



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

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

DATE: October 20, 2020

OPEN SESSION - 6:15 PM

Roll Call

Director's Reports

(A) Administrative Services

[Administrative](#) Services monthly report for September, 2020

(B) Public Works

[Maintenance](#) Division monthly report for September, 2020

(C) Fire

[Fire](#) Department monthly report for September, 2020

(D) Police

[Police](#) Department monthly report for September, 2020

(E) Utilities - Flood, Water, Sewer

[Utilities](#) Division-Flood/Water/Sewer monthly report for September, 2020

Approval of Minutes

- [1.](#) Approval of the Work and Regular Session minutes of September 15, 2020, and the Work Session Minutes of September 29, 2020

Unfinished Business

(A) Ordinances

- [1.](#) Ordinance 3876 (*2nd and 3rd readings*) - to repeal and reenact Section 24-49 of the City Code pertaining to service pipes supplying two or more premises with water, for the purpose of clarifying its terms

(B) Orders (Consent Agenda)

- [1.](#) Order 26,720 (*Tabled at previous meeting*) - authorizing the Mayor to sign a letter of support for the City's application to the MD Heritage Areas Emergency Capital Fund for critically needed work at the George Washington's Headquarters Cabin

New Business

(A) Ordinances

[Ordinance](#) 3877 (*1st reading*) - accepting bids for the purchase of nine (9) parcels of real property and authorizing conveyance of those properties to the successful bidders, subject to certain terms for conveyance

(B) Orders (Consent Agenda)

[Order](#) 26,724 - authorizing execution of a Three-Year Salt and Aggregate Utilization Agreement with MD State Highway Administration for the distribution of salt and/or aggregate during winter storm events, for a three (3) year period effective September 1, 2020 through August 31, 2023

[Order](#) 26,725 - appointing Betsey H. Schwab to the Administrative Appeals Board for a three (3) year term effective September 30, 2020 through September 30, 2023

[Order](#) 26,726 - authorizing the Chief of Police to accept a FY21 Byrne Justice Assistance Drug Enforcement Program Grant in the amount of \$59,820 to fund overtime and equipment to develop and implement strategies to reduce drug related crime and overdose deaths in the community

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

Administrative Services monthly report for September, 2020

Administrative Services Monthly Report for September 2020

October 20, 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 September, 2020:

Management Information Systems (MIS) Department September 2020

Statistics

167 completed help desk requests
201 open help desk requests

Activities

Major department initiatives in the past month include:

- Along with Central Services, set up CPD training room with new equipment acquired using grant funds
- Continue troubleshooting/refining mobile data terminal setup in police cars
- Continue making changes to update our network environment and improve security
- Recover from virtual server failure

Parks and Recreation

September 2020

Sunday in the Park Concert series: The 16 concerts scheduled for the Summer 2020 season at Constitution Park Amphitheater were canceled due to COVID 19 State and Local Health Guidelines.

Pavilion Reservations – All Six Pavilions remain closed

Sunday in the Park Concert series: The 16 concerts scheduled for the Summer 2020 season at Constitution Park Amphitheater were canceled due to COVID 19 State and Local Health Guidelines.

Pavilion Reservations – All six pavilions remain closed to the public

Fall Sports:

After discussion involving The Mayor and City Council, City Administrator, and City Staff the determination of Field usage was made. “The City will maintain athletic fields at a basic level for the availability of those choosing to use them. There will be no scheduling or lining of fields. Field lighting will not be available for use.” Organizations utilizing City Fields include:

Cumberland Girls Softball League (Fall Ball)

Pee Wee League Football (Travel Teams)

AVID Soccer Club (Travel Teams)

Adult Flag Football

Constitution Park Pool

7 Days of operation for the Park Pool (concludes the 2020 season)

(Three Days of Rain – Closed early)

Total Paid Attendance - 289

Total income for the Month of September \$ 1,098.50

Attendance from pool passes - 61

End of season wrap up working to close seasonal programs and facilities, compiled seasonal data and annual information

Fall Program Planning for upcoming fall events

Virtual Halloween Costume Contest – Combined event between Parks & Recreation and the Downtown Development Commission. Also includes a Pumpkin Carving Contest

Seasonal House Decorations.

Planning for Annual Thanksgiving weekend Tree Lighting (Possible Virtual Event ?)

Meetings attended:

Staff meetings

Meetings with seasonal employees- Pool manager, Day camp Director (wrap up)

Halloween event planning

Park Playground Project update meetings

Maintenance

Recreation Advisory Board Meeting (Cancelled due to lack of attendance)

Community Development Report

September 2020

CODE COMPLIANCE

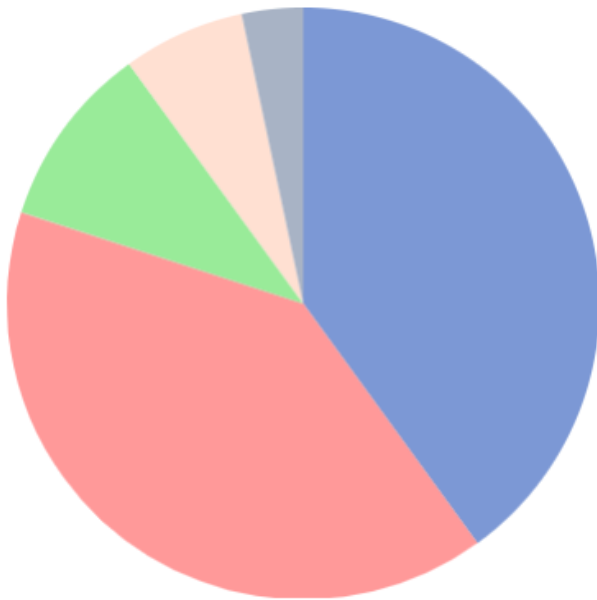
Code Enforcement Activity:

62 online complaints received this month, 35 of those still open

30 violations were assigned

48 complaints have been resolved

Open Date From: 09/01/2020
Open Date To: 09/30/2020



Cutting of weeds	12	40.0%
Dwellings, yards and lots to be kept clean	12	40.0%
Duties of owner and operator	3	10.0%
Standards for good repair and safe condition	2	6.7%
Good repair and safe condition	1	3.3%

Issued - Permits, Reviews, and Licenses

Building

Residential4

Commercial..... 0

Demolition

Residential.....1

Commercial 0

Electrical

Residential10

Commercial 0

Miscellaneous

Residential.....15

Commercial..... 2

Occupancy

Residential3

Plumbing

Residential.....0

Commercial..... 2

Commercial Signage

Total1

Commercial 2

Use Public ROW

Total issued3

Utility	Rental Licenses	Rental Inspections .	COA
Residential.....0	Issued.....183	Conducted:.....27	Total issued2
Commercial.....0	(New and Renewal)	Passed 25	
		Failed2	
		Incomplete2	
Plans, Reviews, Amendments and Appeals			
(ZA, SPR, SR, ZMA, ZTA, SRA) Issued.....0			

Revenue from Issued Permits/Reviews

Building Permits.....	\$316.00
Miscellaneous Permits.....	255.00
Occupancy Permits	120.00
Sign Permits	16.00
Utility Permits	0.00
Plan Reviews, Amendments & Appeals.....	600.00
Zoning Classification Determination. (info request) .	0.00
Municipal Infractions/Citations	0.00
Rental Licenses (new & renewals)	13,050.00
Paid Rental Inspection Requests	0.00
Certificates of Appropriateness.....	<u>60.00</u>
TOTAL	\$14,101.00
Demolition Permit – Bonds (1).....	\$1,500.00
Nuisance Abatement	0.00

Code Compliance Manager Report – Noted Activity

- Five Code Violation cases were heard in court.
- Abated 210-212 Arch Street for cleanup.
- Chick-fil-A project to finish with reopening set for mid-October 2020.
- Of the 20 City owned properties in the bid packets sent out, 9 properties were sold for an income to the City of \$20,000 and now back on the tax roll.
- Sent list to City Solicitor of twelve (12) blighted properties to consider acquiring.

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant Program

Community Development Block Grant (CDBG) Monthly						
Activity	July	2020				
Activity	Year	Initial Fund	ERR	Contract	Spent	Remain
ADA Sidewalk Imps (Cumberland St)	2018	\$63,051.44x		x	\$53,524.44	\$0.00
CHNS Closing Cost Grant	2018	\$13,403.00x		x	\$7,000.00	\$6,403.00
Program Income 2019	2019	\$1.44				
						\$6,403.00
correct on 9/15/2020						
	PRE-	Sept 20 dr	POST	July/August	20 Draw	
		Orig			Spent	Remain
2017 YMCA Riverside Rehab: Roof/Fence/Int doors		2017Amendment		\$20,072.27	\$20,072.27	\$0.00
2017 Constitution Park Grove 4 Inclusive Playground		2017Amendment	x	x	\$0.00	\$8,966.77
					Activities	\$15,369.77
					Admin(s)	\$0.00
2014-2018 Funds					Total All	\$15,369.77
Bellevue Sidewalks decreased funds Dec 2019	2019	\$81,606.35x		x	\$80,144.02	\$1,462.33
HRDC Emergency Housing	2019	\$25,000.00x		x	\$25,000.00	\$0.00
Admin	2019	\$121,447.70x		na	\$80,941.18	\$40,506.52
FH	2019	\$10,000.00x		na	\$7,687.84	\$2,312.16
AHEC Dental Access	2019	\$15,000.00x		x	\$10,162.00	\$4,838.00
Assoc Charities Long Term	2019	\$8,750.00x		x	\$6,933.49	\$1,816.51
Incredible Years Parnting Fam Junct	2019	\$10,000.00x		x	\$10,000.00	\$0.00
PHA FCH Sidewalks	2019	\$50,000.00x		x	\$0.00	\$50,000.00
Const Park Grove 4 Inclusive Playground	2019	\$34,761.64x		x	\$0.00	\$34,761.64
Summer @ Your Library	2019	\$2,000.00x		x	\$0.00	\$2,000.00
Horizon Goodwill Job Training Program	2019	\$21,000.00x		x	\$3,582.37	\$17,417.63
2019 Total Funds		\$379,565.69				\$155,114.79
Program Income (nov draw)	2019	\$4.71				\$4.71
Program Income (october draw)	2019	\$24.14				\$24.14
Program Income (dec draw)	2019	\$9.10				\$9.10
Proram Income (jan draw)	2019	\$4.54				\$4.54
Program Income (feb draw)	2019	\$4.61				\$4.61
Program Income (march draw)	2019	\$3,895.10				\$3,895.10
Program Income (april draw)	2019	\$1,307.00				\$1,307.00
Program Income (june draw)	2019	\$11.55				
Program Income (july/aug draw)	2020 yr	\$6.99				
Total PI		\$5,269.18				
Total 2019 funds and PI during 19/20 year		\$384,826.44			\$224,450.90	\$160,363.99
					Total All Yrs	\$175,733.76

as of 9/15/20 post July/ Aug 2020 Draw

Historic Planner/Preservation Coordinator

- Prepared the Historic Preservation Commission's 9/9 meeting agenda and packets and assisted the HPC with their 9/9 public meeting by providing technical assistance, managing the Zoom virtual meeting platform, and streaming the meeting to Facebook.
- Completed the revision of the HPC's Rules of Procedure to incorporate virtual meetings and a process for approving digital signatures for Certificates of Appropriateness through the new Citizenserve platform. I sent it to Mike Cohen for review and comment. The edited document was included on the 9/9 HPC meeting agenda for consideration and was approved. The document has been updated on the City's website and HPC files
- Completed all remaining modified Leasehold Improvement Program modified agreements, including obtaining signature from the mayor and the recipient, scanning the documents to provide to the recipient, and providing the recipients with the additional Notice to Proceed letters
- Drafted the Scope of Services agreement for the Community Parks and Playgrounds funds earmarked by the MD DNR for the playground improvements at Jane Frazier. Sent it to Ken, Diane, and Mike Cohen for review. It is on the October 6th Mayor and City Council agenda for consideration
- Issued the new Historic District facade program on 9/4/20 and provided public notice of its availability. Completed applications were received from property owners on or before the September 30th deadline
- Processed the final payment to the Craft Table for the Leasehold Improvement Program funds allocated to that project.
- Obtained the digital signatures from Dr. Stephen Gibson and Suzanne Wright from the HPC to incorporate them into the Citizenserve review and approval process. Worked with Citizenserve Support to get them to appear in the correct spaces.
- Provided determination letters to all applicants whose projects were reviewed at the 9/9/20 HPC meeting
- Administratively approved a COA for 49 Baltimore Street, requested by the Allegany Arts Council for repainting as part of an overall Merchants Alley improvement project
- Held the first Community Legacy Planning meeting with the Sustainable Communities Workgroup on 9/17/20
- Discussed the projects under consideration for Community Legacy and Strategic Demolition Fund to ensure that they were good potential candidates. Provided those project summaries for consideration for this year's Community Legacy and Strategic Demolition Fund applications to the Sustainable Communities Workgroup for the September 24th meeting. At that meeting, six projects were prioritized for Community Legacy funding consideration and one for the Strategic Demolition Fund. I presented these recommendations at the Mayor and City Council's September 29th worksession. Those recommendations will be considered for Resolutions at the October 6th Mayor and City Council meeting
- Made progress on the emergency grant funding request for George Washington's Headquarters (unable to submit it since the support letter will require approval at the next meeting of the Mayor and City Council.
- Submitted the first reimbursement request for the Community Legacy Accessibility Improvement program for \$47,500 of the total \$50,000 award.
- Submitted all Community Legacy quarterly reports to DHCD

**Comptroller's Office
Financial Activity Report
September 2020**

Cash Flow:

Attached for your review is a Cash Flow Summary for the month of September 2020.

On September 1, 2020, the City had a cash balance of \$2.8 million. Receipts exceeded disbursements by \$1.7 million resulting in a cash balance of \$4.5 million at September 30, 2020.

As of September 30, 2020, the significant tax receivable balances were as reflected in the table below. No collection amount for FY 21 taxes.

Taxes receivable (General Fund)						\$ 6,159,459
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2021	\$6,735,201	\$ 1,298,699	\$ (155,513)	3,744,130	\$ -	\$ 4,445,283
FY 2020	1,084,891	-	-	87,561	-	997,330
FY 2019	461,148	-	-	31,347	-	429,801
FY 2018	167,294	-	-	4,769	-	162,525
FY 2017	34,754	-	-	-	-	34,754
FY 2016	28,064	-	-	-	-	28,064
FY 2015	24,635	-	-	-	-	24,635
FY 2014	15,146	-	-	-	-	15,146
FY 2013	10,201	-	-	100	-	10,101
FY 2012	5,658	-	-	-	-	5,658
FY 2011	3,172	-	-	-	-	3,172
Prior FY's	2,990	-	-	-	-	2,990
	\$ 8,573,154	\$ 1,298,699	\$ (155,513)	\$ 3,867,907	\$ -	\$ 6,159,459

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

Real property (non-owner occupied)	\$1,829,622
Non-Corp Personal Property	23,982
Corporate Personal Property	1,157,893
Real Property (semiannual payments)	1,433,786
Real Property (Half Year)	-
	\$4,445,283

The City's 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
September 30, 2020**

	Cash	Investments
Beginning Balance	\$ 2,814,798	\$ 15,912,409
Add:		
Cash Receipts	11,830,080	-
Investment Transfer	-	-
Less:		
Disbursements	10,092,274	-
Investment Transfer	-	-
Ending Balance	\$ 4,552,604	\$ 15,912,409
Restricted	\$ 248,437	\$ 6,981

The table below illustrates cash restrictions and restricted investments associated with specific expenditures and/or capital projects. Drug seizure vehicle didn't come out until October??

Restricted Cash

	9/1/2020	Increase	Utilization	9/30/2020
Police Seizures	\$ 92,525	\$ -	\$ -	\$ 92,525
Bowers Trust	58,436	-	-	58,436
Street Improvement	44,581	-	-	44,581
Other	52,895	-	-	52,895
	\$ 248,437	\$ -	\$ -	\$ 248,437

Restricted Investments

	9/1/2020	Increase	Utilization	9/30/2020
DDC	\$ 6,981	\$ -	\$ -	\$ 6,981
	\$ 6,981	\$ -	\$ -	\$ 6,981

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

	7/1/2020	Issue	Utilization	9/30/2020
CDA 2014	\$ 285,835	\$ -	\$ 86,161	\$ 199,674
CDA 2015	444,593	-	99,100	345,493
CDA 2017	25,486	-	5,898	19,587
CDA 2018	1,382,660	-	168,541	1,214,119
CDA 2019	3,381,022	-	129,294	3,251,728
	\$ 5,519,595	\$ -	\$ 488,994	\$ 5,030,601

CSO Projects Debt Draws

	7/1/2020	Issue	Utilization	9/30/2020
Evitts Creek Debt	\$ 143,260	\$ -	\$ -	\$ 143,260
Evitts Creek Grant	-	-	-	-
WWTP Debt	2,833,866	-	-	2,833,866
WWTP Grant	22,972,562	-	-	22,972,562
	\$ 25,949,688	\$ -	\$ -	\$ 25,949,688

The CDA 2014 \$86K debt draw was for engineering fees associated with design of the Baltimore Street Access project (\$66K) and the State Highway Mechanic Street inspection (\$20K). \$24K of the CDA 2015 debt was for the WWTP blower building electrical switchgear, \$19K toward the ferric chloride system improvements, \$9K was for the WWTP Aeration blower replacement, \$41K was toward the State Highway Mechanic Street inspection, \$4K was for the sewer plant's manual gate refurbishment and \$3K was for Evitts Creek bar screen replacement. The CDA 2017 debt draw of \$6K was for a portion of the CPD 2017 Ford Escape. \$18K of the CDA 2019 debt draw was for the remainder of the CPD 2017 Ford Escape. Of the \$168K drawn on CDA 2018, \$59K was for Koon Dam bridge repairs, \$8K for the SCADA system software, \$67K for meter, valve and hydrant replacement program, \$12K for plant intake screening and \$22K toward the Smouse Mill pumping station. The CDA 2019 debt draw of \$129K included \$80K for the George Street parking garage gate and payment system, \$28K for a tractor with a boom arm to replace an existing 1996 model in the Streets Department, and \$3K to replace mand doors and hardware.

The Wastewater Treatment Plant (WWTP) CSO project is basically complete with just system testing required. We have to experience a significant rainfall to test. The debt and grant draws were stopped at the 95% complete stage, therefore there will be 1 final grant and debt draw upon final system testing. The WWTP did not have any CSO draws in BRF grants and no new debt. The WWTP CSO project is expected was substantially complete in June 2020.

Phase 3 of the Evitts Creek CSO project is in the engineering phase with the majority of the funding for place. The City anticipates additional funding in April from MDE. Grant and loan money for Phase 4 have been requested from MDE for the planning phase. MDE's decisions on funding awards are anticipated to take place in April or May of 2021.

COVID-19:***Funding***

Cares Act funding available to the City of Cumberland, totals \$696,566. It is comprised of a Department of Justice (DOJ) grant (\$39,559), US Stimulus Cares Act Relief grant (\$54,801), Allegany County Health Department funding (\$19,030) and Allegany County Government CARES Act passthrough funding (\$583,176).

Funding Source	Amount	Utilization	Purpose	Available
Department of Justice	\$ 39,559	\$ 39,559	Hazard Pay	\$ -
Allegany County Health Department	19,030	19,030	PPE	-
US Stimulus Care Act Relief	54,801	37,350	Lost Revenue	17,451
Allegany County CARES Act Passthrough	583,176	308,366	Hazard Pay, PPE, Small Business Loan Program	274,810
Total:	\$696,566	\$ 404,305		\$ 292,261

- As of September 30, 2020, remaining Allegany County CARES Act funding is: \$274,810. Additional expenses since 6/30/20 include hazard pay through 7/5, PPE, City Hall rotunda monitor and one COVID-19 loan.
- \$54,801 received from the US Stimulus Cares Act Relief in April 2020 is allocable for COVID-19 relief to prevent, prepare for, and respond to coronavirus, and that the payment shall reimburse the City only for health care related expenses or lost revenues that are attributable to coronavirus.
- On 10/1, the US House of Representatives passed a \$2.2 trillion stimulus bill. It is not anticipated by the media to pass the Senate. Negotiations are expected to continue. The House bill:
 - Gives \$436 billion in relief over one year to state and local governments
 - Reinstates the \$600 per week enhanced unemployment benefit through January
 - Sends a second \$1,200 direct payment to most Americans
 - Authorizes more money for a second round of Paycheck Protection Program loans for the hardest-hit businesses and industries
 - Sends \$25 billion to airlines to cover payroll costs
 - Adds \$75 billion into Covid-19 testing and contact tracing efforts
 - Puts \$225 billion into education and \$57 billion into child care
 - Sets aside billions for rental and mortgage assistance
 - There is still no agreement clear consensus that a bill will pass both the House and the Senate.
 -

Utility Collections:

In response to COVID-19, the Governor enacted a penalty and service termination moratorium from March through September 2020. The Governor's moratorium on service terminations expired September 1st. Penalties on past due balances resumed September 2nd and service terminations will resume November 16th.

- Current special message on the utility bills notifies of the moratorium expiration, resumption of penalties 9/2, resumption of service termination 11/16, when to pay by and where to seek financial assistance.
- Media release went out on October 1st.

- Direct mailing to all past due customers was mailed on October 1st to 1,264 customers with a past due balance as of 9/30/2020.
- Service termination will resume based upon the billing zones. Each customer is notified on their monthly bill in the special message section.
 - Zone 3 - November 16, 2020
 - Zone 4 - November 23, 2020
 - Zone 1 - December 7, 2020
 - Zone 2 - December 14, 2020

As of September 30th, 1,264 customers were at risk for service termination. Of those, 603 customers would have otherwise had service terminated without the Governor’s moratorium. When comparing September 30, 2020 to September 30, 2019, there are 329 more customers who would have service terminated today over the prior year (In the fourth column of the table, this is derived by taking the difference between customers eligible for shut off now (499) minus the difference of customers shut off (170)). There is \$33K more past due this year. On September 30, 2019, 947 (88%) customers each had a total due of less than \$400 and on September 30, 2020, 1,007 (79%) had a total due of less than \$400.

September 30, 2020 Compared to September 30, 2019			
Past Due Accounts			
	September 30, 2020	September 30, 2019	Difference
Total at risk and service terminated customers	1266	1068	198
Total due:	438,576.26	381,334.93	57,241.33
Total past due:	267,800.32	234,568.67	33,231.65
Customers at risk for shut off upon next billing	661	792	-131
Customers eligible for shut off now:	603	104	499
Customers shut off:	2	172	-170
Total Past due 60 days or more:	143,614.19	111,910.13	31,704.06

In an effort to facilitate financial assistance to customers, the City made Community Development Block Grant (CDBG) Cares Act funding available to Allegheny County Human Resources Development Commission (HRDC) Office of Home Energy Programs (OHEP) in anticipation of an overwhelming interest by customers. Customers qualifying for assistance may only be eligible for three (3) months financial assistance from CDBG Covid-19 funds. The CARES Act Amendment was approved by M&CC Tuesday, August 18th.

General Fund Quarterly Budget Review:

The table below depicts the General Fund FY 2021 budget status through Sept 30, 2020.

City of Cumberland

FY 2021 Comparison to FY 2020 General Fund

	FY 2021			FY 2020		
	YTD Thru Sept 30	Adopted Budget	%age	YTD Thru Sept 30	Adopted Budget	%age
Revenues						
Taxes	\$ 10,973,502	\$ 12,701,280	86.4%	\$ 10,129,837	\$ 12,691,001	79.8%
Licenses & Permits	18,033	122,900	14.7%	14,422	127,600	11.3%
Intergovernmental	553,985	3,089,824	17.9%	397,223	3,643,261	10.9%
Charges for Services	269,665	1,569,450	17.2%	313,429	1,579,425	19.8%
Fines, Forfeitures & Interest	12,897	59,200	21.8%	24,795	66,100	37.5%
Miscellaneous	51,618	982,000	5.3%	87,628	618,800	14.2%
Financing Proceeds	-	2,240,474	0.0%	-	3,207,500	0.0%
Interfund Transfers	2,539,172	2,651,374	95.8%	1,770,567	1,976,352	89.6%
Total Revenue and other financing sources	14,418,873	23,416,502	61.6%	12,737,902	23,910,039	53.3%
Expenditures						
General Government	432,052	1,786,435	24.2%	350,376	1,850,672	18.9%
Public Safety	2,436,001	11,684,675	20.8%	2,446,391	12,717,910	19.2%
Public Works	395,290	2,740,055	14.4%	620,993	3,007,181	20.7%
Recreation	303,143	708,834	42.8%	315,384	986,579	32.0%
Community Dev & Housing	306,224	1,359,178	22.5%	343,964	1,372,088	25.1%
Debt Service	85,922	3,097,380	2.8%	75,345	2,801,865	2.7%
Operating Transfers	130,044	1,710,223	7.6%	300,721	1,065,431	28.2%
Total Expenditures and other financing uses	4,088,676	23,086,780	17.7%	4,453,175	23,801,726	18.7%
Surplus (Deficit)	\$ 10,330,196	\$ 329,722		\$ 8,284,727	\$ 108,313	
Creation (utilization) Restricted/nonspendable fund balance		414,602			(96,186)	
Increase (Decrease) in unassigned Fund balance	\$ 10,330,196	\$ 744,324		\$ 8,284,727	\$ 12,127	

We are not overly concerned about any of the variances at this point, but we are noting the following:

Revenue

- Taxes are up \$843K compared to the same period last year. Real estate tax revenue is up year-over-year by \$300K and personal property Corporate personal tax is up by \$350K. We projected an increase of 1.2% for real estate taxes. Real estate tax is up \$327K and personal property tax is up \$350K. The expected assessable base is responsible for the real estate tax increase the personal property tax is likely due to a timing difference between FY 21 and FY 20 tax billings.
- Intergovernmental revenue is up by \$156K but it is due to the timing of the State Highway User Revenue.
- Financing proceeds – the new FY 21 debt issuance is expected for early Spring 2021.
- Interfund transfers – Sewer Fund Pilot is up by \$769K over the prior year primarily due to the completion of the CSO facility and air blower system.

Expenditures

- General government expenditures are higher in FY 21 than during the same period last year due to the timing of the drafting of this report over the calculation and posting of the vehicle maintenance charge for Department 51 Vehicle Maintenance, account 48401 and the posting of the health insurance maximum funding equivalent for Department 85 Insurance, account 11601 and the timing of contributions issued from Department 32 City Hall over the prior year.
- Public Works expenditures are down \$225K due to the timing of the calculation and posting of vehicle maintenance charges, the timing of capital expenditures over the prior year and FY 20 experiencing \$82K in emergency bridge maintenance.

- Community and economic development expenditures are down due to timing differences in economic development fund transfers and the timing of community development special projects.
- Recreation expenditures represent 42.8% of the annual budget compared to 32% thru September FY 20. Swimming pool expenses and revenue have exceeded expectation for the year as we allowed a 50% reduction in activity due to COVID. The pool was open much more than anticipated, costs were higher than FY 20 costs. We can expect an overage of around \$38,000 in expenses. The unfavorable personnel variance should be partially offset by a \$12,500 favorable pool revenue variance
- Operating transfer expenditures are lower in the first quarter of FY 21 compared to FY 20 due to the general fund capital project activity level.

Health Care Claims Analysis

The claims status can fluctuate widely from month to month. It is something we monitor closely, but the earlier in the year the less concerned we are about variances. It is too early in the year to draw conclusion on expected performance.

Respectfully submitted,

Jeff Rhodes
City Administrator

sln

File Attachments for Item:

Maintenance Division monthly report for September, 2020

MAINTENANCE DIVISION REPORT
September 2020

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

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

- **POTHoles AND COMPLAINTS**
 - Potholed 13 streets using 9 tons of hot mix asphalt

- **UTILITY HOLES**
 - Completed 13 asphalt (46.5 tons) utility holes for the Water Dept.
 - Completed 4 asphalt (9.5 tons) utility holes for the Sewer Dept.

- **PAVING & OTHER PROJECTS**
 - Paved 3 streets using 78.75 tons of hot mix asphalt
 - Completed 1 asphalt project using 1 ton of hot mix asphalt
 - Completed 1 concrete project using .75 cu. yds. of concrete

- **TRAFFIC CONTROL SIGNS/STREET NAME SIGNS**
 - Removed 2 Handicap signs
 - Painted 2 curbs black
 - Installed 1 Handicap sign
 - Painted 3 curbs blue
 - Installed 14 signs
 - Repaired 7 signs
 - Painted 4 curbs red

- **STREET SWEEPING**
 - 635 miles
 - 47 loads

- **MISCELLANEOUS**
 - Completed 34 Work Orders
 - Setup traffic control for various job sites
 - Cleaned & disinfected trucks & equipment
 - Cleaned Underpass, McMullen Bridge, Washington St Bridge, Fayette St Bridge, Cumberland St Bridge & Welch Ave. drainage ditch 4 times.
 - Picked up 7 dead animals
 - Picked up trash/discarded items on 5 occasions
 - Cleaned & disinfected Municipal Center shop & offices multiple times daily
 - Assisted in Day of Caring & Sharing

STREET MAINTENANCE - SEPTEMBER 2020		9/1-9/4	9/8-9/11	9/14-9/18	9/21-9/25	9/28-9/30	TOTAL
SERVICE REQUEST COMPLETED		6	3	11	8	6	34
ASPHALT PROJECTS	TONS				1t		1t
PAVING PERFORMED	TONS			78.75t			78.75t
CONCRETE WORK	CY		.5cy	.25cy			.75cy
UTILITY HOLES REPAIRED	WATER	1	1	2	2	1	13
	SEWER		1	1		2	4
	CY						3cy
	TONS	8t	13t	11t	10t	14t	56t
POTHoles FILLED	STREETS			8	3	2	13
	ALLEYS						0
	DAYS			2	1	1	4
	Cold Mix						0
	TONS			5t	3t	1t	9t
PERMANENT PATCH	CY						0
	TONS						0
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED				11	5	4	20
STREET NAME SIGNS REPAIRED/INSTALLED		1					1
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED							0
				1			1
				1		1	2
PAINTING PERFORMED	BLUE			3			3
	YELLOW						0
	RED			3		1	4
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	LOADS	10	6	12	13	6	47
	Miles	168	73	174	195	25	635
SWEPPER DUMPS HAULED TO LANDFILL	TONS					24t	24t
SALT BARRELLS - PICK UP, FILL	DAYS						0
CLEANED BALTIMORE ST. UNDERPASS	Days	1	1	1	1		4
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Areas	4		2	3	1	10
Check Drains/Clean Debris	DAYS	1			1		2
LEAF PICK UP	Loads						0

Setup traffic control for various job sites
Picked up trash/discarded furniture on 5 different occasions
Applied "scratch" coat of hot mix asphalt with paver on E. Reynolds St., Hill Top Dr. and Avirett Ave.
Continued to top water line trench on South St with 41 tons of asphalt
Picked up 7 dead animals
Cleaned & disinfected trucks and equipment
Cleaned & disinfected Municipal Center shop & offices multiple times daily
Assisted in Day of Caring & Sharing

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

- Constitution Park , Mason's Complex and Area Parklets
 - Cleaned up garbage 3 times a week
 - Mowed & trimmed @ Constitution Park 15 days
 - Mowed & trimmed @ Mason's Complex 15 days
 - Mowed & trimmed parklets 9 days

- Ball Fields
 - Nonneman Field
 - Mowed 4 times
 - Northcraft Field
 - Mowed 4 times
 - Flynn Field
 - Mowed 4 times
 - Cavanaugh Field
 - Mowed 2times
 - JC Field
 - Mowed 2 times
 - Long Field
 - Mowed 2 times
 - Abrams Field
 - Mowed 3 times
 - Galaxy Soccer Field
 - Mowed 3 times
 - Bowers Field
 - Mowed 2 times
 - Pistol Range
 - Mowed 3 times

- Miscellaneous Work
 - Performed basic housekeeping @ Municipal Building
 - Cleaned, disinfected the Craft House & Activities Building
 - Performed preventative maintenance on mowers, trimmers & blowers
 - Prepared feed & bedding for ducks & geese @ the Duck Pond
 - Drained and winterized the pools @ Constitution Park
 - Assisted in Day of Caring & Sharing
 - Performed maintenance and housekeeping on all Park bathrooms

**Fleet Maintenance
September 2020**

Total Fleet Maintenance Projects	197
Central Services	3
Community Development	2
DDC	0
Engineering	3
Fire	19
Flood	11
MPA	0
P & R Maintenance	9
Police	49
Public Works	0
Sewer	4
Snow Removal	0
Street Maintenance	24
Vehicle Maintenance	15
Water Distribution	28
Water Filtration	0
WWTP	0
Scheduled Preventive Maintenance	23
Service Calls	7
Total Work Orders Submitted	19
Risk Management Claims	0
Fork Lift Inspections	0

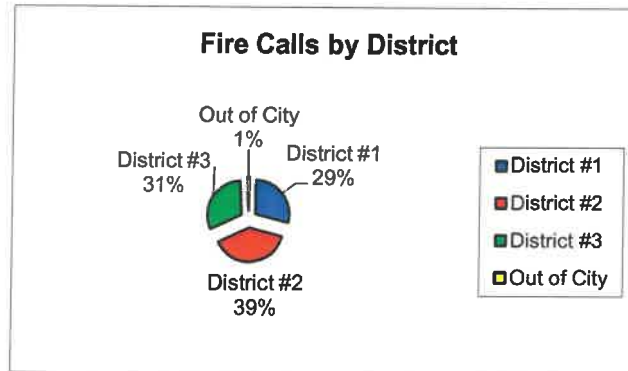
File Attachments for Item:

Fire Department monthly report for September, 2020

REPORT OF THE FIRE CHIEF FOR THE MONTH OF SEPTEMBER, 2020
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 138 Fire Alarms:

Responses by District:	
District #1	40
District #2	54
District #3	43
Out of City	1
	<u>138</u>



Number of Alarms:	
First Alarms Answered	137
Working Alarms Answered	1
	<u>138</u>

Calls Listed Below:	
Property Use:	
Public Assembly	3
Educational	2
Institutional	3
Residential	85
Stores and Offices	10
Special Properties	33
Manufacturing	2
	<u>138</u>

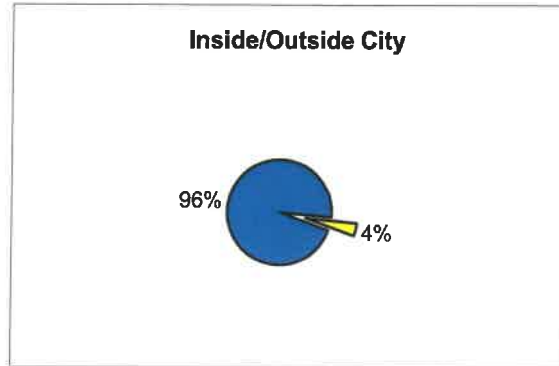
Type of Situation:	
Fire or Explosion	7
Overpressure, Rupture	1
Rescue Calls	66
Hazardous Conditions	6
Service Calls	7
Good Intent Calls	17
False Calls	34
	<u>138</u>

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in September:	\$3,010.00
Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid Fiscal Year to Date:	\$6,790.00
Total Fire Service Fees for Fire Calls Paid in September:	\$610.00
FY2021 Fire Service Fees Paid in FY2021:	\$150.00
Total Fire Service Fees Paid in FY2021:	\$910.00

Total Service Fees for Inspections and Permits Billed in September:	\$50.00
Total Service Fees for Inspections and Permits Paid in September:	\$0.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$150.00

Cumberland Fire Department Responded to 444 Emergency Medical Calls:

In City Calls	426
Out of City Calls	<u>18</u>
Total	444



Total Ambulance Fees Billed by	
Medical Claim-Aid for September, 2020:	\$122,130.00
Ambulance Fees Billed Fiscal Year to Date:	\$334,104.00

Ambulance Fees Paid:	
Revenue Received in September:	\$93,829.98
FY2021 Fees Paid in FY2021:	\$157,463.37
Total Fees Paid in FY2021:	\$288,851.46

(Includes all ambulance fees, current and previous fiscal years, paid in FY2021.)

Cumberland Fire Department provided 7 Paramedic Assist Calls:

0 Paramedic Assist Calls within Allegany County	
7 Paramedic Assist Calls outside of Allegany County	
	<u>7</u>

Ridgeley, WV VFD	3
Short Gap, WV VFD	1
Wiley Ford, WV VFD	<u>3</u>
	7

Cumberland Fire Department provided 11 Mutual Aid Calls:

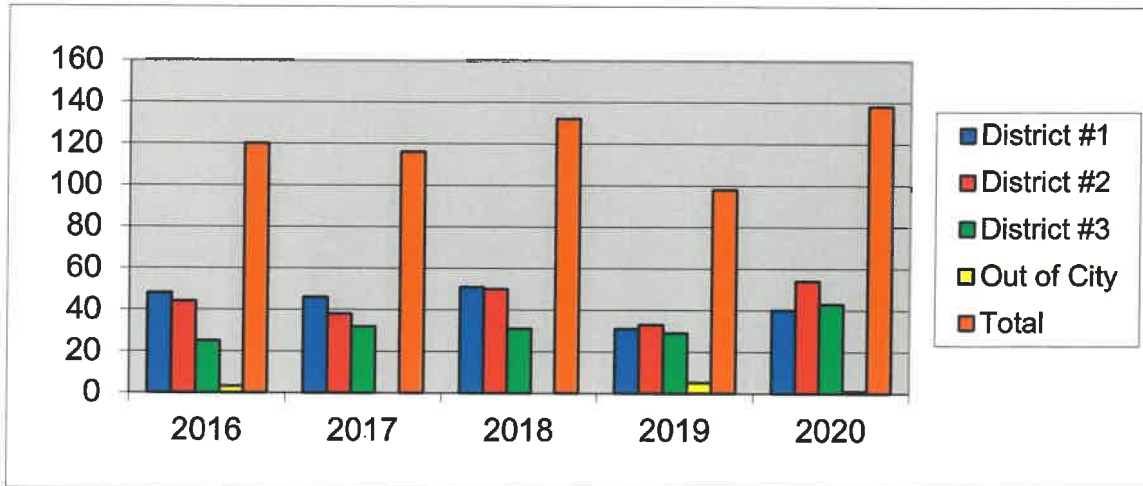
9 Mutual Aid Calls within Allegany County	
2 Mutual Aid Calls outside of Allegany County	
	<u>11</u>

Bowman's Addition VFD	4
Cresaptown VFD	4
Flintstone VFD	<u>1</u>
	9

Ridgeley, WV VFD	1
Hyndman Area Rescue Squad, PA	<u>1</u>
	2

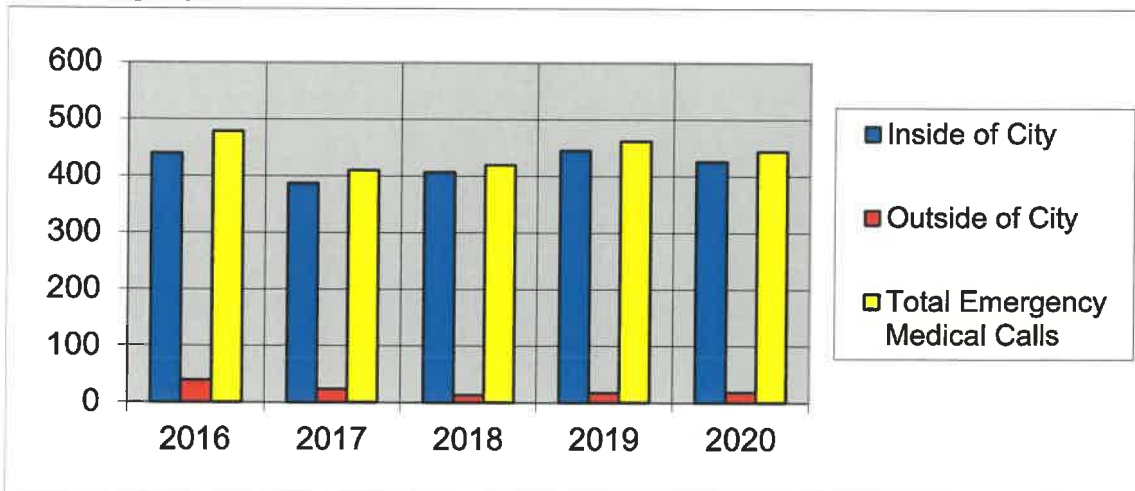
Fire Calls in the Month of September for a Five-Year Period

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
District #1	48	46	51	31	40
District #2	44	38	50	33	54
District #3	25	32	31	29	43
Out of City	<u>3</u>	<u>0</u>	<u>0</u>	<u>5</u>	<u>1</u>
Total	120	116	132	98	138



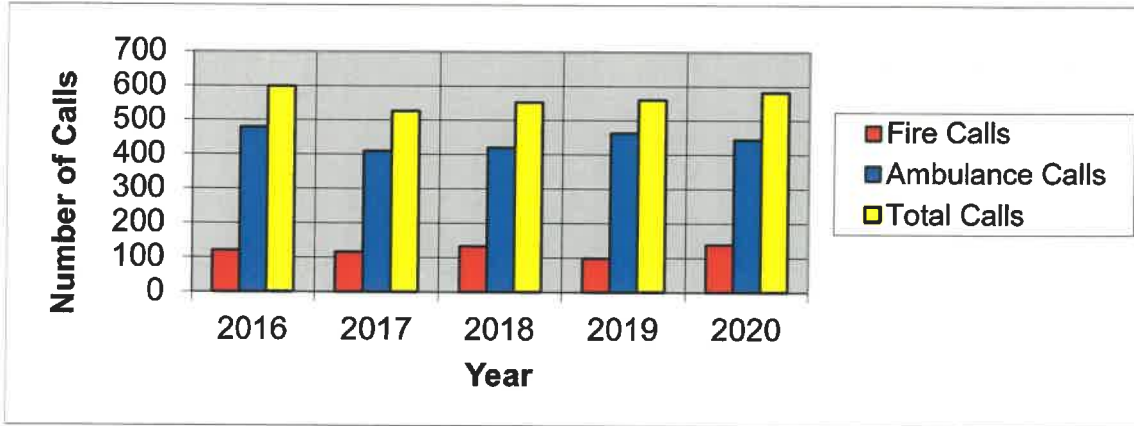
Ambulance Calls in the Month of September for a Five-Year Period

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Inside of City	440	387	407	445	426
Outside of City	<u>39</u>	<u>23</u>	<u>13</u>	<u>17</u>	<u>18</u>
Total Emergency Medical Calls	479	410	420	462	444



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

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Fire Calls	120	116	132	98	138
Ambulance Calls	479	410	420	462	444
Total Calls	599	526	552	560	582



Training

Training Man Hours:	324.50	
Duties and Responsibilities		6.00
Risk Management		0.50
Crew Meetings		15.75
Pump Operations		16.00
Aerial Operations		2.50
Apparatus Check Procedures		77.00
Apparatus Inventory		36.50
SCBA Donning Methods		11.00
Drug Box Inventory		5.00
Ambulance Inventory		44.00
Toradol Training		10.50
Fire Officer I Class		11.00
Physical Fitness		16.00
Rescue Tools		24.50
Water Rescue		11.00
Low Angle Rescue		18.00
Standpipe Operations		19.25
		<hr/>
		324.50

Fire Prevention Bureau

Complaints Received	3
Conferences Held	42
Correspondence	7
Inspections Performed	2
Investigations Conducted	5
Plan Reviews	6

Personnel

Firefighter Jon Miller terminated employment on September 3, 2020.

File Attachments for Item:

Police Department monthly report for September, 2020



City of Cumberland Department of Police

Monthly Report
September 2020



City of Cumberland Department of Police

Monthly Report

September 2020

Part 1 Crimes for the Month

	2019		2020			2019		2020			2019		2020	
Aggravated Assaults	7	15	B & E (All)	25	18	Murder	0	0	Rape	1	0			
Robbery	5	2	Theft - Felony	3	2	Theft - Vehicle	2	3						

Selected Criminal Complaints for the Month

	2019		2020			2019		2020			2019		2020	
Theft - Misdemeanor	20	11	Theft - Petty	37	17	Domestic Assaults	25	27	CDS	69	68			
Disturbances	182	118	DOP/Vandalism	25	29	Indecent Exposure	4	0	Sex Off - Other	3	2			
Suicide	0	0	Suicide - Atmpt.	0	1	Tampering M/V	0	0	Abuse - Child	1	0			
Trespassing	23	10	Assault on Police	3	5	Assault Other	44	20						

Selected Miscellenous Incidents for the Month

	2019		2020			2019		2020			2019		2020	
Alcohol Volations	6	1	Juvenile Compl.	14	16	Missing Persons	7	5	School Resource	175	89			
School Threat	1	0	Sex Off. Regist.	10	7	Truancy	5	0	Death Investigation	5	13			

Selected Traffic Incidents for the Month

	2019		2020			2019		2020			2019		2020	
DWI	10	3	Hit & Run	18	22	M/V Crash	57	46	Traffic Stop	383	240			

Selected Service Calls for the Month

	2019		2020			2019		2020			2019		2020	
Alarms	56	40	Assist Motorist	32	29	Check Well-Being	114	107	Foot Patrol	62	72			
Assist Other Agency	59	52	Bike Patrol	36	13	Special Events	16	2	Suspicious Activity	82	65			

Current Incident Status for the Month

	2019		2020			2019		2020			2019		2020	
Open	62	127	Arrest	269	212	Closed	1997	1810	Suspended	58	48			



City of Cumberland Department of Police

Monthly Report

September 2020

Arrests Totals for the Month

	2019		2020			2019		2020			2019		2020	
M/V Citations	48	39	M/V SERO	0	3	M/V Warnings	328	198	Arrest on View Adult	48	25			
Arrest On Crim. Cit.	28	12	Arrest Summons	42	36	Arrest Warrant Adult	53	67	Adult Crim.	184	144			
Arrest Summon (Chrg)	30	25	Arrest Warrant (Chrg)	18	17	Juvenile Crim.	13	12	Arrest on View Juv	12	11			
Arrest Warrant JUV	1	1	Emer. Petition	53	61	Fingerprinting	2	1	RunAway & Miss Per.	2	6			
Civil Citation	13	4												

Total Incidents Reported :
2019
2020
2,386
2,197

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

SEPTEMBER 2020

SWORN PERSONNEL: 48 SWON OFFICERS

Administration	6 officers
Squad D1	8 officers
Squad N1	8 officers
Squad D2	8 officers
Squad N2	7 officers
C3I/C3IN	5 officers
School Resource	1 officers
Academy	5 recruits

CIVILIAN EMPLOYEES: 6 full time, 10 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
Code Enforcement	3 part time

*=Grant funded

**=Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 752.50

YEAR TO DATE (beginning 07/01/20): 2637.75

COMP TIME USED: 150

YEAR TO DATE (beginning 07/01/20): 626

SICK TIME USED: 164.50

YEAR TO DATE (beginning 07/01/20): 584.50

OVERTIME REPORT

OVERTIME WORKED: 190

YEAR TO DATE (beginning 07/01/20): 709

HOSPITAL SECURITY: 146.50

YEAR TO DATE (beginning 07/01/20): 362.50

COURT TIME WORKED: 33

YEAR TO DATE (beginning 07/01/20): 123

File Attachments for Item:

Utilities Division-Flood/Water/Sewer monthly report for September, 2020

Watershed

Mowed around lower dam (several days)
 Picked up materials from Outdoor Power
 Met with John Coyle on Eastman Rd
 Assisted with meter box - Mass Avenue
 Put new wheel on mower deck
 Performed maintenance on 3" pump
 Mowed fire trails & removed trees/brush (several days)
 Weed eated (several days)
 Leak Investigation - Bedford Rd
 Flushed hydrants - Ridgewood & BW Dr
 Picked up materials for 3' meter box - Repaired Box
 Assisted 306 with meter box on Holland St
 Line locate - Pineridge Rd
 Cut & removed trees around lower dam
 Removed trees and stumps/backfilled - dam
 Flushed hydrants on tank lines off BW Dr & Ridgewood
 Backfilled around 36" main - Patmar Dr
 Backfilled culvert pipe - Evitts Creek
 Backfilled culvert pipe - 68 E @ 36" main
 Fuedl equipment on South St job (several times)
 Repaired 2 leaks - Hazen Rd
 Backfilled 2 valves off 36" water main
 Backfilled meter box - Hazen Rd
 Leak Investigation - Bedford Rd
 Fueled sewer dept compressor
 Trimmed trees @ 220 boat ramp
 Repaired exhaust on AGCO
 Cleaned vehicle
 Repaired leak on 6" main - 14111 Bedford Rd
 Flushed hydrants for dam
 Checked Jobs - Patmar Dr/Bedford Rd/Eastman Rd
 Dug up leak @ dam

Projects

Projects - SOUTH ST MAIN REPLACEMENT	16	16	22	33	87
GRAND TOTAL					727

September 2020 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates

Check sewage regulators

Safety meeting

Preform other maintenance work as required

Mowing

Rt.28 ditch, West Levee ditch, Parklets, Moose & Kelly Blvd., Narrows, Dentist Office

Viaduct, Furlows, Bd. Of Ed., Bullpen, Mill Race.

Rt. 28 Levee, West levee, all fields

Cleaned seepage control boxes

Made repairs to all three pump stations

SEWER BRANCH

Calls answered	13
Service lines opened	4
Owner's trouble	9
Traced lines/main	275
Mains Repairs/ Replace	4
Sewer taps installed/replaced	0
Cleaned catch basins	14
Cleanouts installed	0
Televised sewer mains	685 FEET
Televised sewer lines	0
Call outs/ overtime	3 callouts/ 6.5 hours overtime
Weekly check of overflows, pits	4
Catch basin repair/rebuild	3

Flushed mains	3,862 Feet
Gallons of water used	9,000 Gals.
608 Flush truck	6,000 Gals.
605 Vac-con truck	3,000 Gals.

Safety meeting

108 High Ln. repair catch basin

Avirett Ave. add 8 in. elbow for oder control and raise grate
on other side of Avirett Ave.

320 Williams St. install catch basin

Reynolds St. riser on manhole.

522 Beall St. service line and tap

105 South St. repair sewer service line (water)

207 South St. repair sewer service line (water)

201 South St. repair sewer service line (water)

Hydro 6 sites (sewer)

Hydro 6 sites (water)

File Attachments for Item:

Approval of the Work and Regular Session minutes of September 15, 2020, and the Work Session Minutes of September 29, 2020

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, September 15, 2020
4:30 p.m.

This meeting was held via Video-Conference

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; Matt Miller, Executive Director – CEDC; William Cochran, Cochran Group; Sandi Saville

I. BALTIMORE STREET ACCESS PROJECT UPDATE

Mr. Miller provided an update on the Baltimore Street project, and advised that EADS has submitted 90% drawings, with 100% expected by mid-October. He stated that bidding can occur sometime in November, with groundbreaking starting sometime next summer. Mr. Smith clarified some points about the chain of events, advising that bids have to be submitted to the State Highway Authority (SHA), and they have 2-3 months to give concurrence. He added after drawings are submitted, the SHA may need to make changes, and said he wouldn't be surprised if it was more than once. Mr. Smith further advised that after the SHA, the drawings go to the Office of Federal Aid for their concurrence, which he expects will be in the winter, then 30 days until bidding, then 3 months to get concurrence. He stated that he's looking at a spring/summer time-frame. In answer to a question from Mr. Miller, Mr. Smith stated that if talking about doing the full project, it could be an 18 month period.

Mr. Miller provided an update on last month's discussion on the creation of a steering committee, and advised that he has comprised one with different stakeholders: Himself; Sandi Saville, Doug Schwab and David Romero, DDC; Melinda Kelliher, DDC Executive Director; Becky McClarran, DCBA; Robert Smith, City Engineer; William Cochran, and M&CC representatives Mayor Morriss and Councilwoman Marchini. Mr. Miller advised that the group meets every other Wednesday, and meetings will take place until the project is completed.

Mr. Cochran stated that the next few months will be critical to the process, adding that every decision made has potential to bring great benefits to Cumberland, or to reduce them, depending on how they are made. He pleaded that everyone's focus be on this project in the next few months, adding that he thinks it will open up investments in Cumberland in the

coming decade, and will help change its trajectory. He asked everyone to listen with an open mind on each decision that needs to be made, as this is such a sensitive phase of the project. Mr. Cochran discussed the design process, saying it's not an extravagant design, but a well-designed project that can pay off incredible dividends. He discussed the visionary aspect of the project, saying the design can't have any changes made to it at this stage, and that it needs to be followed in every detail. He added that the wisest decisions possible need to be made now, and they will pay off for a very long time.

Mayor Morriss agreed, saying that this is a critical junction going forward with the design, and stated that he firmly believes the next couple months are critical, in that we work on the design and get it the best we can. He stated that Mr. Cochran has done an extraordinary job of setting the vision for the City's downtown, and the M&CC will do everything they can to keep that design intact.

Ms. Saville advised that the DDC is anxious to keep Mr. Cochran involved in the process, and to work with him and see if his contract needs to be extended in terms of the scope. She stated that this is the time to keep moving forward, and that changes can be made if needed after they see the bid costs. Mayor Morriss stated that as a team they will work their way through it to keep the vision as close to the design as they can, and said hopefully the bid packages come back at the right price so not so many tough decisions have to be made.

Mr. Miller stated that the key role of the work group is to preserve as much of the design's integrity as possible, and said they will work through any issues that arise. He added that he thinks the right people are at the table early enough in the process to navigate through this.

There was more discussion on the timeline and sources of funding. Mr. Smith advised that he's not aware of any delays putting existing money in place in jeopardy, and added that the funding sources just want to be kept informed.

Councilwoman Marchini discussed the impact this project will have on the City, which she stated could be wonderful or negative, and about keeping this on the forefront and not on the Consent Agenda, and flushed out publicly so that they can be kept abreast of changes. All Council agreed that it should be a transparent process. Mr. Cochran agreed that no decision should be made using Consent Agenda. Mayor Morriss agreed that everybody needs to know the process and how decisions for funding and spending are being made.

II. UPDATE ON LSA COMPREHENSIVE HOUSING ANALYSIS

Mr. Miller advised that the housing analysis final draft was submitted to them on August 10th, and has been reviewed and accepted. He stated they will convene with their steering committee next Tuesday to allow the consultant to provide their presentation to the group, and questions and concerns will be raised one last time as a final vetting session. He advised that the steering committee is comprised of 22 different people with a direct interest in the

housing industry. He recommended adoption of the strategic implementation plan within the housing analysis at the next work session on October 13th.

III. UPDATE ON EASTSIDE SCHOOL DEVELOPMENT

Mr. Rhodes advised that the deadline for comments regarding the zoning hearing was last Friday, and stated he believed there were no comments, so they should be getting their setback clearance, which should help move the process along.

IV. UPDATE ON SMALL BUSINESS COVID-19 RELIEF GRANT

Mr. Miller advised that he worked with Lee Borrer regarding the CDBG funding for Covid-19 affected businesses, and stated that \$80K will be distributed to local folks. He added that given that it's through CDBG, there are certain stipulations to follow, and said he has reached out to the County to see if they have a process in place to use and tailor it to what they need. Mr. Miller said that he thinks this will be very much appreciated by the small business community.

In answer to a question from Council, Mr. Miller stated that this is not a loan, it is a 100% grant that the small business owners will not have to pay back, but added that there are certain parameters that have yet to be determined. Mr. Miller also gave an updated on the loan program, saying they have distributed a little less than half of the money available, and said this may be an opportunity to look at that funding for other purposes, such as businesses affected by the Baltimore Street construction when it takes place, businesses that may have to close for a period of time, façade upgrades, etc. He said he thinks it's going to be very important to get that money out to the business owners affected. Mr. Miller offered to get with Council on his ideas on how to be proactive with the funds.

V. UPDATE ON CUMBERLAND GATEWAY PROJECT

Mr. Miller advised that since the last work session two more properties have been razed, with both being on Park Street. He added that alley closures took place and were deeded over to the developer, Kline Scott Visco of Frederick, MD, who is now surveying the property to combine all the parcels to prepare for Phase I of development. Mr. Miller also advised that he hasn't been given any hard time-line, but stated that the developer hopefully expects to begin excavating before winter. Mr. Miller added that the engineering is nearing the completion phases; the developer visited the site last weekend, and was showing interest in other sites nearby, though Mr. Miller stated that he did clarify to him that this project takes priority. He said this project has been a bumpy road, but has spoken to the developer, who understands the magnitude and purpose of the project. Mayor Morris stated that he has been talking to the developer as well about getting some construction going, and mentioned that he thought they did a good job of getting the demolitions done in a timely manner.

VI. DISCUSSION REGARDING FUTURE OF MEMORIAL HOSPITAL SITE

Mr. Miller advised that in the original CEDC MOU, the M&CC were to provide this site to the CEDC for development purposes, and stated he wants to begin the process, and gave some ideas how the process will take place moving forward, saying that he would like to begin the formation of an MOU. He stated he has marketing material that he has shared with some of Council. He also mentioned the two parking structures that go with the property.

Mayor Morriss agreed that it's the time to begin that conversation, with the housing study, and the ramifications of Covid-19. He agreed on getting some of the details worked out and stated that now is the time to move on that property. Mayor Morriss advised that the housing study has a lot of good information that will be helpful to market not only the hospital site, but other sites in Cumberland as well, for good residential usage. He added that the citizens of Cumberland deserve good housing and there are lots of opportunities to make it happen. Mr. Miller stated that he has seen a tremendous turn in the City's housing market that he attributes to Covid-19, with people trying to move to more rural areas, and said it would behoove them to capitalize on that.

VII. DISCUSSION REGARDING FUTURE OF M&T BUILDING

Mr. Miller discussed the M&T Bank Building at 118 Baltimore Street that the CEDC owns. He said he has been putting a lot of thought into the property, and said that historically it has been talked about as becoming a boutique hotel, and added that use has been vetted multiple times through different avenues. He said, however, that given the current climate with the hospitality industry, he wondered what level of interest they will have. He stated that the property should be occupied by the time Baltimore Street is opened up, and said they need to start looking at other options. He said he believes an RFP would need to be publicized very soon so that construction coincides with the Baltimore Street construction. Mr. Miller added that he plans to vet the private sector in terms of best use for the building, and said he just wanted to bring it to Council's attention that there may be other uses for the property than a boutique hotel. Mayor Morriss agreed, saying it still may be a boutique hotel, but said Council is certainly willing to look at other options for its best possible use.

Mr. Miller advised that with the hospitality industry right now, what they're seeing is that it's hard to obtain financing for hotel projects, and there's a lot of risk involved. He stated that the building has a lot of potential, is in great shape, and has been calling different developers and bouncing ideas off them. He added that if any of Council wants to see inside he would be glad to show them and explain his ideas.

Mayor Morriss stated that they are open to whatever a developer feels will fit there, or at the Memorial site. Council agreed that it's really important that there is a plan, and to stay flexible, and wished Mr. Miller good luck and offered their support.

VIII. ADJOURNMENT

With no further business at hand, the meeting adjourned at 5:30 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
Videoconference

DATE: September 15, 2020

I. CLOSED SESSION

1. 5:30 PM - Convene in open session for the purpose of closing the meeting for an executive session pursuant to Sections 3-305 (b) (1) and (7) of the General Provisions Article of the Annotated Code of Maryland to discuss board and commission appointments and to allow the City Solicitor to provide legal advice regarding the potential amendment of the City Code.

II. OPEN SESSION

6:15 PM – Re-convene in Open Session

III. Roll Call

PRESENT

Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilwoman Laurie P. Marchini
President Raymond M. Morriss

Councilman Seth Bernard was absent

Also Present: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Donald Dunn, Fire Chief; Chuck Ternent, Police Chief

IV. Statement of Closed Meeting

1. Summary Statement of closed meeting held September 15, 2020

Mayor Morriss announced that a Closed Session had been held on September 15, 2020 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 (c) (2) of the General Provisions Article of the Annotated Code of Maryland.

V. Proclamations

1. Proclaiming Tuesday, October 6, 2020 as National Night Out in Cumberland

Mayor Morriss read the Proclamation and presented it to Terri Hast, Community Development Specialist, Fire Chief Donald Dunn, and Chief of Police Chuck Ternent. The Mayor commented that with Covid-19 restrictions this year will be a little different, but great events are planned, and requested the support of the community. Police Chief Ternent advised on activities being planned by the Cumberland Police Department

VI. Director's Reports

Motion to approve the reports was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 4-0.

(A) Public Works

Maintenance Division monthly report for August, 2020

(B) Fire

Fire Department monthly report for August, 2020

(C) Police

Police Department monthly report for August, 2020

(D) Utilities - Flood, Water, Sewer

Utilities Division - Flood/Water/Sewer monthly report for August, 2020

VII. Approval of Minutes

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

1. Approval of the Regular Session Minutes of July 21, 2020; Closed session minutes of July 7 and July 21, 2020

VIII. Public Hearings

1. Public Hearing - to receive comment on the proposed Zoning Map Amendment #20-01 to correct an error in the 2019 Official Zoning Map by removing certain properties from the Canal Place Overlay Zone that were included by mistake

The Public Hearing convened at 6:33 p.m.

Engineering Consultant Morgan Alban advised that they had noticed that a few parcels in the area of the Canal Parkway were included in error. Those parcels were removed to correct the map mistake.

The Public Hearing adjourned at 6:38 p.m.

IX. New Business

(A) Resolutions

Mr. Rhodes provided background on the Resolution that is a yearly request that grants a property tax credit to the CEDC, and is permitted under the Tax Property Article of the Annotated Code of Maryland.

The Resolution was presented in title only. Motion to approve the Resolution was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 4-0.

Resolution R2020-04 - granting the Cumberland Economic Development Commission a property tax credit for the 2020-2021 tax year

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve each Consent Agenda item was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0.

Order 26,707 - authorizing the Chief of Police to enter into an FY21 Memorandum of Understanding (MOU) with the Allegany County Health Dept. to conduct mini take-back events within the community and provide medication pick-up services in an attempt to reduce opioid misuse. \$3,000 in police overtime grant money has been appropriated by the Allegany County Health Department for this initiative

Order 26,708 - abating the 2019-2020 taxes at 118 Baltimore Street, owned by the Cumberland Economic Development Corporation (CEDC)

Order 26,709 - accepting the proposal from Constellation NewEnergy, Inc. to supply a fixed price electric supply for a new supply location at the CSO Storage Facility, 400 E. Offutt Street, from 9/24/20 to 11/24/22 at a fixed rate of \$0.05229 kWh

Order 26,710 - authorizing the Chief of Police to accept an FY21 Maryland Criminal Intelligence Network (MCIN) grant in the amount of \$256,206.00 for personnel and overtime costs associated with the focus on identifying, disrupting, and dismantling gangs and violent criminal networks involved in the distribution of illegal drugs, the use of firearms in crimes of violence, human trafficking, or other inherently violent criminal enterprises, through enforcement, prevention, intervention, and reentry strategies

Order 26,711 - authorizing the Chief of Police to accept an FY21 GOCCP Police Recruitment and Retention Program grant in the amount of \$24,000 offered to help local agencies recruit and retain police officers in recognition of the state-wide shortage of police candidates

Order 26,712 - accepting the sole source purchase of a new Caterpillar 918M Wheel Loader from Cleveland Brothers CAT in the not-to-exceed amount of \$107,962 as part of Sourcewell joint purchasing contract

Order 26,713 - approving funding amendments to the Community Development Block Grant (CDBG) Program effective September 15, 2020; 2019 Horizon Goodwill Job Readiness (-\$10,000), 2019 HRDC Emergency Housing Assistance (+\$10,000)

Lee Borrow gave an overview of the program which was affected by the pandemic, and stated that those funds were moved over to the emergency program for housing.

Order 26,714 - authorizing execution of a Disclaimer regarding a Purported Deed dated December 27, 2019, granting property at 712 Elm Street to the City from First Peoples Community Credit Union (Book 2525, Page 414 Allegany County Land Records), declaring that the Purported Deed is invalid

Order 26,715 - accepting the bids for certain properties offered for sale through the 2020 Surplus Property Request for Bids process and authorizing the remaining properties not bit upon to remain offered for sale through a public bidding process to be determined by the Department of Community Development

In answer to a question about Order No. 26,714, Mr. Cohen advised that in this instance the M&CC is authorizing him to file the disclaimer, which makes it clear that the property title was not accepted. He added that he has been in touch with First Peoples' counsel, and they are getting with their Board of Directors to talk further.

X. Letters / Petitions

1. Letter from the City Clerk advising that no petition for referendum was received for Charter Amendment Resolution No. 148, which was approved to enact Section 73A of the City Charter (1991 Edition) to empower the City Administrator to declare emergencies in certain events and pass temporary administrative orders necessary for the preservation of the public health, safety and/or welfare, and to empower the Mayor and Council to pass executive orders in emergencies, and the Charter Amendment therefore became effective September 9, 2020

The letter was acknowledged, and was entered into the public record.

XI. Public Comments

No public comments.

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, the meeting adjourned at 6:55 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, September 29, 2020
2:00 p.m.

This meeting was held via Video-Conference

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk, Bobby Smith, City Engineer; Kathy McKenney, Community Development Program Manager

I. PUBLIC MEETING AGENDA REVIEW – OCTOBER 6, 2020

Mayor Morriss asked if anyone had any changes to make to the Work Session Agenda. Councilwoman Marchini advised that she had concerns about numbers 3, 4 & 5, and asked that they be removed and put on a Closed Session. Motion to strike numbers 3, 4 & 5 from the Agenda and reschedule at a later date was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 4-0

Mr. Rhodes provided a review of the Public Agenda for October 6, 2020, and began with asking Ms. McKenney to speak on the Historic Preservation Economic Impacts presentation. She stated that the report from Place Economics is now complete, and the presentation will provide an overview of the findings of the evaluation. She added that she will email the report to M&CC for review, and can also provide them with a bound copy if needed.

Mayor Morriss mentioned the Proclamation for White Cane Awareness Day, October 15, 2020, and then moved to Reports, and reviewed all. He asked City Engineer Robert Smith if there was anything he wanted to add to the Engineering Report. Mr. Smith provided background on several items, and also advised that orders for the Fall Tree Removal and Fall Pruning may still be added to the Consent Agenda, but stated that they both fall under the Shade Tree Commission so they will have to be analyzed first to see if they can afford to do both.

Ms. McKenney reviewed the Resolution for approving the application and receipt of financing for 2020 Community Legacy projects, stating that six projects had been identified by the Cumberland Sustainable Communities work group. She also reviewed the Resolution for approving the application and receipt of financing for a 2020 Strategic

Demolition project entitled “Cumberland Main Street Sprinkler Tap Installation – Phase I, also identified by the Cumberland Sustainable Communities work group.

Ms. McKenney reviewed the six Community Legacy projects and advised on what the process entailed to select the projects.

Mr. Rhodes read and reviewed the items on the Consent Agenda. He turned the floor over to Ms. McKenney to provide background on Order 26,718, authorizing the execution of a contract with Cumberland Housing Alliance (CHA) for the use of \$149K in MD Community Parks and Playground (C&P) grant funds, for upgrades to the playground at 635 East First Street owned by CHA. Ms. McKenney advised that funding for this project was applied for in 2018 with the C&P program, and stated that project management was not directly done by City staff, but staff does manage the grants. She added that since the project is not being done on City-owned property, they want to enter into formal scopes of service with the other entity so that requirements placed on the City are transferred to the entity as well. Ms. McKenney added further that this project is within the Jane Frazier Village housing complex.

Ms. McKenney also advised on Order 26,720, which authorizes the Mayor to sign a letter of support for the City’s application to the MD Heritage Areas Emergency Capital Fund for critically needed work at the George Washington’s Headquarters cabin. She stated that the DAR were holding tours before Covid-19 and noticed conditions of deterioration at the cabin. Inspection was done by staff, and there were areas of concern. Ms. McKenney stated that they are in-between funding right now, but there was an option for an emergency request from which they could receive \$5K from the state towards the project which would run approximately \$10K. She also advised that the contractor is specialized in restoration of log cabins, and gave a brief summary of the deterioration that was assessed.

Mr. Smith spoke on Order 26,721, which will authorize the execution of an Easement Agreement with Cumberland Manor Associates, LP. He advised that this is an extension of the Decatur Street water line project, and that to facilitate putting in the new line they have to go outside of the current easement to allow the water to stay in service while they put in the new line. Mr. Smith added that the project will start in the spring. Mr. Rhodes advised that the last piece of funding fell into place for the City to replace the crosstown water main at Bedford and Decatur Streets. He added that this is a 24” water main that affects a lot of things when it goes out of service; it’s an old street, there are tons of things in the ground, and it will be a complex project. Mr. Smith gave more details on the project and the area that will be affected, and said it will be done in four phases. He added they are shooting for bidding in December, with construction beginning around April 1, 2021 hopefully, with a 5-month construction period.

Mr. Smith advised on the Sole Source purchase, Order No. 26,717, of the ammonium analyzers for the WWTP, and said that the vendor, Aerzen USA was also the supplier for the blowers installed last year, and that was the reason for the sole source.

Mr. Cohen advised on Ordinance 3876's First Reading, and said that water service provided through service lines to residents have on/off valves, and resident should have their own. He stated that many don't, due to the age of the structure, and said that this ordinance will address those issues where one service line serves two properties.

II. BOARDS & COMMISSIONS REPORTS FROM COUNCIL MEMBERS

Mayor Morriss spoke on the Allegany County Museum, and stated that the coronavirus has dramatically affected the museum this year, and advised on cancellations for the year. He added that their revenue has decreased significantly, but said they are still open, with social distancing guidelines in place. He further added that the museum did receive a grant from Hotel/Motel tax funding, and said the board was very appreciative.

The Mayor stated that he would like to change the Blighted Property Committee name to the Neighborhood Revitalization Group, as the community development team has really been energized and have gone further than just blight removal. The Mayor mentioned the surplus property sale recently, stating that nine properties were sold, bringing in over \$20K and putting those properties back on the tax rolls. He added that most of those sold were adjacent lots. He further added that they are looking into the six homes that have been donated to City, most of which would be demos, and said they are now looking at lots that could be built on, or rehabbed. The Mayor stated that more information to Council will be coming soon, and said he had sent out the proposed tax sale legislation change.

Mayor Morriss spoke on the Canal Place Preservation Authority (CPPA) and stated that they're working on the river park, but work has been slowed by Covid-19. He said that the Canal Place Task Force committee will be coming soon, to figure out a way to divide the Heritage Area, with the Depot going to the County and the festival grounds going to the City to maintain, but cautioned that none of this is finalized. The Mayor added that there will be discussions on this further as it moves along.

The Mayor also advised on CACIF, the group that organizes the PACE reception each year, and stated that PACE has been cancelled, and added they are still looking for ways to do something virtually.

Councilman Frazier brought up the Scenic Railroad (WMSR) and asked if the Mayor had anything to add, since they are both on that Board. Mayor Morriss advised since Covid-19 they have ceased operations, as social distancing requirements can't be implemented on a passenger car and still operate on a level to be sustainable and make money. He added that donations have continued to come in for the 1309 engine, which is near completion, and stated that bodes well going forward. He stated that once the 1309 is in place that will get tremendous crowds and great ridership.

There was more discussion on the Canal Place Task Force, and the dividing of properties, with Mayor Morriss stating that it becomes more complicated when it comes to the actual shops at Canal Place and the Footer Building, and stated that Delegate Jason Buckel has been

tasked with this, and added that this in no way means they are doing away with the Heritage Area. He added further that this is an effort to make the shops independently more successful.

There was more discussion on neighborhood revitalization, and citizens talking about deteriorating properties. Mayor Morriss stated in an effort to get information out to the media, he has been going to WCBC after Tuesday meetings to talk about things and give people an idea of what the City is working on.

There was more discussion on the WMSR and the 1309 engine restoration. Ms. McKenney stated that they have applied for and received funds in the past through the MD Heritage Authority. Mayor Morriss stated that they have received money from the state twice under general funds, and talked about tourism attractions in Cumberland. Councilman Frazier advised that Chessie Federal Credit Union downtown offered part of their building to be used for ticket sales and displays for the Scenic Railroad, when it gets up and running.

Councilwoman Marchini advised on the Historic Preservation Commission, and said a residential façade grant opportunity for the Canal Preservation District was discussed recently, and stated that the National Trust Historic Preservation conference is coming up on October 27-30. The Councilwoman mentioned that at every meeting people ask for input on outside work, fixing things, etc., and said it seems to be moving along and they are adding a few new members. Ms. McKenney advised on Diversity Scholarships, stating that they were to encourage underrepresented community members to attend the Saving Places Conference, and stated that members of Council could also attend.

Councilwoman Marchini discussed the Downtown Development Commission (DDC), and advised on the Baltimore Street Project, which is at 90%, with Mr. Smith receiving remarks from the SHA the previous night and reviewing them.

The Councilwoman discussed the new Executive Director of the DDC, Melinda Kelleher, and said she has been reaching out to area business owners and meeting staff. She also mentioned that they are looking to replace Danny Glanzer, who is retiring on September 30th. She also mentioned the taps going in on Baltimore Street, funding for that project, and making sure business owners are aware and know how to apply for funding. Mr. Smith advised that the Engineering Department is going through the SHA comments and cross-referencing with the Cochran comments and other staff, so they can provide EADS with as few documents to go through as possible. He added that they hope to be able to provide EADS with that within a couple days. He advised that everyone has marching orders on the project, including City staff. Mr. Smith said they all want to have a tremendous street scape project delivered, but they need to work out some ADA issues. He stated that hopefully they can get everything to SHA as soon as possible for review.

Councilman Frazier commented on the Human Relations Commission, saying they haven't had a meeting in quite a while due to Covid-19. He also mentioned that the Tri-County Council has not had any recent meetings.

Councilman Cioni spoke on the Let's Beautify Cumberland (LBC) yearly event "Day of Caring and Sharing", and praised Ed Mullaney and Ginny Decker on their ongoing efforts towards beautifying the City. He added that the group has attracted some younger folks, which is vital for continuity. He added further that a group of younger people were also power washing at Liberty Park. Mayor Morriss agreed that LBC does excellent work year round, and stated that although they don't have a huge budget, they are great stewards of the money they do get. The Mayor added that former Council Member Butch Hendershot's widow and sons participated in the Day of Caring and Sharing, carrying on Hendershot's tradition.

Councilman Cioni advised that the Parks and Recreation Board has not been able to meet since the coronavirus pandemic, and stated that they tried with Zoom, which did not work due to technical problems. He stated that Diane Johnson, Director of Parks and Rec, has sent out information about Halloween, and is partnering with the DDC to do a virtual event, from October 5 – 26, with a costume contest, pumpkin carving contest, etc., but there will be no party at Constitution Park. The Councilman did advise, however, that there will be a drive-by candy distribution event at the Park, with the date of that event being published soon.

Councilman Cioni mentioned the Centre Street playground improvements, saying that City Reach has been central in that project. He stated that the next thing on the Board's agenda is to invest in the Pine Avenue playground. Mayor Morriss stated that he has spoken to David Smith of City Reach regarding the Pine Avenue and other playgrounds, and what City Reach wants to accomplish. He said it's critical as the City revitalizes its parks that it has activities and operations – maybe not handled by the City – but by outside groups organizing events for the City's young people. Councilman Frazier stated that when David Smith was running for Mayor, one thing he wanted to do was bring back playgrounds like they were when they were kids. He added that when the playgrounds do get cleaned up, maybe try to plan an event here and there to attract people.

There was more discussion on LBC and recruitment, and having more advertisements about clean-up events, with the suggestion that Allison Layton get with Ed Mullaney on updates and recruitment.

Mayor Morriss mentioned that these reports won't need to be done every work session, just maybe on the 4th Tuesday of the month. He stated that though the reports were a little long this time because they haven't been done in a while, they should get shorter in the future. He also stated that some of the vacancies in the Boards and Commissions have been filled, but said he will get with Ms. Woodring to review to see how many vacancies still need filled, and maybe do some recruitment.

VI. ADJOURNMENT

With no further business at hand, the meeting adjourned at 3:35 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

File Attachments for Item:

Ordinance 3876 (*2nd and 3rd readings*) - to repeal and reenact Section 24-49 of the City Code pertaining to service pipes supplying tow or more premises with water, for the purpose of clarifying its terms

ORDINANCE NO. 3876

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT SECTION 24-49 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION), PERTAINING TO SERVICE PIPES SUPPLYING TWO OR MORE PREMISES WITH WATER, FOR THE PURPOSE OF CLARIFYING ITS TERMS."

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that section 24-49 of the Code of the City of Cumberland (1991 Edition) be and is hereby repealed and reenacted, to read as follows:

Sec. 24-49. - Service pipes supplying two or more premises.

Water service pipes intended to supply two (2) or more distinct premises or tenements shall be provided with separate and distinct shut-off valves for each premises or tenement on the outside thereof. Notwithstanding the foregoing, when only one (1) shutoff valve is used, the person controlling the shutoff valve shall pay the water rent of all parties who are supplied water which runs through it.

(NOTE: The version of Section 24-49 which is being repealed is attached hereto as Attachment A.)

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

Passed this ____ day of October, 2020.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

ATTACHMENT A

Sec. 24-49. - Service pipes supplying two or more premises.

Water service pipes intended to supply two (2) or more distinct premises or tenements shall be provided with separate and distinct stopcocks for each tenement, on the outside of the tenement; or when only one (1) stopcock is used the person controlling the stopcock shall pay the water rent of all parties who are thus supplied.

(Code 1966, § 31-12)

File Attachments for Item:

Order 26,720 (*Tabled at previous meeting*) - authorizing the Mayor to sign a letter of support for the City's application to the MD Heritage Areas Emergency Capital Fund for critically needed work at the George Washington's Headquarters Cabin

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

ORDER NO. 26,720

DATE: October 6, 2020 - TABLED
October 20, 2020 -

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

THAT, the Mayor be and is hereby authorized to sign a letter of support to the City's application to the Maryland Heritage Areas Emergency Capital Fund for critically needed work at the George Washington's Headquarters Cabin.

Raymond M. Morriss, Mayor



CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF COMMUNITY DEVELOPMENT

October 6, 2020

Ms. Jennifer Ruffner
Administrator
Maryland Heritage Areas Program
Maryland Historical Trust
100 Community Place
Crownsville, MD 21032

Dear Ms. Ruffner:

On behalf of the Cumberland Mayor and City Council, I am writing to provide support of the Maryland Heritage Areas Emergency Capital Fund application that is being submitted by the City of Cumberland for critically needed work at the George Washington's Headquarters cabin which is located in Riverside Park on Greene Street in Cumberland.

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY D. RHODES

**DIRECTOR OF
ADMIN SERVICES**
KEN TRESSLER

**CODE COMPLIANCE
MANAGER**

KEVIN R. THACKER

As we near marking the centennial of the grand celebration of locating this significant structure to our nation's history in Riverside Park, City staff along with members of the Daughters of the American Revolution, whose organization has served as stewards of this structure and its legacy since 1921, have discovered some concerning areas in need of immediate attention. We appreciate your consideration of our \$5,000 request for funding to support this very important project and confirm that the City of Cumberland will provide an equal amount of matching funds.

Sincerely,

Ray Morriss, Mayor



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)722-2000 x5600 • FAX (301)759-6432 • TDD (800)735-2258

File Attachments for Item:

Ordinance 3877 (*1st reading*) - accepting bids for the purchase of nine (9) parcels of real property and authorizing conveyance of those properties to the successful bidders, subject to certain terms for conveyance

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT BIDS FOR THE PURCHASE OF (9) PARCELS OF REAL PROPERTY IN THE CITY OF CUMBERLAND AND TO AUTHORIZE THE CONVEYANCE OF THOSE PROPERTIES TO THE SUCCESSFUL BIDDERS, SUBJECT TO THE TERMS SET FORTH HEREINAFTER."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of the properties listed in the Exhibit A attached hereto (individually, a "Property" and, collectively, the "Properties");

WHEREAS, the Properties were declared surplus under the terms of Order No. 26,675, passed by the Mayor and City Council on July 21, 2020;

WHEREAS, bids for the purchase of the Properties and other parcels of real property were solicited by means of the 2020 Request for Bids Surplus Properties;

WHEREAS, the City received bids for the Properties, but did not receive bids for any of the other parcels of real property;

WHEREAS, staff is recommending that the Mayor and City Council award the bids for the each of the Properties as provided for in the Exhibit A attached hereto; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of those bids to be in the City's best interests.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept the bids set forth in the Exhibit A attached hereto subject to the following terms:

- A. Each purchaser shall pay all recordation and transfer taxes required to record the deed effecting the conveyance of the Property successfully bid upon; although it is expected that no such taxes will be due.
- B. Each purchaser will pay the \$60.00 deed recordation fee charged by the court.
- C. Each purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Properties will be conveyed to the purchasers by means of quitclaim deeds containing no warranties or representations of any kind, the form of which is set forth in the Exhibit B attached hereto;
- E. The City will record the deeds for purchasers who pay the City's \$100.00 deed recordation fee. Purchasers who don't pay that fee shall record their deeds without the City's assistance and provide proof of that recordation to the City no later than ninety (90) following the date of the passage of this Ordinance, unless said deadline is extended by the City Administrator or City Solicitor for good cause shown. Failure to take the aforesaid action will result in the forfeiture of all sums paid and will result in the deed being a nullity and ineffective to convey title to the purchaser.

- F. The purchase price and the City's \$100.00 recording fee, if applicable, shall be paid by cashiers check or money order made payable to "City of Cumberland" and shall be hand-delivered or mailed to:

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

A purchaser's deed shall be released upon the payment of these sums.

- G. For those purchasers who elect to have the City record their deeds, they shall also provide the City Solicitor with a check or money order made payable to "Circuit Court for Allegany County" in the amount of \$60.00 for the court's deed recordation fee, and, as advised by the City Solicitor, they shall provide him with checks made payable to "Allegany County" and "City of Cumberland" for their share of the current year taxes. Checks to be presented to the City Solicitor shall be mailed (but not hand-delivered) to:

Michael Scott Cohen
City of Cumberland City Solicitor
213 Washington Street
Cumberland, MD 215902

- H. Failure to remit the aforesaid payments to the City Clerk and City Solicitor, as applicable, within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of a purchaser's bid, unless said

deadline is extended by the City Administrator
or City Solicitor for good cause shown.

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor
and City Clerk be and they are hereby authorized to execute
and deliver deeds effecting the aforesaid conveyances subject
to the aforesaid requirements;

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

Passed this ____ day of November, 2020.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

EXHIBIT A

<i>Address</i>	<i>Tax ID No.</i>	<i>Deed References – Book/Page</i>	<i>Successful Bidder</i>	<i>Bid Amount</i>
100 Arch Street	04-020049	1522/326	Souders Properties, LLC	\$1,756.55
332 Davidson Street	23-010496	2049/343	C Corp Leasing, Inc.	\$650.00
334 Davidson Street	23-014475	2049/327	C Corp Leasing, Inc.	\$650.00
532 N. Centre Street	05-027594	2237/117	Donald Fischer and Donna Summers	\$3,000.00
730 Bedford Street	05-020352	2036/390	Carolyn L. Briggs	\$4,000.00
1016 Ella Avenue	04-035488	2476/221	Cheryl Weaver	\$251.00
Pine Avenue	22-009672	2167/167	Kevin Zufall	\$1,111.00
Pine Avenue	22-009664	2167/167	Kevin Zufall	\$6,639.00
409 Walnut Street	05-005418	2474 /422	Gary Francis Reeves	\$3,750.00

EXHIBIT B

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ___ day of November, 2020, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”), _____, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the Grantor does hereby grant, bargain and sell, release, confirm and convey unto the Grantee, _____ [personal representatives, administrators, heirs or successors] and assigns, forever in fee simple:

IT BEING the same property which was conveyed from _____ to the Grantor by deed dated _____ and recorded among the Land Records of Allegany County, Maryland in Book _____, Page _____.

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

TO HAVE AND TO HOLD the above-described property unto the Grantee, _____ [personal representatives, administrators, heirs or successors] and assigns in fee simple forever.

PROVIDED, HOWEVER, that this deed shall be null and void and of no force and effect if it is not recorded within ninety (90) days of its date.

WITNESS/ATTEST:

7
**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring, City Clerk

By: _____ (SEAL)
Raymond M. Morriss, Mayor

**STATE OF MARYLAND,
ALLEGANY COUNTY, TO WIT:**

I HEREBY CERTIFY, that on this ____ day of November, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$ _____ and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

I HEREBY CERTIFY that the within and foregoing document was prepared by, or under the supervision of, the undersigned, a Maryland attorney, and that no title search was performed in connection with its preparation.

MICHAEL SCOTT COHEN

File Attachments for Item:

Order 26,724 - authorizing execution of a Three-Year Salt and Aggregate Utilization Agreement with MD State Highway Administration for the distribution of salt and/or aggregate during winter storm events, for a three (3) year period effective September 1, 2020 through August 31, 2023

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

ORDER NO. 26,724

DATE: October 20, 2020

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

THAT, the City Administrator be and is hereby authorized to execute a Three-Year Salt and Aggregate Utilization Agreement by and between the Mayor and City Council of Cumberland and the MD State Highway Administration for the distribution of salt and/or aggregate for winter storm events for a three (3) year period, effective September 1, 2020 through August 31, 2023.

Raymond M. Morriss, Mayor

THREE YEAR SALT AND AGGREGATE UTILIZATION AGREEMENT

by and between

Maryland Department of Transportation, State Highway Administration

and

City of Cumberland, Maryland

This AGREEMENT (“**Agreement**”) made as of the 1st day of September 2020, executed in duplicate, by and between the Maryland Department of Transportation State Highway Administration (“**MDOT SHA**”) and City of Cumberland, Maryland, a political subdivision of the State of Maryland and a body politic and corporate (“**CITY**”).

WHEREAS, during certain winter snow emergency operations (“**Snow Event**”) the CITY may have a need to obtain additional salt (“**Salt**”) and/or stone dust abrasives or aggregate (“**Aggregate**”), to effectively complete their winter snow operations; and

WHEREAS, the CITY has requested, and MDOT SHA has agreed, to allow the CITY to obtain Salt and/or Aggregate from MDOT SHA stockpiles during a Snow Event in accordance with the terms and conditions contained herein; and

WHEREAS, the CITY shall reimburse MDOT SHA for the cost of Salt and/or Aggregate plus other related expenses; and

WHEREAS, MDOT SHA and the CITY agree that this Agreement will benefit both parties of this Agreement and will promote the safety, health and general welfare of the citizens of the State.

NOW, THEREFORE, in consideration of the premises and of the mutual promises between the MDOT SHA and the CITY, as set forth herein, the adequacy of which is hereby acknowledged, the parties hereby agree to the following:

I. TERM AND BUDGET

The Term of this Agreement is for a period of three (3) years beginning the first (1st) day of September 2020 and ending on the thirty first (31st) day of August 2023, both dates inclusive, unless sooner terminated as set forth herein. For budgeting and planning purposes only, during the Term of this Agreement the total cost for: i) Salt is expected to not exceed Sixty Thousand Dollars (\$60,000), and ii) Aggregate is expected to not exceed One Thousand (\$1,000). This is an estimate only and the CITY shall be responsible for actual costs incurred at the time of acquisition.

II. SALT AND AGGREGATE COSTS

- A. The cost of Salt, at the time of execution of this Agreement is Seventy Nine Dollars and Forty Cents (\$79.40) per ton, which includes the price of the Salt, a Delivery Charge and an Overhead Charge.
- B. The cost of Aggregate, at the time of execution of this Agreement is Twenty One Dollars and Fifty Cents (\$21.50) per ton, which includes the price of the Aggregate, a Delivery Charge and an Overhead Charge.
- C. The Salt and/or Aggregate prices listed herein are subject to awarded contracts by MDOT SHA and shall be adjusted accordingly.
- D. The Delivery Charge includes the cost of fuel and mileage to transport the Salt and/or Aggregate to an MDOT SHA Salt dome. The Overhead Charge is determined by the federally approved Overhead Rate that may be adjusted on October 1st of each year. The current Overhead Rate is seven and eighty-seven hundredths percent (7.87%).
- E. The cost of the Salt and/or Aggregate may be adjusted weekly to account for Delivery Charge variances.

III. ESTABLISHMENT OF THE SALT AND/OR AGGREGATE COSTS

MDOT SHA has established a charge number for the CITY which will be used to document Salt and/or Aggregate withdrawals from MDOT SHA's inventory system. The current charge number for the CITY is **BY254M84**.

IV. PROCEDURES

- A. Salt and Aggregate Scheduling
 - 1. MDOT SHA Shop Locations: For purposes of this Agreement, the MDOT SHA shops to be used for Salt and/or Aggregate for the CITY, as determined by SHA, are:
 - Rocky Gap
 - Oldtown
 - Frostburg
 - Franklin
 - La Vale
 - Town Hill
 - 2. Prior to a Snow Event: The TOWN will contact Eric Minnich, MDOT SHA's Resident Maintenance Engineer (RME), or designee, of the La

Vale Shop at 301 729-8433 to arrange for the TOWN's trucks to be loaded with the Salt and/or Aggregate at the designated location the day before a local forecasted snow if time permits; otherwise MDOT SHA and the TOWN will determine which MDOT SHA salt storage site is appropriate to use to load the Salt and/or Aggregate onto the trucks and MDOT SHA will provide an operator to facilitate the loading of the Salt and/or Aggregate.

3. During the Snow Event: The CITY will contact the appropriate MDOT SHA Shop nearest to that truck and request to be loaded at an approximate preferred time of arrival. MDOT SHA will then arrange for an operator to meet the CITY truck at that location as close to the preferred time as possible without negatively affecting MDOT SHA operations. In addition, if a CITY truck is in the vicinity of a specific dome during a Snow Event and an MDOT SHA operator is present, the CITY truck may then be topped off, if desired. In situations where the MDOT SHA Snow Event operations are already active when the CITY operations begin, the CITY can notify MDOT SHA as far in advance as possible and MDOT SHA will make every effort to provide an operator at all the locations requested in order to begin loading CITY trucks with Salt and/or Aggregate.
4. Post Snow Event: The CITY can contact the appropriate MDOT SHA shop to request re-loading after a Snow Event, and MDOT SHA will schedule the re-loading at both parties' convenience.
5. The CITY shall not return any unused Salt and/or Aggregate to any MDOT SHA shop.

B. Load Records

1. The CITY shall ensure all vehicles picking up Salt and/or Aggregate on their behalf are identified by a sticker or placard indicating the CITY's name.
2. Only an MDOT SHA authorized loader operator shall load the CITY trucks.
3. MDOT SHA shall create a written loading record that must be signed by the CITY driver. A copy shall be given to the CITY driver to account for every load of Salt and/or Aggregate that the CITY receives from MDOT SHA. Each load record shall contain the following information:
 - a. truck number or license tag number,
 - b. the number of scoops/ buckets loaded,
 - c. the number of tons loaded based on the scoops / bucket size value multiplied by the number of scoops /buckets.

- d. the ratio of Salt and Aggregate (e.g. 70/30, 50/50, etc.) for mixed loads.

V. PAYMENT

- A. MDOT SHA shall provide a detailed invoice to the CITY by May 31st of each year for all actual costs incurred by MDOT SHA to provide Salt and/or Aggregate to the CITY. The invoice shall be accompanied by normal documentation from MDOT SHA to evidence actual costs incurred.
 - 1. In the event the CITY receives a mixture of Salt and Aggregate, then such mixture will be noted on each load ticket along with the ratio of Salt to Aggregate; the quantity on such tickets will be multiplied by the mixture ratio and recorded independently as Salt and Aggregate.
- B. Upon request by the CITY, MDOT SHA may provide information to include the number of buckets and estimated tonnage provided to the CITY for each date of withdrawal.
- C. The estimated cost of the Salt and/or Aggregate is based on the average amount of Salt and/or Aggregate used during the previous five (5) years at the prevailing rate at the time of execution of this Agreement and will be subject to future adjustments during the Term according to costs for Salt and/or Aggregate for delivery and overhead in effect at that time.
- D. REIMBURSEMENT
 - 1. Reimbursement to MDOT SHA for the Salt during the Term, including MDOT SHA overhead, is estimated to be Sixty Thousand Dollars (\$60,000) and is based on estimated quantities from the previous year, however, actual costs and tonnage may vary and the CITY shall reimburse MDOT SHA for all actual tonnage (which includes the delivery charge) and overhead costs.
 - 2. Reimbursement to MDOT SHA for the Aggregate during the Term, including MDOT SHA overhead, is estimated to be One Dollars (\$1,000) and is based on estimated quantities from the previous year, however, actual costs and tonnage may vary and the CITY shall reimburse MDOT SHA for all actual tonnage which includes delivery charge and overhead costs.
- E. In the event of extremely heavy Salt and/or Aggregate usage, MDOT SHA reserves the right to submit progress billings to the CITY in lieu one annual invoice.
- F. The CITY shall reimburse MDOT SHA for all costs incurred by SHA for all supplied Salt and/or Aggregate provided during the Term pursuant to this Agreement within thirty (30) days of receipt of each invoice.

- G. In the event MDOT SHA does not receive payment of invoices within thirty (30) days of the CITY's receipt of each invoice, MDOT SHA will notify the CITY of the overdue payment and provide the CITY the opportunity to pay such overdue amounts. If payment of the overdue amount is not received within thirty (30) days following notification, MDOT SHA will then notify the CITY in writing, and the parties hereby agree that MDOT SHA may make a deduction from the CITY's share of Highway User Revenue equal to the overdue invoice amount(s) or MDOT SHA may refer the overdue amount to the Central Collection Unit, at 300 West Preston Street, Room 500, Baltimore MD 21201-2365 for collection of overdue amount.

VI. GENERAL

- A. MDOT SHA does not supply Brine, a pretreatment salt-based mixture.
- B. Title VI Assurances. All parties to this Agreement shall comply with the requirements of APPENDIX A (2 pages) and APPENDIX E (1 page) of SHA's Standard Title VI/Non-Discrimination Assurances DOT Order No. 1050.2A which generally set forth non-discrimination regulations and other civil rights related regulations. APPENDIX A and APPENDIX E are attached hereto and incorporated herein as substantive parts of this Agreement. The term "Acts" in Appendix A refers to 49 C.F.R. Part 21 and 28 C.F.R. Section 50.3. The term "Recipient" in Appendix refers to SHA.
- C. MDOT SHA and the CITY agree to cooperate with each other to accomplish the terms and conditions of this Agreement.
- D. The provisions contained in this Agreement shall be binding upon the parties until the earlier to occur of; (i) three (3) years from the date first written above, (ii) thirty (30) days after written notice has been given by either party to the other that they elect to no longer be bound by the terms and conditions of this Agreement, or (iii) August 31, 2023. However, termination of this Agreement and any Amendments is contingent on all outstanding invoices being paid by the CITY to MDOT SHA.
- E. The CITY shall indemnify, hold harmless and defend, at MDOT SHA's option, the State of Maryland, MDOT SHA and the Maryland Department of Transportation, from and against any and all liabilities, obligations, damages, penalties, claims, costs, charges and expenses, incurred in connection with the loss of life, personal injury and/or property damage arising from or in connection with the activities performed pursuant to this Agreement by the CITY or its contractors, agents or assigns.
- F. MDOT SHA shall reserve the right to limit or deny Salt and/or Aggregate to the CITY in order to avoid jeopardizing MDOT SHA's snow remediation operations.

- G. This Agreement shall inure to and be binding upon the parties hereto, their agents, successors and assigns.
- H. This Agreement and the rights and liabilities of the parties hereto shall be determined in accordance with Maryland law and in Maryland courts.
- I. The recitals (WHEREAS clauses) at the beginning of this Agreement are incorporated as substantive provisions of this Agreement.
- J. All notices and/or invoices, if to the CITY, shall be addressed to:

Jason Deal
Street Superintendent
Town of Cumberland
57 North Liberty Street
Cumberland, MD 21502
Phone: 301 759-6620
Fax:
E-mail: Jason.deal@cumberlandmd.gov

And if to MDOT SHA:

Eric Minnich
Resident Maintenance Engineer
Maryland Department of Transportation
State Highway Administration
1221 West Braddock Road
La Vale, MD 21502
Phone: 301 729-8433
Fax: 301 777-5822
E-mail: eminnich@mdot.maryland.gov

With copies to:

Mr. Anthony Crawford, District Engineer, D-6
Maryland Department of Transportation
State Highway Administration
1251 Vocke Road
La Vale, MD 21502-3347
Phone: 301-729-8400
Fax: 30-729-6968
Email: acrawford@mdot.maryland.gov

And,

SHA Agreements Team
Office of Procurement and Contract Management
State Highway Administration
707 N. Calvert Street
Mailstop C-405

Baltimore, MD 21202
Phone: (410) 545-5547
E-mail: shaagreementsteam@sha.state.md.us

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their respective duly authorized officers on the day and year first above written.

**MARYLAND DEPARTMENT OF
TRANSPORTATION
STATE HIGHWAY ADMINISTRATION**

WITNESS

By: _____ (SEAL)

Andre Futrell
Deputy Administrator for
District Operations

Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

RECOMMENDED FOR APPROVAL:

Assistant Attorney General

Eric Minnich
Resident Maintenance Engineer

William J. Bertrand
Director
Office of Finance

TOWN OF CUMBERLAND, MARYLAND
a body corporate and politic



WITNESS

BY:  (Seal)

Jeff Rhodes
City Administrator

9-24-2020
Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**

CITY Attorney

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

1. **Compliance with Regulations:** The Contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in Federally assisted programs of the U.S. Department of Transportation, the Federal Highway Administration, as they may be amended from time to time, which are herein incorporated by reference and made a part of this contract.
2. **Non-discrimination:** The Contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The Contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project, or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations, either by competitive bidding, or negotiation made by the Contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor or supplier will be notified by the Contractor of the Contractor's obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The Contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the Federal Highway Administration to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a Contractor is in the exclusive possession of another who fails or refuses to furnish the information, the Contractor will so certify to the Recipient or the Federal Highway Administration as appropriate, and will set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of a contractor's noncompliance with the Nondiscrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to:
 - a. withholding payments to the Contractor under the contract until the Contractor complies; and/or
 - b. cancelling, terminating, or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The Contractor will include the provisions of paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The Contractor will take action with respect to any subcontract or procurement as the Recipient or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the Contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction; the Contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the Contractor may request the United States to enter into the litigation to protect the interests of the United States.

APPENDIX E OF THE TITLE VI ASSURANCES

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:


Pertinent Non-Discrimination Authorities:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d *et seq.*, 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- Federal Aid Highway Act of 1973, (23 U.S.C. § 324 *et seq.*), (prohibits discrimination on the

basis of sex);

- Section 504 of the Rehabilitation Act of 1973, (29 U.S.C. § 794 *et seq.*), as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 *et seq.*), (prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 USC § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987, (PL 100-209), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms "programs or activities" to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. § 12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration's Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures discrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with Limited English Proficiency, and resulting agency guidance, national origin discrimination includes discrimination because of limited English proficiency (LEP). To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP 'persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 741 00);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. 1681 *et seq.*).

TOWN OF CUMBERLAND, MARYLAND
a body corporate and politic


WITNESS

BY:  (Seal)
Jeff Rhodes
City Administrator

9-24-2020
Date

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


CITY Attorney

APPENDIX A OF THE TITLE VI ASSURANCES

During the performance of this contract, the Contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the Contractor) agrees as follows:

File Attachments for Item:

. Order 26,725 - appointing Betsey H. Schwab to the Administrative Appeals Board for a three (3) year term effective September 30, 2020 through September 30, 2023

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

ORDER NO. 26,725

DATE: October 20, 2020

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

THAT, Betsey H. Schwab be and is hereby reappointed to the Administrative Appeals Board for a three-year term to be effective retroactive to September 30, 2020 and through September 30, 2023.

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 26,726 - authorizing the Chief of Police to accept a FY21 Byrne Justice Assistance Drug Enforcement Program Grant in the amount of \$59,820 to fund overtime and equipment to develop and implement strategies to reduce drug related crime and overdose deaths in the community

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

ORDER NO. 26,726

DATE: October 20, 2020

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

THAT, the Chief of Police be and is hereby authorized to accept a FY21 Byrne Justice Assistance Drug Enforcement Program Grant in the amount of Fifty-Nine Thousand, Eight Hundred Twenty Dollars (\$59,820) to fund overtime and equipment to develop and implement strategies to reduce drug related crime and overdose deaths in the community.

Raymond M. Morriss, Mayor



GOVERNOR'S COORDINATING OFFICES

COMMUNITY INITIATIVES • SERVICE & VOLUNTEERISM • PERFORMANCE IMPROVEMENT
CRIME CONTROL & PREVENTION • SMALL, MINORITY & WOMEN BUSINESS AFFAIRS
CHILDREN • DEAF & HARD OF HEARING

October 10, 2020

Chief Chuck Ternent
Chief of Police
Cumberland Police Department
20 Bedford Street
Cumberland, MD 21502

RE: BJAG-2017-0034

Dear Chief Ternent:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled "**Drug Enforcement Program**," in the amount of \$59,820.00 has received approval under the Byrne - Justice Assistance Grant (JAG) Program program. Enclosed is the grant award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

The Cumberland Police Department 2021 Drug Enforcement Project assists in developing and implementing strategies intended to reduce drug related crime and overdose deaths in our community. This project coincides with the Law Enforcement program federal purpose area of the Edward J. Byrne Justice Assistance Grant Program. The program provides overtime funds for drug related investigations Program funds provide personnel and other related equipment.

Please pay particular attention to the instructions included on the grant award. It is important that you **carefully review all Special Conditions** attached to this award. Additionally, the General Conditions for all grant awards issued by our office are also located online, at www.goccp.maryland.gov. The chief elected official, or another legally authorized official of the jurisdiction, state agency, or 501(c)(3) receiving the grant award, must sign the original Grant Award & Acceptance Form, initial each page of the Special Conditions document, and upload them in the Grants Management System within **twenty-one (21) calendar days**. Should the acceptance form not be received, requests for reimbursement will not be honored.

A copy of the grant award, Notification of Project Commencement, and individual project reports has also been sent to you as the project director. The project director is responsible for completing these and other required forms now and at the end of each reporting period. If the project director changes, we must be notified immediately to avoid potential reporting problems.

Projects may commence as soon as the grant award is signed and you have reviewed and accepted all of the General and Special Conditions. No funds may be encumbered or expended prior to this time without the specific written approval of the Governor's Office of Crime Control and Prevention.

If you have any questions or need any clarification regarding this grant award, please contact **Quentin Jones**, your program manager, or **Courtney Thomas**, fiscal specialist. We look forward to working with you on this project and anticipate its success in helping to address criminal justice problems in our state.

Sincerely,

A handwritten signature in black ink, appearing to read "V. Glenn Fueston, Jr.", written in a cursive style.

V. Glenn Fueston, Jr.
Executive Director



Regional Monitor:
Fiscal Specialist:

Jones, Quentin
Thomas, Courtney

Governor's Office of Crime Control and Prevention

Budget Notice

Grant Award Number:	BJAG-2017-0034	
Sub-recipient:	Cumberland Police Department	
Project Title:	Drug Enforcement Program	
Implementing Agency:	Cumberland Police Department	
Award Period:	10/01/2020 - 09/30/2021	CFDA: 16.738
		Federal Grant #: 2017-MU-BX-0075

Funding Summary	Grant Funds	100.0 %	\$59,820.00
	Cash Match	0.0 %	\$0.00
	In-Kind Match	0.0 %	\$0.00
	Total Project Funds		\$59,820.00

Personnel

Description of Position	Salary Type	Funding	Total Budget
Law Enforcement- Drug Investigation	Overtime	Grant Funds	\$57,600.00

Personnel Total: \$57,600.00

Other

Description	Funding	Quantity	Unit Cost	Total Budget
Binoculars	Grant Funds	6	\$90.00	\$540.00
Breaching Kit	Grant Funds	2	\$680.00	\$1,360.00
Hit Kits	Grant Funds	2	\$160.00	\$320.00

Other Total: \$2,220.00

Approved:

Governor's Office of Crime Control and Prevention Authorized Representative

Effective Date: 10/1/2020

Council Agenda Summary

Meeting Date: October 20, 2020

Key Staff Contact: Chief Chuck Ternent/Lt. J.W. Yarnall

Item Title: FY21 Byrne Justice Assistance Grant Drug Enforcement Program

Summary of project/issue/purchase/contract, etc for Council:

To fund overtime and equipment to develop and implement strategies to reduce drug related crime and overdose deaths in our community.

Amount of Award: \$59,820.00

Budget number:

Grant, bond, etc. reference: FY21 BJAG Drug Enf Prog