



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

AGENDA

M&CC Public Meeting
City Hall, Cumberland, MD

DATE: June 06, 2023

OPEN SESSION – 6:15 PM

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

Presentations

1. Administering the Oath of Office to Patrol Officers Austin Groves and Johnathon Skelley.

Proclamations

1. Proclaiming June 15, 2023 as World Elder Abuse Awareness Day in the City of Cumberland
2. Proclaiming June to be Pride Month in the City of Cumberland

Approval of Minutes

1. Approval of the Closed, Work and Regular Session minutes of May 16, 2023

Public Comments – For Agenda Items Only

All public comments are limited to 5 minutes per person

Unfinished Business

(A) Ordinances

1. Ordinance 3947 (*2nd and 3rd readings*) - authorizing the transfer of 222 Bond Street to Blake Hill for the purchase price of \$500
2. Ordinance 3948 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 Water Fund

- [3.](#) Ordinance 3949 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 General Fund
- [4.](#) Ordinance 3950 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 Sewer Fund
- [5.](#) Ordinance 3951 (*2nd and 3rd readings*) - providing for the annual expenditure appropriations for the FY24 Special Purpose Funds
- [6.](#) Ordinance 3952 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY24
- [7.](#) Ordinance 3953 (*2nd and 3rd readings*) - to provide for an increase in water rates effective July 1, 2023
- [8.](#) Ordinance 3954 (*2nd and 3rd readings*) - to provide for an increase in trash rates effective July 1, 2023
- [9.](#) Ordinance 3955 (*2nd and 3rd readings*) - amending the fee schedule for Fire Department services, including emergency medical response services and false alarm fees
- [10.](#) Ordinance 3956 (*2nd and 3rd readings*) - authorizing the transfer of 421 Arch Street to Texas Development and Design, LLC for the purchase price of \$200
- [11.](#) Ordinance 3957 (*2nd and 3rd readings*) - authorizing the transfer of 443 Columbia Street to Texas Development and Design, LLC for the purchase price of \$200
- [12.](#) Ordinance 3958 (*2nd and 3rd readings*) - authorizing the transfer of 107 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150
- [13.](#) Ordinance 3959 (*2nd and 3rd readings*) - authorizing the transfer of 109 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150

New Business

(A) Ordinances

- [1.](#) Ordinance 3960 (*1st reading*) - authorizing the amendment of Sections 16-1 through 16-6 of the Code of the City of Cumberland for the purpose of updating pay grades
- [2.](#) Ordinance 3961 (*1st reading*) - authorizing the transfer of 332 N. Mechanic Street and 400 N. Mechanic Street to the Allegany County Historical Society for the purchase price of \$156,000

(B) Orders (Consent Agenda)

- [1.](#) Order 27,243 - appointing Jamie Echefu to the Downtown Development Commission and Chester Dale Burgess, Sr. to the Shade Tree Commission
- [2.](#) Order 27,244 - authorizing the City Administrator to execute all FY24 Employment Agreements for part-time employees
- [3.](#) Order 27,245 - authorizing the City Administrator to execute all Seasonal Employment Agreements for the 2023 Spring/Summer season

- [4.](#) Order 27,246 - declaring vehicles and equipment to be surplus and authorizing them for sale, trade in or scrap
- [5.](#) Order 27,247 - authorizing the renewal of the LOGOS.net Finance/HR system support and maintenance contract for a one year term at a cost not to exceed \$54,131.67
- [6.](#) Order 27,248 - accepting the bid of American Hardwood Industries, LLC for the "Evitts Creek Water Company 2023 Watershed Timber Sale" (City Project 2023-13-M) in the lump sum amount of \$150,848.94
- [7.](#) Order 27,249 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Centre, Mechanic, Polk, Hanover and Bedford Ext. Streets for a lump sum payment to the City of \$199,314.40
- [8.](#) Order 27,250 - accepting the bid from Sign Here for the "2023 Park & Public Facilities Signage" for signs at Constitution Park and other City facilities in the not to exceed amount of \$80,090.50

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

1. Administering the Oath of Office to Patrol Officers Austin Groves and Johnathon Skelley.

Council Agenda Summary

Meeting Date: June 6, 2023

Key Staff Contact: Captain James Burt

Item Title: Oath of Office

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

Mayor Raymond Morriss to administer the Oath of Office to Patrol Officers Austin Groves and Johnathon Skelley.

Amount of Award:

Budget number:

Grant, bond, etc. reference:

File Attachments for Item:

1. Proclaiming June 15, 2023 as World Elder Abuse Awareness Day in the City of Cumberland



City of Cumberland
~ MARYLAND ~

Proclamation

- WHEREAS,** *World Elder Abuse Awareness Day, or WEADD, was initiated by the International Network for the Prevention of Elder Abuse on June 15, 2006; and*
- WHEREAS,** *locally, HRDC serves as the home for Allegany County's Area Agency on Aging, with multiple programs under the AAA umbrella – for those living in the community and those in institutional living situations – to educate our senior community and raise awareness of the signs of Elder Abuse; and*
- WHEREAS,** *the area's four senior centers – Cumberland, George's Creek, Westernport, and Frostburg – educate all participating seniors on recognizing abusive and exploitive behaviors, and the HRDC Newsletter is distributed to clients of all congregate and home-delivered meal programs; and*
- WHEREAS,** *for those individuals living in the institutional setting, the Long-Term Care Ombudsman program is the source of education and investigation of abuse and neglect complaints, and is housed here locally at HRDC, with the Ombudsman working hand in hand with the facilities and other community entities to ensure the safety of all residents; and*
- WHEREAS,** *since 2006, WEADD has become a day for us to come together to shine a light on Elder Abuse – to ensure that our elders, one of our most vulnerable populations, are protected from exploitation by their caregivers. You can find more information at upcoming community events, including Rockin' Barbeque Festival at Canal Place, National Night Out, and Heritage Days.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim June 15, 2023 in the City of Cumberland as

“WORLD ELDER ABUSE AWARENESS DAY”

and call upon the community to take time to learn about and recognize the signs of Elder Abuse.

Given under our Hands and Seals this 6th Day of June, in the Year 2023,
with the Corporate Seal of the City of Cumberland Hereto
Attached, Duly Attested by the City Clerk.

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison Layton
City Clerk

Raymond M. Morriss
Mayor

File Attachments for Item:

2. Proclaiming June 2023 to be Pride Month in the City of Cumberland



City of Cumberland
~ MARYLAND ~

Proclamation

- WHEREAS,** *Pride Month began on the 1-year anniversary of the June 1969 Stonewall Uprising in New York City after LGBTQ+ and allied friends rose up and fought against the constant police harassment and discrimination that has since been declared unconstitutional; and*
- WHEREAS,** *the City of Cumberland recognizes the value of diversity, the dignity of each person, the importance of equality, and we are committed to ensuring that they are safe, empowered, and supported; and*
- WHEREAS,** *the City of Cumberland wants everyone in our LGBTQ+ community to know that they are deserving of inclusion and of being who they are – courageous, beautiful, and unique; and*
- WHEREAS,** *this month is a time to reaffirm the City's commitment to uplifting and celebrating our LGBTQ+ community, and to continue to fight against hatred, discrimination, and bigotry.*

Now, Therefore, the Mayor and City Council of Cumberland,
do hereby proclaim the month of June 2023 in the City of Cumberland as

“PRIDE MONTH”

*and urge residents to recognize the contributions of our LGBTQ+ community
in economy, culture, arts, and history.*

**Given under our Hands and Seals this 6th Day of June, in the Year 2023,
with the Corporate Seal of the City of Cumberland Hereto
Attached, Duly Attested by the City Clerk.**

ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison Layton
City Clerk

Raymond M. Morriss
Mayor

File Attachments for Item:

1. Approval of the Closed, Work and Regular Session minutes of May 16, 2023

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, May 16, 2023; 5:00 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305 (b)(1)(i) and 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to discuss matters that relate to receiving legal advice on a real estate matter, and reviewing and discussing Board and Commission appointments.

MOTION: Motion to enter into Closed Session was made by Council Member Cioni, seconded by Council Member Marchini, and was passed on a vote of 4-0.

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

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael S. Cohen, City Solicitor; Ken Tressler, Director of Administrative Services



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael S. Cohen
City Clerk Allison K. Layton

Mayor and City Council of Cumberland

WORK SESSION

City Hall 2nd Floor Conference Room
57 N. Liberty Street
Cumberland, MD 21502

Tuesday, May 16, 2023, 5:30 p.m.

PRESENT: Mayor Raymond M. Morriss; Council Members: Richard Cioni, Jimmy Furstenberg, Laurie Marchini. Eugene Frazier was absent.

ALSO PRESENT: Jeffrey F. Silka, City Administrator; Allison Layton, City Clerk; Michael Cohen, City Solicitor; Ken Tressler, Director of Administrative Services

Media: Teresa McMinn, Cumberland Times-News
Kathy Cornwell, WCBC Radio
Amanda Jackson, Citizen

I. CONSTITUTION PARK SIGN SOLICITATION DISCUSSION

Mr. Tressler stated that as lots of improvements are being done in Constitution Park, the signs are in need of replacement. He advised that a solicitation has been done, not specifying materials, saying that they want something with uniformity and that will last. Mr. Tressler said that only one bid was fully compliant, which was from Sign Here, in Hagerstown, and added that they've done work at FSU, using similar materials to what they quoted to the City. He advised that the bid from Sign Here was 3 times the amount of the others, but the product would be much better. He said it can be put on the agenda for the next meeting if everyone is good with it.

There was discussion among M&CC regarding the size of the signs, and if there would be any potential for vandalism. Mr. Tressler stated that they would be concrete, with slide-in signage that could be replaced. Mr. Silka stated that even though the price tag is large, these will be generational signs to update the park and do it right.

Mr. Tressler stated that an alternate bid was done to get quotes for all the different ball fields, and said it would be about \$80K to do everything throughout the City. He said

that whoever gets awarded the project would be doing signs for the City for some time. Mayor Morriss stated that he and Council will discuss and get back to Mr. Tressler.

Mr. Tressler also mentioned that on the agenda tonight they will be voting on the picnic tables. He stated that they have found a better table for not much more money, that's still within the limits of the grant. He added that grills have been received and are being installed. He also added that there were some improvements to the Amphitheatre, with benches and wheelchair access, and said that fence and guardrails are going in by Memorial Day.

There was discussion about the park pool, with Mr. Tressler stating that there will be a new roof at the pool building. He advised that the baby pool is leaking, so they will have to dig up some of the concrete that was just laid.

II. AGENDA REVIEW – MAY 16, 2023

Mayor Morriss called for any questions or comments about any agenda items. Mr. Silka discussed Order No. 27,238, which accepts the new proposal from Treetop Products for 89 new picnic tables for Constitution Park, and rescinds Order No. 27,236.

III. MAYOR AND CITY COUNCIL UPDATES

Council Member Furstenberg discussed the Ty Johnson Football Camp on Saturday at Bishop Walsh School, and said he will be helping out. He also discussed the passing of Bill Harris, former employee. He stated that Mr. Harris's family wants to find out if he was the first black foreman for the City, and if so, would like the City to honor him with a plaque. He added that April Howser is researching this.

Council Member Marchini discussed the meetings with the Lakota Group, and said all the meetings went well. She added that they will be back next month.

Council Member Cioni mentioned the Day of Caring and Sharing coming up this Friday at Veterans Memorial at 8:00 AM. He also mentioned having more time with the laptop program with Mark Widmyer.

Mayor Morriss discussed the first Friday After Five during the construction period, and said the North Centre side was more heavily attended than the other side. He stated that he spoke with Melinda Kelleher regarding a few tweaks with staging. He said the band needs to be turned around and taken next to Mezzo's so the music is coming toward the City directionally.

The Mayor also mentioned the Farmers Market that moved to Canal Place during construction. He said there was good attendance and the vendors seemed happy.

Mayor Morriss discussed the Leavitt Music Series which begins June 1st, and continues every Thursday for 10 weeks at Canal Place, at 6:00 PM. He mentioned that food trucks will also be available. He also mentioned DelFest, coming up on Memorial Day weekend.

IV. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:03 p.m.

Respectfully Submitted,

Allison K. Layton
City Clerk

Minutes approved on: _____



Mayor and City Council of Cumberland

Mayor Raymond M. Morriss
Councilman Richard J. "Rock" Cioni
Councilman Eugene T. Frazier
Councilman James L. Furstenberg
Councilwoman Laurie P. Marchini

City Administrator Jeffrey F. Silka
City Solicitor Michael Scott Cohen
City Clerk Allison K. Layton

MINUTES

M&CC Public Meeting
City Hall

DATE: May 16, 2023

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

Council Member Richard J. "Rock" Cioni
Council Member James L. Furstenberg
Council Member Laurie P. Marchini
President Raymond M. Morriss

Council Member Eugene T. Frazier was absent.

Also Present: Jeffrey F. Silka, City Administrator; Allison K. Layton, City Clerk; Michael S. Cohen, City Solicitor; Ken Tressler, Director of Administrative Services

IV. Statement of Closed Meeting

Mayor Morriss announced that a closed meeting had been held on May 16, 2023 at 5:00 p.m. and read into the record a summary of that meeting 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. Director's Reports

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

(A) Administrative Services

1. Administrative Services monthly report for April 2023

(C) Public Works

1. Maintenance Division monthly report for April 2023

(D) Fire

1. Fire Department monthly report for April 2023

(E) Police

1. Police Department monthly report for April 2023

(F) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer monthly reports for March and April 2023

VI. Approval of Minutes

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

1. Approval of the Work and Regular Session Minutes of May 2, 2023

VIII. Public Comments

No Comments

All public comments are limited to 5 minutes per person

IX. New Business

(A) Ordinances

1. **Ordinance 3947** (*1st reading*) - authorizing the transfer of 222 Bond Street to Blake Hill for the purchase price of \$500

FIRST READING: The ordinance was submitted in title only for its first reading.

Motion to accept the reading and table until next meeting was made by Council Member Marchini, seconded by Council Member Cioni, and was passed on a vote of 4-0.

2. **Ordinance 3948** (*1st reading*) - providing for the annual expenditure appropriation for the FY24 Water Fund

FIRST READING: The ordinance was submitted in title only for its first reading.

Motion to accept the reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

3. **Ordinance 3949** (*1st reading*) - providing for the annual expenditure appropriation for the FY24 General Fund

FIRST READING: The ordinance was submitted in title only for its first reading.

Motion to accept the reading and table until next meeting was made by Council Member Marchini, seconded by Council Member Cioni, and was passed on a vote of 4-0.

4. **Ordinance 3950** (*1st reading*) - providing for the annual expenditure appropriation for the FY24 Sewer Fund

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

5. **Ordinance 3951** (*1st reading*) - providing for the annual expenditure appropriations for the FY24 Special Purpose Funds

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

6. **Ordinance 3952** (*1st reading*) - providing for the City Tax Levy for FY24

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Cioni, seconded by Council Member Marchini, and was passed on a vote of 4-0.

7. **Ordinance 3953** (*1st reading*) - to provide for an increase in water rates effective July 1, 2023

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Marchini, seconded by Council Member Furstenberg, and was passed on a vote of 4-0.

8. **Ordinance 3954** (*1st reading*) - to provide for an increase in trash rates effective July 1, 2023

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 4-0.

9. **Ordinance 3955** (*1st reading*) - amending the fee schedule for Fire Department services, including emergency medical response services and false alarm fees.

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Marchini, seconded by Council Member Cioni, and was passed on a vote of 4-0.

10. **Ordinance 3956** (*1st reading*) - authorizing the transfer of 421 Arch Street to Texas Development and Design, LLC for the purchase price of \$200.

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

11. **Ordinance 3957** (*1st reading*) - authorizing the transfer of 443 Columbia Street to Texas Development and Design, LLC for the purchase price of \$200.

FIRST READING: The ordinance was submitted in title only for its first reading.
Motion to accept the reading and table until next meeting was made by Council Member Cioni, seconded by Council Member Furstenberg, and was passed on a vote of 4-0.

12. **Ordinance 3958** (*1st reading*) - authorizing the transfer of 107 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150.

FIRST READING: The ordinance was submitted in title only for its first reading.

Motion to accept the reading and table until next meeting was made by Council Member Furstenberg, seconded by Council Member Cioni, and was passed on a vote of 4-0.

13. **Ordinance 3959** (*1st reading*) - authorizing the transfer of 109 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150.

FIRST READING: The ordinance was submitted in title only for its first reading.

Motion to accept the reading and table until next meeting was made by Council Member Marchini, seconded by Council Member Furstenberg, and was passed on a vote of 4-0.

(A) Orders (Consent Agenda)

Mr. Silka reviewed all items on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve each item was made by Council Member Furstenberg, seconded by Council Member Marchini, and was passed on a vote of 4-0.

Order 27,237 - authorizing the Sole Source Award to Ameri-Seal LLC for improvement to the Riverside BMX Track at Mason Sports Complex in the not to exceed amount of \$46,684.

Order 27,238 - accepting the new proposal from Treetop Products, Inc. for the purchase of 89 new picnic tables with 20-year warranties for Constitution Park in the not to exceed amount of \$82,437.65 and rescinding Order No. 27,236.

Mr. Silka advised that they decided to go with Treetop Products, Inc. and rescind the previous order because of Treetop's 20-year warranty on these picnic tables.

Order 27,239 - authorizing the execution of a BMX Facility Long-Term User Agreement for the use of the BMX Bike Track and appurtenances in the Mason Sports Complex through June 30, 2024.

Order 27,240 - declaring vehicles and equipment to be surplus and authorizing them for sale, trade-in or scrap.

Order 27,241 - executing a donation agreement between the Mayor and City Council and Arnold D. Kimble for the donation of nine parcels of real property and the improvements thereon, if any, to the City.

Order 27,242 - authorizing the execution of an Outdoor Dining Lease Agreement with JZ Pub LLC, Embassy Theater and D.K. Property for the use of the public right of way immediately in front of and adjacent to the property for outside cafe dining for a one (1) year term effective June 1, 2023 through May 31, 2024.

Public Comments

Amanda Jackson, 12400 Ft. Cumberland Dr., SE, spoke about child support reform, and said that stopping the suspension of drivers licenses would keep a lot of non-violent men out of prison.

Mayor Morriss stated that he understands Ms. Jackson's concern, but said that topic is outside of the purview of the City of Cumberland, and directed her to contact State agencies aligned with the issue.

Ellen Coffee, 304 Cumberland St., spoke about the newly opened Pepper in the Bottle store, and proprietor Michael Harris. She stated that Mr. Harris is trying to open a new taco bar, but said the Fire Marshall is blocking approval for him to open the business. She wanted to bring this to the M&CC's attention, saying that in this community it's so hard to open a business, and said that she thinks it's brave for an owner to open a business during construction.

Mayor Morriss stated that he has spoken to Mr. Harris a number of times, and said he's hopeful that he will be able to open up the taco bar. He said they will talk with the Fire Marshall and see what they can do to help. He added that there are state requirements that must be met, so they have to be sure laws are followed.

All public comments are limited to 5 minutes per person

Adjournment

With no further business at hand, the meeting adjourned at 6:35 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Allison K. Layton, City Clerk _____

File Attachments for Item:

1. Ordinance 3947 (*2nd and 3rd readings*) - authorizing the transfer of 222 Bond Street to Blake Hill for the purchase price of \$500

ORDINANCE NO. 3947

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF BLAKE HILL FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 222 BOND STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 222 Bond Street, Cumberland, MD 21502 (the "Property");

WHEREAS, the Property was declared surplus under the terms of Order No. 27,134, passed by the Mayor and City Council on November 15, 2022;

WHEREAS, the Property was included in the solicitation for bids known as the "2023 Request for Bids Surplus Properties Round VI" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Blake Hill (the "Purchaser") for the sum of Five Hundred Dollars (\$500.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Property for the sum of Five Hundred Dollars (\$500.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties

or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;

- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order. A total of three (3) personal checks/cashiers checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said deadline is extended by the City Administrator or City Solicitor for good cause shown.

G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

NO TITLE SEARCH PERFORMED

THIS DEED, made this _____ day of June, 2023, by and between **Mayor and City Council of Cumberland** (the “City”), a Maryland municipal corporation, and **Blake Hill** (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of Five Hundred Dollars (\$500.00) and for other good and valuable consideration, the receipt of all of which is hereby acknowledged, the City does hereby quitclaim to the Grantee, his personal representatives, heirs and assigns, all of the City’s right, title, interest and estate in and to the following-described piece or parcel of real estate lying and being in the City of Cumberland, Allegany County, Maryland, to wit:

ALL that lot or parcel of ground situated in the City of Cumberland, Allegany County, Maryland, known as Lot No. 76, Hook’s Addition, and more particularly described as follows:

BEGINNING at a galvanized nail on the westerly side of Bond Street at its intersection with the northerly side of dwelling 222 extended to the side of Bond Street, and running thence with the westerly side of Bond Street, South 29 degrees 13 minutes East 29.07 feet to a chiseled “X”, thence, leaving Bond Street, South 60 degrees 28 minutes West 26.8 feet to an iron bar; thence, South 47 degrees 58 minutes West 51 feet to the southwesterly side of the retaining wall on the northeasterly side of Henderson Avenue; thence with Henderson Avenue, North 54 degrees 47 minutes West 32.15 feet to a nail at the most southerly corner of the Paupe property adjoining; thence, leaving Henderson Avenue, North 48 degrees 56 minutes East 15.3 feet to a chiseled “X” in the brick walk; thence, North 50 degrees 46 minutes East 47.3 feet to the westerly corner of dwelling 222; thence with the northerly side of dwelling 222, North 60 degrees 57 minutes East 28.85 feet to the place of beginning.

The improvements thereon being known as 222 Bond Street, Cumberland, MD 21502.

IT BEING the same property that was conveyed from Jason M. Bennett, Director of Taxes, Allegany County, Maryland to the City by deed dated May 11, 2020, and recorded among the Land

Records of Allegany County, Maryland in Book 2559, Page 350.

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, his personal representatives, heirs and assigns, in fee simple forever.

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

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2023, 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 \$500.00; and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident 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 a title search was not performed in connection with its preparation.

MICHAEL SCOTT COHEN

File Attachments for Item:

2. Ordinance 3948 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 Water Fund

ORDINANCE NO. 3948

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE WATER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following operating budget is hereby appropriated for the respective departments and purposes of the City of Cumberland Water Fund for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, to-wit:

Water Administration	\$ 1,379,130
Water Distribution	3,144,489
Water Filtration	2,534,898
Interest Expense	357,847
Principal Payments	1,367,843
Capital Expenditure	4,388,500
Total	\$ 13,172,707

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 24-86 of the Code of the City of Cumberland, and as the same may be from time to time amended, to produce sufficient revenue to enable the City of Cumberland to defray the cost of operating, maintaining, repairing and otherwise improving the Water System, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2024.

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

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

3. Ordinance 3949 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 General Fund

ORDINANCE NO. 3949

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE ANNUAL APPROPRIATION FOR THE GENERAL FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and they are hereby appropriated for the respective purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, to-wit:

General Government	\$ 2,582,281
Public Safety	14,820,339
Public Works	2,898,900
Recreation	766,679
Community Development	2,215,305
Debt Service	3,665,941
Transfer Out	7,385,780
Total General Fund Appropriation	\$ 34,335,225

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the fiscal year (June 30, 2024) if legally encumbered but shall continue in full force and effect until the encumbrance has been completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2023.

Raymond M. Morriss,
Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

4. Ordinance 3950 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY24 Sewer Fund

ORDINANCE NO. 3950

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MD, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE FOR AN APPROPRIATION FOR THE SEWER FUND FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective departments and purposes of the City of Cumberland Sewer Fund for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, to-wit:

Wastewater Treatment Plant	\$ 7,248,850
Sanitary & Storm Sewer	1,907,665
Flood Control	649,674
Interest Expense	228,658
Principal Payments	762,249
Capital Expenditures	1,713,180
Total	\$ 12,510,276

SECTION 2: AND BE IT FURTHER ORDAINED, that there shall be levied and collected Service Charges in accordance with rates set forth in Section 27-9 of the code of the City of Cumberland to defray the cost of operating, maintaining, and repairing and otherwise improving the Sanitary and Storm Sewer system, and pay the maturing principal and interest on the bonded debt for the Fiscal Year ending June 30, 2024.

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

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

5. Ordinance 3951(*2nd and 3rd readings*) - providing for the annual expenditure appropriations for the FY24 Special Purpose Funds

ORDINANCE NO. 3951

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND TO PROVIDE APPROPRIATIONS FOR VARIOUS SPECIAL PURPOSE FUNDS FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the following sums of money be and are hereby appropriated for the respective funds and purposes of the City of Cumberland for the Fiscal Year beginning July 1, 2023, and ending June 30, 2024, to-wit:

Housing Assistance	\$ 2,379,700
Downtown Development Commission	385,179
Community Development Block Grant	906,458
Police Grants	512,060
Community Legacy	57,010
Special Projects	248,290
Capital Projects	22,479,031
Street Improvements	1,000,000
Municipal Parking Authority	575,809
Trash Removal	1,947,355
Total	\$ 30,490,892

SECTION 2: AND BE IT FURTHER ORDAINED, that the appropriations made herein are continuing in nature and shall not lapse at the end of the Fiscal Year (June 30, 2024) but shall continue in full force and effect until the project for which the appropriation has been made is completed or until modified by the Mayor and City Council.

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

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

6. Ordinance 3952 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY24

ORDINANCE NO. 3952

An Ordinance of the Mayor and City Council of Cumberland, Maryland, entitled, "AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND PROVIDING FOR THE CITY TAX LEVY FOR THE FISCAL YEAR BEGINNING JULY 1, 2023, AND ENDING JUNE 30, 2024."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the levy for the Fiscal Year 2024 for the City of Cumberland shall be as follows:

		Net Assessable Base	Tax Rate Per \$100	Tax Levy
Property Taxes				
Real Estate		\$ 948,369,248	1.0595	\$ 10,047,972
Personal Property				
	Individual	1,397,281		
	Corporation	106,533,233		
		107,930,514	2.648	2,858,000
Penalties and Interest				505,000
Tax Credits				(185,000)
Total Tax Levy				\$ 13,225,972
Other Revenues				
Other Taxes			560,023	
Licenses & Permits			120,000	
Intergovernmental			8,519,973	
Charges for Services			1,829,765	
Fines, Forfeitures & Interest			1,320,123	
Miscellaneous			1,344,310	
Total Other Revenue				13,694,194
Total Revenue				\$ 26,920,166
Other Financing Sources				
Transfers-in				\$ 2,520,154
Capital Financing				1,925,686
(Increase) Decrease Restricted Fund Balance				4,074,020
Total Other Financing Sources				\$ 8,519,860
Total Revenue and Other financing Sources				\$ 35,440,026

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

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

7. Ordinance 3953 (*2nd and 3rd readings*) - to provide for an increase in water rates effective July 1, 2023

ORDINANCE NO. 3953

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT, WITH AMENDMENTS, SECTION 24-86 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION), PROVIDING FOR A SCHEDULE OF WATER RATES."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, That Section 24-86 of the Code of the City of Cumberland (1991 Edition) be and hereby repealed and reenacted, with amendments, to read as follows:

Section 24-86 Schedule

Effective July 1, 2023, the rates and charges for the use of water supplied by the Water Department shall be as follows, and no abatement or release therefrom is permitted:

(a) EQUIVALENT DWELLING UNIT (EDU). The minimum meter charges shall be determined by the Equivalent Dwelling Unit (EDU), which shall be determined by the size of the meter servicing the customer. The following table sets forth the EDU multiplier for each meter size:

Meter size (inches)	EDU
$\frac{3}{4}$ and below	1
1	2.5
1-1/2	5
2	8
3	16
4	25
6	50
8	80

(b) MINIMUM METER CHARGE FOR INSIDE CITY. The minimum charge for residential and industrial meter customers within the City shall be Five Dollars and Sixty-Four Cents (\$ 5.64) per month per EDU, for which sum, water up to and including one hundred cubic feet may be used. If the quantity of water used exceeds one hundred cubic feet in any month, such excess shall be charged for according to the schedule of rates set forth in subsection (f) of this section.

(c) MINIMUM METER CHARGE FOR OUTSIDE CITY. The minimum charge for residential and industrial meter customers outside the City shall be Eight Dollars and Forty-Eight Cents (\$ 8.48) per month per EDU for which sum, water up to and including one hundred

cubic feet may be used. If the quantity of water used exceeds one hundred cubic feet in any quarter, such excess shall be charged for in accordance with the schedule of rates as set forth in subsection (f) of this section.

(d) MINIMUM METER CHARGE FOR WATER COMPANIES. The minimum charge for water companies shall be Thirty-Eight Dollars and Eighty-Three Cents (\$ 38.83) per month per EDU for single Water Company accounts such water company has with the City for which sum water up to and including one hundred cubic feet may be used. If the quantity of water used exceeds the consumption in excess of capacity fee, in any month, such excess shall be charged for according to the schedule of rates set forth in subsection (f) of this section, as appropriate.

(e) Flat rates. There shall be no flat rate customers and the consumption of any customer found not to have a meter shall be estimated and such customer shall be charged double the rates set forth in subsection (b) of this section. All water customers outside the City shall be meter customers, and it shall be unlawful for the Water Department to furnish customers outside the City on a flat rate basis.

(f) CONSUMPTION RATES. The rates per month for residential and industrial water customers shall be as follows:

Class	Consumption	Rates within City Limits		Rates Outside City Limits	
		Current	New	Current	New
Tier 1	First 100 cubic feet, per EDU	\$ 5.1300	\$ 5.6400	\$ 7.7100	\$ 8.4800
Tier 2	Next 900 cubic feet, per cubic foot	\$ 0.0468	\$ 0.0515	\$ 0.0702	\$ 0.0772
Tier 3	Next 199,000 cubic feet, per cubic foot	\$ 0.0375	\$ 0.0413	\$ 0.0524	\$ 0.0576
Tier 4	Next 1,134,000 cubic feet, per cubic foot	\$ 0.0296	\$ 0.0326	\$ 0.0445	\$ 0.0490
Tier 5	Next 1,166,000 cubic feet, per cubic foot	\$ 0.0134	\$ 0.0147	\$ 0.0134	\$ 0.0147
Tier 6	Over 2,500,000 cubic fet, per cubic foot	\$ 0.0034	\$ 0.0037	\$ 0.0034	\$ 0.0037

(g) WATER COMPANIES. Companies purchasing in excess of 140,000 cubic feet of water from the City on a monthly basis and reselling that water shall pay the following monthly rates for each account such water company has with the City.

(1) Water Company. Any wholesale water company purchasing water from the City in excess of 140,000 cubic feet per month shall pay both a capacity fee plus a charge based upon consumption in excess of the capacity fee.

(2) Capacity Fee. Each water company shall pay a fixed capacity fee based on the number of EDU's calculated multiplied times the per month per EDU charge. The EDU amount is calculated annually determined by a percentage (70%) of its highest month's usage in the previous fiscal year calculated as follows:

$$\frac{\text{PEAK MONTHLY USE} \times 0.7}{30} / 33.42$$

(3) Consumption in Excess of Capacity Fee. Consumption in excess of the capacity fee shall be billed at the rate for customers located outside the City.

SECTION 2: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect July 1, 2023.

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

8. Ordinance 3954 (*2nd and 3rd readings*) - to provide for an increase in trash rates effective July 1, 2023

ORDINANCE NO. 3954

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND REENACT, WITH AMENDMENTS, SECTION 21-8.1(a) OF CHAPTER 21 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION) PROVIDING FOR THE SETTING AND COLLECTION OF RATES FOR REFUSE COLLECTION WITHIN THE CITY OF CUMBERLAND."

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Section 21-8.1(a) of the Code of the City of Cumberland, (1991 Edition) be and the same is hereby repealed and reenacted with amendments, to read as follows:

Sec. 21-8.1 (a) The following fees shall be charged by the City for garbage collection:

<i>A. Residential customers</i>	<u>\$16.50</u> [15.00] per month
<i>Commercial customers</i>	<u>\$31.39</u> [28.54] per month
<i>Industrial customers</i>	<u>\$31.39</u> [28.54] per month
<i>Tax Exempt customers</i>	<u>\$16.50</u> [15.00] per month

SECTION 2: The following monthly fee schedule be and is hereby adopted for the Industrial/Commercial Users who exceed the standard garbage collection amount:

Number of Bags per Pickup		
1-8	9-16	17+
\$ 31.39	\$ 62.79	\$ 94.17

Previously		
1-8	9-16	17+
\$ 28.54	\$ 57.08	\$ 85.61

SECTION 3: The following fee schedule be and is hereby adopted for the Bulk Item Program:

Category 1: \$ 4.76 (40-50 lbs.) [\$ 4.33]

Category 2: \$ 9.53 (50-150 lbs.) [\$ 8.66]

Category 3: \$ 28.60 White Goods [\$26.00]

AND BE IT FURHTER ORDAINED, That commercial, industrial or tax exempt customers with a valid Dumpster Permit issued by the Director of Administrative Services shall be exempt from paying the trash fee contained in this ordinance.

SECTION 4: AND BE IT FURTHER ORDAINED, That this Ordinance shall be in full force and effect as of July 1, 2023.

Passed this ____ day of June ____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, CITY CLERK

File Attachments for Item:

9. Ordinance 3955 (*2nd and 3rd readings*) - amending the fee schedule for Fire Department services, including emergency medical response services and false alarm fees

ORDINANCE NO. 3955

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED, "AN ORDINANCE TO ENACT SECTION 7-27 OF THE CODE OF THE CITY OF CUMBERLAND PERTAINING TO THE ESTABLISHMENT AND AMENDMENT OF A SCHEDULE OF FEES FOR SERVICES PROVIDED BY THE CITY OF CUMBERLAND FIRE DEPARTMENT."

WHEREAS, the City's fire department presently charges for a limited number of services it provides to the public at large;

WHEREAS, the Mayor and City Council have determined that the City will broaden its efforts to seek reimbursement for services provided by the fire department (including, but not limited to, emergency medical response services and those services listed as follows) by charging for a greater portion of those services, it being understood that in those instances where reimbursement for fire suppression, motor vehicle collision response, and hazardous materials response services will be sought, indemnification will be limited to that which is available through the service recipients' insurance coverage,, provided the persons to whom those services were provided cooperate with respect to the City's collection efforts; and

WHEREAS, the purpose of this Ordinance is to establish a schedule for the fees for the services the fire department provides to the public at large, the manner in which those fees will be assessed and collected, and such other ancillary matters as are set forth below.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT SECTION 7-27 OF THE CODE OF THE CITY OF CUMBERLAND IS ENACTED, TO READ AS FOLLOWS:

Sec. 7-27. - Schedule of Fees.

- (a) *Establishment; maintenance.* The city shall establish, maintain and amend a schedule of fees for services which are provided by the fire department, which schedule shall include fire suppression fees, motor vehicle collision response fees, emergency medical response fees, hazardous materials response fees, false alarm fees, inspection and plan review fees and such other fees as are set forth in the fee schedule set forth in subsection (1) hereinafter. The fee schedule and the amendments thereto shall be adopted by the mayor and city council from time to time upon the recommendations of the chief of the fire department and the city administrator.
- (b) *Fire suppression fees.* The city may charge fees to the owners and/or occupants of properties where fire suppression services are provided. These fees shall be collected to the extent of the availability of homeowners or other insurance

coverage. The different levels of fire suppression service which correspond to the fee schedule attached hereto are as follows:

- (i) Level 1, Basic Response: a single engine response involving a first responder set up and incident command;
 - (ii) Level 2, Intermediate Response: a multi-engine response involving a first responder set up, incident command, structure evacuation and donning of equipment; and
 - (iii) Level 3, Advanced Response: a Level 2 response plus the use of an aerial tower/ladder truck.
- (c) *Motor vehicle collision response fees.* The city may charge motor vehicle collision response fees when fire department personnel respond to the scene of a motor vehicle collision. These fees shall be charged to the party responsible for the collision. In the event several or all of the involved parties are determined to be at-fault, the involved parties shall be jointly and severally liable for the fees. In the event none of the parties are determined to be at-fault, the fee will be split between the drivers involved. These fees shall be collected to the extent of the availability of automobile or other insurance coverage.
- (d) *Emergency medical response fees.* The city may charge fees for the life support services it provides. The recipients of these services shall be personally liable for the payment of these fees regardless of whether insurance coverage is available as a resource for payment. The fees for these services are in addition to the fees for services provided under subsections (b) and (c) above.
- (e) *Hazardous materials response fees.* The city may charge the following fees for calls for service from the fire department which involve a hazardous materials response. These fees shall be charged to the owner or operator of the vehicle or property which necessitated the hazardous materials response and they shall be collected to the extent of the availability of insurance coverage. The different levels of hazardous materials response service which correspond to the fee schedule attached hereto are as follows:
- (i) Minor Spill Response: a response solely involving a spill of petroleum products or motor vehicle coolant of 20 gallons or less;
 - (ii) Level 1, Basic Response: involves first responder response and set up, incident command, perimeter establishment and evacuation, including, but not limited to, petroleum product or motor vehicle coolant spills of more than 20 gallons and other hazardous material spills without regard to their volume;
 - (iii) Level 2, Intermediate Response: a Level 1 response which involves the Allegany County Hazardous Incident Response Team; and

- (iv) Level 3, Advanced Response: A Level 2 response which involves the hazardous materials truck, Level A or B suit donning, breathing air and detection equipment, and/or set up and removal of a decontamination center.

The fees chargeable by the city for hazardous materials responses do not include those fees which may be charged by the Allegany County Hazardous Incident Response Team.

- (f) *False alarms.* After a written warning to the owner of the property or business for a first offense, the city may charge fees to the owners of properties or businesses where false alarms are made. The purpose of these fees is to compensate the city for a portion of the costs incurred in responding to such calls. These fees are in addition to and not in lieu of any sanctions which may be imposed under the criminal law of the State of Maryland.
- (g) *Inspections; plan review.* The city may charge the fees set forth in the fee schedule set forth hereinafter for fire department personnel's performance of the inspections and the plan review (including the review of all construction drawings, mechanical, electrical, sprinkler, fire alarm, and special extinguishing systems drawings and specifications except for the construction of one- and two-family dwellings) described therein. Said fees shall be paid by the party requesting the service before the service shall be provided.
- (h) *Fee billing and collection.* The city may, but is not required to, enter into a contract with a third party billing agency for the performance of the billing and collection of the fees provided for herein.
- (i) *Cooperation.* Insured parties who fail to cooperate with respect to the collection of the fees described in subsections (b), (c) and (e) above shall be personally liable for said fees as well as the attorneys' fees and costs the city incurs in collecting them.
- (i) *General fund.* All fees collected under this section shall be deposited in the city's general fund.
- (k) *Records retention.* The fire department shall keep records of all fees collected under this section.
- (l) *Fee schedule.* The fee schedule for the fees which are the subject of this section is as follows:

SERVICE	FEE
Fire Suppression Service	
Level 1	\$150.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus
Level 2	\$300.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus
Level 3	\$1,000.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per apparatus except aerial tower/ladder truck \$200.00/hr. or part thereof for aerial tower/ladder truck
Motor Vehicle Collision Response	
	\$150.00 per hour or part thereof per engine company or ladder company vehicle
	\$100.00 per hour or part thereof per utility vehicle

\$50.00 per hour or part thereof personnel fee in the event vehicles other than engine company vehicles, ladder company vehicles or utility vehicles deliver personnel to the location of the collision	
Any hazardous materials response fees that may be applicable	
Emergency Medical Response	
Basic Life Support Emergency Base Rate	\$550.00
Advanced Life Support Emergency Base Rate	\$650.00

Advanced Life Support II Emergency Base Rate	\$750.00
Mileage (per mile)	\$15.00
Medical Assistance Fee	\$150.00
Hazardous Materials Response	
Minor Spill Response	\$ 100.00/hr. or part thereof thereafter. Fees incurred by the fire department to replace materials used to clean up the spill, for the disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 1	\$500.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for the disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 2	\$1,500.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
Level 3	\$2,000.00 for initial response up to 1 hr. \$100.00/hr. or part thereof thereafter per fire department responder. Fees incurred by the fire department to replace materials used to clean up the spill, for disposal of contaminated materials and the cleaning and replacement of contaminated equipment will be charged as well.
False Alarms	
Second false alarm within 6 month of warning	\$150.00
Third false alarm within same time frame	\$250.00
Subsequent false alarms within same time frame	\$350.00 each
Inspections and Plan Review	
Fire alarm & detection systems	\$100.00 per panel
Sprinkler, standpipe, water spray, combinations, and chemical suppression systems	\$100.00 per system
Assembly permit	\$50.00
Required inspection for new business	\$50.00
Re-Inspection or retest, first time	\$100.00
Re-inspection or retest, subsequent	\$200.00

Fireworks retail inspection	\$25.00
Fireworks display inspection	\$100.00
Plan review	\$25.00
Miscellaneous Fees	
Bad check fee	\$35.00 per check

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

Passed this _____ day of June, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison Layton, City Clerk

File Attachments for Item:

10. Ordinance 3956 (*2nd and 3rd readings*) - authorizing the transfer of 421 Arch Street to Texas Development and Design, LLC for the purchase price of \$200

ORDINANCE NO. 3956

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF TEXAS DEVELOPMENT AND DESIGN, LLC FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 421 ARCH STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 421 Arch Street, Cumberland, MD 21502 (the "Property");

WHEREAS, the Property was declared surplus under the terms of Order No. 27,170, passed by the Mayor and City Council on February 7, 2023;

WHEREAS, the Property was included in the solicitation for bids known as the "2023 Request for Bids Surplus Properties Round VI" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Texas Development and Design, LLC (the "Purchaser") for the sum of Two Hundred Dollars (\$200.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Property for the sum of Two Hundred Dollars (\$200.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;
- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order. A total of three (3) personal checks/cashiers checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said

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

- G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2023, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of _____ Dollars (\$_____.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, _____, forever in fee simple:

IT BEING the same property that 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, _____ in fee simple forever.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison K. Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2023, 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:

11. Ordinance 3957 (*2nd and 3rd readings*) - authorizing the transfer of 443 Columbia Street to Texas Development and Design, LLC for the purchase price of \$200

ORDINANCE NO. 3957

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF TEXAS DEVELOPMENT AND DESIGN, LLC FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 443 COLUMBIA STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 443 Columbia Street, Cumberland, MD 21502 (the "Property");

WHEREAS, the Property was declared surplus under the terms of Order No. 26,909, passed by the Mayor and City Council on December 7, 2021;

WHEREAS, the Property was included in the solicitation for bids known as the "2022 Request for Bids Surplus Properties Round IV" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Texas Development and Design, LLC (the "Purchaser") for the sum of Two Hundred Dollars (\$200.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Property for the sum of Two Hundred Dollars (\$200.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;
- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order. A total of three (3) personal checks/cashiers checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said

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

- G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2023, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of _____ Dollars (\$_____.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, _____, forever in fee simple:

IT BEING the same property that 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, _____ in fee simple forever.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison K. Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2023, 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:

12. Ordinance 3958 (*2nd and 3rd readings*) - authorizing the transfer of 107 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150

ORDINANCE NO. 3958

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF TEXAS DEVELOPMENT AND DESIGN, LLC FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 107 SPRINGDALE STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 107 Springdale Street, Cumberland, MD 21502 (the "Property");

WHEREAS, the Property was declared surplus under the terms of Order No. 26,899, passed by the Mayor and City Council on November 2, 2021;

WHEREAS, the Property was included in the solicitation for bids known as the "2022 Request for Bids Surplus Properties Round IV" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Texas Development and Design, LLC (the "Purchaser") for the sum of One Hundred Fifty Dollars (\$150.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Property for the sum of One Hundred Fifty Dollars (\$150.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;
- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order. A total of three (3) personal checks/cashiers checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said

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

- G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2023, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of _____ Dollars (\$_____.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, _____, forever in fee simple:

IT BEING the same property that 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, _____ in fee simple forever.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison K. Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2023, 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:

13. Ordinance 3959 (*2nd and 3rd readings*) - authorizing the transfer of 109 Springdale Street to Texas Development and Design, LLC for the purchase price of \$150

ORDINANCE NO. 3959

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF TEXAS DEVELOPMENT AND DESIGN, LLC FOR THE PURCHASE OF THE PARCEL OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 109 SPRINGDALE STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 109 Springdale Street, Cumberland, MD 21502 (the "Property");

WHEREAS, the Property was declared surplus under the terms of Order No. 26,899, passed by the Mayor and City Council on November 2, 2021;

WHEREAS, the Property was included in the solicitation for bids known as the "2022 Request for Bids Surplus Properties Round IV" but was not bid upon;

WHEREAS, the City has since received a bid for the purchase of the Property from Texas Development and Design, LLC (the "Purchaser") for the sum of One Hundred Fifty Dollars (\$150.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Property for the sum of One Hundred Fifty Dollars (\$150.00) subject to the following terms and conditions:

- A. The Property will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;
- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order. A total of three (3) personal checks/cashiers checks/money orders must be presented to the City Clerk.
 - i. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - ii. The purchase price, pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "City of Cumberland".
 - iii. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said

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

- G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2023, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of _____ Dollars (\$_____.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, _____, forever in fee simple:

IT BEING the same property that 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, _____ in fee simple forever.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison K. Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2023, 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:

. Ordinance 3960 (*1st reading*) - authorizing the amendment of Sections 16-1 through 16-6 of the Code of the City of Cumberland for the purpose of updating pay grades

ORDINANCE NO. 3960

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED, “AN ORDINANCE TO REPEAL AND REENACT WITH AMENDMENTS SECTIONS 16-1 THROUGH 16-6 FO THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION), FOR THE PURPOSE OF UPDATING EMPLOYEE PAY GRADES.”

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that Sections 16-1 of the Code of the City of Cumberland (1991 Edition) be and are hereby repealed and reenacted as follows:

16-1. Pay Grades - AFSCME Employees

The following pay grades shall apply for all City employees who are, as of the effective date of this section, represented by the American Federation of State, County and Municipal Employees (AFSCME) No. 553:

(a). General Trades and Labor

Arborist I	7
Arborist II	8
Auto Technician – Entry Level	7
Auto Technician I	8
Auto Technician II	9
Facilities Technician – Entry Level	6
Facilities Technician I	7
Facilities Technician II	8
HVAC Mechanic	11
Journeyman Electrician	11
Plant Electrician	11
Lead Utilities Technician	9
Meter Technician Coordinator	8
Parking Meter Supervisor	8
Pipe Technician - Entry Level	6

Pipe Technician I	7
Pipe Technician II	8
Pipe Technician III	9
Plant Technician - Entry Level	6
Plant Technician I	7
Plant Technician II	8
Plant Technician III	10
Public Works Technician - Entry Level	6
Public Works Technician I	7
Public Works Technician II	8
Service Technician - Entry level	6
Service Technician I	7
Service Technician II	8

(b). Clerical, IT, and Administrative

Accounting Associate I	6
Accounting Associate II	7
Accounting Associate III	10
Accounting Clerk	8
Accounting Specialist	9
Administrative Associate I	7
Administrative Associate II	9
Codes Technician	9
Contracts Administration Officer	10
Engineering Technician I	9
Engineering Technician II	10
Fire Administrative Officer	9
Laboratory Technician, Water Reclamation	9

Police Records Specialist	7
---------------------------	---

16-2. Pay Grades - UFCW Employees / Law Enforcement Officers

The following pay grades shall apply for all City employees who are, as of the effective date of this section, represented by the United Food and Commercial Workers (UFCW), Local 1994 and/or who are law enforcement officers:

Police Patrolman Entry	9
Police Officer	9
Police Corporal	11
Police Sergeant	12

16.3 Pay Grades - International Association of Fire Fighters (IAFF) Local #1715 / Firefighters

*(*Denotes an FLSA-exempt position unless covered by a collective bargaining agreement)*

Firefighter / EMT - B/I/P	9
Fire Equipment Operator / EMT - B/I/P	10
Fire Lieutenant / EMT - B/I/P	12

16.4 Pay Grades - Employees Not Represented by a Collective Bargaining Unit

*(*Denotes an FLSA-exempt position unless covered by a collective bargaining agreement)*

Accountant	11*
Accounting Supervisor	13*
Administrative Associate I	7
Administrative Associate II	9
Assistant to the City Clerk	7
Central Services Maintenance Coordinator	15*
Citizen Service Representative	10*
City Comptroller	18*

Codes Compliance Manager	14*
Codes Compliance Officer	11*
Community Development Generalist	10*
Community Development Specialist - Senior	14*
Downtown Development Commission - Executive Director	12*
Fire Deputy Chief	16*
Fire Battalion Chief	15
Fire Captain	14
Fire Marshall	15
Economic Development Specialist	12
Economic Development Corporation Executive Director	17*
Engineering – Director of Engineering and Utilities	18*
Engineering - GIS Specialist	11
Engineering – Senior Engineer	14*
Engineering – Project Engineer	13*
Engineering – Deputy Director	16*
Engineering - Specialist	12
Environmental Specialist	14*
GIS Specialist	11
Historic Planner / Preservation Coordinator	14*
Human Resources Associate	10
Human Resources Officer	12*
Information Technologies Director	17*
Cybersecurity Manager	15*
Information Technologies Specialist	13*
Mall Maintenance Manager	7
Parks and Recreation Director	14*
Police Captain	16*
Police Lieutenant	14*

Vehicle Maintenance - Fleet Manager	13*
Public Works Director	17*
Sewer and Flood Control Coordinator	12*
Sewer and Flood Superintendent	15*
Streets and Public Properties Maintenance Coordinator	12*
Streets and Public Properties Superintendent	15*
Utilities - Deputy Director	16*
Water Reclamation Facility Superintendent	15*
Water Distribution and Technical Services Coordinator	12*
Water Distribution and Technical Services Superintendent	15*
Water Filtration Plant Coordinator	12*
Water Filtration Plant Superintendent	15*
Water Reclamation Facility Coordinator	12*

Section 16.5 Compensation Plan Generally

(a) The City Administrator shall, when necessary, make recommendations to the Mayor and City Council for changes in base and maximum salaries for each class or position in the Classified Service, as established by the compensation plan adopted by the Mayor and City Council and set out in this Chapter. Provisions shall be made for in-grade salary increases for each class or position until the maximum salary is attained. The supervisor and the appointing authority of the employee concerned shall certify to the City Administrator, through the Human Resources Officer, that the employee has performed his duties satisfactorily for the preceding year.

(b) No employee in the Classified Service shall be paid a salary less than the established minimum nor greater than the maximum rates fixed in the compensation plan for the position they hold.

(c) The compensation plan shall take effect by Ordinance of the Mayor and City Council. The Mayor and City Council shall not increase or decrease salaries of individual employees but shall fix salaries only by amendment to the compensation plan by Ordinance.

(d) The following compensation plan shall be effective from the date of its passage and shall constitute the compensation plan applicable to all employees identified in the preceding section of this chapter. It shall remain in force and effect until such time as it is amended by Ordinance of the Mayor and City Council.

Grade	Base/Minimum Salary	Midpoint	Maximum Salary
18			
17			
16			
15			
14			
13			
12			
11			
10			
9			
8			
7			
6			

Grade	Base/Minimum Salary	Midpoint	Maximum Salary
18	\$97,920	\$135,619	\$173,318
17	\$89,018	\$123,290	\$157,562
16	\$80,925	\$112,081	\$143,237

15	\$73,568	\$101,892	\$130,215
14	\$66,880	\$92,629	\$118,378
13	\$60,800	\$84,208	\$107,616
12	\$55,273	\$76,553	\$97,833
11	\$50,248	\$69,594	\$88,939
10	\$45,680	\$63,267	\$80,854
9	\$41,527	\$57,515	\$73,503
8	\$37,752	\$52,287	\$66,821
7	\$34,320	\$47,533	\$60,746
6	\$31,200	\$43,212	\$55,224

(e) Full-time, Seasonal, temporary and part-time employees shall receive pay in accordance with the greater of the State or Federal minimum rate or other rates established by the fiscal year budget.

Section 16-6. Compensation of Board of Zoning Appeals, Officers.

(a) The Mayor and City Council may compensate the members of the Board of Zoning Appeals at such rates as established by the order.

(b) The compensation for the City Administrator, City Clerk/Assistant City Administrator, Director of Administrative Services, Chief of the Fire Department and Chief of the Police Department shall be as is set forth in their respective employment contracts or by Order passed by the Mayor and City Council.

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

Passed this _____ day of _____, 2023

MAYOR

ATTEST:

CITY CLERK

File Attachments for Item:

. Ordinance 3961 (*1st reading*) - authorizing the transfer of 332 N. Mechanic Street and 400 N. Mechanic Street to the Allegany County Historical Society for the purchase price of \$156,000

ORDINANCE NO. 3961

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO ACCEPT THE BID OF THE ALLEGANY COUNTY HISTORICAL SOCIETY FOR THE PURCHASE OF TWO PARCELS OF REAL PROPERTY IN THE CITY OF CUMBERLAND KNOWN AS 332 NORTH MECHANIC STREET AND 400 NORTH MECHANIC STREET, CUMBERLAND, MD 21502 AND, SUBJECT TO THE TERMS SET FORTH HEREINAFTER, TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of two certain parcels of real property located at 332 North Mechanic and 400 North Mechanic Street, Cumberland, MD 21502 (the "Properties");

WHEREAS, the Properties were declared surplus under the terms of Order Nos. 27,140 and 27,157, passed by the Mayor and City Council on December 6, 2022 and January 2, 2023 respectively;

WHEREAS, the Properties were included in the solicitation for bids known as the "GovDeals Online Firehouse Auction" and received a bid for the purchase of the Properties from the Allegany County Historical Society (the "Purchaser") for the sum of One Hundred Fifty Six Thousand Dollars and No Cents(\$156,000.00), and staff is recommending that the Mayor and City Council accept the bid; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the acceptance of this bid 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 shall accept the bid of the Purchaser for the purchase of the Properties for the sum of One Hundred Fifty Six Thousand Dollars and No Cents (\$156,000.00) subject to the following terms and conditions:

- A. The Properties will be conveyed to the Purchaser by means of a quitclaim deed containing no warranties or representations of any kind, the form of which is set forth in the Exhibit A attached hereto;
- B. The Purchaser shall pay all of the recordation and transfer taxes that are required to record the said deed;
- C. The Purchaser will pay the City and County real estate taxes due from the date of the deed through the remainder of the current tax year and will assume responsibility for the payment of those taxes thereafter.
- D. The Purchaser shall remit the payments set forth below to the City Clerk at City Hall, 57 N. Liberty Street, Cumberland, MD 21502 by personal check, cashiers check or money order.
 - i. Purchase price and GovDeals Buyer's Premium
 - ii. \$60.00 deed recordation fee made payable to "Circuit Court for Allegany County".
 - iii. The pro-rated City real estate taxes and \$100.00 deed recordation service fee made payable "Mayor and City Council of Cumberland".
 - iv. The pro-rated County real estate taxes and deed recordation and transfer taxes made payable to "Allegany County".
- E. Cash will not be accepted. Improperly remitted payments will be returned.
- F. Failure to remit the aforesaid payments to the City Clerk within sixty (60) days from the date of the passage of this Ordinance shall result in the rejection of the Purchaser's bid unless said

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

- G. The deed will be released for recordation upon the Purchaser's compliance with the foregoing provisions.

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 terms and conditions;

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

Passed this _____ day of _____, 2023.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

QUITCLAIM DEED

THIS QUITCLAIM DEED, made this ____ day of _____, 2022, by and between **Mayor and City Council of Cumberland** (the “Grantor”), a Maryland municipal corporation, and _____ (the “Grantee”).

WITNESSETH:

That for and in consideration of the sum of _____ Dollars (\$_____.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, _____, forever in fee simple:

IT BEING the same property that 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, _____ in fee simple forever.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Allison K. Layton, City Clerk

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

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

I HEREBY CERTIFY, that on this ____ day of _____, 2022, 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 27,243 - appointing Jamie Echefu to the Downtown Development Commission and Chester Dale Burgess, Sr. to the Shade Tree Commission

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

ORDER NO. 27,243

DATE: June 6, 2023

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

THAT, the following appointments and reappointments to boards and commissions be and are hereby approved:

<i>Board/Commission</i>	<i>Seat</i>	<i>Member</i>	<i>Term</i>
Downtown Development Commission	10	Jamie Echefu	6/6/23 – 6/6/26
Shade Tree Commission	6	Chester Dale Burgess, Sr.	6/6/23 – 6/6/27

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,244 - authorizing the City Administrator to execute all FY24 Employment Agreements for part-time employees

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

ORDER NO. 27,244

DATE: June 6, 2023

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

THAT, the City Administrator be and is hereby authorized to execute all FY24 Employment Agreements for part-time employees of the City of Cumberland.

Mayor Raymond M. Morriss

File Attachments for Item:

. Order 27,245 - authorizing the City Administrator to execute all Seasonal Employment Agreements for the 2023 Spring/Summer season

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

ORDER NO. 27,245

DATE: June 6, 2023

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

THAT, the City Administrator be and is hereby authorized to execute all Seasonal Employment Agreements for the 2023 Spring/Summer season; and

BE IT FURTHER ORDERED, that said agreements shall not exceed six (6) months from the date of execution.

Mayor Raymond M. Morriss

File Attachments for Item:

. Order 27,246 - declaring vehicles and equipment to be surplus and authorizing them for sale, trade in or scrap

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

ORDER NO. 27,246

DATE: June 6, 2023

WHEREAS, the Mayor and City Council of Cumberland is the record owner of certain vehicles and equipment that have been determined to be of no further value to the City; and

WHEREAS, the Mayor and City Council desire to dispose of said vehicles and equipment;

IT IS THEREFORE ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT, the following vehicles and equipment are hereby declared to be surplus property and authorized for sale, trade in or scrap:

<i>Unit</i>	<i>Department</i>	<i>Vehicle</i>	<i>VIN / Serial No.</i>
101	Com. Dev.	2002 DODGE DURANGO	1B4HS38NX2F143050

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,247 - authorizing the renewal of the LOGOS.net Finance/HR system support and maintenance contract for a one year term at a cost not to exceed \$54,131.67

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

ORDER NO. 27,247

DATE: June 6, 2023

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

THAT, the renewal proposal from Tyler Technologies, Inc., 840 West Long Lake Road, Troy, Michigan 48098, to provide maintenance and support services pertaining to their current contract regarding the Logos.NET Finance/HR system, for one (1) additional year through June 30, 2024, be and is hereby accepted for the amount not to exceed Fifty Four Thousand One Hundred Thirty One Dollars and Sixty-Seven Cents (\$54,131.67); and

BE IT FURTHER ORDERED, that the contract shall renew automatically each year for one (1) year terms unless terminated by either party in accordance with the terms of the agreement.

Raymond M. Morriss, Mayor

Budget: 001.033.48200

Council Agenda Summary

Meeting Date: ?

Key Staff Contact: Johnna Byers, Director IT

Item Title:

Logos.NET Finance/HR support one year extension 2023-2024

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

For 8 years, the city was in a contract with Tyler/New World for support and maintenance on the Logos.NET Finance/HR system. That contract expired June 30, 2022. Last year, with Mayor and Council approval, we entered a one year extension so that we still have support and maintenance on the product. We can renew this contract each year unless we decide to terminate. IT recommends renewing the contract this year.

It is vital to have support and maintenance on this software so that we receive up to date patches and improvements related to creating W2's, 1099's, and other requirements. We often need phone support on this product for assistance.

The amount for this, \$54,131.67, is budgeted from 001.033.48200, software maintenance.



Remittance:
Tyler Technologies, Inc
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
045-419117	06/01/2023	1 of 2

M-5/16/23

Questions:
Tyler Technologies- ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Email: ar@tylertech.com



Bill To CUMBERLAND, MD
57 N LIBERTY ST
CUMBERLAND, MD 21502-2312

Ship To CUMBERLAND, MD
57 N LIBERTY ST
CUMBERLAND, MD 21502-2312

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
49889 - MAIN - MAIN	189967		USD	NET30	07/01/2023

Date	Description	Units	Rate	Extended Price
Contract No.: Cumberland, MD				
	eEmployee	1	5,684.09	5,684.09
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Asset Management	1	1,846.47	1,846.47
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	HR/Payroll Analytics	2	733.47	1,466.94
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Financial Management Base Suite	75	158.31	11,873.25
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Misc. Billing & Receivables	1	1,990.04	1,990.04
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Project Accounting	1	1,846.47	1,846.47
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Purchasing	1	3,430.27	3,430.27
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Third Party Document Imaging Interface	1	1,284.40	1,284.40
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Add'l HR Standard Users	15	183.42	2,751.30
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	HR Base Suite	20	474.92	9,498.40
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Position Budgeting	1	2,273.86	2,273.86
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	CD Standard Users	20	0.00	0.00
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Decision Support Base Datamart	1	2,386.27	2,386.27
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Finance Analytics	2	733.47	1,466.94
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	Bank Rec	1	2,637.81	2,637.81
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			
	eSuite Base (Payments)	1	3,695.16	3,695.16
	Maintenance: Start: 01/Jul/2023, End: 30/Jun/2024			



Remittance:
Tyler Technologies, Inc
(FEIN 75-2303920)
P.O. Box 203556
Dallas, TX 75320-3556

Invoice

Invoice No	Date	Page
045-419117	06/01/2023	2 of 2

Questions:

Tyler Technologies- ERP & Schools
Phone: 1-800-772-2260 Press 2, then 1
Email: ar@tylertech.com

Bill To CUMBERLAND, MD
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CUMBERLAND, MD 21502-2312

Ship To CUMBERLAND, MD
57 N LIBERTY ST
CUMBERLAND, MD 21502-2312

Cust No.-BillTo-ShipTo	Ord No	PO Number	Currency	Terms	Due Date
49889 - MAIN - MAIN	189967		USD	NET30	07/01/2023

Date	Description	Units	Rate	Extended Price
------	-------------	-------	------	----------------

ATTENTION

Order your checks and forms from
Tyler Business Forms at 877-749-2090 or
tylerbusinessforms.com to guarantee
100% compliance with your software.

Subtotal 54,131.67

Sales Tax 0.00

Invoice Total 54,131.67

File Attachments for Item:

. Order 27,248 - accepting the bid of American Hardwood Industries, LLC for the "Evitts Creek Water Company 2023 Watershed Timber Sale" (City Project 2023-13-M) in the lump sum amount of \$150,848.94

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

ORDER NO. 27,248

DATE: June 6, 2023

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

THAT, the bid from American Hardwood Industries, LLC, 567 N. Charlotte Avenue, Waynesboro, VA, 22980 for the “2023 ECWC Watershed Timber Sale” (2023-13-M) is hereby accepted in the lump sum amount of One Hundred Fifty Thousand, Eight Hundred Forty-Eight Dollars and Ninety-Four Cents (\$150,848.94); and

BE IT FURTHER ORDERED, that all other bids for this project be and are hereby rejected.

Raymond M. Morriss, Mayor

ECWC 2023 Timber Watershed Sale	Amount
American Hardwood Industries, LLC	\$150,848.94
Northwest Hardwoods, Inc.	\$67,693.00

Council Agenda Summary

Meeting Date: 6/6/2023

Key Staff Contact: Brooke Cassell

Item Title:

Award 2023 ECWC Watershed Timber Sale

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

Award 2023 ECWC Watershed Timber Sale to the highest responsive bidder, American Hardwood Industries, LLC, in the lump sum of \$150,848.94. Two bids were received in total. The project includes the sale of approximately 313,061 Board Feet (1/4" International Form Class 78 Tree Scale) of timber at the Evitts Creek Watershed.

Amount of Award: \$150,848.94

Budget number: N/A

Grant, bond, etc. reference: N/A

CITY OF CUMBERLAND MARYLAND

PROJECT INFORMATION	
Project Title:	2023 ECWC Watershed Timber Sale
City Project:	2023-13-M
Contract Length:	730 Calendar Days
BID OPENING	
Date & Time:	May 17, 2023 @ 2:30 PM EDT
Location:	Council Chambers, City Hall Cumberland, MD 21502

CERTIFIED BID TABULATION	
BIDDER	BIDDER
Northwest Hardwoods Inc.	American Hardwood Industries LLC
1152 National Pike Hopwood, PA 15445	567 N. Charlotte Ave. Waynesboro, VA 22980

BIDS AND ALTERNATES

BID NO.	DESCRIPTION OF BID	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Saw Timber - 313,061 Bd. Ft - International 1/4" Form Class 78 Tree Scale	LS	1	\$ 67,693.00	\$ 67,693.00	\$ 150,848.94	\$ 150,848.94

Note:

Northwest Hardwoods Inc.		American Hardwood Industries LLC	

Northwest Hardwoods Inc.				American Hardwood Industries LLC			
Bid	✓			Bid	✓		
AoQtB	✓			AoQtB	✓		
ARVF	✓			ARVF	✓		
Water Quality	✓			Water Quality	✓		
\$		67,693.00		\$		150,848.94	

MAXIMUM BID

I HEREBY CERTIFY THE ABOVE IS A TRUE AND CORRECT SUMMARY OF THE PROPOSALS RECEIVED:

Brooke Cassell

Brooke Cassell
Director of Public Works

File Attachments for Item:

. Order 27,249 - authorizing the execution of a reimbursement and release agreement with Columbia Gas for the restoration work on Centre, Mechanic, Polk, Hanover and Bedford Ext. Streets for a lump sum payment to the City of \$199,314.40

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

ORDER NO. 27,249

DATE: June 6, 2023

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

THAT, the Mayor be and is hereby authorized to execute a Reimbursement and Release Agreement by and between the Mayor and City Council of Cumberland and Columbia Gas of Maryland outlining terms by which the City shall pave and restore the public right-of-way disturbed by Columbia Gas during the renovation of their pipeline system on streets listed below in exchange for a lump sum payment to the City of One Hundred Ninety Nine Thousand Three Hundred Fourteen Dollars and Forty Cents (\$199,314.40).

- Centre Street from Frederick Street to Market Street
- Mechanic Street from Frederick Street to Market Street
- Polk Street from Centre Street to Hanover Street
- Hanover Street from Centre Street to Hanover Street Adjacent Industrial Blvd.
- Bedford Ext.

Raymond M. Morriss, Mayor

Budget: 127,322.15

Council Agenda Summary

Meeting Date: 6/6/2023

Key Staff Contact: Robert Smith, PE

Item Title:

Columbia Gas Reimbursement and Release Agreement for Centre, Mechanic, Polk, Hanover, and Bedford ext.

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

The Mayor & City Council of Cumberland (M&CC) is entering into a reimbursement and release agreement with Columbia Gas of Maryland (Columbia). Columbia has undertaken certain renovations to its pipeline system located within the M&CC's public rights-of-way and in doing so has disturbed the said rights-of-way. The M&CC has agreed to perform the restoration and paving of the public rights-of-way disturbed by Columbia's project in exchange for a lump sum amount of \$199,314.40.

This mill and overlay paving would be done for the following streets:

<u>Street Name</u>	<u>Intersecting Streets or House Numbers</u>
Centre Street	Frederick Street to Market Street
Mechanic Street	Frederick Street to Market Street
Polk Street	Centre Street to Hanover Street
Hanover Street	Centre Street to Hanover Street Adjacent Industrial Blvd
Bedford Ext.	

This agreement relieves Columbia of any liability regarding the restoration work and places it on the M&CC. Once the above mill and overlay paving has been accomplished, any remaining funds will be able to be used by the discretion of the M&CC for further paving restoration work.

Amount of Award: \$199,314.40

Budget number: 127.322.15

Grant, bond, etc. reference: City receiving reimbursement

REIMBURSEMENT AND RELEASE AGREEMENT

THIS REIMBURSEMENT AND RELEASE AGREEMENT ("Agreement") is made and entered into as of the 31st day of May 2023, by and between Columbia Gas of Maryland, Inc., a Delaware corporation ("Columbia"), and The City of Cumberland, a Maryland political subdivision ("Municipality").

- A. The Municipality and Columbia are entering into this Agreement to achieve economic and operational efficiencies;
- B. Columbia has undertaken certain renovations and/or upgrades to its pipeline system located within the Municipality's public rights-of-way (the "Project"), and Municipality agrees to perform the restoration and paving of the public rights-of-way disturbed by the Project;
- C. as a one-time benefit, Columbia agrees to reimburse Municipality for the actual and reasonable expenses incurred by the Municipality for such restoration and paving work under the terms of this Agreement;
- D. Municipality agrees to use the full amount of the Payment solely for the Work as defined in this Agreement: and
- E. Municipality agrees to be solely responsible for the Work and is willing to release and indemnify Columbia for any and all claims and costs associated with such Work.

In exchange the promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which is acknowledged by both parties, the parties agree as follows:

1. **Recitals.** The above recitals are made a part of this Agreement.
2. **Work:** Municipality agrees to be solely responsible for and perform the work described below: (i) through its own employees and/or its contractors, and (ii) in accordance with all applicable rules and regulations including, but not limited to, Municipality's paving and restoration standards (the "Work"):

[(a) Final Restoration for the following streets impacted by the Cumberland Street project.

Centre
Mechanic
Polk
Hanover
Bedford ext.

3. **Payment:** Within thirty (30) days of receipt of invoices and supporting evidence of the cost incurred by the Municipality for the Work, Columbia shall make a payment of \$199,314.40 ("Payment") in the form of a check made payable to the Municipality. The receipt and sufficiency of the Payment as compensation in full for any and all costs and damages associated with the

Project, is acknowledged by the Municipality. Municipality waives all permit fees, street opening fees, or right of way costs associated with the Project and Columbia shall not be responsible to pay for or reimburse Municipality for any costs associated with any restoration of roads that were not disturbed by Columbia during the Project

4. Release and Waiver: Municipality represents and covenants that Columbia shall not be held liable or responsible for any costs, damages, defects, defaults or failures, including but not limited to any type of pavement failure (e.g., settlement, development of potholes, fatiguing cracks, reflection cracks, seam cracks, etc.) or failure to comply with any federal, state or local laws, rules or regulations, arising from or related to the Work.

To the extent allowed by law, Municipality releases and forever discharges Columbia and its parent company, affiliates and/or subsidiaries, and all of their respective employees, officers, directors, agents and shareholders (collectively, "Released Parties"), from all claims, suits or actions related to or arising from Municipality's performance of the Work and or the granting of waivers contained in this Agreement which Municipality or any third party has or may hereafter have for loss, damage, expenses or injuries of any kind including, but not limited to, damage or injury to any Municipality roadway, property, employee, agent, representative or contractor. To the extent allowed by law, Municipality shall indemnify and defend the Released Parties from all such claims, demands, suits or causes of action at its own costs and expense without reimbursement from Columbia or any other of the Released Parties.

5. Governing Law: This document is subject to and governed by the substantive law of the Commonwealth of Maryland. This document shall be construed to provide the broadest possible protection to the Released Parties. All provisions of this Agreement are severable. In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, then it shall be construed as reformed to the extent necessary to render such provision valid, and this Agreement shall remain fully enforceable and in effect as reformed.

6. Miscellaneous: This Agreement is unique and applies to this Project only and shall have no effect on any future work done by Columbia within the Municipality. This Agreement shall be construed to provide the broadest possible protection to the Released Parties. In the event any provision of this Agreement is deemed invalid or unenforceable, in whole or in part, then it shall be construed as reformed to the extent necessary to render such provision valid, and this Agreement shall remain fully enforceable and in effect as reformed. This Agreement contains the entire agreement between the Municipality and Columbia, and all of the terms of this Agreement are contractual and not mere recital. The captions and heading used in this Agreement are convenience only and shall not affect the interpretation or meaning of the Agreement. This Agreement may be signed in one or more counterparts, each of which shall be deemed an original but all of which shall be deemed one and the same instrument. A facsimile or pdf signature to this Agreement shall be legally binding and considered in all manner and respects as an original signature. This Agreement may only be modified by a written instrument signed by authorized representatives of the Borough and Columbia.

[Signature pages to follow.]

The parties have executed this Agreement as of the date first written above.

BY SIGNING BELOW, I REPRESENT THAT I HAVE FULL AUTHORITY TO EXECUTE THIS AGREEMENT ON BEHALF OF _____, Maryland.

[_____]

Title: _____

Date: _____

COLUMBIA GAS OF Maryland, INC.

Title: _____

Date: _____

File Attachments for Item:

. Order 27,250 - accepting the bid from Sign Here for the “2023 Park & Public Facilities Signage” for signs at Constitution Park and other City facilities in the not to exceed amount of \$80,090.50

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

ORDER NO. 27,250

DATE: June 6, 2023

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

THAT, the bid from Sign Here, 345 E. Antietam Street, Hagerstown, MD, 21740 for the “2023 Park & Public Facilities Signage” is hereby accepted in the not to exceed amount of Eighty Thousand Ninety Dollars and Fifty Cents (\$80,090.50); and

BE IT FURTHER ORDERED, that all other bids for this project be and are hereby rejected.

Raymond M. Morriss, Mayor

Budget: 001.080P.125.30150

BID FORM

City Project: 2023 Park & Public Facilities Signage

Bids are to be submitted as unit cost prices for design, materials and labor, or all areas outlined below and any supplied addendum. Cost for the removal of existing signage, where applicable, is incidental to the installation of the new signage.

BASE BID

Existing sign to be replaced with new sign and old sign removed

	Sign Type	Location	Sign Details	Suggested Size	UNIT COST	TOTAL COST
1	Entrance	Entrance on Williams St.	Welcome to Constitution Park, City seal	4'x7'	1@ 3,936.50 ea	3,936.50
2	Entrance	Entrance on Pine Ave	Welcome to Constitution Park, City seal	4'x7'	1@ 3,936.50 ea	3,936.50
3	Entrance	Tennis Courts on Fort Ave	Welcome to Constitution Park, City seal	30"x60"	1@ 2,749.50 ea	2,749.50
4	Entrance	Junction of Reservoir Ave and Parkview Ave	Welcome to Constitution Park, City seal	30"x60"	1@ 2,749.50 ea	2,749.50
5	Map	Location to be determined in the field	Map of Constitution Park – Map to be provided by the City	3'x4'	1@ 2,717.00 ea	2,717.00
6	Map	Location to be determined in the field	Map of Constitution Park – Map to be provided by the City	3'x4'	1@ 2,717.00 ea	2,717.00
7	Directional	Fitness Area	Fitness Area, Walking Jogging Path, 8 Laps = 1 Mile	2'x4'	1@ 2,448.00 ea	2,448.00
8	Point of Interest	Head of each of six (6) pavilions	Pavilion #'s 1-6	6"x36"	6@ 83.00 ea	498.00
9	Point of Interest	Near pool and snack bar	Snack Bar	6"x36"	1@ 83.00 ea	83.00
10	Directional	Either side of pool building, pointing up the stairwells	Snack bar with a directional arrow	8"x24"	2@ 83.00 ea	166.00

City Project: 2023 Park & Public Facilities Signage

<i>Sign Type</i>	<i>Location</i>	<i>Sign Details</i>	<i>Suggested Size</i>	<i>UNIT COST</i>	<i>TOTAL COST</i>
		Nature trail, Tennis courts, Pavilion 3-6, Duck Pond, Amphitheater, Pavilion 1-2, Day Camp, Activities Building, Fitness Area, Mayors Monument, Long Field, Dog Park, Bathrooms	6.5'x4'	1@ 3,973.00 ea	3,973.00
11 Directional	Middle of round-about				
12 Point of Interest	Head of each of five (5) groves	Grove #'s 1-5	1'x2'	5@ 1,733.00 ea	8,665.00
13 Point of Interest	(2) Near marble rings	Marble Rings	2'x3'	2@ 1,920.50 ea	3,841.00
14 Point of Interest	Near dog pen	Dog Exercise Area	2'x3'	1@ 1,920.50 ea	1,920.50
15 Point of Interest	Front of Long Field	Long Field	2'x3'	1@ 1,920.50 ea	1,920.50
16 Point of Interest	Next to duck pond or uphill from duck pond	Duck Pond	2'x3'	1@ 1,920.50 ea	1,920.50
17 Point of Interest	1) Beside steps to nature trail, 2) next to entrance to duck pond	Nature Trail Entrance	2'x3'	2@ 1,920.50 ea	3,841.00
18 Point of Interest	Front of Mayors Monument	Mayors Monument	2'x3'	1@ 1,920.50 ea	1,920.50
19 Point of Interest	Front of Day Camp	Day Camp and Activities Building	2'x3'	1@ 1,920.50 ea	1,920.50
20 Point of Interest	In Garden across from Pool	Upper Potomac Garden Project	1'x3'	2@ 1,805.50 ea	3,611.00

New Signage where no sign currently exists

<i>Sign Type</i>	<i>Location</i>	<i>Sign Details</i>	<i>Suggested Size</i>	<i>UNIT COST</i>	<i>TOTAL COST</i>
21 Point of Interest	Head of each of five (5) groves	Grove #'s 1-5	1'x2'	5@ 1,733.00 ea	8,665.00

TOTAL BASE BID / Items 1-21 \$		64,199.50
WRITTEN TOTAL BASE BID		Sixty-Four Thousand, One Hundred
		Ninety-Nine Dollars and Fifty Cents

ADD ALTERNATE

Existing sign to be replaced with new sign and old sign removed

	<i>Sign Type</i>	<i>Location</i>	<i>Sign Details</i>	<i>Suggested Size</i>	<i>UNIT COST</i>	<i>TOTAL COST</i>
1	Entrance	Offutt Street / Candoc Lane	Welcome to Gene Mason Complex	4'x7'	1@ 4,247.00 ea	4,247.00
2	Entrance	Furnace Street	Welcome to Jaycee Park	4'x7'	1@ 4,247.00 ea	4,247.00
3	Entrance	Leiper Street / Al Abrams Field	Al Abrams Field	1'x3'	1@ 1,958.00 ea	1,958.00

New signage where no sign currently exists

	<i>Sign Type</i>	<i>Location</i>	<i>Sign Details</i>	<i>Suggested Size</i>	<i>UNIT COST</i>	<i>TOTAL COST</i>
4	Points of Interest	Mason Recreation Fields including Flynn, Northcraft, Nonneman, Galaxy, Bowers	Flynn Field; Northcraft Field; Nonneman Field; Galaxy Field; Bowers Field	1'x3'	1@ 1,958.00 ea	1,958.00
5	Point of Interest	Bowen Street	Cavanaugh Field	1'x3'	1@ 1,958.00 ea	1,958.00

ADD ALTERNATE BID / Items 1-5 \$ **14,368.00**

WRITTEN ADD ALTERNATE BID

Fourteen Thousand, Three Hundred Sixty-Eight Dollars



Allison Layton <allison.layton@cumberlandmd.gov>

Fwd: Omitted Sign

1 message

Ken Tressler <ken.tressler@cumberlandmd.gov>

Thu, Jun 1, 2023 at 1:48 PM

To: Allison Layton <allison.layton@cumberlandmd.gov>

Cc: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>, Jeff Silka <jeff.silka@cumberlandmd.gov>

Hello Allison,

Please add an order to the agenda to accept the Sign Here proposal of Constitution Park and other City property signage for the total of \$64,199.50 plus the added amount of \$1,523 to cover the sign we inadvertently omitted from our bid. We asked them to add that sign at no additional charge and they came back with a price of \$1,523 (which is \$2,413.50 less than the other 4'x7' signs they proposed). I talked to Mark and he was good with adding it. The new total will be \$65,722.50.

Please let me know if you have any questions.

Thanks,

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

From: **Dean Martin** <Dean@signhere.net>

Date: Wed, May 31, 2023 at 8:51 AM

Subject: RE: Omitted Sign

To: Ryan Mackey <ryan.mackey@cumberlandmd.gov>

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

Good morning Cumberland team,

Thanks for your email inquiry yesterday.

We are very eager to work with you on the park signage project.

Based on your request regarding the additional sign, I can do two things.

I backed the installation cost out based on the assumption that we will be installing it with the other signs.

Further, I discounted the sign cost 50% which makes the total cost for an additional 4' x 7' sign: \$1523.

Attached is a rendering. Let me know how this looks to you.

Dean Martin



From: Ryan Mackey [mailto:ryan.mackey@cumberlandmd.gov]
Sent: Tuesday, May 30, 2023 10:20 AM
To: Dean Martin
Cc: Ken Tressler
Subject: Omitted Sign

Dean,

We have a sign at our municipal service center that we would also like to have done at the same time as the Constitution Park signs. This sign would be about 4'x7'. We would like to keep the same writing on it but keep it in the same style as the signs from the Park Design. We are curious

if you would include this sign in the original bid while keeping the same bid price of \$64,199.00

Thank you for your time.

Ryan Mackey

Director of Parks and Recreation

City of Cumberland

Office: 301-759-6636

Cell: 240-580-6662

57 N. Liberty Street

Cumberland, MD 21502

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Ken Tressler, CPA
Director of Administrative Services
57 N. Liberty Street
Cumberland, MD 21502
Office (301) 759-6406
Cell (304) 813-6470



SERVICE CENTER SIGN.pdf

320K