclusive play equipment from Taylor Sports and Recreation for Constitution Park
- Received two bids for the Economic Impacts of Historic Preservation in Cumberland
- Met with City staff on 12/23/19 to discuss current status and planning for upcoming Constitution Park projects
- Made progress with the research on the Rose Hill Mansion property for upcoming HPC meeting
- Submitted all quarterly reports to DHCD for open Community Legacy-funded projects

Comptroller's Office

December 2019

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of December 2019.

On December 1, 2019 the City had a cash balance of \$4.4 million. Receipts exceeded disbursements by \$2.4 million resulting in a cash balance of \$6.8 million at December 31, 2019.

As of December 31, 2019, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)						\$ 2,835,067
	Beg Balance	New Billing	Collections	Bad Debt	Ending Balance	
FY 2020	\$ 2,591,181	\$ -	\$ 911,042	\$ -	\$ 1,680,139	
FY 2019	709,740	\$ -	28,812	-	\$ 680,928	
FY 2018	355,686	-	15,794	-	339,892	
FY 2017	41,215	-	516	-	40,699	
FY 2016	29,606	-	526	-	29,080	
FY 2015	26,695	-	965	-	25,729	
FY 2014	16,108	-	962	-	15,146	
FY 2013	12,068	-	434	-	11,634	
FY 2012	5,716	-	58	-	5,658	
FY 2011	3,230	-	58	-	3,172	
Prior FY's	3,106	-	116	-	2,990	
	<u>\$ 3,794,351</u>	<u>\$ -</u>	<u>\$ 959,283</u>	<u>\$ -</u>	<u>\$ 2,835,067</u>	

The current year tax receivable balance is comprised of the following:

Real property (non-owner occupied)	\$ 920,865
Non-Corp Personal Property	7,093
Corporate Personal Property	148,702
Real Property (semiannual payments)	603,479
Real Property (Half Year)	-
	<u>\$ 1,680,139</u>

The City liquidity position continues to be strong as illustrated in the following cash and investments table. Restricted cash and investments are comprised primarily of invested bond proceeds restricted to associated capital projects and expenditures.

**Cash and Investment Summary
December 31, 2019**

	Cash	Investments
Beginning Balance	\$ 4,382,786	\$ 15,437,640
Add:		
Cash Receipts	10,696,095	71,996
Investment Transfer	-	-
Less:		
Disbursements	8,319,275	-
Investment Transfer	-	1,649,908
Ending Balance	\$ 6,759,606	\$ 13,859,728
Restricted	\$ 267,997	\$ 6,938

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects.

Restricted Cash

	12/1/2019	Increase	Utilization	12/31/2019
Police Seizures	\$ 96,892	\$ 679	\$ 11,824	\$ 85,747
Bowers Trust	76,706	-	52,638	24,068
Restricted Lenders	106,341	-	-	106,341
Other	51,841	-	-	51,841
	\$ 331,780	\$ 679	\$ 64,462	\$ 267,997

Restricted Investments

	12/1/2019	Increase	Utilization	12/31/2019
DDC	\$ 6,928	\$ 32	\$ 22	\$ 6,938
	\$ 6,928	\$ 32	\$ 22	\$ 6,938

Other restricted cash includes demolition bond deposits held as well as solicited donations for the Joe Maphis statute project.

The Bowers Trust funds were utilized for pool improvements. Police seizure funds were used to purchase a police vehicle.

The DDC restricted investment was funded through donations and is restricted for the purpose of maintenance of the Wes Han Fountain in the Downtown Mall.

Capital Projects and Associated Debt:

The tables below illustrate undrawn Maryland CDA bond proceeds as well as the accumulated debt draws and grants received associated with the ongoing Combined Sewer Overflow (CSO) projects.

Available Bond Proceeds

	12/1/2019	Issue	Utilization	12/31/2019
CDA 2014	\$ 535,488	\$ -	\$ 37,671	\$ 497,817
CDA 2015	1,449,622	-	481,073	968,549
CDA 2017	55,400	-	15,414	39,986
CDA 2018	1,894,103	-	129,738	1,764,365
CDA 2019	3,582,000	-	174,981	3,407,019
	\$ 7,516,613	\$ -	\$ 838,877	\$ 6,677,736

CSO Projects Debt Draws

	12/1/2019	Issue	Utilization	12/31/2019
Evitts Creek Debt	\$ 143,260	\$ -	\$ -	\$ 143,260
Evitts Creek Grant	-	-	-	-
WWTP Debt	2,818,581	-	2,587	2,821,168
WWTP Grant	20,880,915	-	707,987	21,588,902
	\$ 23,842,756	\$ -	\$ 710,574	\$ 24,553,330

The CDA 2014 \$38K debt draw was for engineering fees associated with design of the Baltimore Street Access project. The CDA 2015 debt draws were for the Mechanic Street improvements (\$310K) and various Sewer Fund projects (\$171K). The CDA 2017 draws were for in-car computers for the Police Department. The CDA 2018 debt Draws were for Police vehicles, heavy duty equipment and various Water Fund projects. The CDA 2019 draws were for the CITY Hall HVAC system improvements, copiers and heavy-duty equipment.

The Wastewater Treatment Plant (WWTP) CSO project is nearing completion. The WWTP CSO November draw requests were \$707K in BRF grants and \$3K in new debt. The WWTP CSO project is expected to be substantially complete in January 2020.

The Evitts Creek CSO project is temporarily on hold as we continue to seek additional funding to expand the project.

General Fund Quarterly Budget Review

The table below depicts the general fund FY 2020 budget status through Dec 31, 2019.

City of Cumberland
FY 2020 Comparison to FY 2019 General Fund

	FY 2020			FY 2019			
	YTD Expenses Thru Dec 31	Budget	%age	YTD Expenses Thru Dec 31	Actual Total	%age	Adopted Budget
Revenues							
Taxes	\$ 11,593,213	\$ 12,691,001	91.3%	\$ 11,468,140	\$12,105,265	94.7%	\$ 12,209,440
Licenses & Permits	20,956	127,600	16.4%	13,438	82,830	16.2%	141,500
Intergovernmental	1,281,498	3,643,261	35.2%	1,817,893	3,343,015	54.4%	3,096,050
Charges for Services	799,564	1,579,425	50.6%	708,374	1,624,314	43.6%	1,456,700
Fines, Forfeitures & Interest	50,300	66,100	76.1%	44,870	104,820	42.8%	35,700
Miscellaneous	216,402	618,800	35.0%	194,936	932,128	20.9%	916,300
Financing Proceeds	3,283,661	3,207,500	102.4%	574,454	573,320	100.2%	552,000
Interfund Transfers	1,770,567	1,976,352	89.6%	747	1,789,211	0.0%	1,796,963
Total Revenue and other financing sources	19,016,161	23,910,039	79.5%	14,822,851	20,554,902	72.1%	20,204,653
Expenditures							
General Government	1,035,315	1,850,672	55.9%	915,341	1,823,931	50.2%	1,767,771
Public Safety	5,866,147	12,717,910	46.1%	5,707,737	10,739,877	53.1%	10,934,399
Public Works	1,294,689	2,925,181	44.3%	1,098,432	2,486,455	44.2%	2,630,767
Recreation	521,214	986,579	52.8%	496,152	832,009	59.6%	999,638
Community Dev & Housing	626,376	1,372,088	45.7%	514,184	1,086,336	47.3%	1,249,668
Debt Service	909,972	2,801,865	32.5%	850,922	2,149,568	39.6%	2,087,537
Operating Transfers	794,697	1,065,431	74.6%	1,479,288	1,953,717	75.7%	2,648,760
Total Expenditures and other financing uses	11,048,410	23,719,726	46.6%	11,062,056	21,071,894	52.5%	22,318,540
Surplus (Deficit)	\$ 7,967,751	\$ 190,313		\$ 3,760,795	\$ (516,992)		\$ (2,113,887)
Creation (utilization)							
Restricted/nonspendable fund balance		(96,186)			1,208,185		2,125,651
Increase in unassigned Fund balance	\$ 7,967,751	\$ 94,127		\$ 3,760,795	\$ 691,193		\$ 11,764

Revenue

- Taxes are up \$125K year-over-year, but real estate and personal property taxes are behind schedule according to our FY 2020 budget. We may experience an unfavorable variance of between \$100K and \$300K for the year.
- Intergovernmental revenues are behind the pace from last year due to timing differences in State Highway User revenue and Police Protection revenue. At this point we are not expecting an unfavorable intergovernmental revenue variance.
- The year-over-year interfund transfers difference is due to timing difference between years. The FY 2020 interfund transfers is \$206K below budget.
- Overall, we now expect a \$300K to \$500K unfavorable revenue and other funding source variance.

Expenditures

- We are experiencing delays in procurement and delivery in capital assets. For example, we are still in the process of evaluating the new ladder truck proposals. Delivery of the ladder truck (\$1.2 million) will likely slip to late in FY 2021 or possibly to early FY 2022. Trucks that were ordered in April of 2019 still have not been delivered.
- With the exception of capital asset purchases we do not expect any major expenditure variances in FY 2020.

Health Care Claims Analysis

The table below compares our FY 20 YTD health care plan status to FY 19. Key points are as follows:

- Through Nov 30 we have a \$610K surplus compared to \$71K last year. This is the best position we have been at this point in the year since we started tracking the monthly claims status in FY 2017. It is fairly early in the year and this can still change drastically.
- A key figure to watch is our performance ratio. The annual rates are established by estimating claims and adding a 15% “corridor” as a cushion for overages. A performance ratio of 100% indicates that we are at the expected claims rate.
- We are members in LGIT health insurance group. Each group member pledges a “cross-share” that can be used to cover deficits of other members. Our “potential refund” represents a surplus less any anticipated cross-share.
- Health costs are generally expected to increase 8% per year. That is what we should expect if we have a performance ratio of 100%. If the ratio is higher, we are likely looking a larger rate increase.
- Our health care rates are set by looking back 18 months. The full year results from FY 2019 have a greater impact than the partial FY 2020 results. We have been told to expect a 10% - 12% increase for FY 2021.

Month	Total Deposits	Reinsurance Reimbursement		Net Monthly Claims Paid	CIGNA Refunds	Surplus (Deficit)	Performance Ratio	Pledged Cross Share		Anticipated Cross Share Needed	Potential Refund
		Received	Pending					%age	Dollars		
Nov-19	1,672,494	-	480,258	1,558,390	39,795	634,157	71.40%	22.5%	(142,685)	(23,251)	610,906
Nov-18	1,565,876	24,867	21,016	1,581,898	50,048	79,910	109.13%	22.5%	(17,980)	(8,662)	71,247

Respectfully submitted,

Jeff Rhodes
City Administrator

Item Attachment Documents:

Maintenance Division monthly report for January, 2020

MAINTENANCE DIVISION REPORT
January 2020

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
JANUARY 2020**

- POTHOLES AND COMPLAINTS
 - Potholed 11 streets using 5 tons of cold patch

- UTILITY HOLES
 - Repaired 3 water utility holes using existing bricks
 - Repaired 1 water utility hole using 6 tons of hot mix asphalt with Shaffer Co. hot box trailer

- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
 - Installed 1 Handicap Parking sign/painted curb blue
 - Installed 8 traffic control signs
 - Installed 1 street name signs
 - Painted 1 curb red

- STREET SWEEPING
 - 351 miles
 - 21 loads

- LEAF PICK-UP
 - 4 Loads

- MISCELLANEOUS
 - Completed 26 Work Orders
 - Set up traffic control, No Parking signs for multiple events
 - Hauled away City Christmas tree
 - Repaired/replaced guard rails on School St, Woodside Ave, Wills Creek Ave
 - Cleaned ditch lines on Seton Dr, Braddock Rd
 - Cleaned Underpass, McMullen Bridge, Washington St Bridge, Fayette St Bridge, Cumberland St Bridge & Welch Ave. drainage ditch 5 times.
 - Picked up 3 dead animals
 - Filled salt barrels 5 days
 - Picked up trash/discarded items on 3 occasions
 - Cleaned Municipal Center shop twice a week
 - Received shipments of road salt

STREET MAINTENANCE - JANUARY 2020		1/2-1/3	1/6-1/10	1/13-1/17	1/21-1/24	1/27-1/31	TOTAL
SERVICE REQUEST COMPLETED		5	5	11	1	4	26
PAVING PERFORMED	TONS						0
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER			2 (brick)		2	2
	SEWER						0
	CY						0
	TONS					6t	6t
POTHOLES FILLED	STREETS	5		6			11
	ALLEYS						0
	DAYS	2		2			4
	Cold Mix	2t		3t			5t
	TONS						7t
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED				5		3	8
STREET NAME SIGNS REPAIRED/INSTALLED				1			1
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED				1			1
							0
							0
PAINTING PERFORMED	BLUE			1			1
	YELLOW						0
	RED			1		1	2
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	2	3	14	0	2	21
	Miles	64	48	193	0	46	351
SWEEPER DUMPS HAULED TO LANDFILL	TONS		8.9t	.5t	8.9t		18.3t
SALT BARRELLS - PICK UP, FILL	DAYS		2	1	2		5
CLEANED BALTIMORE ST. UNDERPASS	Days	1	1	1	1	1	5
CLEAN SNOW EQUIPMENT	Days		1	1	2		4
BRUSH REMOVAL/TREE WORK	Areas		1	1	1	2	5
Check Drains/Clean Debris	DAYS						0
LEAF PICK UP	Loads	2	0	0	0	2	4

Set up traffic control, no parking signs for multiple events
Picked up trash/discarded furniture on 3 different occasions
Hauled away City Christmas tree
Repaired/replaced guard rails on School St, Woodside Ave, Wills Creek Ave
Cleaned ditch line on Seton Dr, Braddock Rd
Picked up 3 dead animals
Cleaned Municipal Center shop twice a week
Received shipments of road salt
Plowed streets during 2 snow events
Night shift (11pm-7am) started for 2 workers

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
JANUARY 2020**

- Constitution Park
 - Cleaned up garbage 2 times a week
 - Cut and cleared trees
 - Cleared brush & weeds from fence lines

- Mason's Complex
 - Cleaned up garbage once a week
 - Cleared brush & weeds from fence lines

- Jaycee Field
 - Cleaned up garbage once a week
 - Cleared brush & weeds from fence lines

- Cavanaugh Field
 - Cleared brush & weeds from fence lines

- Miscellaneous Work
 - Performed basic housekeeping @ Municipal Building
 - Cleaned the Craft House & Activities Building
 - Prepared feed & bedding for ducks & geese @ the Duck Pond
 - Cleaned & performed preventative maintenance on Park & Rec vehicles
 - Picked up trash @ parklets & playgrounds once/twice a week
 - Took down Christmas decorations @ City Hall
 - Event set-up @ City Hall for Groundhog Day event

**Fleet Maintenance
January 2020**

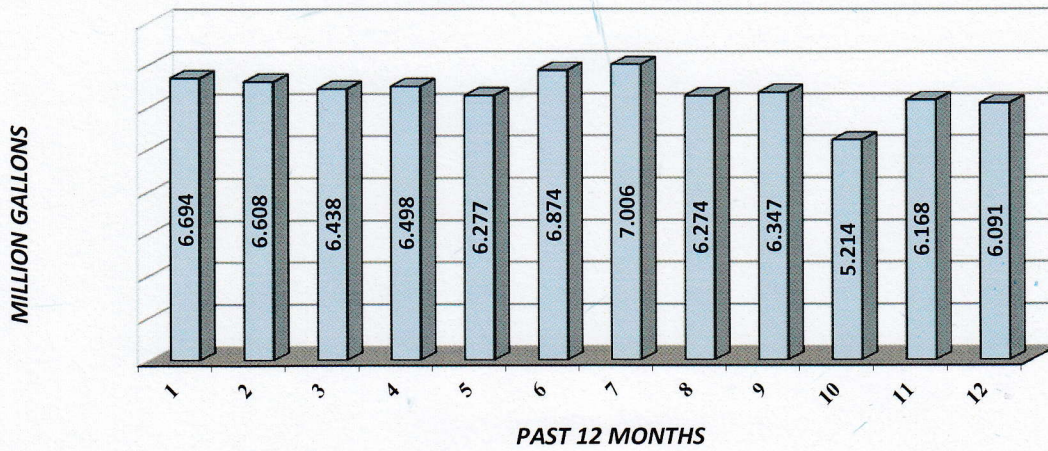
Total Fleet Maintenance Projects	150
Central Services	2
Community Development	3
DDC	0
Engineering	7
Fire	7
Flood	4
MPA	0
P & R Maintenance	2
Police	15
Public Works	0
Sewer	7
Snow Removal	21
Street Maintenance	30
Vehicle Maintenance	19
Water Distribution	13
Water Filtration	0
WWTP	0
Scheduled Preventive Maintenance	19
Service Calls	1
Total Work Orders Submitted	43
Risk Management Claims	1
Fork Lift Inspections	0

Item Attachment Documents:

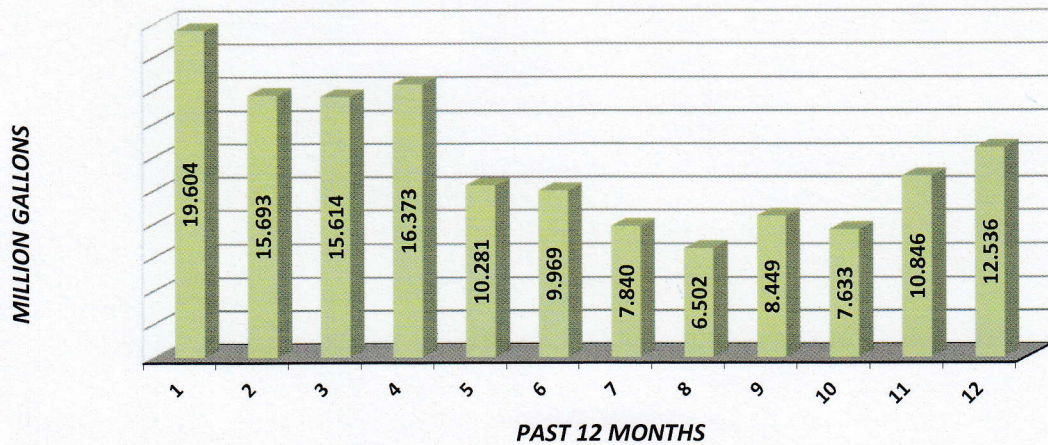
Utilities Division Treatment Plants monthly report for January, 2020

TREATMENT PLANTS
MONTHLY UTILITY REPORT
JANUARY 2020

AVERAGE DAILY PRODUCTION - WFP



AVERAGE DAILY PRODUCTION - WRF



BRIEF LIST of EVENTS

100% COMPLIANCE WITH ALL FEDERAL & STATE REGULATIONS

NEW COMPUTER MAINTENANCE MANAGEMENT SYSTEM "eMAINT" IMPLEMENTATION AT BOTH TREATMENT FACILITIES

PHASE 2 OF DISTRIBUTED CONTROL SYSTEM UPGRADE ONGOING AT BOTH TREATMENT PLANTS

ALL PROCESS, MAINTENANCE, LABORATORY PROCEDURES CONTINUALLY BEING REVIEWED, REVISED AND UPDATED

WFP NEW PUMPS, CONTROLS & GENERATOR BEING INSTALLED BY CONTRACTORS AT SMOUSSE MILL PUMPING STATION

WFP CONTINUED MEETINGS & CONVERSATIONS WITH PA DEP, PA PUC & OFFICE OF CONSUMERS ADVOCATE GROUP

WRF NEW AUTOMATED BLOWER SYSTEM BEING INSTALLED BY CONTRACTORS - EXPECTED TO BE OPERATIONAL IN MARCH

WRF SCREENS AT EVITTS CREEK LIFT STATION REPAIRED BY CONTRACTOR

Item Attachment Documents:

Utilities Division Flood/Water/Sewer monthly report for January, 2020

Utilities Division Activity Report for Jan 20 WATER

REQUEST	W/E 1/10/20	W/E 1/17/20	W/E 1/24/20	W/E 1/31/20	MONTHLY TOTALS
Service Technicians					
NON READS/Go backs	57	62	32	40	191
FINAL READS/TURN ONS/SHUT OFFS & DEMOS	4	3	3	2	12
LEAK INVESTIGATIONS/turn off-on	1	2	7	5	15
METER/STOP INVESTIGATIONS	10	8	14	11	43
REPAIR WIRING/GET READING			1		1
ORANGE TAG FOR REPAIRS	3	3	5	6	17
YELLOW TAG FOR H/L USAGE/APPT	1				1
RED/PINK TAG FOR SHUT OFF					0
TURN WATER ON	56	34	48	45	183
TURN WATER OFF					0
NONPMT/BAD CK/AGREE SHUT OFFS	42	39	55	29	165
SHUT OFF RECHECKS	51	79	51	22	203
REPLACE/REPAIR METER/LID/VALVE					0
DIRTY WATER/ODOR					0
SVC SEPARATIONS/INVESTIGATIONS					0
INSTALL COUPLERS/PLUGS/LOCK	15	11	8		34
NEW METER	7	5	4	3	19
METER FIELD TESTS-Residential	1	5	2	4	12
METER TESTS - Industrial					0
Ind - Register/Chamber Chg Out	1				1
Industrial - Chamber Cleaning					0
Industrial - Strainer Cleaning					0
HYDRANTS FLUSHED				2	2
PRESSURE CHECK/NO WATER		1	1	1	3
MOVE METERS OUTSIDE/READINGS	2	5	2	7	16
SP Change Outs/Repairs/Reactivates/Move	14	9	6	9	38
Replace/Reattach smartpoint antenna		2			2
INSULATE METER BOXES					0
FREEZE UPS/METERS & LINES					0
CCP - BACKFLOW/RETRO	2	5	2	7	16
HYDRANT/IRRIGATION METER					0
Total					974

Pipe Technicians					
LINE LOCATOR	119	90	84	70	363
TAPS SERVICED	4	5	3	7	19
LEAKS REPAIRED	1	3	1	2	7
INVESTIGATED LEAK ON PRINCE GEORGE ST	5				5
ASSISTED 330 W/ LINE LOCATES	3				3
ASSISTED METER TECHS WITH LOCATES	3				3
DESIGN TICKET LOCATES-Geo/Ctr/Balt Sts	3	3			6
ASSIST 379 LOCATE 6" VALVE-Smouses Mill	2				2
ASSIST 379 LOCATE -Maplewood to Owego	2				2
DOOR TAGS/WOODSIDE SHUTDOWN - VALVE		3			3
RAISED METER BOX - 12420 BEDFORD RD		3			3
WOODSIDE- CLEANED & SPRAYED VALVE BOX		3			3
COLD MIXED HOLE - QC DRIVE @ WENDYS		3			3
COLD MIXED HOLE - LIBERTY @ PERSHING		3			3
REPLACED VALVE - WOODSIDE		4			4
COLD MIXED - 401 BROADWAY		4			4
INVESTIGATED LEAK - LAKE AVE		3			3
13420 NEW OAKLAND DR - COLD MIXED		4			4
FLUSHED HYD - TURNER ST (CLOUDY)		4			4
DOOR TAGS/PINE AVE SHUTDOWN - VALVE					0
PREPPED FOR NEW VALVE - PINE AVE			4		4
220 PACA - SHUT OFF FOR PROPERTY LEAK			4		4
REPLACED 8" VALVE - PINE AVE			5		5
ASSISTED 330 W/ MAINS OFF BW TANK			4		4
REPLACED BOX TOP - 225 MAPLE			4		4
CUT OFF SERVICE - 520 SHERIDAN PL				4	4
REPLACED VALVE - QUEEN @ LAFAYETTE				4	4
COLD MIXED HOLLAND/VICTORIA				3	3
INVESTIGATED LEAK - 416 PINE AVE				3	3
ASSISTED 308 LOCATING STOP - BEDFORD RD				3	3

Watershed

Removed traffic light from crane truck (hit by tractor trailer)
 Assisted with water leak on Prince George St
 Checked to see if list of properties on MD Ave were cut off
 Filled in around meter box @ 532 MD Ave
 Assisted 309 with replacing 2" meter
 Line Locates - North End (several days)
 Checked for leak - BW Dr
 Met with John Devault
 Attended water testing class
 Located shut off - Smouses Mill Pump Station
 Investigated service cuts offs on MD Ave
 Line Locate for Belt - Bealls Mill Rd
 Checked all AES air valves
 1/10 - Filled in for Carl
 Repaired leak - Piedmont Ave
 Performed maintenance on lowboy
 Marked air valves on AES line
 Met with officials on AES line
 Went back with Belt - digging around 36" water main (Bealls Mill Rd)
 Replaced air valves on AES line
 834 Gephart - shut off for leak
 AES water line - Replacing and flushing air valves (several days)
 In town - Maintenance and replacing air valves
 Performed maintenance on equipment at dam

Projects

Projects -					0
GRAND TOTAL					1456

January 2020 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates

Check sewage regulators

Run gate operators

Safety meeting

Perform other maintenance work as required

Replace hyd. Cylinders at CSO building (Mill Race)

Cut trees off fence at pond on Seton Dr.

SEWER BRANCH

Calls answered	12
Service lines opened	5
Owner's trouble	7
Traced lines/main	361
Mains Repairs/ Replace	1
Sewer taps installed/replaced	0
Cleaned catch basins	21
Cleanouts installed	0
Televised sewer mains	194 FEET
Televised sewer lines	0
Call outs/ overtime	8 callouts/ 16 hours overtime
Weekly check of overflows, pits	4
Catch basin repair/rebuild	6
Flushed mains	8,264 Feet
Gallons of water used	20,500 Gals.
608 Flush truck	13,500 Gals.

605 Vac-con truck 7,000 Gals.

760 Bishop Walsh Dr. Repaired catch basin

20 W. 2nd. St. repaired catch basin

20 W. 2nd. St. other side of street repaired catch basin

1129 Bedford Rd. repaired sink hole on side of storm drain

Replaced storm grate on Virginia Ave. under subway

Winifred Rd. rebuilt inlet box

642 Fayette Ave. removed deck pan from inlet

Safety meeting

Clean storm drains at service center

Hydro 4 sites (sewer)

Hydro 6 sites (water)

Hydro for Belt (Beall Mill Rd.)

WWTP cleaned scum well

WFP cleaned filter tank

Service center cleaned drains and wash bay

Item Attachment Documents:

1. Approval of the Retreat Minutes of November 15, 201, Executive Session Minutes of November 19, 2019, and the Work Session and Regular Session Minutes of December 3, 2019

Mayor and City Council of Cumberland

Closed Session Minutes

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

Second Floor Conference Room

Tuesday, November 19, 2019, 5:45 p.m.

The Mayor and City Council convened in open session at 5:45 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b) (1) of the General Provisions Article of the Annotated Code of Maryland to discuss board, commission, and committee appointments.

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

PRESENT: Raymond M. Morriss, President; Council Members, Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie Marchini.

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; and Robert Smith, City Engineer

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, December 3, 2019
3:45 p.m.

PRESENT: Raymond M. Morriss, President; Council Members: Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie Marchini.

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Bobby Smith, City Engineer; Kevin Thacker, Code Compliance Manager; CEDC Director Paul Kelly; CEDC Specialist, Matt Miller; Sandi Saville, DDC; William Cochran, Cochran Studios

I. PUBLIC MEETING AGENDA REVIEW

Mr. Rhodes provided background on the tax credit Resolution for the Family Junction, advising that the Annotated Code of MD allows them to make this yearly request.

Mr. Rhodes reviewed each item on the Consent Agenda:

- 1) Reappointment of Dr. Stephen Gibson to the Historic Preservation Commission
- 2) Sole Source Proposal – CI Thornburg (lowest quote of two) – valve insertion on 16” water line on Willowbrook Rd. The work allows the City to place a 16” valve while the line is still in service, rather than a shutting down a 36” pipe line.
- 3) Declaring a 1999 Ford Pickup as surplus equipment for sale or trade-in.
- 4) Authorizing execution of a Release discharging Josh Llewellyn regarding a March 17, 2019 accident at QC Drive and N. Centre St. Mr. Cohen to review this later in the Work Session.

Councilman Cioni questioned the water problem on Willowbrook Rd. Mr. Rhodes advised it was largely a drainage issue. He stated that 20 years ago there had been water leaking from a hilltop cemetery nearby. Mr. Smith advised that the Engineering Dept. has searched the area and can find no leak from the cemetery, and believes it is simply a drainage issue. He stated that the contractor performing the I-68 bridge improvements in that area had run into the same issue, and he said that his best guess is it’s a spring and not a water leak.

II. 400 N. MECHANIC STREET PURCHASE

Mr. Kelly reviewed the potential use of the former Canada Hose House that was discussed at the last meeting and gave background on its specifications; annual taxes, assessed value, etc. He said the CEDC is requesting the City convey the property to them. He stated that the property fulfills a need of new entrepreneurs who want to be downtown, that Mr. Miller

regularly fields calls from. Mr. Kelly advised, though, that they don't want to compete with local retailers, so they have two prospects in a certain class that need a helping hand with buying or starting a business for the first time that would be a nice fit. He advised that the CEDC wants to own the space and lease it to prospective tenants, with the goal being to get them up and running and move them to bigger and better things. Mr. Kelly advised that alternately if the tenant decided the property would be a great home for their business they could purchase the premises from the CEDC.

Mr. Kelly and Mr. Cohen discussed at length the topic of sub-leasing the property, with Mr. Cohen explaining the assets of subleasing and how it can work to their advantage, but with Mr. Kelly stating that the CEDC Board does not want to get into sub-leasing, and has decided that they don't want to go that route, as it adds additional overhead and turnaround time, not to mention the unnecessary red tape regarding insurance.

Mayor Morriss advised that the issue needed to be discussed further, with Mr. Cioni concerned about the timing issue, if someone is ready to move in quickly. Mr. Cohen explained the procedure for transferring property, the time constraints involved, checking the City Charter and state law, and there was more discussion with Council regarding purchase price or zero consideration, an incubator being a viable use of the property, when the tenant's operation can start, improvements to the property, and what's the M&CC's desire as far as ownership of the property.

Mr. Rhodes discussed a marketing study with a Nave's Crossroads incubator 30 years ago, saying statistically they don't last and in all likelihood will get sold down the road either because the business can't afford to move out of it, or for some other reason. He asked that Council think ahead about owning or not owning, because he feels there's a 95% chance it will get sold. He said alternately the City can retain the revenue and designate the property for the CEDC for projects they have. He said one of the thoughts the City had, that they have not pursued was to put the property on the open market. He added that the property is an individually designated property on the historic register. Mr. Rhodes agreed that it's a good idea for an incubator, but with the realization that it most likely will be sold down the road. He said another option would be to see it to the CEDC with a Reverter clause; if it ceases to be an incubator it reverts back to the City.

After checking with the City and State codes, Mr. Cohen advised that the property cannot be sold before 20 days' notice, but it can be leased, with no requirement of notice. He advised on Rights of Reverter: if the City is looking at doing something as fast as possible, they could lease directly to tenants, but with a Rights of Reverter clause, 20 days' notice would be required. Mr. Cohen discussed revenue generation, and all seemed to agree that what they want to see is getting the property on the tax rolls. The tenant leasing to buy was discussed, with Mr. Cohen saying that anything can be put into the lease as long as it doesn't contradict existing law.

There was discussion between Council and Mr. Kelly regarding a lease with control, but with City ownership, with Mr. Kelly stating that the Board was concerned with the time it

would take for himself and Mr. Miller to be property managers, adding that the board didn't want them getting more beaureacratically involved by additional steps. The matter of insurance was also discussed at length.

Mayor Morriss summed up the discussion saying that the general consensus is to sell the property to the CEDC for \$1, adding the Rights of Reverter clause, with the option of offering "lease to own". Mr. Kelly advised he will take the proposal to the Board on the following Tuesday, and he and Mr. Cohen will work out the details.

III. DISCUSSION: COCHRAN: BALTIMORE STREET ACCESS PROJECT

Mr. Kelly provided a brief recap of Mr. Cochran's conceptual design for Baltimore Street. He advised that the CEDC Board and the DDC would like to see Mr. Cochran continue as a participant in process, and added that the CEDC had sent letters out to that effect. Mr. Kelly explained that as a project designer, Mr. Cochran would review engineering drawings and documents to make sure they to make sure they are consistent to what was originally planned, along with consulting with EADS regarding any changes. Mr. Kelly added that Mr. Cochran would be needed to fill in the blanks for contingencies, as well as attending meetings with M&CC, staff, engineering, etc. Mr. Kelly asked if that sounded like what the M&CC wanted. Mayor Morriss agreed, saying that Mr. Cochran's involvement going forward is critical, and that they feel the need for his guidance.

Mr. Smith advised that though the aspirational plan is what the City wants to achieve, other elements to the design have to be factored in; maintenance, ADA requirements, drainage, etc. He added that some things may have to deviate from the plan, but not from the intention of the plan. Mr. Smith stated there has to be a chain of command. EADS' contract is with the City, so changes have to come through Engineering. He further stated that there needs to be one point of contact with EADS, so that he can manage the cost, saying that there is a need to mitigate potential cost and schedule impacts, and they need to know that their engineering firm isn't designing something the City can't afford.

Mr. Smith advised that he had spoken to EADS this afternoon, and things are progressing. He stated that they are hoping to have another submission to SHA in January

IV. UPDATE: BALTIMORE ST. FUNDING SOURCES

Mr. Kelly advised that everything has stayed the same in regards to the project cost at approximately \$9.3M, which includes the EADS estimate, and Cochran Studios cost. He advised that funding-to-date is about \$7.1M, with \$1.2M ARC and \$5.2M TAP. Mr. Kelly stated that they reconciled all itemized things on the project list to see what is applicable. He said that exercise helps mitigate how much the City needs to contribute. Mr. Kelly explained the specifics of maximizing ARC funding.

He also advised that the CEDC is working with rural broadband, the Governor's office and Special Secretary Wendy Peters with Smart Growth. He stated that he is working with all of

them to try and close the \$2.2M gap. In answer to a question by Councilman Cioni, Mr. Kelly advised that if M&CC is willing to spend the money to make the project happen, construction can still begin without closing the gap, and advised there would be two funding cycles to tap into. Mr. Smith advised that construction can begin at a minimum of 18 months for 100% completion, if construction can start in the fall of 2020. Mr. Rhodes advised that they have still not completed their bond sale to acquire funds, and added that it's a relatively lengthy process. He cautioned that if we don't get that number down, and borrow the \$2.2M, that would begin to push up against the ceiling of the General Fund debt.

V. UPDATE: COMPREHENSIVE HOUSING ANALYSIS

Mr. Kelly advised that is project is indeed comprehensive, and is not a low-income project. He added that a minor part of the project is accommodating the Community Development department, which needs to look at what the specific needs are for minorities, folks with disabilities, etc., so it was decided to do the plan together. He explained that for the timeline they have to look at demographics for the minor component, i.e. CBDG impediments to fair housing. He added that the consultant, LSA, Inc. is off and running with that. Mr. Kelly stated that at the end of the day they want a scientific objective analysis of the City's housing conditions, what people want that live here, what do people need that want to move here, and what do businesses want. Mr. Kelly advised that the goal is to have the analysis done by April or May of 2020.

Mr. Kelly said another component of the study is finding out where Cumberland stands in relation to other areas. He also advised that the consultant was directed to not assume any neighborhood should continue to exist as is, and has hopes that the consultant will tell them how best to use the former Memorial Hospital site. He added that this project is well under way, and asked to have two council members sit on that board.

Mr. Kelly suggested to M&CC on behalf of the CEDC that the Community Development historic preservation study that is being considered not be pursued in isolation by itself, saying that it's too premature, given that the City's housing study needs to say what its neighborhoods should or could be. He advised that LSA, Inc. has been asked to look at the City's historic areas themselves. He advised that the CEDC Board asked that the study be tabled at this time. Mayor Morriss and Mr. Rhodes explained that they see the Community Development study as a secondary study to the Housing Analysis study, and advised that they don't see where it examines areas that should be added or taken away from historic districts. Mr. Morriss added that the second study is not opposing, but gives other options, and replied that they will take Mr. Kelly's comments under consideration. The Mayor advised that they would have someone from Community Development get with Mr. Kelly regarding the secondary study.

VI. UPDATE: MARYLAND AVENUE PROJECT WITH CUMBERLAND GATEWAY

Mr. Kelly advised that Ed Scott, Cumberland Gateway Real Estate, is now in control of the property, and said he has had recent conversations with Mr. Scott and his associates. He advised that they are continuing to acquire other properties, have solicited contractors for demolition, and have been in contact with Mr. Thacker. Mr. Kelly added that with now being a number of years into the project, he has heard no complaints or criticism from anyone that sold to the City or the CEDC and has since moved elsewhere.

Mr. Kelly advised that Cumberland Gateway is actively using an engineering firm, and have been working with Mr. Smith regarding storm water management. Mr. Smith advised that they have approved the conceptual storm water plan for Phase I, and they will be moving into the site development stage.

Mr. Thacker gave a quick update on the demolitions so far. He advised that Mr. Scott has 7 properties for demolition to come down next; 5 on Maryland Ave., 1 on Cecelia, and 1 on Emily. He advised that he and Mr. Smith have had conversations with Mr. Scott's engineering firm, and have gone over storm water, setbacks, and site plans. He added that his department has issued all the paperwork to Mr. Scott, but he has not received anything back as yet.

Mr. Kelly advised that Mr. Scott was willing to have a meeting with M&CC to do a status check with him. He added he would get it arranged, and Mayor Morriss agreed.

Mr. Kelly advised that he has gotten calls from homeowners in the Maryland Avenue corridor area who wants to sell to the CEDC, and suggested that the area seems ripe to continue to develop for new stuff in conjunction with Destination by Design. Mr. Thacker noted that in the past month there has been a bit of a disconnect with the developer, and asked if there could be more communication between his office and the CEDC, as he was put in charge of the project and all information goes through him. Mr. Kelly stated that his door was always open, and agreed that there needs to be a single point of presence. He advised that the only thing he doesn't report to Kevin on is business attraction effort, or trouble-shooting. Mr. Thacker stated that all he asks is to be updated on a regular basis. It was discussed and suggested to share weekly updates by email. Mr. Thacker asked that when it comes to the development or permitting process, that Mr. Scott comes to him going forward, especially now as there are site plans that need to be reviewed.

VII. DISCUSSION: ECONOMIC DEVELOPMENT CONSOLIDATION WITH COUNTY

Mr. Kelly advised that it is unanimous that everybody is striving towards a county-wide economic development policy, and added that the natural progression is to consolidate everyone into one space, including tourism. He stated that this discussion has been going on for a while, and is not new. He advised what is new is that it's being talked about more frequently now. He explained that the City supports the CEDC with a fixed budget, and

explained that the County's contribution of one million is what the county is spending now. He advised that discussions were going excellent, and the County is still moving forward with their normal plans. Mr. Kelly added that the CEDC and the County already consolidate on some projects, but not in a formal way, and listed several things that they help the County with. He stated that talks were progressing, and if there is any formal document, Council will get a copy. Mayor Morriss stated keep moving forward, and said he is hopefully optimistic that there will be one organization eventually.

Mr. Kelly advised on a separate discussion that is ongoing that involves a regional effort with 5 counties, spearheaded by Al Delea of FSU, and said it's important to distinguish between what the CEDC and County are doing and the other regional effort that focuses in a different way. He advised that the counties involved are Somerset, Bedford, Mineral, Allegany, and Garrett. Mayor Morriss advised that it's called the I-68 Alliance, which is a subgroup of the Greater Cumberland Committee.

VIII. ADJOURNMENT

With nothing further, the meeting adjourned at 5:31 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Seth D. Bernard
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini

City Administrator Jeffrey D. Rhodes
City Solicitor Michael S. Cohen
City Clerk Marjorie A. Woodring

MINUTES

M&CC Regular Meeting

City Hall Council Chambers, 57 N. Liberty Street, Cumberland, MD

DATE: December 03, 2019

I. Work Session

1. 3:45 p.m. - Convene in Open Work Session (Agenda published separately)

II. CLOSED SESSION

1. 5:30 p.m. - Close the Open Work Session for the purpose of holding an Executive Session pursuant to Section 3-305(b) (7) and (4) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding changes to the proposed Ordinance related to Parades and Special Events, to receive legal advice regarding a pending liability claim, and to discuss proposals for the development of the East Side School site
2. Executive Session

III. OPEN SESSION

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

IV. Pledge of Allegiance

V. Roll Call

PRESENT

Councilman Bernard
Councilman Cioni
Councilman Frazier
Councilwoman Marchini
President Morriss

ALSO PRESENT

Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring;
Lt. Chuck Ternent, Interim Chief of Police; Donald Dunn, Fire Chief

VI. Statement of Closed Meeting

1. Summary Statement of Closed Meeting held December 3, 2019

Mayor Morriss announced that a Closed Session had been held on December 3, 2019 at 5:30 p.m. and read into the record a summary of that session, which is attached hereto and made a part of these minutes as required under Section 3-306 (b) (7) and (4) of the General Provisions Article of the Annotated Code of Maryland.

VII. Approval of Minutes

Motion to approve the Minutes was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5.0

1. Approval of the Executive and Regular Session Minutes of October 15, 2019

VIII. New Business

(A) Resolutions

Mr. Rhodes reviewed the Resolution which grants a property tax credit, provided for by the Annotated Code of Maryland.

The Resolution was presented in title only. Motion to approve the Resolution was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0

Resolution No. **R2019-5** granting the Family Junction, Inc. a property tax credit for the tax year 2019/2020

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda prior to vote and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda Orders 26,571 through 26,574 was made by Councilman Bernard, seconded by Councilman Cioni, and was passed on a vote of 5-0

Order 26,571 - reappointing Dr. Stephen Gibson to the Historic Preservation Commission for a three year term effective 12/31/19 - 12/31/22

Order 26,572 accepting the sole source proposal from CI Thornburg to perform a valve insertion on a 16" water line on Willowbrook Road for the amount not to exceed \$28,473.67

Mr. Rhodes explained that this work allows the City to place a 16" valve while the line is still in service, rather than a shutting down a 36" pipe line, and advised that this company provided the lower of two quotes.

Order 26,573 - declaring a 1999 Ford F150 Pickup Truck (VIN #2FTRF18L9XCA31907) as surplus equipment and authorizing it for sale or trade-in

Order 26,573 - authorizing execution of a Release discharging Josh Llewellyn from any liability caused by an accident which occurred March 17, 2019 at the intersection of Queen City Drive and N. Centre Street in consideration of the amount of \$9,705.11

IX. Public Comments

Nick Gelles, 317 Pearl Street, wanted to thank the M&CC for getting the RV out of the way, but stated that there is still a problem with not enough room on the street due to Mr. Taccino's vehicles.

All public comments are limited to 5 minutes per person

X. Adjournment

With no further business at hand, the meeting adjourned at 6:53 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Summary

December 03, 2019, at 5:30 p.m.

Second Floor Conference Room, City Hall

On December 3, 2019, the Mayor and City Council met in closed session at 5:30 p.m. in the City Hall Council Chambers to receive legal advice regarding changes to the proposed Ordinance related to Parades and Special Events, to receive legal advice regarding a pending liability claim, and to discuss proposals for the development of the East Side School site. Authority to close the session was provided by Section 3-305 (b) (7) and (4) of the General Provisions Article of the Annotated Coded of Maryland.

Persons in attendance included Mayor Raymond Morriss; Council Members: Seth Bernard, Richard Cioni, Eugene Frazier, and Laurie Marchini; City Administrator Jeff Rhodes, City Clerk Marjorie Woodring, City Solicitor Michael Cohen; Paul Kelly, CEDC Executive Director; Matt Miller, CEDC Specialist

On a motion made by Council Member Marchini and seconded by Council Member Cioni, Council voted 5-0 to close the session.

No actions were voted upon and the meeting was adjourned at 6:40 p.m.



Raymond M. Morriss, Mayor

Entered into the public record on **DEC - 3 2019**

Mayor and City Council of Cumberland

RETREAT

Gilchrist Museum
104 Washington Street
Cumberland, MD 21502

November 15, 2019
11:00 a.m.

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Marjorie Woodring, City Clerk; media

MOTION to enter into retreat session was made by Council Member Frazier, seconded by Council Member Cioni, and was passed on a vote of 5-0.

The Mayor and Council discussed the need to establish goals for the betterment of the organization. The Council members, Mr. Rhodes, and Ms. Woodring, broke into several work groups to identify goals and priorities, then reconvened to allow each group to discuss their thoughts. The following goals were defined:

- I. Improve the appearance and livability of the city, making it more attractive for investment, development, etc., by:
 1. removing blighted structures;
 2. enhancing neighborhood revitalization;
 3. encouraging pride in the maintenance of properties;
 4. evaluating and streamlining the code enforcement processes;
 5. identifying and supporting public safety initiatives

- II. Increase the tax base, by:
 1. revitalization of the City Center;
 2. attract and retain businesses;
 3. attract and retain citizens;
 4. improve housing opportunities;
 5. identify and support economic development initiatives

- III. Seek ways to improve communication:
 1. amongst the Mayor and Council members, with a focus on obtaining training through MML or ICMA so that the Council members can better understand their roles;
 2. with the County Commissioners and the Western MD Delegation;

3. with City staff;
4. with the public.

The Mayor and Council agreed to formulate a mission statement in the coming weeks, with input from council member.

With nothing further, motion to adjourn was made by Bernard, seconded by Cioni, and was approved by all.

Meeting adjourned: 1:30 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved: _____

Item Attachment Documents:

1. Ordinance No. 3863 (*2nd and 3rd readings*) - to repeal and reenact with amendments Sections 15-26 and 15-27 of the City Code pertaining to the Parks and Recreation Board to reduce the membership number from ten (1) to five (5) to seven (7) members, to reduce the term of board members to three (3) years, and to provide for a city high school student representative as a non-voting member

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTIONS 15-26 AND 15-27 OF THE CODE OF THE CITY OF CUMBERLAND RESPECTIVELY, PERTAINING TO (1) THE ESTABLISHMENT AND MEMBERSHIP OF THE RECREATION BOARD AND (2) APPOINTMENT, TERMS AND COMPENSATION OF AND FOR ITS MEMBERS, AND VACANCIES THEREIN FOR THE RESPECTIVE PURPOSES OF (1) CHANGING THE NUMBER OF MEMBERS OF THE BOARD AND ITS COMPOSITION AND (2) THE APPOINTMENT AND TERM OF A STUDENT MEMBER OF THE BOARD."

WHEREAS, Section 15-26 of the City Code provides that the Recreation Board consists of ten (10) members and it obligates the City to have one (1) member representing the Allegany County Board of Education and one (1) member representing the YMCA;

WHEREAS, the City has had difficulty finding individuals willing to serve on this and other City boards and commissions;

WHEREAS, the changes to Section 15-26 are designed to address these issues; and

WHEREAS, the changes to section 15-27 are for the purpose of appointing and establishing a term of service for a non-voting high school student member.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that sections 15-26 and 15-27 of the Code of the City of Cumberland (1991 Edition) be and are hereby repealed and reenacted, the said reenacted versions being set forth below (with text-edited versions being attached hereto as Exhibit A).

Sec. 15-26. - Established; membership.

A recreation board is hereby established. It shall consist of five (5) to seven (7) persons chosen from the community at large. A city high school student shall also serve on the board as a non-voting member.

Sec. 15-27. - Appointment and terms of members; compensation of members; vacancies.

- (a) With the exception of the student member, the members of the recreation board shall be appointed by the city council and shall serve for terms of three (3) years or until their successors are appointed. The student member shall be selected by the Allegany County Board of Education.
- (b) Members of the recreation board shall serve without compensation.
- (c) Vacancies on the board occurring other than at the end of a board member's term shall be filled for the unexpired term in the same manner as the original appointment.

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

Passed this _____ day of December, 2019.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie E. Woodring, City Clerk

EXHIBIT A

New language to be added is underlined and language to be deleted is ~~stricken through~~.

Sec. 15-26. - Established; membership.

A recreation board is hereby ~~created and established~~ for the city, and such board ~~It~~ shall consist of ~~ten (10)~~ five (5) to seven (7) ~~persons chosen from the community at large.~~ Eight (8) of such members shall be chosen from the community at large, one (1) member shall represent the county board of education, and one (1) member shall represent the Young Men's Christian Association. A city high school student shall also serve on the board as a non-voting member.

Sec. 15-27. - Appointment and terms of members; compensation of members; vacancies.

- (a) With the exception of the student member, the members of the recreation board shall be appointed by the mayor and approved by the city council and shall serve for terms of ~~five (5)~~ three (3) years or until their successors are appointed. The student member shall be selected by the Allegany County Board of Education.
- (b) Members of the recreation board shall serve without compensation.
- (c) Vacancies ~~in~~ on the board occurring ~~otherwise other than by expiration at the end of~~ at the end of a board member's term shall be filled for the unexpired term ~~of the person formerly holding the office, and such vacancies shall be filled~~ in the same manner as the original appointment.

Item Attachment Documents:

Ordinance No. 3864 - to repeal and reenact with Amendments Chapter 8, Article 2 (Sections 8-26 to 8-36) of the Code pertaining to floodplain management, to meet requirements of the National Flood Insurance Program

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND ENTITLED “AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS CHAPTER 8 ARTICLE 2 (SECTIONS 8-26 TO 8-36) OF THE CODE OF THE CITY OF CUMBERLAND, THE CITY’S FLOODPLAIN MANAGEMENT ORDINANCE, FOR THE PURPOSE OF MEETING THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM.”

WHEREAS, local governments must meet the minimum requirements of the National Flood Insurance Program in order to be eligible for benefits thereunder; and

WHEREAS, in order to meet those requirements and remain eligible for those benefits, the City is amending its Floodplain Management Ordinance pursuant to the terms of this Ordinance.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND that sections 8-26 to 8-36 of the Code of the City of Cumberland be and are hereby repealed and reenacted with amendments, to read as is set forth in the attachment hereto:

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

Passed this 11th day of February, 2020.

Raymond M. Morris, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

Sec. 8-26. - Short title.

This article shall hereafter be referred to as the Floodplain Management Ordinance of the City of Cumberland.

Sec. 8-27. – General provisions.

(a) Findings.

- (1) The Federal Emergency Management Agency (*FEMA*) has identified special flood hazard areas (*SFHA*'s) within the boundaries of the city. *SFHAs* are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare. Structures that are inadequately elevated, improperly floodproofed, or otherwise unprotected from flood damage also contribute to flood losses.
 - (2) The city, by resolution, agreed to meet the requirements of the *National Flood Insurance Program (NFIP)* and was accepted for participation in the program on ~~[DATE OF REGULAR PROGRAM ENTRY] February 18, 1981, September 1, 1983~~1978. As of that date or as of ~~[DATE OF FIRST EFFECTIVE FIRM] February 18, 1981~~September 1, 19831978, the initial effective date of the ~~[COMMUNITY NAME] Allegany County~~city *FIRM(s)*, all development and new construction, as defined herein, are to be compliant with these regulations.
- (b) *Statutory authorization.* The Maryland General Assembly, in Md. Code Ann., Land Use Article, Title 4, has established as policy of the State that the orderly development and use of land and structures requires comprehensive regulation through the implementation of planning and zoning control, and that planning and zoning controls shall be implemented by local government in order to, among other purposes, secure the public safety, promote health and general welfare, and promote the conservation of natural resources. Therefore, the city ~~[COMMISSION/COUNCIL] Board of County Commissioners~~council does hereby adopt the following floodplain management regulations.
- (c) *Statement of purpose.* It is the purpose of these regulations to promote the public health, safety and general welfare, and to:
- (1) Protect human life, health and welfare;

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- (2) Encourage the utilization of appropriate construction practices, in order to prevent or minimize flood damage in the future;
- (3) Minimize *flooding* of water supply and sanitary sewage disposal systems;
- (4) Maintain natural drainage;
- (5) Reduce financial burdens imposed on the *community*, its governmental units and its residents, by discouraging unwise design and construction of *development* in areas subject to *flooding*;
- (6) Minimize the need for rescue and relief efforts associated with *flooding* and generally undertaken at the expense of the general public;
- (7) Minimize prolonged business interruptions;
- (8) Minimize damage to public facilities and other utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges;
- (9) Reinforce that those who build in and occupy *SFHAs* should assume responsibility for their actions;
- (10) Minimize the impact of *development* on adjacent properties within and near *flood-prone* areas;
- (11) Provide that the *flood* storage and conveyance functions of *floodplains* are maintained;
- (12) Minimize the impact of *development* on the natural and beneficial functions of *floodplains*;
- (13) Prevent *floodplain* uses that are either hazardous or environmentally incompatible; and
- (14) Meet *community* participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.

(d) *Areas to which these regulations apply.* These regulations shall apply to all *SFHAs* within the jurisdiction of ~~the [COMMUNITY NAME]~~ Allegany County, the city, and identified in subsection (e) of this section.

(e) Basis for establishing *SFHAs* and base flood elevations.

- (1) For the purposes of these regulations, the minimum basis for establishing *SFHAs* and *base flood elevations* is the *Flood Insurance Study (FIS)* for ~~the~~ city [TITLE OF FIS] Allegany County, Maryland a And Incorporated Areas dated April 3, 2020 [DATE OF FIS], or the most recent revision thereof, and the accompanying *Flood Insurance Rate Map(s) (FIRMs)* and all subsequent amendments and revisions to the *FIRMs*. The *FIS* and *FIRMs* are retained on file and available to the public at the city's engineering department, 20 Bedford St, Cumberland, MD 21502, Allegany County Complex, 701 Kelly Road, Cumberland, MD 21502, [INSERT LOCATION].

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Commented [kgw1]: We won't know this date until FEMA issues the Letter of Final Determination (LFD).

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(2) Where field surveyed topography or digital topography indicates that ground elevations are below the closest applicable *base flood elevation*, even in areas not delineated as a special flood hazard on the *FIRM*, the area shall be considered as *SFHA*.

(3) To establish *base flood elevations* in *SFHAs* that do not have such elevations shown on the *FIRM*, the *Floodplain administrator* may provide the best available data for *base flood elevations*, may require the applicant to obtain available information from Federal, State or other sources, or may require the applicant to establish *SFHAs* and *base flood elevations* as set forth in sections 8-28(c)(d) and (e) of these regulations.

~~(3) In areas where there are no FEMA mapped floodplains, Allegany County shall utilize supplemental flood studies prepared by Purdum and Jeschke Consulting Engineers and Land Surveyors, dated 1986, as the best available data. The subject studies include the following basins: Fairgo; Tributary to Braddock Run and Triple Lakes; Upper Georges Creek and Warrior Run.~~

(g) *Interpretation.* In the interpretation and application of these regulations, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and,
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Notes referencing publications of *FEMA* refer to the most recent edition of those publications, are intended only as guidance, and do not bind or alter the authority of the *Floodplain administrator* to interpret and apply these regulations.

(h) *Warning and disclaimer of liability.*

(1) The degree of *flood* protection required by these regulations is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur, and *flood* heights may be increased by man-made or natural causes. These regulations do not imply that land outside of the *SFHAs* or uses that are permitted within such areas will be free from *flooding* or *flood* damage.

(2) These regulations shall not create liability on the part of the city of ~~Allegany County~~ ~~Allegany County~~, any official, officer or employee thereof, the *Maryland Department of the Environment (MDE)* or *FEMA*, for any *flood* damage that results from reliance on these regulations or any administrative decision lawfully made hereunder.

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- (i) *Severability.* Should any section or provision of these regulations be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the regulations as a whole, or any part thereof, other than the part so declared to be unconstitutional or invalid.

Sec. - 8-28. Definitions.

Unless specifically defined below, words or phrases used in these regulations shall be interpreted to have the meaning they have in common usage and to give these regulations the most reasonable application.

Accessory structure: A building or *structure* on the same lot with, and of a nature customarily incidental and subordinate to, the principal *structure*. For the purposes of these regulations, an accessory structure shall be used solely for parking of vehicles and limited storage.

Agreement to submit an elevation certificate: A form on which the applicant for a permit to construct a building or *structure*, to construct certain horizontal additions, to place or replace a *manufactured home*, to substantially improve a building, *structure*, or *manufactured home*, agrees to have an *Elevation certificate* prepared by a *licensed* professional engineer or *licensed* professional surveyor, as specified by the *Floodplain administrator*, and to submit the certificate:

- (1) Upon placement of the *lowest floor* and prior to further vertical construction; and
- (2) Prior to the final inspection and issuance of the Certificate of Occupancy.

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Alteration of a watercourse: For the purpose of these regulations, alteration of a watercourse includes, but is not limited to widening, deepening or relocating the channel, including excavation or filling of the channel. Alteration of a watercourse does not include construction of a road, bridge, culvert, dam, or in-stream pond unless the channel is proposed to be realigned or relocated as part of such construction.

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Area of shallow flooding: A designated Zone AO on the *Flood Insurance Rate Map* with a 1-percent annual chance or greater of *flooding* to an average depth of one (1) to three (3) feet where a clearly defined channel does not exist, where the path of *flooding* is unpredictable, and where velocity flow may be evident; such *flooding* is characterized by ponding or sheet flow.

Base building: The building to which an addition is being added. This term is used in provisions relating to additions.

Base flood: The *flood* having a one-percent chance of being equaled or exceeded in any given year; the base flood also is referred to as the 1-percent annual chance (100-year) *flood*.

Base flood elevation (BFE): The water surface elevation of the *base flood* in relation to the datum specified on the *community's Flood Insurance Rate Map*. In *areas of shallow flooding*, the base flood elevation is the highest adjacent natural grade elevation plus the depth

number specified in feet on the *Flood Insurance Rate Map*, or at least four (4) feet if the depth number is not specified.

Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

Building code(s): ~~Any building code as adopted and amended by Allegany County. The effective Maryland Building Performance Standards (COMAR 05.02.07), including the building code, residential code, and existing building code.~~ The effective Maryland Building Performance Standards (COMAR 05.02.07), including the building code, residential code, and existing building code.

Commented [AS3]:

Community: A political subdivision of the state (county, city or town) that has authority to adopt and enforce floodplain management regulations within its jurisdictional boundaries.

Conditional letter of map revision (CLOMR): A formal review and comment as to whether a proposed *flood* protection project or other project complies with the minimum *NFIP* requirements for such projects with respect to delineation of *SFHAs*. A *conditional letter of map revision* based on Fill is a determination that a parcel of land or proposed structure that will be elevated by fill would not be inundated by the base flood if fill is placed on the parcel as proposed or the structure is built as proposed. A *CLOMR* does not revise the effective *FIRM* or *FIS*; upon submission and approval of certified as-built documentation, a Letter of Map Revision may be issued by *FEMA*, to revise the effective *FIRM*.

Critical and essential facilities: Buildings and other *structures* that are intended to remain operational in the event of extreme environmental loading from flood, wind, snow or earthquakes. [Note: See Maryland Building Performance Standards, Sec. 1602 and Table 1604.5.] *Critical and essential facilities* typically include hospitals, fire stations, police stations, storage of critical records, facilities that handle or store hazardous materials, and similar facilities.

Declaration of land restriction (nonconversion agreement): A form signed by the owner to agree not to convert or modify in any manner that is inconsistent with the terms of the permit and these regulations, certain *enclosures below the lowest floor* of elevated buildings and certain *accessory structures*. The form requires the owner to record it on the property deed to inform future owners of the restrictions.

Development: Any manmade change to improved or unimproved real estate, including but not limited to buildings or other *structures*, placement of *manufactured homes*, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

Elevation certificate: *FEMA* form on which surveyed elevations and other data pertinent to a property and a building are identified and which shall be completed by a *licensed*

professional land surveyor or a *licensed* professional engineer, as specified by the *Floodplain administrator*. When used to document the height above grade of buildings in *SFHAs* for which *BFE* data are not available, the *Elevation certificate* shall be completed in accordance with the instructions issued by *FEMA*. [Note: *FEMA* Form 086-0-33 and instructions are available online at <https://www.FEMA.gov/media-library/assets/documents/160http://www.fema.gov/library/viewRecord.do?id=1383>.]

Enclosure below the lowest floor: An unfinished or *flood-resistant* enclosure that is located below an elevated building, is surrounded by walls on all sides, and is usable solely for parking of vehicles, building access or storage, in an area other than a *basement* area, provided that such enclosure is built in accordance with the applicable design requirements specified in these regulations. Also see “Lowest Floor.”

Federal emergency management agency (FEMA): The federal agency with the overall responsibility for administering the National Flood Insurance Program.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) The overflow of inland or tidal waters, and/or
- (2) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood damage-resistant materials: Any construction material that is capable of withstanding direct and prolonged contact with floodwaters without sustaining any damage that requires more than cosmetic repair. [Note: See *NFIP* Technical Bulletin #2, “Flood Damage-Resistant Materials Requirements.”]

Flood insurance rate map (FIRM): An official map on which *FEMA* has delineated *SFHAs* to indicate the magnitude and nature of *flood* hazards, to designate applicable flood zones, and to delineate floodways, if applicable. *FIRMs* that have been prepared in digital format or converted to digital format are referred to as Digital *FIRMs*.

Flood insurance study (FIS): The official report in which *FEMA* has provided *flood* profiles, *floodway* information, and the water surface elevations.

Flood opening: A flood opening (non-engineered) is an opening that is used to meet the prescriptive requirement of **one (1)** square inch of net open area for every square foot of enclosed area. An engineered flood opening is an opening that is designed and certified by a *licensed* professional engineer or *licensed* architect as meeting certain performance characteristics, including providing automatic entry and exit of floodwaters; this certification requirement may be satisfied by an individual certification for a specific structure or issuance of an Evaluation Report by the ICC Evaluation Service, Inc. [Note: See *NFIP* Technical Bulletin #1, “Openings in Foundation Walls and Walls of Enclosures.”]

Flood protection elevation: The base flood elevation plus ~~one (1) foot~~ two (2) feet of freeboard. Freeboard is a factor of safety that compensates for uncertainty in factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, obstructed bridge openings, debris and ice jams, climate change, and the hydrologic effect of urbanization in a watershed.

Commented [kgw4]: This definition sets the freeboard requirement.

Flood protection setback: A distance measured perpendicular to the top of bank of a watercourse that delineates an area to be left undisturbed to minimize future flood damage and to recognize the potential for bank erosion. Along nontidal waters of the State, the flood protection setback is:

- (1) A minimum distance of one-hundred (100) feet shall be maintained from the edge of the banks of any watercourse delineated as having a floodplain on the FIRM, except where the setback may extend beyond the floodplain. To prevent erosion, natural vegetation shall be maintained in this area. Where natural vegetation does not exist along the watercourse and conditions for replanting are suitable, high priority shall be given to planting trees in the setback area to stabilize banks and to enhance aquatic resources, if the watercourse has special flood hazard areas shown on the FIRM, except where the setback extends beyond the boundary of the flood hazard area; or
- (2) A minimum distance of fifty (50) feet shall be maintained from top of the bank of any stream which has no designated floodplain and a basin larger than four-hundred (400) acres, if the watercourse does not have special flood hazard areas shown on the FIRM.
- ~~(2)~~ (3) A minimum distance of twenty-five (25) feet shall be maintained from centerline from all other streams, drainways, including intermittent streams. Natural vegetation shall be maintained and if needed, trees planted.

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Flood zone: A designation for areas that are shown on FIRMs:

- (1) **Zone A:** SFHAs subject to inundation by the 1-percent annual chance (100-year) flood; base flood elevations are not determined.
- (2) **Zone AE and Zone A1-30:** SFHAs subject to inundation by the 1-percent annual chance (100-year) flood; base flood elevations are determined; floodways may or may not be determined.
- (3) **Zone AH and Zone AO:** Areas of shallow flooding, with flood depths of 1 to 3 feet (usually areas of ponding or sheet flow on sloping terrain), with or without BFEs or designated flood depths.
- (4) **Zone B and Zone X (shaded):** Areas subject to inundation by the 0.2-percent annual chance (500-year) flood; areas subject to the 1-percent annual chance (100-year) flood with average depths of less than 1 foot or with contributing

drainage area less than 1 square mile; and areas protected from the *base flood* by levees.

- (5) **Zone C and Zone X (unshaded):** Areas outside of Zones designated A, AE, A1-30, AO, VE, V1-30, B, and X (shaded). ~~Zone VE and Zone V1-30: Special flood hazard areas subject to inundation by the 1-percent annual chance (100-year) flood and subject to high-velocity wave action.~~

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Floodplain: Any land area susceptible to being inundated by water from any source (see definition of "Flood" or "Flooding").

~~*Floodplain Management Appeals Review Committee:* A panel of representatives who review proposed modifications to the regulations of this chapter. The subject committee is comprised of staff from the Allegany Soil Conservation District, the Maryland Department of the Environment and Allegany County government.~~

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Floodproofing certificate: FEMA form that is to be completed, signed and sealed by a licensed professional engineer or licensed architect to certify that the design of floodproofing and proposed methods of construction are in accordance with the applicable requirements of section 8-30(e)(2) of these regulations. [Note: FEMA Form 086-0-34 is available online at <https://www.FEMA.gov/media-library/assets/documents/2748>~~<http://www.fema.gov/library/viewRecord.do?id=1600>~~.]

Floodway: The channel of a river or other *watercourse* and the adjacent land areas that must be reserved in order to pass the *base flood* discharge such that the cumulative increase in the water surface elevation of the *base flood* discharge is no more than a designated height. When shown on a *FIRM*, the floodway is referred to as the "designated floodway."

~~*Freeboard:* An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects.~~ An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, wave actions, subsidence or other unpredictable effects.

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Functionally dependent use: A use which cannot perform its intended purpose unless it is located or carried out in close proximity to water; the term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Commented [kgw5]: Put the definition back the way it was.

Highest adjacent grade: The highest natural elevation of the ground surface, prior to construction, next to the proposed foundation of a *structure*.

Historic structure: Any *structure* that is:

Commented [kgw6]: Put the definition back the way it was. Allegany County is not a Certified Local Government (CLG) by the National Park Service, so #4 was deleted. See https://mht.maryland.gov/grants_clg.shtml for more details. Please note, the City of Cumberland is a CLG.

(1) Individually listed in the National Register of Historic Places (a listing maintained by the U.S. Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listings on the National Register;

(2) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

(3) [Individually listed on the Maryland Register of Historic Places; or](#)

~~(2)(4)~~ [Individually listed on the inventory of historic places maintained by the city whose historic preservation program has been certified by the Maryland Historical Trust or the Secretary of the Interior.](#)~~or~~

~~Individually listed on the Maryland Register of Historic Places; or or~~

professional engineer, in accordance with standard engineering practices that are accepted by MDE (Nontidal Wetlands & Waterways) and FEMA, used to determine the *base flood*, other frequency floods, *flood elevations*, *floodway* information and boundaries, and *flood profiles*.

Letter of map change (LOMC): A *Letter of map change* is an official FEMA determination, by letter, that amends or revises an effective *FIRM* or *FIS*. Letters of Map Change include:

Letter of map amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated *SFHA*. A *LOMA* amends the current effective *FIRM* and establishes that a specific property or *structure* is not located in a *SFHA*.

Letter of map revision (LOMR): A revision based on technical data that may show changes to *flood zones*, *flood elevations*, *floodplain* and *floodway* delineations, and planimetric features.

Letter of map revision on fill (LOMR-F): An LOMR-F is a determination that a *structure* or parcel of land has been elevated by fill above the *base flood elevation* and is, therefore, no longer exposed to *flooding* associated with the *base flood*. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the *community's* floodplain management regulations.

Licensed: As used in these regulations, licensed refers to professionals who are authorized to practice in the state by issuance of licenses by the Maryland Board of Architects, Maryland Board of Professional Engineers, Maryland Board of Professional Land Surveyors, and the Maryland Real Estate Appraisers and Home Inspectors Commission.

~~County Administrator's Designee~~ *Lowest floor:* The lowest floor of the lowest enclosed area (including *basement*) of a building or *structure*; the floor of an *enclosure below the lowest*

floor is not the lowest floor provided the enclosure is constructed in accordance with these regulations. The lowest floor of a *manufactured home* is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).

Manufactured home: A *structure*, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. The term *manufactured home* does not include a *recreational vehicle*.

Market value: The price at which a property will change hands between a willing buyer and a willing seller, neither party being under compulsion to buy or sell and both having reasonable knowledge of relevant facts. For the purposes of these regulations, the market value of a building is determined by a *licensed* real estate appraiser or the most recent, full phased-in assessment value of the building (improvement) determined by the Maryland Department of Assessments and Taxation.

Maryland Department of the Environment (MDE): A principal department of the state that is charged with, among other responsibilities, the coordination of the *National Flood Insurance Program* in Maryland (*NFIP State Coordinator*) and the administration of regulatory programs for *development* and construction that occur within the *waters of the state*, including nontidal wetlands, nontidal waters and floodplains, and state and private tidal wetlands (Tidal Wetlands). Unless otherwise specified, “*MDE*” refers to the Department’s Wetlands and Waterways Program.

Mixed-use structure: Any *structure* that is used or intended for use for a mixture of nonresidential and residential uses in the same structure.

National Flood Insurance Program (NFIP): The program authorized by the U.S. Congress in 42 U.S.C. §§4001 - 4129. The *NFIP* makes flood insurance coverage available in communities that agree to adopt and enforce minimum regulatory requirements for *development* in areas prone to *flooding* (see definition of “*SFHA*”).

New construction: *Structures*, including additions and improvements, and the placement of *manufactured homes*, for which the *start of construction* commenced on or after ~~INITIAL FIRM EFFECTIVE DATE~~ February 18, 1981/September 1, 1983/1978, the initial effective date of the ~~COMMUNITY NAME~~ Allegany County city’s *FIRMS*, including any subsequent improvements, alterations, modifications, and additions to such *structures*.

NFIP state coordinator: See *MDE*.

Nontidal waters of the state: See “waters of the state.” As used in these regulations, “nontidal waters of the state” refers to any stream or body of water within the state that is subject to state regulation, including the “100-year frequency *floodplain* of free-flowing waters.” COMAR 26.17.04.01 states that “the landward boundaries of any tidal waters shall be deemed

coterminous with the wetlands boundary maps adopted pursuant to Environment Article, §16-301, Annotated Code of Maryland.” Therefore, the boundary between the tidal and nontidal waters of the state is the tidal wetlands boundary.

Person: An individual or group of individuals, corporation, partnership, association, or any other entity, including state and local governments and agencies.

Recreational vehicle: A vehicle that is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Special flood hazard area (SFHA): The land in the *floodplain* subject to a one-percent or greater chance of *flooding* in any given year. *SFHAs* are designated by *FEMA* in *Flood Insurance Studies* and on *FIRMs* as Zones A, AE, AH, AO, A1-30, and A99, and Zones VE and V1-30. The term includes areas shown on other flood maps that are identified in section 8-27(e).

Start of construction: The date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a *structure* on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a *manufactured home* on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a *basement*, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of *accessory structures*, such as garages or sheds not occupied as dwelling units or not part of the main *structure*. For *substantial improvements*, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure: That which is built or constructed; specifically, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a *manufactured home*.

Substantial damage: Damage of any origin sustained by a building or *structure* whereby the cost of restoring the building or *structure* to its before damaged condition would equal or exceed 50 percent of the *market value* of the building or *structure* before the damage occurred. Also used as “substantially damaged” structures. [Note: See “Substantial Improvement/Substantial Damage Desk Reference” (*FEMA* P-758).] ~~SELECT ONE ALTERNATIVE DEFINITION FOR SUBSTANTIAL IMPROVEMENT AND DELETE THE OTHER. SECTION 4.6 AND PARAGRAPH 7.2(D) WILL NEED TO MATCH THE SELECTED ALTERNATIVE.~~

Substantial improvement: Any reconstruction, rehabilitation, addition, or other improvement of a building or *structure*, the cost of which equals or exceeds 50 percent of the *market value* of the building or *structure* before the *start of construction* of the improvement. The term includes *structures* which have incurred *substantial damage*, regardless of the actual repair work performed. The term does not, however, include either:

- (1) Any project for improvement of a building or *structure* to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official prior to submission of an application for a permit and which are the minimum necessary to assure safe living conditions; or
- (2) Any alteration of a *historic structure*, provided that the alteration will not preclude the *structure*'s continued designation as a *historic structure*.

[Note: See "Substantial Improvement/Substantial Damage Desk Reference" (FEMA P-758).]

Temporary structure: A *structure* installed, used, or erected for a period of less than 180 days.

Variance: A grant of relief from the strict application of one or more requirements of these regulations.

Violation: Any construction or *development* in a *SFHA* that is being performed without an issued permit. The failure of a building, *structure*, or other *development* for which a permit is issued to be fully compliant with these regulations and the conditions of the issued permit. A building, *structure*, or other *development* without the required design certifications, the *Elevation certificate*, or other evidence of compliance required is presumed to be a *violation* until such time as the required documentation is provided.

Watercourse: The channel, including channel banks and bed, of *nontidal waters of the state*.

Waters of the state: [See Environment Article, Title 5, Subtitle 1, Annotated Code of Maryland.] *Waters of the state* include:

- (1) Both surface and underground waters within the boundaries of the state subject to its jurisdiction;
- (2) That portion of the Atlantic Ocean within the boundaries of the state;
- (3) The Chesapeake Bay and its tributaries;
- (4) All ponds, lakes, rivers, streams, public ditches, tax ditches, and public drainage systems within the state, other than those designed and used to collect, convey, or dispose of sanitary sewage; and

Commented [kgw7]: The existing County floodplain ordinance follows the "definition method" for handling substantial improvements to historic structures. See <https://ecode360.com/14698561>. If the County would like to change to the "variance method", change this definition and Sections 4.6 and 7.2.

- (5) The *floodplain* of free-flowing waters determined by *MDE* on the basis of the 100-year *flood* frequency.

Sec. 8-28 - Administration.

- (a) *Designation of the floodplain administrator.* The [Director of Planning & Growth](#) city engineer or their designee is hereby appointed to administer and implement these regulations and is referred to herein as the *floodplain administrator*. The *floodplain administrator* may:
 - (1) Delegate duties and responsibilities set forth in these regulations to qualified technical personnel, plan examiners, inspectors, and other employees.
 - (2) Enter into a written agreement or written contract with another Maryland *community* or private sector entity to administer specific provisions of these regulations. Administration of any part of these regulations by another entity shall not relieve the *community* of its responsibilities pursuant to the participation requirements of the National Flood Insurance Program as set forth in the Code of Federal Regulations (CFR) at 44 CFR Section 59.22.
- (b) *Duties and responsibilities of the floodplain administrator.* The duties and responsibilities of the *floodplain administrator* shall include but are not limited to:
 - (1) Review applications for permits to determine whether proposed activities will be located in flood hazard areas.
 - (2) Interpret *floodplain* boundaries and provide available *base flood elevation* and *flood* hazard information.
 - (3) Review applications to determine whether proposed activities will be reasonably safe from *flooding* and require *new construction* and *substantial improvements* to meet the requirements of these regulations.
 - (4) Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from *MDE* for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, *structures*), any *alteration of a watercourse*, or any change of the course, current, or cross section of a stream or body of water, including any change to the 100-year frequency *floodplain* of free-flowing *nontidal waters of the state*.
 - (5) Verify that applicants proposing an *alteration of a watercourse* have notified adjacent communities and *MDE (NFIP State Coordinator)*, and have submitted copies of such notifications to *FEMA*.

- (6) Approve applications and issue permits to develop in *flood* hazard areas if the provisions of these regulations have been met, or disapprove applications if the provisions of these regulations have not been met.
- (7) Inspect or cause to be inspected, buildings, *structures*, and other *development* for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or *violations* have been committed.
- (8) Review *Elevation certificates* and require incomplete or deficient certificates to be corrected.
- (9) Submit to *FEMA*, or require applicants to submit to *FEMA*, data and information necessary to maintain *FIRMs*, including *hydrologic and hydraulic engineering analyses* prepared by or for the ~~[COMMUNITY NAME]~~ [Allegany County](#) the city, within six (6) months after such data and information becomes available if the analyses indicate changes in *base flood elevations* or boundaries.
- (10) Maintain and permanently keep records that are necessary for the administration of these regulations, including:
 - (A) *Flood Insurance Studies, FIRMs* (including historic studies and maps and current effective studies and maps) and Letters of Map Change; and
 - (B) Documentation supporting issuance and denial of permits, *Elevation certificates*, documentation of the elevation (in relation to the datum on the *FIRM*) to which *structures* have been *floodproofed*, other required design certifications, *variances*, and records of enforcement actions taken to correct *violations* of these regulations.
- (11) Enforce the provisions of these regulations, investigate *violations*, issue notices of *violations* or stop work orders, and require permit holders to take corrective action.
- (12) Advise the ~~[BODY DESIGNATED TO HEAR VARIANCES]~~ [Board of Zoning Appeals](#) ~~Floodplain Management Variance Review Committee~~ [Board of Zoning Appeals](#) regarding the intent of these regulations and, for each application for a *variance*, prepare a staff report and recommendation.
- (13) Administer the requirements related to proposed work on existing buildings:
 - (A) Make determinations as to whether buildings and *structures* that are located in *flood* hazard areas and that are damaged by any cause have been *substantially damaged*.

Commented [kgw8]: County to confirm this is the correct body that hears floodplain variance requests.

- (B) Make reasonable efforts to notify owners of *substantially damaged structures* of the need to obtain a permit to repair, rehabilitate, or reconstruct, and prohibit the non-compliant repair of *substantially damaged* buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or *structure* to prevent additional damage.
- (14) Undertake, as determined appropriate by the *Floodplain administrator* due to the circumstances, other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged *structures*; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged *structures* information related to the proper repair of damaged *structures* in *SFHAs*; and assisting property owners with documentation necessary to file claims for Increased Cost of Compliance (ICC) coverage under *NFIP* flood insurance policies.
- (15) Notify *FEMA* when the corporate boundaries of ~~the [COMMUNITY NAME]~~Allegany Countythe city have been modified and:
- (A) Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
 - (B) If the *FIRM* for any annexed area includes *SFHAs* that have *flood zones* that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the *FIRM* and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place within six months of the date of annexation and a copy of the amended regulations shall be provided to *MDE (NFIP State Coordinator)* and *FEMA*.
- (16) Upon the request of *FEMA*, complete and submit a report concerning participation in the *NFIP* which may request information regarding the number of buildings in the *SFHA*, number of permits issued for *development* in the *SFHA*, and number of *variances* issued for *development* in the *SFHA*.

(c) *Use and interpretation of FIRMs.*

(1) The *floodplain administrator* shall make interpretations, where needed, as to the exact location of *SFHAs*, *floodplain* boundaries, and *floodway* boundaries. The following shall apply to the use and interpretation of *FIRMs* and data:

- (A) Where field surveyed topography indicates that ground elevations:
 - (i) Are below the *base flood elevation*, even in areas not delineated as a *SFHA* on a *FIRM*, the area shall be considered as *SFHA* and subject to the requirements of these regulations;
 - (ii) Are above the *base flood elevation*, the area shall be regulated as *SFHA* unless the applicant obtains a *Letter of map change* that removes the area from the *SFHA*.
- (B) In *FEMA*-identified *SFHAs* where *base flood elevation* and *floodway* data have not been identified and in areas where *FEMA* has not identified *SFHAs*, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
- (C) *Base flood elevations* and designated *floodway* boundaries on *FIRMs* and in *FISs* shall take precedence over *base flood elevations* and *floodway* boundaries by any other sources if such sources show reduced *floodway* widths and/or lower *base flood elevations*.
- (D) Other sources of data shall be reasonably used if such sources show increased *base flood elevations* and/or larger *floodway* areas than are shown on *FIRMs* and in *FISs*.

(2) *Letter of final determination.*

- A. If a preliminary *FIRM* and/or a preliminary *FIS* have been provided by *FEMA*, upon the issuance of a *Letter of Final Determination* by *FEMA*, if the preliminary flood hazard data is more restrictive than the effective data, it shall be used and shall replace the flood hazard data previously provided from *FEMA* for the purposes of administering these regulations.
- B. Prior to the issuance of a *Letter of Final Determination* by *FEMA*, the use of preliminary flood hazard data shall be deemed the best available data pursuant to section 8-27(e)(3) and used where no *base flood elevations* and/or *floodway* areas are provided on the effective *FIRM*.
- C. Prior to issuance of a *Letter of Final Determination* by *FEMA*, the use of preliminary flood hazard data is permitted where the preliminary *base*

flood elevations, floodplain or floodway boundaries exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal.

(d) *Permits required and expiration.*

- (1) It shall be unlawful for any *person* to begin any *development* or construction which is wholly within, partially within, or in contact with any flood hazard area established in section 8-27(e), including but not limited to: filling; grading; construction of new *structures*; the *substantial improvement* of buildings or *structures*, including repair of *substantial damage*; placement or replacement of *manufactured homes*, including *substantial improvement* or repair of *substantial damage* of *manufactured homes*; erecting or installing a *temporary structure*, or *alteration of a watercourse*, until a permit is obtained from ~~the [COMMUNITY NAME]~~Allegany Countythe city. No such permit shall be issued until the requirements of these regulations have been met.
- (2) In addition to the permits required in paragraph (1) of this subsection, applicants for permits in *nontidal waters of the state* are advised to contact *MDE*. Unless waived by *MDE*, pursuant to Code of Maryland Regulations 26.17.04, Construction on Nontidal Waters and Floodplains, *MDE* regulates the “100-year frequency floodplain of free-flowing waters,” also referred to as *nontidal waters of the state*. To determine the 100-year frequency floodplain, hydrologic calculations are based on the ultimate *development* of the watershed, assuming existing zoning. The resulting flood hazard areas delineated using the results of such calculations may be different than the *SFHAs* established in section 8-27(e) of these regulations. A permit from ~~[COMMUNITY NAME]~~Allegany Countythe city is still required in addition to any state requirements.
- (3) A permit is valid provided the actual start of work is within 180 days of the date of permit issuance. Requests for extensions shall be submitted in writing and justifiable cause demonstrated. The *Floodplain administrator* may grant, in writing, one or more extensions of time, for additional periods not exceeding 90 days each and provided there has been no amendment or revision to the basis for establishing *SFHAs* and *BFEs* set forth in section 8-27(e).

(e) *Application Required.* Application for a permit shall be made by the owner of the property or the owner's authorized agent (herein referred to as the applicant), prior to the start of any work. The application shall be on a form furnished for that purpose.

(1) *Application Contents.* At a minimum, applications shall include:

(A) Name, address, and phone number of the applicant (the owner or agent of the owner).

(B) Name, address, and phone number of the owner, (if different).

(C) Name, address, and phone number of the contractor.

(A)(D) Site plans drawn to scale showing the nature, location, dimensions, and existing and proposed topography of the area in question, and the location of existing and proposed structures, excavation, filling, storage of materials, drainage facilities, utilities and other proposed activities.

(B)(E) Elevation of the existing natural ground where buildings or structures are proposed, referenced to the datum on the FIRM.

(C)(F) Delineation of flood hazard areas, designated floodway boundaries, flood zones, base flood elevations, and flood protection setbacks. Base flood elevations shall be used to delineate the boundary of flood hazard areas and such delineations shall prevail over the boundary of SFHAs shown on FIRMs.

(D)(G) Where floodways are not delineated or base flood elevations are not shown on the FIRMs, the Floodplain administrator has the authority to require the applicant to use information provided by the Floodplain administrator, information that is available from federal, state, or other sources, or to determine such information using accepted engineering practices or methods approved by the Floodplain administrator. [Note: See "Managing Floodplain Development in Approximate Zone A Areas: A Guide for Obtaining and Developing Base (100-Year) Flood Elevations" (FEMA 265).]

(E)(H) Determination of the base flood elevations, for development and subdivision proposals and subdivision proposals, each with at least five (5) lots or at least five (5) acres, whichever is the lesser, in SFHAs where base flood elevations are not shown on the FIRM; if hydrologic and hydraulic engineering analyses are submitted, such analyses shall

Commented [kgw9]: I'm not sure what the edit is. Did you want to delete "proposals"?

be performed in accordance with the requirements and specifications of *MDE* and *FEMA*.

~~(F)~~(L) *Hydrologic and hydraulic engineering analyses* for proposals in *SFHAs* where *FEMA* has provided *base flood elevations* but has not delineated a *floodway*; such analyses shall demonstrate that the cumulative effect of proposed *development*, when combined with all other existing and anticipated development will not increase the water surface elevation of the *base flood* by more than one foot, or a lower increase if required by *MDE*.

~~(G)~~(J) For encroachments in *floodways*, an evaluation of alternatives to such encroachments, including different uses of the site or portion of the site within the *floodway*, and minimization of such encroachment.

~~(H)~~(K) If fill is proposed to be placed for a purpose other than to elevate *structures*, the applicant shall indicate the intended purpose for the fill.

~~(I)~~(L) For proposed buildings and *structures*, including *substantial improvement* and repair of *substantial damage*, and placement and replacement of manufactured homes, including *substantial improvement* and repair of *substantial damage*:

- (i) The proposed elevation of the *lowest floor*, including *basement*, referenced to the datum on the *FIRM* and a signed *Agreement to Submit an Elevation certificate*.
- (ii) The signed *Declaration of Land Restriction (Nonconversion Agreement)* that shall be recorded on the property deed prior to issuance of the ~~Certificate of Occupancy~~ Land Use Permit ~~Certificate of Occupancy~~, if the application includes an *enclosure below the lowest floor* or a crawl/underfloor space that is more than four (4) feet in height.
- (iii) A written evaluation of alternative methods considered to elevate *structures* and *manufactured homes*, if the location is in *nontidal waters of the state* and fill is proposed to achieve the elevation required in section 8-30(d)(1) or section 8-30(e)(1).

~~(J)~~(M) For accessory structures ~~30 square feet in area (or 10 square feet in area (footprint) and 100 square feet in volume) or less, no variance is required as set forth in Section 7.0. If a variance is required,~~
A signed Declaration of Land Restriction (Nonconversion Agreement)

Commented [kgw10]: A permit isn't the same thing as a Certificate of Occupancy. Does the County issue a final certificate after all inspections are done?

shall be recorded on the property deed, prior to issuance of the Land Use Permit, Certificate of Occupancy

Commented [kgw11]: See comment above.

~~(K)~~(N) For *temporary structures* and temporary storage, specification of the duration of the temporary use.

~~(L)~~(O) For proposed work on existing buildings, *structure*, and *manufactured homes*, including any improvement, addition, repairs, alterations, rehabilitation, or reconstruction, sufficient information to determine if the work constitutes *substantial improvement* or repair of *substantial damage*, including but not limited to:

- (i) If the existing building or *structure* was constructed after ~~(DATE OF REGULAR PROGRAM ENTRY)~~ February 18, 1981 ~~September 1, 1983~~ 1978, evidence that the work will not alter any aspect of the building or *structure* that was required for compliance with the floodplain management requirements in effect at the time the building or *structure* was permitted.
- (ii) If the proposed work is a horizontal addition, a description of the addition and whether it will be independently supported or structurally connected to the *base building* and the nature of all other modifications to the *base building*, if any.
- (iii) Documentation of the *market value* of the building or *structure* before the improvement or, if the work is repair of damage, before the damage occurred.
- (iv) Documentation of the actual cash value of all proposed work, including the actual cash value of all work necessary to repair and restore damage to the before-damaged condition, regardless of the amount of work that will be performed. The value of work performed by the owner or volunteers shall be valued at market labor rates; the value of donated or discounted materials shall be valued at market rates.

~~(M)~~(P) Certifications and/or technical analyses prepared or conducted by a *licensed* professional engineer or *licensed* architect, as appropriate, including:

- (i) The determination of the *base flood elevations* or *hydrologic and hydraulic engineering analyses* prepared by a *licensed* professional engineer that are required by the *Floodplain administrator* or are required by these regulations in: section 8-29(b) for certain

subdivisions and *development*; section 8-30(c)(1) for *development* in designated *floodways*; section 8-30(c)(3) for *development* in flood hazard areas with *base flood elevations* but no designated *floodways*; and section 8-30(c)(5) for deliberate alteration or relocation of *watercourses*.

- (ii) The *Floodproofing Certificate* for nonresidential *structures* that are *floodproofed* as required in section 8-30(b)
- (iii) Certification that engineered *flood openings* are designed to meet the minimum requirements of section 28-30(d)(3)(C) to automatically equalize hydrostatic flood forces.

~~(N)(O)~~ For nonresidential *structures* that are proposed with *floodproofing*, an operations and maintenance plan as specified in section 8-30(e)(2)(C).

~~(R)~~ Such other material and information as may be requested by the *Floodplain administrator* and necessary to determine conformance with these regulations.

(2) *New technical data.*

- (A) The applicant may seek a *Letter of map change* by submitting new technical data to *FEMA*, such as base maps, topography, and engineering analyses to support revision of *floodplain* and *floodway* boundaries and/or *base flood elevations*. Such submissions shall be prepared in a format acceptable to *FEMA* and any fees shall be the sole responsibility of the applicant. A copy of the submittal shall be attached to the application for a permit.
- (B) If the applicant submits new technical data to support any change in *floodplain* and designated *floodway* boundaries and/or *base flood elevations* but has not sought a *Letter of map change* from *FEMA*, the applicant shall submit such data to *FEMA* as soon as practicable, but not later than six months after the date such information becomes available. Such submissions shall be prepared in a format acceptable to *FEMA* and any fees shall be the sole responsibility of the applicant.

(f) *Review of application.* The *floodplain administrator* shall:

- (1) Review applications for *development* in *SFHAs* to determine the completeness of information submitted. The applicant shall be notified of incompleteness or additional information that is required to support the application.

- (2) Notify applicants that permits from *MDE* and the U.S. Army Corps of Engineers, and other state and federal authorities may be required.
- (3) Review all permit applications to assure that all necessary permits have been received from the federal, state or local governmental agencies from which prior approval is required. The applicant shall be responsible for obtaining such permits, including permits issued by:
 - (A) The U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and section 404 of the Clean Water Act;
 - (B) *MDE* pursuant to COMAR 26.23 (Nontidal Wetlands) -and section 401 of the Clean Water Act;
 - (C) *MDE* for construction on *nontidal waters of the State* pursuant to COMAR 26.17.04.
- (4) Review applications for compliance with these regulations after all information required in section 8-28(e) of these regulations or identified and required by the *floodplain administrator* has been received.
- (g) *Inspections.* The *floodplain administrator* shall make periodic inspections of development permitted in *SFHAs*, at appropriate times throughout the period of construction in order to monitor compliance. Such inspections may include:
 - (1) Stake-out inspection, to determine location on the site relative to the flood hazard area and designated *floodway*.
 - (2) Foundation inspection, upon placement of the *lowest floor* and prior to further vertical construction, to collect information or certification of the elevation of the *lowest floor*.
 - (3) Inspection of *enclosures below the lowest floor*, including crawl/underfloor spaces, to determine compliance with applicable provisions.
 - (4) Utility inspection, upon installation of specified equipment and appliances, to determine appropriate location with respect to the *base flood elevation*.
 - (5) Final inspection prior to issuance of the Certificate of Occupancy.
- (h) *Submissions required prior to final inspection.* Pursuant to the *agreement to submit an elevation certificate* submitted with the application as required in section 8-28(e)(1)(I), the permittee shall have an *elevation certificate* prepared and submitted prior to final inspection and issuance of a Certificate of Occupancy for elevated *structures* and *manufactured homes*, including new *structures* and *manufactured*

homes, substantially-improved structures and manufactured homes, and additions to structures and manufactured homes.

Sec. 8-29 - Requirements in all flood hazard areas.

- (a) *Application of Requirements.* The general requirements of this section apply to all development proposed within all SFHAs identified in section 8-27(e).
- (b) *Subdivision ~~Proposals~~ and development proposals.*
 - (1) In all flood zones:
 - (A) Subdivision proposals and development proposals shall be consistent with the need to minimize flood damage and are subject to all applicable standards in these regulations.
 - (B) Subdivision proposals and development proposals shall have utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
 - (C) Subdivision proposals and development proposals shall have adequate drainage paths provided to reduce exposure to flood hazards and to guide floodwaters around and away from proposed structures.
 - (D) Subdivision proposals and development proposals containing at least 5 lots or at least 5 acres, whichever is the lesser, that are wholly or partially in flood hazard areas where base flood elevation data are not provided by the Floodplain administrator or available from other sources, shall be supported by determinations of base flood elevations as required in section 8-28(e) of these regulations.
 - (E) Subdivision access roads shall have the driving surface at or above the base flood elevation.
 - (2) In SFHAs of nontidal waters of the state:
 - (A) Subdivision proposals shall be laid out such that proposed building pads are located outside of the SFHA and any portion of platted lots that include land areas that are below the base flood elevation shall be used for other purposes, deed restricted, or otherwise protected to preserve it as open space.
 - (B) Subdivision access roads shall have the driving surface at or above the base flood elevation.
- (c) *Protection of water supply and sanitary sewage systems.*

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- (1) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
 - (2) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into systems and discharges from systems into floodwaters.
 - (3) On-site waste disposal systems shall be located to avoid impairment to or contamination from them during conditions of *flooding*.
- (d) *Buildings and structures.* New buildings and *structures* (including the placement and replacement of *manufactured homes*) and *substantial improvement* of existing *structures* (including *manufactured homes*) that are located, in whole or in part, in any *SFHA* shall:
- (1) Be designed (or modified) and constructed to safely support flood loads. The construction shall provide a complete load path capable of transferring all loads from their point of origin through the load-resisting elements to the foundation. *Structures* shall be designed, connected and anchored to resist flotation, collapse or permanent lateral movement due to structural loads and stresses, including hydrodynamic and hydrostatic loads and the effects of buoyancy, from *flooding* equal to the *flood protection elevation* or the elevation required by these regulations or the *building code*, whichever is higher.
 - (2) Be constructed by methods and practices that minimize flood damage.
 - (3) Use *flood damage-resistant materials* below the elevation of the *lowest floor* required in section 8-30(d)(1) or section 8-30(e)(1).
 - (4) Have electrical systems, equipment and components, and mechanical, heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment located at or above the elevation of the *lowest floor* required in section 8-30(d)(1) or section 8-30(e)(1). Electrical wiring systems are permitted to be located below elevation of the *lowest floor* provided they conform to the provisions of the electrical part of the *building code* for wet locations. If replaced as part of a *substantial improvement*, electrical systems, equipment and components, and heating, ventilation, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment shall meet the requirements of this section.
 - (5) As an alternative to subsection (4) above, electrical systems, equipment and components, and heating, ventilating, air conditioning, and plumbing appliances, plumbing fixtures, duct systems, and other service equipment are permitted to be located below the elevation of the *lowest floor* provided they

are designed and installed to prevent water from entering or accumulating within the components and to resist hydrostatic and hydrodynamic loads and stresses, including the effects of buoyancy, during the occurrence of flooding to that elevation.

- (6) Have the electric panelboard elevated at least three (3) feet above the *BFEL*.
- (7) Comply with the specific requirements of section 8-30.
- (8) Comply with the requirements of the most restrictive designation if located on a site that has more than one *flood zone* designation (A Zone, designated *floodway*).

~~(e)~~(f) Placement of fill.

- (1) Disposal of fill, including but not limited to earthen soils, rock, rubble, construction debris, woody debris, and trash, shall not be permitted in *SFHAs*.
- (2) Fill proposed to be placed to elevate *structures* in flood hazard areas shall comply with the *floodways* requirements in section 8-30(c)(1), section 8-30(c)(2), and section 8-30(c)(3) and the limitations of section 8-30(d)(2).

- (g) ~~Improvement of historic structures shall be subject to the requirements of these regulations if the proposed work is determined to be a substantial improvement, unless a determination is made that the proposed work will not preclude the structure's continued designation as a historic structure. The Floodplain administrator may require documentation of a structure's continued eligibility and designation as a historic structure.~~

(h) *Manufactured homes.*

- (1) New *manufactured homes* shall not be placed or installed in *floodways*.
- (2) For the purpose of these regulations, the *lowest floor* of a *manufactured home* is the bottom of the lowest horizontal supporting member (longitudinal chassis frame beam).
- (3) New *manufactured homes* located outside of *floodways*, replacement *manufactured homes* in any flood hazard areas, and *substantial improvement* (including repair of *substantial damage*) of existing *manufactured homes* in all flood hazard area, shall:
 - (1) Be elevated on a permanent, reinforced foundation in accordance with section 8-30;

- (2) Be installed in accordance with the anchor and tie-down requirements of the *building code* or the manufacturer’s written installation instructions and specifications; and
- (3) Have *enclosures below the lowest floor* of the elevated *manufactured home*, if any, including enclosures that are surrounded by rigid skirting or other material that is attached to the frame or foundation, that comply with the requirements of section 8-30.

[Note: See “Protecting Manufactured Homes from Floods and Other Hazards: A Multi-Hazard Foundation and Installation Guide” (*FEMA P-85*).]

(i) *Recreational vehicles.*

~~(1) Meet the requirements for *manufactured homes* in Section 4.7; or Recreational vehicles temporarily parked within the floodplain may be exempted from the elevation and anchoring requirements, provided that they are:~~

~~(A) Located on the site less than 180 consecutive days; and~~

~~(B) Fully licensed and ready for highway use.~~

~~(2) A recreational vehicle is ready for highway use if it is on its wheels and jacking system, is attached to the site only by quick-disconnect type utilities and securing devices and has no permanently attached additions. If it cannot meet all of these criteria, the recreational vehicle must be considered a manufactured home and is subject to the elevation and construction standards of this chapter. Be fully licensed and ready for highway use. Be on a site for less than 180 consecutive days.~~

(j) *Critical and essential facilities. Critical and essential facilities shall:*

- (1) Not be located in *floodways*; or
- (2) If located in flood hazard areas other than *floodways*, be elevated to the higher of elevation required by these regulations plus one (1) foot, the elevation required by the *building code*, or the elevation of the 0.2 percent chance (500-year) flood.

Commented [kgw12]: Did you mean to put an "and" statement, or did you mean an "or" statement? See 44 CFR 60.3(c)(14) for details: https://www.ecfr.gov/cgi-bin/text-idx?SID=717509969f9e781e2e36016a648af717&mc=true&node=se44.1.60_13&rqn=div8.

- (k) *Temporary structures and temporary storage.* In addition to the application requirements of section 8-28(e), applications for the placement or erection of *temporary structures* and the temporary storage of any goods, materials, and equipment, shall specify the duration of the temporary use. *Temporary structures* and temporary storage in *floodways* shall meet the limitations of section 8-30(c)(1) of these regulations. In addition:
- (1) *Temporary structures* shall:
 - (A) Be designed and constructed to prevent flotation, collapse or lateral movement resulting from hydrodynamic loads and hydrostatic loads during conditions of the *base flood*;
 - (B) Have electric service installed in compliance with the electric code; and
 - (C) Comply with all other requirements of the applicable state and local permit authorities.
 - (2) Temporary storage shall not include hazardous materials.
- (l) *Gas or liquid storage tanks.*
- (1) Underground tanks in flood hazard areas shall be anchored [according to acceptable engineering practices](#) to prevent flotation, collapse or lateral movement resulting from hydrostatic loads, including the effects of buoyancy, during conditions of the *base flood*.
 - (2) Above-ground tanks in flood hazard areas shall be anchored to a supporting structure and elevated to or above the *base flood elevation*, or shall be anchored [according to acceptable engineering practices](#) or otherwise designed and constructed to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the *base flood*.
 - (3) In flood hazard areas, tank inlets, fill openings, outlets and vents shall be:
 - (A) At or above the *base flood elevation* or fitted with covers designed to prevent the inflow of floodwater or outflow of the contents of the tanks during conditions of the *base flood*; and
 - (B) Anchored to prevent lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, during conditions of the *base flood*.
- (l) *Functionally dependent uses.* Applications for *functionally dependent uses* that do not conform to the requirements of these regulations shall be approved only by

variances issued pursuant to section 8-32. If approved, *functionally dependent uses* shall be protected by methods that minimize flood damage during the *base flood*, including measures to allow floodwaters to enter and exit, use of *flood damage-resistant materials*, and elevation of electric service and equipment to the extent practical given the use of the building.

Sec. 8-30 – Requirements in flood hazard areas.

- (a) *General requirements.* In addition to the general requirements of section 8-29(a), the requirements of this section shall:
 - (1) Apply in flood hazard areas, including *SFHAs* along *nontidal waters of the state*.
 - (2) Apply to all *development, new construction, substantial improvements* (including repair of *substantial damage*), and placement, replacement, and *substantial improvement* (including repair of *substantial damage*) of *manufactured homes*.
- (b) *Flood protection setbacks.* Within areas defined by *flood protection setbacks* along *nontidal waters of the state*:
 - (1) No new buildings, *structures*, or other *development* shall be permitted unless the applicant demonstrates that the site cannot be developed without such encroachment into the *flood protection setback* and the encroachment is the minimum necessary after consideration of varying other siting standards such as side, front, and back lot line setbacks.
 - (2) Disturbance of natural vegetation shall be minimized and any disturbance allowed shall be ~~vegetatively~~ stabilized.
 - (3) Public works and temporary construction may be permitted.
- (c) Development that *affects flood-carrying capacity of nontidal waters of the state*.
 - (1) *Development in designated floodways.* For proposed *development* that will encroach into a designated *floodway*, section 8-28(e)(1)(g) requires the applicant to submit an evaluation of alternatives to such encroachment, including different uses of the site or the portion of the site within the *floodway*, and minimization of such encroachment. This requirement does not apply to fences that do not block the flow of floodwaters or trap debris.

Proposed *development* in a designated *floodway* may be permitted only if:

- (A) The applicant has been issued a permit by *MDE*; and

- (B) The applicant has developed *hydrologic and hydraulic engineering analyses* and technical data prepared by a *licensed* professional engineer reflecting such changes, and the analyses, which shall be submitted to the *Floodplain administrator*, demonstrate that the proposed activity will not result in any increase in the *base flood elevation*; or
 - (C) If the analyses demonstrate that the proposed activities will result in an increase in the *base flood elevation*, the applicant has obtained a Conditional Letter of Map Revision and a Letter of Map Revision from *FEMA* upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.
- (2) *Development that includes the placement of fill in nontidal waters of the state.* For proposed *development* that includes the placement of fill in *nontidal waters of the state*, other than *development* that is subject to subsection (c)(4) below, a hydraulically-equivalent volume of excavation is required. Such excavations shall be designed to drain freely.
- (3) *Development in areas with base flood elevations but no designated floodways.* For *development* in *SFHAs of nontidal waters of the state with base flood elevations* but no designated *floodways*:
- (A) The applicant shall develop *hydrologic and hydraulic engineering analyses* and technical data reflecting the proposed activity and shall submit such technical data to the *Floodplain administrator*, as required in Section 8-28(e)(1)(F). The analyses shall be prepared by a *licensed* professional engineer in a format required by *FEMA* for a Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.
 - (B) The proposed *development* may be permitted if the applicant has received a permit by *MDE* and if the analyses demonstrate that the cumulative effect of the proposed *development*, when combined with all other existing and potential flood hazard area encroachments, will not increase the *base flood elevation* more than one (1)~~0~~ foot at any point.
- (4) *Construction of roads, bridges, culverts, dams and in-stream ponds.* Construction of roads, bridges, culverts, dams, and in-stream ponds in *nontidal waters of the state* shall not be approved unless they comply with this section and the applicant has received a permit from *MDE*.
- (5) *Alteration of a watercourse.* For any proposed *development* that involves *alteration of a watercourse* not subject to subsection (c)(3) above, unless

waived by *MDE*, the applicant shall develop *hydrologic and hydraulic engineering analyses* and technical data reflecting such changes, including the *floodway analysis* required in section 8-28(e)(1)(A), and submit such technical data to the *Floodplain administrator* and to *FEMA*. The analyses shall be prepared by a *licensed* professional engineer in a format required by *MDE* and by *FEMA* for a Conditional Letter of Map Revision and a Letter of Map Revision upon completion of the project. Submittal requirements and fees shall be the responsibility of the applicant.

Alteration of a watercourse may be permitted only upon submission, by the applicant, of the following:

- (A) A description of the extent to which the *watercourse* will be altered or relocated;
- (B) A certification by a *licensed* professional engineer that the flood-carrying capacity of the *watercourse* will not be diminished;
- (C) Evidence that adjacent communities, the U.S. Army Corps of Engineers, and *MDE* have been notified of the proposal, and evidence that such notifications have been submitted to *FEMA*; and
- (D) Evidence that the applicant shall be responsible for providing the necessary maintenance for the altered or relocated portion of the *watercourse* so that the flood carrying capacity will not be diminished. The *Floodplain administrator* may require the applicant to enter into an agreement with ~~{COMMUNITY NAME}~~ [the city](#), [Allegany County](#) specifying the maintenance responsibilities; if an agreement is required, the permit shall be conditioned to require that the agreement be recorded on the deed of the property which shall be binding on future owners.

- (d) *Residential structures and residential portions of ~~Mixed Use~~ ~~mixed-use~~ structures.* New residential *structures* and residential portions of ~~mixed-use~~ ~~mixed-use~~ *structures*, and *substantial improvement* (including repair of *substantial damage*) of existing residential *structures* and residential portions of ~~mixed-use~~ ~~mixed-use~~ *structures* shall comply with the applicable requirements of section 8-29(a) and this section. See [Section 5.6](#) for requirements for horizontal additions.

(1) *Elevation requirements.*

- (A) *Lowest floors* shall be elevated to or above the *flood protection elevation*.
- (B) In *areas of shallow flooding* (Zone AO), the *lowest floor* (including *basement*) shall be elevated at least as high above the *highest adjacent*

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grade as the depth number specified in feet on the *FIRM* plus two (2) feet, or at least four (4) feet if a depth number is not specified.

Commented [m14]: RS thinks this should be 1 foot?

(C) Enclosures below the lowest floor shall meet the requirements of paragraph (C).

~~(D)~~ Basement floors that are below grade on all sides are prohibited.

(2) Limitations on use of fill to elevate structures. Unless otherwise restricted by these regulations, especially by the limitations in sections 8-30(c)(1)-(3), fill placed for the purpose of raising the ground level to support a building or structure shall:

~~(A)~~ Consist of earthen soil or rock materials only. Dredged material may be used as fill only upon certificate of suitability by a registered professional geotechnical engineer.

(B) Extend laterally from the building footprint to provide for adequate access as a function of use; the *Floodplain administrator* may seek advice from the state Fire Marshal's Office and/or the local fire services agency;

(C) Comply with the requirements of the *building code* and be placed and compacted to provide for stability under conditions of rising and falling floodwaters and resistance to erosion, scour, and settling;

(D) Be sloped no steeper than one (1) vertical to two (2) horizontal, unless approved by the *Floodplain administrator*;

(E) Be protected from erosion associated with expected velocities during the occurrence of the *base flood*; unless approved by the *Floodplain administrator*, fill slopes shall be protected by vegetation if the expected velocity is less than five (5) feet per second, and by other means if the expected velocity is five (5) feet per second or more; and

(F) Be designed with provisions for adequate drainage and no adverse effect on adjacent properties.

~~(G)~~ In the event buildings on adjacent properties are known or determined to be subject to flooding under current conditions, the Floodplain administrator may require submission of hydrologic and hydraulic analyses to adequately demonstrate the effects of the proposed fill.

(3) *Enclosures below the lowest floor.*

(A) *Enclosures below the lowest floor* shall be used solely for parking of vehicles, building access, crawl/underfloor spaces, or limited storage.

(B) *Enclosures below the lowest floor* shall be constructed using *flood damage-resistant materials*.

(C) *Enclosures below the lowest floor* shall be provided with *flood openings* which shall meet the following criteria: -[Note: See *NFIP* Technical Bulletin #1, "Openings in Foundation Walls and Walls of Enclosures."]

(i) There shall be a minimum of two (2) *flood openings* on different sides of each enclosed area; if a building has more than one (1) *enclosure below the lowest floor*, each such enclosure shall have *flood openings* on exterior walls.

(ii) The total net area of all *flood openings* shall be at least one (1) square inch for each square foot of enclosed area (non-engineered *flood openings*), or the *flood openings* shall be engineered *flood openings* that are designed and certified by a *licensed* professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification or an Evaluation Report issued by the ICC Evaluation Service, Inc.

(iii) The bottom of each *flood opening* shall be one (1) foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.

(iv) Any louvers, screens or other covers for the *flood openings* shall allow the automatic flow of floodwaters into and out of the enclosed area.

(v) If installed in doors, *flood openings* that meet requirements of paragraphs (i) through (iv), are acceptable; however, doors without installed *flood openings* do not meet the requirements of this section.

(e) *Nonresidential structures and nonresidential portions of* ~~Mixed Use~~mixed-use *structures. New nonresidential structures and nonresidential portions of* ~~mixed use~~mixed-use *structures, and substantial improvement (including repair of substantial damage) of existing nonresidential structures and nonresidential portions of* ~~mixed use~~mixed-use *structures shall comply with the applicable requirements of section 8-29(a) and the requirements of this section. See section 8-30(e) for requirements for horizontal additions.*

(1) *Elevation requirements. Elevated structures shall:*

Commented [kgw16]: What's the edit? If was "mixed-use" structure and still is "mixed-use" structure.

- (A) Have the *lowest floor* (including *basement*) elevated to or above the *flood protection elevation*; or
- (B) In *areas of shallow flooding* (Zone AO), have the *lowest floor* (including *basement*) elevated at least as high above the *highest adjacent grade* as the depth number specified in feet on the *FIRM* plus two (2) feet, or at least four (4) feet- if a depth number is not specified; and
- (C) Have *enclosures below the lowest floor*, if any, that comply with the requirements of section 8-30(d)(3); or
- (D) If proposed to be elevated on fill, meet the limitations on fill in section 8-30(d)(2)

~~(D)~~(E) Basement floors that are below grade on all sides are prohibited.

(2) *Floodproofing requirements.*

- (A) *Floodproofing* of new nonresidential buildings is not allowed in *nontidal waters of the state* (COMAR 26.17.04.11(B)(7)).
- (B) *Floodproofing* for *substantial improvement* of nonresidential buildings is allowed in *nontidal waters of the state*.
- (C) If *floodproofing* is proposed, *structures* shall:
 - (i) Be designed to be *dry floodproofed* such that the building or *structure* is watertight with walls and floors substantially impermeable to the passage of water to the level of the *flood protection elevation* plus one (1) foot; or
 - (ii) If located in an *area of shallow flooding* (Zone AO), be *dry floodproofed* at least as high above the *highest adjacent grade* as the depth number specified on the *FIRM* plus three (3) feet, or at least ~~five (5)~~four (4) feet if a depth number is not specified; and
 - (iii) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
 - (iv) Have *floodproofing* measures that are designed taking into consideration the nature of flood-related hazards; frequency, depth and duration of *flooding*; rate of rise and fall of floodwater; soil characteristics; flood-borne debris; at least 12 hours of flood

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warning time from a credible source; and time necessary to implement any measures that require human intervention;

- (v) Have at least one (1) door above the applicable flood elevation that allows human ingress and egress during conditions of *flooding*;
- (vi) Have an **operations and maintenance plan** that is filed with local emergency management officials and that specifies the owner/occupant's responsibilities to monitor flood potential; the location of any shields, doors, closures, tools, or other goods that are required for implementation; maintenance of such goods; methods of installation; and periodic inspection; and
- (vii) Be certified by a *licensed* professional engineer or *licensed* architect, through execution of a *Floodproofing Certificate* that states that the design and methods of construction meet the requirements of this section. The *Floodproofing Certificate* shall be submitted with the construction drawings as required in section 8-28(e)(1)(M).

Commented [kgw19]: Is "operations and maintenance plan" supposed to be defined? It's in italics suggesting it's a definition like the rest of the ordinance.

(e) *Horizontal additions.*

- (1) A horizontal addition proposed for a building or *structure* that was constructed after the date specified in section 8-27(a) shall comply with the applicable requirements of 8-29(a) and this section.
- (2) In *nontidal waters of the state* that are subject to the regulatory authority of *MDE*, all horizontal additions shall comply with the applicable requirements of **8-29(a)**, ~~and~~ this section, and:
 - (A) If the addition is structurally connected to the *base building*, the requirements of subsection (3) below apply.
 - (B) If the addition has an independent foundation and is not structurally connected to the *base building* and the common wall with the *base building* is modified by no more than a doorway, the *base building* is not required to be brought into compliance.
- (3) For horizontal additions that are structurally connected to the *base building*:
 - (A) If the addition combined with other proposed repairs, alterations, or modifications of the *base building* constitutes *substantial improvement*, the *base building* and the addition shall comply with the applicable requirements of 8-29(a) and this section.

- (B) If the addition constitutes *substantial improvement*, the *base building* and the addition shall comply with all of the applicable requirements of 8-29(a) and this section.
- (4) For horizontal additions with independent foundations that are not structurally connected to the *base building* and the common wall with the *base building* is modified by no more than a doorway, the *base building* is not required to be brought into compliance.
- (5) A horizontal addition to a building or *structure* that is not *substantial improvement*, and is not located in *nontidal waters of the state*, is not required to comply with this section.

[Note: See “Substantial Improvement/Substantial Damage Desk Reference” (FEMA P-758).]

(f) *Accessory structures.*

(1) An ~~a~~ accessory structure may be permitted as an exemption to the elevation requirement if it is six-hundred (600) square feet or less in total floor area and conforms to subsections ~~(A-F~~ below).

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~~(A) s shall be limited to not more than 300 square feet in total floor area.~~

~~(B)—(A) Accessory structures shall comply with the elevation requirements and other Section 5.4, the floodproofing requirements of Section 5.5(B), or shall:~~

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- (B) Be constructed with *flood damage-resistant materials* below the *base flood elevation*;
- (C) Be constructed and placed to offer the minimum resistance to the flow of floodwaters;
- (D) Be anchored to prevent flotation;
- (E) Have electrical service and mechanical equipment elevated to or above the *base flood elevation*; and

(F) Have *flood openings* that meet the requirements of section 8-30(d)(3).

5.8 Agricultural Buildings

~~(3) Demonstrate in writing what the building will be utilized for, provide a floor plan diagram illustrating door(s), window(s), flood vents and overall dimensions, etc.~~ **Sec. 8-32. – Variances.**

(a) *General.*

- (1) The ~~[BODY DESIGNATED TO HEAR VARIANCES]~~ Board of Zoning Appeals ~~Floodplain Management Appeals Review Committee~~ Board of Zoning Appeals shall have the power to consider and authorize or deny *variances* from the strict application of the requirements of these regulations. A *variance* shall be approved only if it is determined ~~to~~ to -not be contrary to the public interest and where, owing to special conditions of the lot or parcel, a literal enforcement of the provisions of these regulations, an unnecessary hardship would result.
- (2) Upon consideration of the purposes of these regulations, the individual circumstances, and the considerations and limitations of this section, the Board of Zoning Appeals ~~[DESIGNATED BODY]~~ ~~Floodplain Management Appeals Review Committee~~ may attach such conditions to *variances* as it deems necessary to further the purposes of these regulations.
- (3) No variance shall be granted for an accessory structure exceeding 600 square feet. ~~Variances may be considered for agricultural buildings exceeding 600 square feet. Refer to Section 5.8.~~
- (4) A record of all *variance* actions, including justification for issuance shall be maintained pursuant to section 8-28(b)(10) of these regulations.

(b) *Application for a variance.*

- (1) The owner of property, or the owner's authorized agent, for which a *variance* is sought shall submit an application for a *variance* to the *Floodplain administrator*.
- (2) At a minimum, the application shall contain the following information: name, address, and telephone number of the applicant and property owner; legal description of the property; parcel map; description of the existing use; description of the proposed use; site map showing the location of flood hazard areas, designated *floodway* boundaries, *flood zones*, *base flood elevations*, and *flood protection setbacks*; description of the *variance* sought; and reason for the *variance* request. *Variance* applications shall specifically address each of the considerations in section 8-32(c).

Commented [LC20]: If possible, AG structures should be located outside of the *SFHA*

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Commented [kgw21]: County to confirm this is the correct body that hears floodplain variance requests here and throughout Section 7.0.

(3) If the application is for a variance to allow the lowest floor of a building or structure below the applicable minimum elevation required by these regulations, the application shall include a statement signed by the owner that, if granted, the conditions of the variance shall be recorded on the deed of the property.

(4) If the application is for a variance for a historic structure pursuant to section 8-29(g) of these regulations, the application shall contain documentation that the proposed work does not preclude the structure's continued eligibility and designation as a historic structure. The documentation shall be obtained from a source that is authorized to make such determinations (see definition of "Historic Structure").

~~(2) If the application is for a variance to allow the lowest floor of a building or structure below the applicable minimum elevation required by these regulations, the application shall include a statement signed by the owner that, if granted, the conditions of the variance shall be recorded on the deed of the property.~~

(1) *MDE comments.* The Floodplain administrator shall request comments on variance applications from MDE (NFIP State Coordinator) and shall provide such comments to the ~~Board of Zoning Appeals~~DESIGNATED BODY~~Board of Zoning Appeals Floodplain Management Appeals Review Committee.~~

(2) *Board of zoning appeals findings.* In considering variance applications, the ~~DESIGNATED BODY~~Board of Zoning Appeals Floodplain Management Appeals Review Committee~~Board of Zoning Appeals~~ shall consider and make findings of fact on all evaluations, all relevant factors, requirements specified in other sections of these regulations, and the following factors:

- (A) The danger that materials may be swept onto other lands to the injury of others.
- (B) The danger to life and property due to *flooding* or erosion damage.
- (C) The susceptibility of the proposed *development* and its contents (if applicable) to flood damage and the effect of such damage on the individual owner.
- (D) The importance of the services to the *community* provided by the proposed *development*.
- (E) The availability of alternative locations for the proposed use which are not subject to, or are subject to less, *flooding* or erosion damage.

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- (F) The necessity to the facility of a waterfront location, where applicable, or if the facility is a *functionally dependent use*.
 - (G) The compatibility of the proposed use with existing and anticipated *development*.
 - (H) The relationship of the proposed use to the comprehensive plan and hazard mitigation plan for that area.
 - (I) The safety of access to the property in times of flood for passenger vehicles and emergency vehicles.
 - (J) The expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
 - (K) The costs of providing government services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
 - (L) The comments provided by *MDE (NFIP State Coordinator)*.
- (d) *Limitations for granting variances.* The ~~{DESIGNATED BODY}~~Board of Zoning Appeals Floodplain Management Appeals Review Committee shall make an affirmative decision on a *variance* request only upon:
- (A) A showing of good and sufficient cause. Good and sufficient cause deals solely with the physical characteristics of the property and cannot be based on the character of the improvement, the personal characteristics of the owner/inhabitants, or local provision that regulate standards other than health and public safety.
 - (B) A determination that failure to grant the *variance* would result in exceptional hardship due to the physical characteristics of the property. Increased cost or inconvenience of meeting the requirements of these regulations does not constitute an exceptional hardship to the applicant.
 - (C) A determination that the granting of a *variance* for *development* within any designated *floodway*, or flood hazard area with *base flood elevations* but no designated *floodway*, will not result in increased flood heights beyond that which is allowed in these regulations.

- (D) A determination that the granting of a *variance* will not result in additional threats to public safety; extraordinary public expense, nuisances, fraud or victimization of the public, or conflict with existing local laws.
- (E) A determination that the building, *structure* or other *development* is protected by methods to minimize flood damages.
- (F) A determination that the *variance* is the minimum necessary to afford relief, considering the flood hazard.

~~(3) Demonstrate in writing what the building will be utilized for, provide a floor plan diagram illustrating door(s), window(s), flood vents and overall dimensions, etc.~~ **Sec. 8-33. –**

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Enforcement.

- (a) *Compliance required.*
 - (1) No building, *structure* or *development* shall hereafter be located, erected, constructed, reconstructed, improved, repaired, extended, converted, enlarged or altered without full compliance with these regulations and all other applicable regulations.
 - (2) Failure to obtain a permit shall be a *violation* of these regulations and shall be subject to penalties in accordance with section 8-33(c).
 - (3) Permits issued on the basis of plans and applications approved by the *Floodplain administrator* authorize only the specific activities set forth in such approved plans and applications or amendments thereto. Use, arrangement, or construction of such specific activities that are contrary to that authorization shall be deemed a *violation* of these regulations.
- (b) *Notice of violation and stop work order.* If the *floodplain administrator* determines that there has been a *violation* of any provision of these regulations, the *Floodplain administrator* shall give notice of such *violation* to the owner, the owner's authorized agent, and the *person* responsible for such *violation*, and may issue a stop work order. The notice of *violation* or stop work order shall be in writing and shall:
 - (1) Include a list of *violations*, referring to the section or sections of these regulations that have been violated;
 - (2) Order remedial action which, if taken, will aeffect compliance with the provisions of these regulations;
 - (3) Specify a reasonable period of time to correct the *violation*;
 - (4) Advise the recipients of the right to appeal; and

- (5) Be served in person; or
 - (6) Be posted in a conspicuous place in or on the property and sent by registered or certified mail to the last known mailing address, residence, or place of business of the recipients.
- (c) *Violations and penalties.* Violations of these regulations or failure to comply with the requirements of these regulations or any conditions attached to a permit or variance shall constitute a ~~misdemeanor~~ municipal infraction. Any person responsible for a violation shall comply with the notice of violation or stop work order. A fine of two-hundred dollars (\$200.00) will be imposed for the first violation and a fine of four-hundred dollars (\$400.00) will be imposed for each violation thereafter. Failure to comply shall be deemed a fine of [INSERT PENALTIES ESTABLISHED BY THE COMMUNITY] five hundred US dollars (\$500.00). Each day a violation continues shall be considered a separate offense. The violation must be corrected prior to any further work progressing on the project. Nothing herein contained shall prevent the ~~[COMMUNITY NAME]~~ Allegany County the city from taking such other lawful action as is necessary to prevent or remedy any violation.

Commented [m22]: Get input from City solicitor

SECTION 9.0 SUBSEQUENT AMENDMENTS AND EFFECTIVE DATE

~~(3) Demonstrate in writing what the building will be utilized for, provide a floor plan diagram illustrating door(s), window(s), flood vents and overall dimensions, etc.~~ **Sec. 8-34. – Subsequent amendments and effective date.**

- (a) *Subsequent Amendments.* All ordinances or parts of ordinances that are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency. This ordinance shall be amended as required by FEMA, Title 44, Code of Federal Regulations. All subsequent amendments to this ordinance are subject to the approval of the Federal Emergency Management Agency and MDE.
- (b) *Effective date.* This ordinance is effective as of February 11, 2020. ADOPTED this _____ day of _____, 20____ and to be effective on the _____ 3rd day of _____ April, 2020 _____.

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Commented [kgw23]: We recommend the new ordinance take effect on the same date of the new maps to make for a smooth transition.

Brandon S. Butler, Esq., County Administrator

Item Attachment Documents:

Order 26,607 - accepting the Sole Source proposal from Carl Belt, Inc. for Emergency Storm Line Repair on Cumberland Street in the not-to-exceed amount of \$40,912

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

ORDER NO. 26,607

DATE: February 18, 2020

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

THAT, the sole source proposal of Carl Belt, Inc., 11521 Milnor Avenue, Cumberland, Maryland, 21502, for the emergency repair of a Cumberland Street Storm Line in the not-to-exceed amount of Forty Thousand, Nine Hundred Twelve Dollars and No Cents (\$40,912.00) be and is hereby approved; and

BE IT FURTHER ORDERED, this this award shall be made on a sole source basis due to the emergency nature of the repairs, as provided by Section 2-171(c)(iii)(3) of the City Code.

Raymond M. Morriss

Funding: 003.320.20100



Brooke Cassell <brooke.cassell@cumberlandmd.gov>

Cumberland Street Storm Line Repair

3 messages

Brooke Cassell <brooke.cassell@cumberlandmd.gov>

Thu, Feb 6, 2020 at 10:39 AM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Tim Murphy <tim.murphy@cumberlandmd.gov>, "Robert Smith, PE" <robert.smith@cumberlandmd.gov>

Jeff and Ken,

I would like to request the approval of a Sole Source Repair Contract for Emergency Purposes of a Storm Line Repair on Cumberland Street. This contract would be performed by Carl Belt Incorporated. The Storm Line begins on Cumberland Street and runs through a retaining wall, then through the parking lot behind the Kensington (in front of the Country House) and outlets at the Flood Control Wall. There is a section of the storm line broken behind the retaining wall that will require core drilling of the wall. Also, there is a significant offset of the pipe at the outlet of the flood wall that will be repaired during this contract.

Every time we get a significant rainfall the existing pipe can not handle the flow and it backs up into the parking lot causing flooding and damages. I am requesting we have this work completed prior to Spring due to the amount of rain we typically get during that time period. The Country House has flooded on several occasions due to the issues in the storm line. Most recently the Country House received over \$4,000 worth of water damages in July of 2019 (see attached invoices).

Please see Carl Belt's attached quote of **\$40,912.00**, which includes details of the work to be performed. The quote also includes a cost of \$6,000 to repair the blacktop. However, that blacktop work will be performed in house by Street Maintenance in the Spring when the blacktop plants open.

We solicited a price from Belt to do the work due to the extent of the project and the fact a core drill will be required to go through the retaining wall. Belt is prepared to begin the work now to assure a completion prior to Spring

The \$40,912 will be charged to Sanitary & Storm Sewers Contractual Services (003.320.20100) where there are funds available to cover the cost of the project.

Thank you,
Brooke

Brooke Cassell
Public Works Operations Manager
City of Cumberland, MD
phone (301)759-6624
fax (301)759-6632
cell (240)580-0755
email brooke.cassell@cumberlandmd.gov

2 attachments

 **Belt Quote Cumberland Street Storm Line Repair.pdf**
69K

 **Country House Water Damages.pdf**
157K

Ken Tressler <ken.tressler@cumberlandmd.gov>

Thu, Feb 6, 2020 at 11:27 AM

To: Brooke Cassell <brooke.cassell@cumberlandmd.gov>

Cc: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, "Robert Smith, PE" <robert.smith@cumberlandmd.gov>

Hello All,

I discussed this with Brooke and in addition to this being an urgent matter, Brooke believes that Belt is the only local contractor that can actually do this work. I think we should proceed.

[Quoted text hidden]

--

Ken Tressler, CPA
City Comptroller
[57 N. Liberty Street](#)
[Cumberland, MD 21502](#)
Office (301) 759-6406
Cell (304) 813-6470

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Thu, Feb 6, 2020 at 11:56 AM

To: Brooke Cassell <brooke.cassell@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>, "Robert Smith, PE" <robert.smith@cumberlandmd.gov>

Approved

[Jeffrey D. Rhodes](#)
City Administrator
City of Cumberland, Maryland
301-759-6424

On Thu, Feb 6, 2020 at 10:39 AM Brooke Cassell <brooke.cassell@cumberlandmd.gov> wrote:

[Quoted text hidden]

Council Agenda Summary

Meeting Date: February 18, 2020

Agenda Item Number:

Key Staff Contact: Brooke Cassell

Item Title:

Sole Source Award to Carl Belt Incorporated for an Emergency Repair Contract of a Storm Line on Cumberland Street.

Summary:

Requesting the approval of a Sole Source Repair Contract for Emergency Purposes of a Storm Line Repair on Cumberland Street. This request is in accordance with the purchasing guidelines for sole source purchases for emergency work costing more than \$25,000 Sec. 2-171(c)(iii)(3). The contractor to perform the emergency work will be Carl Belt Incorporated in the amount of \$40,912. The Contract will include the replacement of the Storm Line that begins on Cumberland Street and runs through a retaining wall, into the parking lot behind the Kensington and outlets at the Flood Control Wall. The work is extensive and requires the use of a core drill.

Issues and Considerations:

The work is considered to be an emergency repair due to the fact that the existing pipe cannot handle the flow when we get significant rainfall. The Storm Line backs up into the parking lot of the Kensington, causing flooding and damages.

<i>Fiscal Impact:</i>	
Is this item budgeted? No. However, funds are available in 003.320.20100	
Budget:	Cost will be covered under FY20 Sanitary & Storm Sewers Contractual Services
Value of award:	\$40,912
If item is not budgeted, does the budget need to be appropriated? No	
Is there grant funding being used? No	
If grant funding is being used, does it require a City match? N/A	
Match provisions:	N/A
Is this a sole source purchase? Yes. Please see attached Department Recommendation, funding approval by Comptroller and approval by City Administrator.	

CARL BELT
I N C O R P O R A T E D
C O N T R A C T I N G . . E N G I N E E R I N G

Telephone: 301-729-8900
FAX Number: 301-729-0163

11521 MILNOR AVENUE
UPPER POTOMAC INDUSTRIAL PARK

POST OFFICE BOX 1210
CUMBERLAND, MARYLAND 21501-1210

January 17, 2020

City of Cumberland
57 North Liberty Street
Cumberland, MD 21502

ATTN: **MR. TIM MURPHY** (tim.murphy@cumberlandmd.gov)
MR. ROBERT SMITH (Robert.smith@cumberlandmd.gov)

RE: CUMBERLAND STREET STORM LINE REPAIR

Gentlemen:

In accordance with your meeting with Dave Madden and information subsequently relayed to me, Carl Belt, Inc. is hereby providing you the following proposal to alleviate the drainage issues that are plaguing the Kensington / Country House parking lot. Our scope of work is as follows:

SCOPE OF WORK

- Mobilize manpower and equipment to the site
- Close Cumberland Street between the parking lot entrance and Fayette Street for the work in Cumberland Street
- Saw cut, excavate, and replace the existing 12" pipe from the storm manhole to the retaining wall and cold patch trench
- Core drill wall and run SDR 21 – 12" pipe through wall and install an MJ Ductile Iron 90" fitting and pipe down to grade
- Install a new inlet complete with grate for pipe installed above to drain into
- Install 12" pipe from new inlet across parking lot to existing manhole
- Tie into existing manhole
- Out of manhole, install 18" pipe to existing inlet and tie into existing inlet
- Out of inlet, install 18" pipe and connect to existing pipe that empties through existing flood control wall
- Cold patch asphalt in Cumberland Street
- Stone to grade all other trenches
- Patch sidewalk along Cumberland Street
- Patch retaining wall where pipe penetrates wall
- Hot mix patch street and parking lot (Add Price)

City of Cumberland
Cumberland Street Storm Line Repair
Page 2

CLARIFICATIONS / EXCLUSIONS

- All backfill with CR-6 stone
- Includes one (1) new inlet
- Existing manholes and inlets to remain
- Cumberland Street closure only during work in the street
- Hot mix asphalt patching done when plant opens in the spring and is only for excavated trench width

LUMP SUM PRICE \$40,912.00

ADD PRICE TO DO HMA PATCH AT A LATER DATE \$ 6,000.00

TOTAL BUDGET PRICE \$46,912.00

If you should have any questions or require any additional information, please feel free to contact me.

Sincerely,

CARL BELT, INCORPORATED



David W. Snyder
Estimator / Project Manager

Cc: CBjr/JB/DM/BM/MF/SF/File

CB-20-015

Item Attachment Documents:

Order 26,608 - authorizing the sole source purchase of a new John Deere 6105E Cab Tractor from Finch Services, Inc. for the not-to-exceed amount of \$63,389.55 as part of the Sourcewell cooperative purchasing Ag Tractors 021815-DAC contract

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

ORDER NO. 26,608

DATE: February 18, 2020

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

THAT, the Sole Source purchase of a new John Deere 6105E Cab Tractor from Finch Services, Inc., 1127 Littlestown Pike, Westminster, MD, 21157 be and is hereby approved in the not-to-exceed amount of Sixty-three Thousand, Three Hundred Eighty-nine Dollars and Fifty-Five Cents (\$63,389.55); and

BE IT FURTHER ORDERED, that this sole source purchase be and is hereby authorized pursuant to Section 2-171 (c) (iv) of the City Code.

Raymond M. Morriss, Mayor

Budget: 003.325.64000

Council Agenda Summary

Meeting Date: February 18, 2020

Agenda Item Number:

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the Sole Source Purchase of a New John Deere 6105E Cab Tractor from Finch Services, Inc. 1127 Littlestown Pike, Westminster, MD 21157 for an amount not to exceed \$63,389.55

Summary:

Requesting an order to accept the sole source purchase of a New John Deere 6105E Cab Tractor from Finch Services, Incorporated for an amount not to exceed \$63,389.55. This tractor will be purchased as a part of Sourcewell cooperative purchasing Ag Tractors 021815-DAC contract, in accordance with the City Code Section 2-171 (c) (iv)

Issues and Considerations:

This tractor is replacing our current flood control tractor. This tractor is used to maintain the flood control levies. The current flood control tractor will be transferred to the Street Department, were a 16' 3-Point Hitch Boom Flail Mower will be attached.

<i>Fiscal Impact:</i>	
Is this item budgeted? Yes (FY2020)	
Budget:	003.325.64000
Value of award:	Total bid award = \$63,389.55
If item is not budgeted, does the budget need to be appropriated? N/A	
Is there grant funding being used? No	
If grant funding is being used, does it require a City match? N/A	
Match provisions:	N/A
Is this a sole source purchase? Yes (If so, attach department recommendation and approval from City Administrator.)	



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Sole Source Approval Request

9 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Jan 10, 2020 at 2:28 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,

The Street Department requested \$95,000 for the new tractor with boom flail mower in FY2020. Upon further investigation with Brooke, Tim, and Jason; the Street Dept is requesting to only use \$28,080 of the money to purchase the boom flail attachment. Flood Control is requesting to use \$63,389.55 to purchase a new tractor. The existing Flood Control Tractor will then be transferred to Street Maintenance to better meet all the needs of the Public Works Operations.

With that said, I recommend that Street Maintenance move forward with the sole source purchase of a New Diamond Mowers 3-Point Hitch Boom Flail Mower Attachment, to be purchased and installed, from the Sourcewell Contract #052417-DMM in the amount of \$28,080, in accordance with the City Code Section 2-171 (c) (iv) (through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities).

Also, I recommend that Flood Control move forward with the sole source purchase of a New John Deere 6105E Cab Tractor from Finch Services, Incorporated from Sourcewell Ag Tractors Contract #021815-DAC in the amount of \$63,389.55, in accordance with the City Code Section 2-171 (c) (iv) (through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities).

Please review these requests and let me know if you have any questions or concerns.

Thanks,
Brian

--
David Brian Broadwater Jr

Fleet Maintenance Coordinator

City of Cumberland, MD

W: (301) 759-6627 | C: (240) 920-2079

215 Bowen St. | Cumberland, MD 21502

**Cumberland**
Maryland

2 attachments

**Quote John Deere Tractor Flood.pdf**

133K

**Quote Diamond Sourcewell 3 Point Hitch Boom Retrofit of Current Mower.pdf**

115K

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Tue, Jan 21, 2020 at 2:57 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,

Did you have a chance to review this yet?

Thanks,
Brian
[Quoted text hidden]

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov> Wed, Jan 29, 2020 at 10:41 AM
To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>
Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Brian,

Sorry that I overlooked this! I guess my question is why the sole source? We can't do that for convenience reasons and it seems like these items could be bid but maybe I am missing something??

Jeff

Jeffrey D. Rhodes
City Administrator
City of Cumberland, Maryland
301-759-6424

On Fri, Jan 10, 2020 at 2:28 PM Brian Broadwater <brian.broadwater@cumberlandmd.gov> wrote:
[Quoted text hidden]

Ken Tressler <ken.tressler@cumberlandmd.gov> Wed, Jan 29, 2020 at 12:54 PM
To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>
Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Hello Jeff,

I believe Brian is suggesting to utilize competitive bids through Sourcewell. Brian - please correct me if this is incorrect.

[Quoted text hidden]

--
Ken Tressler, CPA
City Comptroller
57 N. Liberty Street
Cumberland, MD 21502
Office (301) 759-6406
Cell (304) 813-6470

Brian Broadwater <brian.broadwater@cumberlandmd.gov> Wed, Jan 29, 2020 at 12:56 PM
To: Ken Tressler <ken.tressler@cumberlandmd.gov>
Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Sorry, for getting to this late. Yes, Ken is correct, I want to utilize the competitive bids through Sourcewell.

Brian

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>
To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:16 AM

Ken,

Do you know the status on this sole source request? Haven't heard anything since Jeff's question on the sole source.

Thanks,
Brian

On Wed, Jan 29, 2020 at 12:54 PM Ken Tressler <ken.tressler@cumberlandmd.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Ken Tressler <ken.tressler@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:33 AM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Hello Jeff,

Are you OK with this since we are using a Sourcewell competitive bid?

On Wed, Jan 29, 2020 at 12:54 PM Ken Tressler <ken.tressler@cumberlandmd.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:37 AM

To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

I am...I was confused (please, no jokes here) about what part was through Sourcewell....all of it? However, I consider Sourcewell purchases to have been bid.

[Quoted text hidden]

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Mon, Feb 3, 2020 at 12:50 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Great, Thanks!

Brian

[Quoted text hidden]



CITY OF
CUMBERLAND
MARYLAND

DEPARTMENT OF PUBLIC WORKS

February 4, 2020

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

Dear Mayor and City Council,

I recommend that we move forward with the sole source purchase of a New John Deere 6105E Cab Tractor from Finch Services, Incorporated. This tractor shall be purchased as a part of Sourcwell Ag Tractors Contract 021815-DAC, in accordance with Section 2-171 (c) (iv) of the City Code. The total cost of this tractor is \$63,389.55. This tractor will be utilized in grass cutting operations in the flood control levies as well as our main water line coming from Lake Gordon.

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

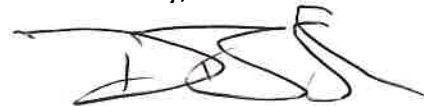
CITY ADMINISTRATOR

JEFFREY D. RHODES

PW OPERATIONS

MANAGER
BROOKE CASSELL

Sincerely,



David Broadwater Jr
Fleet Maintenance Coordinator



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

215 BOWEN STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6620 • FAX (301)759-6632 • TDD (800)735-2258



ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):

Deere & Company
2000 John Deere Run
Cary, NC 27513
FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:

Finch Services, Incorporated
1127 Littlestown Pike
Westminster, MD 21157-3005
410-848-7211
westminster@finchinc.com

Quote Summary

Prepared For:
City Of Cumberland
MD

Delivering Dealer:
Finch Services, Incorporated
Eric Lassen
1127 Littlestown Pike
Westminster, MD 21157-3005
Phone: 410-848-7211
Mobile: 443-324-9668
elassen@finchinc.com

ALL QUOTES SUBJECT TO CHANGE AFTER 30 DAYS

Quote ID: 20992531
Created On: 24 December 2019
Last Modified On: 24 December 2019
Expiration Date: 24 January 2020

Equipment Summary	Suggested List	Selling Price	Qty	Extended
JOHN DEERE 6105E Cab Tractor (87 PTO hp) Contract: Sourcewell Ag Tractors 021815-DAC (PG 1P CG 70) Price Effective Date: December 24, 2019	\$ 83,407.30	\$ 63,389.55 X	1 =	\$ 63,389.55
Equipment Total				\$ 63,389.55

* Includes Fees and Non-contract items

Quote Summary

Equipment Total	\$ 63,389.55
Trade In	
SubTotal	\$ 63,389.55
Est. Service	\$ 0.00
Agreement Tax	
Total	\$ 63,389.55
Down Payment	(0.00)
Rental Applied	(0.00)
Balance Due	\$ 63,389.55

Salesperson : X _____

Accepted By : X _____



Selling Equipment

Quote Id: 20992531 Customer Name:

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Finch Services, Incorporated
 1127 Littlestown Pike
 Westminster, MD 21157-3005
 410-848-7211
 westminster@finchinc.com

JOHN DEERE 6105E Cab Tractor (87 PTO hp)

Hours: **Suggested List ***
Stock Number: \$ 83,407.30
Contract: Sourcewell Ag Tractors 021815-DAC (PG 1P CG **Selling Price ***
 70) \$ 63,389.55

Price Effective Date: December 24, 2019

* Price per item - includes Fees and Non-contract items

Code	Description	Qty	List Price	Discount%	Discount Amount	Contract Price	Extended Contract Price
332RP	6105E Cab Tractor (87 PTO hp)	1	\$ 79,960.00	24.00	\$ 19,190.40	\$ 60,769.60	\$ 60,769.60
Standard Options - Per Unit							
0202	United States	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
0409	English Operator's Manual North America	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
0500	No Package	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
1386	24F/12R PowrReverser Transmission (25mph/40kmh) - MFWD Axle	1	\$ 1,328.00	24.00	\$ 318.72	\$ 1,009.28	\$ 1,009.28
2050	Standard Cab	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
2130	Air Suspension Seat with Swivel (MSG 95)	1	\$ 943.00	24.00	\$ 226.32	\$ 716.68	\$ 716.68
3320	Dual Standard SCV with ISO Breakaway Couplers	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
4020	Heavy Duty Hitch	1	\$ 407.00	24.00	\$ 97.68	\$ 309.32	\$ 309.32
4120	Two Telescopic Draft Links	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
4315	Standard Drawbar	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
4420	Sway Chain with Retainers	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
5212	460/85R34 In. 8PR R1 Radial	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
6210	340/85R24 In. 8PR R1 Radial	1	\$ 0.00	24.00	\$ 0.00	\$ 0.00	\$ 0.00
8726	Rotating Warning Light (Beacon Light)	1	\$ 240.00	24.00	\$ 57.60	\$ 182.40	\$ 182.40
8995	Front Weight Support Bracket	1	\$ 284.00	24.00	\$ 68.16	\$ 215.84	\$ 215.84
Standard Options Total			\$ 3,202.00		\$ 768.48	\$ 2,433.52	\$ 2,433.52



JOHN DEERE



Selling Equipment

Quote Id: 20992531 Customer Name:

ALL PURCHASE ORDERS MUST BE MADE OUT TO (VENDOR):
 Deere & Company
 2000 John Deere Run
 Cary, NC 27513
 FED ID: 36-2382580; DUNS#: 60-7690989

ALL PURCHASE ORDERS MUST BE SENT TO DELIVERING DEALER:
 Finch Services, Incorporated
 1127 Littlestown Pike
 Westminster, MD 21157-3005
 410-848-7211
 westminster@finchinc.com

Dealer Attachments/Non-Contract/Open Market							
BSJ10026	Backup alarm kit	1	\$ 84.70	24.00	\$ 20.33	\$ 64.37	\$ 64.37
LVB25727	PowrReverser modulation control kit	1	\$ 160.60	24.00	\$ 38.54	\$ 122.06	\$ 122.06
Dealer Attachments Total			\$ 245.30		\$ 58.87	\$ 186.43	\$ 186.43
Value Added Services Total			\$ 0.00			\$ 0.00	\$ 0.00
Total Selling Price			\$ 83,407.30		\$ 20,017.75	\$ 63,389.55	\$ 63,389.55

Item Attachment Documents:

Order 26,609 - authorizing the Sole Source purchase of a new 16' 3-Point Hitch Boom Mower from Diamond Mowers for the not-to-exceed amount of \$28,080, purchased as a part of Sourcewell Contract #052417-DMM

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

ORDER NO. 26,609

DATE: February 18, 2020

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

THAT, the Sole Source purchase of a New 16' 3-Point Hitch Boom Mower from Diamond Mowers, 350 East 60th Street North, Sioux Falls, SD, 57104 in an amount not-to-exceed Twenty-eight Thousand Eighty Dollars and No Cents (\$28,080.00) be and is hereby accepted; and

BE IT FURTHER ORDERED, that this equipment will be purchased as part of Sourcewell Contract #052417-DMM, in accordance with City Code Section 2-171 (c) (iv) .

Raymond M. Morriss, Mayor

Budgeted Purchase: 001.056.64000



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Sole Source Approval Request

9 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Jan 10, 2020 at 2:28 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,

The Street Department requested \$95,000 for the new tractor with boom flail mower in FY2020. Upon further investigation with Brooke, Tim, and Jason; the Street Dept is requesting to only use \$28,080 of the money to purchase the boom flail attachment. Flood Control is requesting to use \$63,389.55 to purchase a new tractor. The existing Flood Control Tractor will then be transferred to Street Maintenance to better meet all the needs of the Public Works Operations.

With that said, I recommend that Street Maintenance move forward with the sole source purchase of a New Diamond Mowers 3-Point Hitch Boom Flail Mower Attachment, to be purchased and installed, from the Sourcewell Contract #052417-DMM in the amount of \$28,080, in accordance with the City Code Section 2-171 (c) (iv) (through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities).

Also, I recommend that Flood Control move forward with the sole source purchase of a New John Deere 6105E Cab Tractor from Finch Services, Incorporated from Sourcewell Ag Tractors Contract #021815-DAC in the amount of \$63,389.55, in accordance with the City Code Section 2-171 (c) (iv) (through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities).

Please review these requests and let me know if you have any questions or concerns.

Thanks,
Brian

David Brian Broadwater Jr

Fleet Maintenance Coordinator

City of Cumberland, MD

W: (301) 759-6627 | C: (240) 920-2079

215 Bowen St. | Cumberland, MD 21502



Cumberland

Maryland

2 attachments



Quote John Deere Tractor Flood.pdf

133K



Quote Diamond Sourcewell 3 Point Hitch Boom Retrofit of Current Mower.pdf

115K

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Tue, Jan 21, 2020 at 2:57 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,

Did you have a chance to review this yet?

Thanks,
Brian

[Quoted text hidden]

Wed, Jan 29, 2020 at 10:41 AM

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Brian,

Sorry that I overlooked this! I guess my question is why the sole source? We can't do that for convenience reasons and it seems like these items could be bid but maybe I am missing something??

Jeff

Jeffrey D. Rhodes
City Administrator
City of Cumberland, Maryland
301-759-6424

On Fri, Jan 10, 2020 at 2:28 PM Brian Broadwater <brian.broadwater@cumberlandmd.gov> wrote:
[Quoted text hidden]

Wed, Jan 29, 2020 at 12:54 PM

Ken Tressler <ken.tressler@cumberlandmd.gov>

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Hello Jeff,

I believe Brian is suggesting to utilize competitive bids through Sourcewell. Brian - please correct me if this is incorrect.

[Quoted text hidden]

Ken Tressler, CPA
City Comptroller
57 N. Liberty Street
Cumberland, MD 21502
Office (301) 759-6406
Cell (304) 813-6470

Wed, Jan 29, 2020 at 12:56 PM

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Sorry, for getting to this late. Yes, Ken is correct, I want to utilize the competitive bids through Sourcewell.

Brian

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>
To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:16 AM

Ken,

Do you know the status on this sole source request? Haven't heard anything since Jeff's question on the sole source.

Thanks,
Brian

On Wed, Jan 29, 2020 at 12:54 PM Ken Tressler <ken.tressler@cumberlandmd.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Ken Tressler <ken.tressler@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:33 AM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Hello Jeff,

Are you OK with this since we are using a Sourcewell competitive bid?

On Wed, Jan 29, 2020 at 12:54 PM Ken Tressler <ken.tressler@cumberlandmd.gov> wrote:

[Quoted text hidden]

[Quoted text hidden]

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Mon, Feb 3, 2020 at 11:37 AM

To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Brian Broadwater <brian.broadwater@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

I am...I was confused (please, no jokes here) about what part was through Sourcewell....all of it? However, I consider Sourcewell purchases to have been bid.

[Quoted text hidden]

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Mon, Feb 3, 2020 at 12:50 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Great, Thanks!

Brian

[Quoted text hidden]



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

February 4, 2020

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

Dear Mayor and City Council,

I recommend that we move forward with the sole source purchase of a New 16' 3-Point Hitch Boom Mower from Diamond Mowers. This boom flail mower attachment shall be purchased as a part of Sourcewell Contract #052417-DMM, in accordance with Section 2-171 (c) (iv) of the City Code. This boom flail mower attachment was budgeted by the Street Department. The total cost of this boom flail mower attachment to be installed on our current tractor is \$28,080. This tractor, with the new boom flail mower attachment will be utilized in city wide right-of-way grass cutting operations.

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY D. RHODES

**PW OPERATIONS
MANAGER**

BROOKE CASSELL

Sincerely,

David Broadwater Jr
Fleet Maintenance Coordinator



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

215 BOWEN STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6620 • FAX (301)759-6632 • TDD (800)735-2258



1-10-2020
CITY OF CUMBERLAND
215 BOWEN STREET
CUMBERLAND, MD 21502

Brian:
Please find a proposal for a New Diamond Mowers 3-Point Hitch Boom Mower to be purchased off of the Sourcewell Contract #052417-DMM

PROPOSAL

RBM-C-W- 16' 3- Point Hitch Boom Includes 4 function proportional joystick	List\$ 23,418	Sourcewell \$18,734
DBF042-H 42" Boom Flail Mower /	List \$8,823	Sourcewell \$7058
Install and set-up /	List\$ 883	Sourcewell \$674
Freight from Sioux Falls, SD		\$1614

Delivery: Cumberland is responsible for delivery and pick-up of tractor to Westminster

Grand Total \$ 28,080

Brian, Diamond Mowers is committed to providing unparalleled service to you. In a continued effort to serve you better, we are pleased to offer the following:

72-Hour Parts Shipping Guarantee – We guarantee that your Genuine Diamond Parts orders will ship within 72 hours or we will give you the parts - and the shipping - for free.

One Year Warranty on parts and labor

Please contact me directly with any questions at 724-650-7434. Thank you for the confidence you have placed in Diamond Mowers.

DON COTTAGE
Regional Sales Manager
724.650.7434 direct



Council Agenda Summary

Meeting Date: February 18, 2020

Agenda Item Number:

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the Sole Source Purchase of a New 16' 3-Point Hitch Boom Mower from Diamond Mowers, 350 E 60th Street North, Sioux Falls, SD 57104 for an amount not to exceed \$28,080

Summary:

Requesting an order to accept the sole source purchase of a New 16' 3-Point Hitch Boom Mower from Diamond Mowers for an amount not to exceed \$28,080. This boom flail mower attachment will be purchased as a part of Sourcewell Contract #052417-DMM, in accordance with the City Code Section 2-171 (c) (iv)

Issues and Considerations:

This 16' 3-Point Hitch Boom Mower will be attached to a tractor that we currently own. This tractor will be utilized in city wide right-of-way grass cutting operations.

<i>Fiscal Impact:</i>	
Is this item budgeted? Yes (FY2020)	
Budget:	001.056.64000
Value of award:	Total bid award = \$28,080
If item is not budgeted, does the budget need to be appropriated? N/A	
Is there grant funding being used? No	
If grant funding is being used, does it require a City match? N/A	
Match provisions:	N/A
Is this a sole source purchase? Yes (If so, attach department recommendation and approval from City Administrator.)	

Item Attachment Documents:

Order 26,610 - authorizing the Sole Source purchase of a New Ford F-550 Crew Cab Canopy Service Body Truck from Keystone Ford in an amount not-to-exceed \$77,060

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

ORDER NO. 26,610

DATE: February 18, 2020

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

THAT, the Sole Source purchase of a New Ford F-550 Crew Cab Canopy Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, Pennsylvania, 17201 in an amount not-to-exceed Seventy-seven Thousand Sixty Dollars and No Cents (\$77,060.00) be and is hereby accepted; and

BE IT FURTHER ORDERED, that this vehicle will be purchased as part of a CoStar Cooperative Purchasing Program, in accordance with City Code Section 2-171 (c) (iv) .

Raymond M. Morriss, Mayor

Budgeted Purchase: 002.220.64000



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Sole Source Request for FY2020 Canopy Service Body Truck

7 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Feb 7, 2020 at 1:05 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Jeff,

The Water Distribution Department requested \$105,000 for a New Canopy Service Body truck to replace our current 2004 Canopy Service Body truck for FY2020. I recommend that we move forward with the sole source purchase of this Truck for \$77,060 from Keystone Ford and Stephenson Equipment. This truck will be purchased as a part of CoStar Cooperative Purchasing Program, in accordance with the City Code Section 2-171 (c) (iv) (through joint efforts with other agencies, such as those of the state, county and board of education, the city is able to take advantage of bulk purchase pricing and special sales opportunities).

I did also obtain a Sourcwell quote for this truck in the amount of \$81,719.

Please consider this sole source request?

Thanks,
Brian

--

David Brian Broadwater Jr**Fleet Maintenance Coordinator**

City of Cumberland, MD

W: (301) 759-6627 | C: (240) 920-2079

215 Bowen St. | Cumberland, MD 21502

**Cumberland**
*Maryland***Ken Tressler** <ken.tressler@cumberlandmd.gov>

Fri, Feb 7, 2020 at 1:13 PM

To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Cc: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Hello Brian,

When requesting sole source purchases of this nature - please add the language Sole Source through other agency purchasing consortiums. This lets us know right away what we are doing. The fact that we have multiple consortiums to choose from is even better.

Thanks,

[Quoted text hidden]

--

Ken Tressler, CPA

City Comptroller

57 N. Liberty Street

Cumberland, MD 21502

Office (301) 759-6406

Cell (304) 813-6470

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Feb 7, 2020 at 2:52 PM

To: Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Ken,

OK, will do!

Jeff,

To clarify about CoStars. CoStars is a purchasing consortium, as Ken said. It is available to government agencies in Pennsylvania. Since our city of course is not in Pennsylvania, we cannot be a member. But, the dealer is able to give us the discount pricing if they choose to, since we meet CoStars requirements of being a government agency. This is basically the same thing as Sourcewell, other than the fact that we are not a member. Since I was able to receive a Sourcewell quote on this vehicle it was easy to compare the cost difference of using CoStar over Sourcewell. I have learned that every situation is different when purchasing vehicles and equipment. What I have found is that these dealerships that use CoStars and Sourcewell, know what works best for local and state government operations, such as ourselves. Let me know if you have any other questions.

Thanks,

Brian

[Quoted text hidden]

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Fri, Feb 7, 2020 at 3:59 PM

To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Brian,

So this was really bid but just though a purchasing co-op if I understand what you are saying?

Jeff

Jeffrey D. Rhodes
City Administrator
City of Cumberland, Maryland
301-759-6424

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Feb 7, 2020 at 4:00 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Yes sir, that is correct!

[Quoted text hidden]

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Fri, Feb 7, 2020 at 4:04 PM

To: Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Approved

[Quoted text hidden]

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Fri, Feb 7, 2020 at 4:05 PM

To: Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Margie Woodring <margie.woodring@cumberlandmd.gov>

Thank you!

[Quoted text hidden]



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

February 11, 2020

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

Dear Mayor and City Council,

I recommend that we move forward with the sole source purchase of a New Ford F-550 Canopy Service Body from Keystone Ford and Stephenson Equipment through other agency's purchasing consortiums. Both companies are offering us CoStar pricing (purchasing consortium), which is in accordance with Section 2-171 (c) (iv) of the City Code.

This truck was budgeted by the Water Department for \$105,000.00. The total cost of this truck will be \$77,060.00. The ability to obtain the CoStar cooperative purchasing allows us to save money and to work with dealers that deal with municipalities like ourselves. Since these dealers specialize in heavy-duty trucks/equipment, we can receive them in a timely manner and save money.

Please consider this sole source purchase.

Sincerely,

David Broadwater Jr
Fleet Maintenance Coordinator

MAYOR
RAYMOND M. MORRISS

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

CITY ADMINISTRATOR
JEFFREY D. RHODES

**PW OPERATIONS
MANAGER**
BROOKE CASSELL



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

215 BOWEN STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)759-6620 • FAX (301)759-6632 • TDD (800)735-2258



Prepared by: Nelson Raines

11/18/2019

Keystone Ford | 301 Walker Road Chambersburg Pennsylvania | 172013507

2020 F-550 Chassis 4x4 SD Crew Cab 179" WB DRW XL (W5H)

Price Level: 20 | Quote ID: cumbcrew20

Pricing Summary - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$47,015.00
Options & Colors	\$13,360.00
Upfitting	\$0.00
Destination Charge	\$1,595.00

Subtotal \$61,970.00

Pre-Tax Adjustments

Code	Description	
1	CoStars Allowance 025-155/price adjustment	-\$8,500.00

Total \$53,470.00

Customer Signature

Acceptance Date

Prices and content availability as shown are subject to change and should be treated as estimates only. Actual base vehicle, package and option pricing may vary from this estimate because of special local pricing, availability or pricing adjustments not reflected in the dealer's computer system. See salesperson for the most current information.



Pennsylvania Locations: Harrisburg, PA (*Corporate Headquarters*)
 Butler, PA • Ebensburg, PA • Philadelphia, PA • Pittsburgh, PA • Wilkes-Barre, PA

New York Locations:
 Albany, NY • Syracuse, NY

Maryland Location:
 Aberdeen, MD (*Service Only*)

Corporate Office: 7201 Paxton Street • Harrisburg, PA 17111 • Phone: 717-564-3434 • Toll Free: 800-325-6455 • Fax: 717-564-7580

11/15/19 J&J Truck Equipment Quote: 81629 Customer Rev: 2
 Quote Type: SVB 422 Riggs Road Issue: 2 Page 1
 Somerset, PA 15501 Order: PO NO:
 Phone: 814-444-7000 or 877-455-8785
 Fax: 814-445-3726

Customer
 STEPHENSON EQUIPMENT, INC
 7201 PAXTON STREET
 HARRISBURG PA 17111
 Attn: RICK SPRINGER
 Phone: 800-325-6455
 Email: RSPRINGER@STEPHENSONEQUIPMENT.COM

Brief Description
 KC108H2094
End User: CITY OF CUMBERLAND
 Number of Units: 1 Entered By: QMW
 Sales Rep: Todd Imes
 (814) 521-7156
 Inside Sales: Quintin Wyandt

Make: Model: Due Date: Serial Number:

ON CUSTOMER SUPPLIED 2017+ FORD F550, DUAL REAR WHEEL, 60" CA, NO BED IN PLACE,
 NO OEM BACK-UP CAMERA IN PLACE
 - LONG FUEL FILL KIT PROVIDED WITH CHASSIS

BASE PRICE DOES NOT INCLUDE ANY APPLICABLE TAXES

CUSTOMER IS RESPONSIBLE FOR ALL TRANSPORTATION OF CHASSIS

BASE PRICE INCLUDES ALL MUNICIPAL DISCOUNTS AND IS CO-STAR COMPLIANT
 CO-STAR #: 025-056

Qty Appx
 Weight

----- (Equipment Supplied) -----

SEQ #: 10 - PROVIDE AND INSTALL A KNPHEIDE KC108H2094 STEEL CANOPY 1 2,365
 SERVICE BODY, SPECS AND FEATURES AS FOLLOWS:
 - LENGTH: 107.25"
 - WIDTH: 94"
 - HEIGHT: 90"
 - TWO (2) ADJUSTABLE DIVIDER SHELVES, STREET AND CURB SIDE FRONT
 VERTICAL COMPARTMENTS (ALL COMPARTMENTS AHEAD OF HORIZONTAL)
 - ONE (1) ADJUSTABLE DIVIDER SHELF, STREET AND CURB SIDE REAR
 VERTICAL COMPARTMENTS (ALL COMPARTMENTS BEHIND HORIZONTAL)
 - ONE (1) ADJUSTABLE DIVIDER SHELF, CURB SIDE HORIZONTAL COMPARTMENT
 - NO SHELF STREET SIDE HORIZONTAL
 - TWO (2) FULL LENGTH SHELVES EACH SIDE IN INTERIOR OF BODY
 - RIVETLESS ROTARY SLAM LATCHES ON ALL SIDE DOORS WITH DOUBLE SPRING
 OVER CENTER DOOR RETAINERS ON ALL VERTICAL DOORS.
 - DOUBLE PANEL GALVANNEAL REAR DOORS WITH RIVETLESS LATCH AND SOLID
 PANEL WITH NO GLASS
 - TWO (2) REAR ACCESS DOORS WITH RIVETLESS LATCHES ON UPPER ROOF
 STRUCTURE
 - 9" X 30" GLASS WINDOW IN FRONT BULKHEAD
 - MASTER LOCKS INSTALLED ON BOTH SIDES AND GRAB HANDLE AT RIGHT REAR
 IN CARGO AREA
 - COMPLETE SURFACE MOUNTED LIGHT KIT WITH 6-CIRCUIT WIRE HARNESS, ALL
 REQUIRED LIGHTS, AND 2 INTERIOR DOME LIGHTS

SEQ #: 20 - PROVIDE AND INSTALL KNPHEIDE 94"W GALVA GRIP BUMPER WITH 1 77
 HITCH RECESS

SEQ #: 30 - PROVIDE AND INSTALL A 2" HITCH RECEIVER WITH RV STYLE 7 1 0
 PIN FLAT TRAILER PLUG WIRED TO CHASSIS LIGHT CIRCUIT AND OEM BRAKE
 CONTROLLER (IF OEM BRAKE CONTROLLER IS IN PLACE)

SEQ #: 40 - PROVIDE AND INSTALL LED COMPARTMENT LIGHTS TO ALL EXTERIOR COMPARTMENTS	1	0
SEQ #: 50 - PROVIDE AND INSTALL THE FOLLOWING STROBE LIGHTING: - TWO (2) SURFACE MOUNT LED AMBER STROBE LIGHTS TO CHASSIS GRILLE - STROBE LIGHT ACTIVATOR HARNESS FOR REAR STROBE LIGHTS INCORPORATED INTO REAR STOP / TAIL / TURN SIGNAL LIGHTS - ONE (1) LED 15" FEDERAL SIGNAL HIGH LIGHTER AMBER STROBE LIGHT BAR, MOUNTED TO FRONT CENTER OF CANOPY	1	0
** ALL STROBE LIGHTING WIRED TO OEM OR J&J SUPPLIED ILLUMINATED SWITCH IN CHASSIS CAB **		
SEQ #: 60 - PROVIDE AND INSTALL TO STREET SIDE FRONT VERTICAL COMPARTMENT, A CTECH ALUMINUM TOOL DRAWER UNIT: - 3 - 3", 2 - 5", 1 - 7" - 28"W X 29.8"H X 17.5"D	1	0
SEQ #: 70 - PROVIDE AND INSTALL A THOR THPW3000 PURE SINE WAVE INVERTER 12V WITH USB 2.1 TO BEST DETERMINED LOCATION, SPECS AND FEATURES AS FOLLOWS: - CURRENT RATING: 120 AMPS - WATTAGE: 3,000 WATTS - DIMENSIONS: 3.42"H X 18.5"L X 8.5"W - TWO (2) 110V OUTLETS AND ONE (1) USB OUTLET - INCLUDES ADDITIONAL AUX BATTERY INSTALLED TO BEST DETERMINED LOCATION	1	0
SEQ #: 80 - BODY EXTERIOR AND INTERIOR OF COMPARTMENTS TO BE PAINTED KNAPHEIDE WHITE FROM MANUFACTURER	1	0

Price / Unit:	\$23,590.00	2,442
Total / Unit:	\$23,590.00	
Total Due:	\$23,590.00	

CO-STARS # 025-021, CO-STAR VENDOR NUMBER 150032

Please review carefully. If you have any questions, contact this office or your sales representative. If there are no questions, please sign and return one of the enclosed copies. We must have a signed copy of this quotation before we process your order.
QUOTE EXPIRES: 08/02/19

PLEASE NOTE: There will be a 20% restocking fee on all special order items, if returned, in addition to any freight charges that apply.

By: _____
(Customer Signature)

Date: _____

Council Agenda Summary

Meeting Date: February 18, 2020

Agenda Item Number: Order 26,610

Key Staff Contact: Brian Broadwater

Item Title:

Order authorizing the Sole Source purchase of a New Ford F-550 Crew Cab Canopy Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, Pennsylvania, 17201 in an amount not-to-exceed \$77,060.00.

Summary:

Requesting an order to accept the sole source purchase of a New Ford F-550 Crew Cab Canopy Service Body Truck from Keystone Ford for an amount not-to-exceed \$77,060.00 through other agency's purchasing consortiums. Keystone Ford and Stephenson Equipment are offering CoStar pricing (purchasing consortium), which is in accordance with the City Code Sec. 2-171 (c) (iv) – sole source purchase through joint efforts with other agencies. The City of Cumberland is not a member of CoStars; however, we can still obtain CoStars pricing as we are a government entity.

Issues and Considerations:

This truck will be purchased from Keystone Ford for an amount not-to-exceed \$77,060.00. Keystone will provide the cab and chassis to Stephenson Equipment who will install the canopy service body.

<i>Fiscal Impact:</i>	
Is this item budgeted? Yes (FY2020)	
Budget:	002.220.64000
Value of award:	Total bid award = \$77,060.00
If item is not budgeted, does the budget need to be appropriated? N/A	
Is there grant funding being used? No	
If grant funding is being used, does it require a City match? N/A	
Match provisions:	N/A
Is this a sole source purchase? Yes (If so, attach department recommendation and approval from City Administrator.)	

Item Attachment Documents:

Order 26,611 - declaring City-owned property known as the former East Side School site, located approximately at 100 Reynolds Street, to be surplus and declaring the City's intent to transfer the property to Allegany Junction Limited Partnership for the purchase price of \$75,000 after the passage of 20 days and the passage of an Ordinance authorizing conveyance

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

ORDER NO. 26,611

DATE: February 18, 2020

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

WHEREAS, the Mayor and City Council of Cumberland is the record owner of certain parcels of real property, together with the improvements thereon, which are known as the former East Side School site, approximately located at 100 Reynolds Street in Cumberland, MD (hereinafter referred to as the "Property"), the Property being more particularly described in the Land Records of Allegany County, Maryland in Book 2078, Page 182; and

WHEREAS, the Property has been determined to be surplus property by the Mayor and City Council of Cumberland;

IT IS, THEREFORE, ORDERED, by the Mayor and City Council of Cumberland, that:

1. The Property is hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland; and
2. The Mayor and City Council of Cumberland intend to transfer the Property to Allegany Junction Limited Partnership for the purchase price of Seventy-Five Thousand Dollars (\$75,000); and
3. After the passage of twenty (20) days from the date of this Order and the passage of an Ordinance authorizing the execution of a Deed effecting the conveyance of the Properties, formal transfer of the Properties to the CEDC may proceed.

Raymond M. Morriss, Mayor

That parcel of real estate commonly being known as the site of the former East Side School; consisting of 3.07 +/- acres more or less; on Allegany county tax map no. 105, Grid 0011, parcel 7012G; approximately located at 100 Reynolds Street, Cumberland, Maryland 21502; and described as:

BEGINNING FOR THE SAME AT A POINT ON THE EASTERLY SIDE OF MARION STREET,
THENCE;

1. NORTH 01 DEGREES 55 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 200.00 FEET TO A POINT, THENCE;
2. NORTH 88 DEGREES 04 MINUTES 33 SECONDS EAST FOR A DISTANCE OF 134.00 FEET TO A POINT, THENCE;
3. NORTH 01 DEGREES 55 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 263.00 FEET TO A POINT, THENCE;
4. NORTH 88 DEGREES 04 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 120.00 FEET TO A POINT, THENCE;
5. SOUTH 01 DEGREES 55 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 303.00 FEET TO A POINT, THENCE;
6. NORTH 43 DEGREES 04 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 56.57 FEET TO A POINT, THENCE;
7. NORTH 01 DEGREES 55 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 360.00 FEET TO A POINT, THENCE;
8. NORTH 88 DEGREES 04 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 153.10 FEET TO A POINT, THENCE;
9. SOUTH 72 DEGREES 17 MINUTES 30 SECONDS EAST FOR A DISTANCE OF 66.54 FEET TO A POINT, THENCE;
10. SOUTH 29 DEGREES 10 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 0.93 FEET TO A POINT, THENCE;
11. SOUTH 31 DEGREES 04 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 128.23 FEET TO A POINT, THENCE;
12. SOUTH 36 DEGREES 16 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 38.02 FEET TO A POINT, THENCE;
13. SOUTH 06 DEGREES 04 MINUTES 10 SECONDS EAST FOR A DISTANCE OF 12.43 FEET TO A POINT, THENCE;
14. SOUTH 07 DEGREES 48 MINUTES 50 SECONDS WEST FOR A DISTANCE OF 31.07 FEET TO A POINT, THENCE;
15. NORTH 85 DEGREES 24 MINUTES 23 SECONDS EAST FOR A DISTANCE OF 33.59 FEET TO A POINT, THENCE;
16. SOUTH 35 DEGREES 00 MINUTES 47 SECONDS WEST FOR A DISTANCE OF 41.87 FEET TO A POINT, THENCE;

17. SOUTH 16 DEGREES 12 MINUTES 12 SECONDS WEST FOR A DISTANCE OF 52.58 FEET TO A POINT, THENCE;
18. SOUTH 36 DEGREES 24 MINUTES 21 SECONDS WEST FOR A DISTANCE OF 150.00 FEET TO A POINT, THENCE;
19. SOUTH 36 DEGREES 06 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 197.80 FEET TO A POINT, THENCE;
20. SOUTH 74 DEGREES 17 MINUTES 02 SECONDS WEST FOR A DISTANCE OF 60.27 FEET TO A POINT, THENCE;
21. SOUTH 73 DEGREES 47 MINUTES 49 SECONDS WEST FOR A DISTANCE OF 10.48 FEET TO A POINT, THENCE;
22. NORTH 01 DEGREES 55 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 15.87 FEET TO A POINT, THENCE;
23. SOUTH 88 DEGREES 04 MINUTES 30 SECONDS WEST FOR A DISTANCE OF 120.00 FEET TO THE POINT OF BEGINNING, HAVING A AREA OF 133659.66 SQUARE FEET, 3.07 ACRES, MORE OR LESS.

It being the same property that was conveyed from the Potomac Economic Development & Housing Corporation to Mayor and City Council of Cumberland by deed dated August 20, 2014 and recorded among the Land Records of Allegany County, Maryland in Book 2078, Page 182.

Item Attachment Documents:

Order 26,612 - approving the designation of certain roadways located within Constitution Park to Executive Drive, Legislative Loop, Judicial Way, and Parkview Avenue

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

ORDER NO. 26,612

DATE: February 18, 2020

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

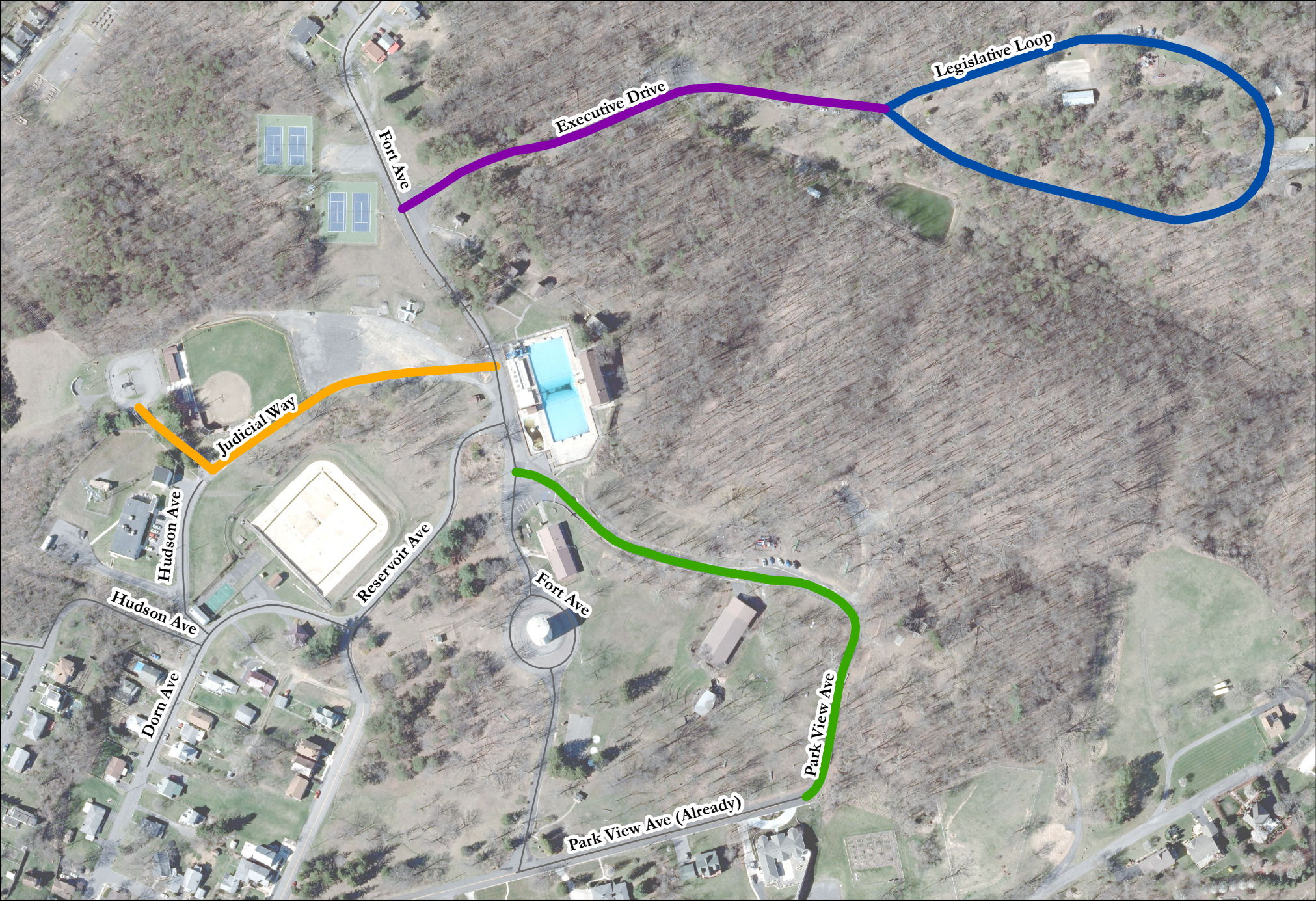
THAT, the names of the following roads located within Constitution Park be changed, as shown on the attached plat and as listed below:

Present Name	Limits	New Name
RD 1	Fort Avenue to RD 1 (beginning of Loop)	Executive Drive
RD 1	RD 1 to RD 1	Legislative Loop
RD 2	Parkview Avenue to Fort Avenue	Parkview Avenue
No Name Road	Fort Avenue to Road End	Judicial Way

Raymond M. Morriss, Mayor

**Plat attached*

New Road Names for Constitution Park



0 110 220 440 660 Feet

