



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* Joseph P. George  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## AGENDA

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

DATE: June 07, 2022

### OPEN SESSION – 6:15 p.m.

#### Pledge of Allegiance

#### Roll Call

#### Statement of Closed Meeting

1. Summary Statement of closed meeting held June 7, 2021

#### Presentations

1. Presentation from Local Management Board of Allegany County on the findings of the Youth Services Analysis performed by Archway Station
2. Presentation of the proposed FY23 Community Legacy Program grant submission and project list

#### Proclamations

1. Proclaiming the month of June, 2022 in Cumberland as Men's Health Month

#### Director's Reports

##### (A) Administrative Services

1. Administrative Services monthly report for March, 2022

#### Approval of Minutes

1. Approval of the Work, Closed, and Regular Session Minutes of February 1, 2022, the Work Session Minutes of February 8, 2022, and the Regular Session Minutes of February 15, 2022

## **Unfinished Business**

### **(A) Ordinances**

- [1.](#) Ordinance No. 3915 (*2nd and 3rd readings*) - to rescind Ordinance No. 3912, which authorized the conveyance of 107/109 S. Allegany Street to Del & Del Allegany Properties, LLC for the amount of \$3,500, accepting the Del & Del Properties, LLC request to renege their bid, and accepting the bid of C Corp Leasing in the amount of \$5,000 for said property, as originally offered in the 2022 Request for Bids for Surplus Property Rounds IV
- [2.](#) Ordinance No. 3916 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY23
- [3.](#) Ordinance No. 3917 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 General Fund
- [4.](#) Ordinance No. 3918 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Water Fund
- [5.](#) Ordinance No. 3919 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Sewer Fund
- [6.](#) Ordinance No. 3920 (*2nd and 3rd readings*) - providing for the annual expenditure appropriations for the FY23 Special Purpose Funds

## **New Business**

### **(A) Charter Amendment Resolutions**

- [1.](#) Charter Amendment No. 149 (*1st reading*) - to rescind Charter Amendment No. 145 and repeal any affects upon the Charter by its passage, and to repeal Section 75 of the Charter, which prohibits the carrying of concealed weapons
- [2.](#) Charter Amendment Resolution No. 150 (*1st reading*) - to rescind Charter Amendment No. 146 and repeal any affects upon the Charter by its passage, and to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence
- [3.](#) Charter Amendment Resolution No. 151 (*1st reading*) - to rescind Charter Amendment No. 147 and repeal any affects upon the Charter by its passage, and to repeal Charter Sections 192 - 203 pertaining to the Mayor and City Council's authority over the Memorial Hospital

### **(B) Ordinances**

- [1.](#) Ordinance No. 3921 (*1st reading*) - authorizing execution of a deed to convey certain surplus property that is the former site of the Memorial Hospital to the Cumberland Economic Development Corporation

### **(C) Orders (Consent Agenda)**

- [1.](#) Order 27,010 - authorizing the abatement of City real estate taxes for City-owned properties at 412 Goethe St., 406 Goethe St., 846 Gephart Dr., 842 Gephart Dr., 619 Greene St., 420 Pine Ave., 222 Pear St., 124 Columbia St., 13. W. Clement St., 804

Maryland Ave., and 439 Andrews St., and City real estate taxes *and* utilities at 435 Columbia St., 421 Arch St., and 409 Central Ave.

- [2.](#) Order 27,011 - authorizing the execution of a billing agreement by and between the M&CC and Carter Professional Services, LLC, dba Medical Claim-Aid to perform billing and claims service on behalf of the Mayor and City Council related to EMS transports and fire/rescue incidents, effective 7/1/22 for 5 years with option to renew for an additional 3 years upon mutual agreement. The City will be billed the sum of 7.25% of all payments received during the preceding month related to ambulance transports
- [3.](#) Order 27,012 - accepting the recommendation from the Cumberland Planning and Zoning Commission, dated April 27, 2022, to approve a Zoning Text Amendment (ZTA #22-02) to provide guidance for Dwelling Units / Mixed-Uses as a permitted use in Residential-Office (R-O) Zones and authorizing formal procedures to approve the amendment to commence
- [4.](#) Order 27,013 - lifting the "Open Containers of Alcohol" provisions of the City Code (Section 11-113) on June 11, 2022, from 12:00 p.m. until 9:00 p.m., within the area of North Centre Street between Baltimore Street and Frederick Street for the North Centre Street Festival; notwithstanding that open glass containers shall not be permitted
- [5.](#) Order 27,014 - authorizing execution of a BMX Facility Long-Term User Agreement with Riverside BMX for the use of the BMX bike track in the Mason Sports Complex through June 30, 2023, with the option to renew for one-year periods upon mutual consent
- [6.](#) Order 27,015 - accepting certain bids received for the "2022 Sale of Surplus Vehicles and Equipment" and rejecting all other bids
- [7.](#) Order 27,016 authorizing the execution of Change Order No. 6 to the current contract with Casey Smith, LLC dba ServicePro for City Project "2019 Residential Grass Mowing" (10-19-M) in the decreased amount of \$3,048 to add/remove recently acquired or sold properties at various locations within the City limits, bringing the new contract value to \$55,637
- [8.](#) Order 27,017 - accepting the bid of Carl Belt, Inc. for City Project "Influent Screening System Upgrade" (02-21-WWTP) in the not-to-exceed lump sum cost of \$1,420,500
- [9.](#) Order 27,018 - accepting the bid from Sharon Marvin for the "Operation of the Concession Stand at Constitution Park for the 2022 Season" in the amount of \$400 for the season, and authorizing the Mayor to execute a Concession License Agreement providing for terms for use of the Constitution Pool Concession Area through September 30, 2022
- [10.](#) Order 27,019 - approving the submission of the 2022 Community Development Block Grant (CDBG) 2022 Annual Action Plan Funding to the Department of Housing and Urban Development and authorizing the Mayor to execute documentation necessary for submission and for the receipt of funding
- [11.](#) Order 27,020 - accepting the proposal from Insight Public Sector SLED to provide Cisco 9300 switches and related equipment and software for the amount not to exceed \$30,000

12. Order 27,021 – approving Amendment No. 2-4182022 to the Community Development Block Grant (CDBG) Program effective June 7, 2022

**Public Comments**

All public comments are limited to 5 minutes per person

**Adjournment**



**File Attachments for Item:**

1. Proclaiming the month of June, 2022 in Cumberland as Men's Health Month

City of Cumberland  
- MARYLAND -

# Proclamation

- WHEREAS,** *Despite advances in medical technology and research, men continue to live an average of five years less than women, with Native American and African-American men having the lowest life expectancy; and*
- WHEREAS,** *the Centers for Disease Control report that males are more likely to die from COVID-19 than females, and advise that safe behaviors including social distancing, wearing masks, and being vaccinated will help stop the spread of this pandemic; and*
- WHEREAS,** *educating the public and health care providers about the importance of a healthy lifestyle and early detection of male health problems will result in reducing rates of mortality from disease; and*
- WHEREAS,** *men who are educated about the value of preventive health will be more likely to participate in health screenings and to maintain a healthy lifestyle to be role models for their children; and*
- WHEREAS,** *Men's Health Network worked with Congress to develop a national men's health awareness period as a special campaign to help educate men, boys, and their families about the importance of positive health attitudes and preventative health practices; and*
- WHEREAS,** *the Men's Health Month web site has been established at [www.MensHealthMonth.org](http://www.MensHealthMonth.org) and features resources, proclamations, and information about awareness events and activities, including Wear Blue for Men's health.*

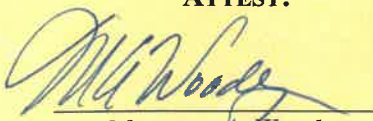
**Now, Therefore, the Mayor and City Council of the City of Cumberland,**  
*do hereby proclaim the month of June 2022 in the City of Cumberland as*

## "MEN'S HEALTH MONTH"

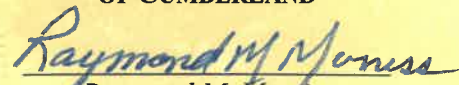
*And encourage all our citizens to pursue preventative health practices and early detection efforts.*

GIVEN UNDER OUR HANDS AND SEALS THIS 7<sup>TH</sup> DAY OF JUNE, IN THE YEAR 2022,  
WITH THE CORPORATE SEAL OF THE CITY OF CUMBERLAND HERETO  
ATTACHED, DULY ATTESTED BY THE CITY CLERK.

ATTEST:

  
Marjorie A. Woodring  
City Clerk

MAYOR AND CITY COUNCIL  
OF CUMBERLAND

  
Raymond M. Morris  
Mayor

**File Attachments for Item:**

. Administrative Services monthly report for March, 2022

## **Administrative Services Monthly Report for March, 2022**

**June 7, 2022**

Honorable Mayor and City Council  
City Hall  
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of March, 2022.

### **Information Technology Department**

March 2022

#### **Statistics**

183 new help desk requests  
172 help desk requests resolved

#### **Activities**

Major department initiatives in the past month include:

- Continue making changes to update our network environment and improve security
- Continue process for firewall migration project
- Continue working on police mobile data terminal updates
- Order new dam PC's
- Continue working with CivicPlus on website refresh

## **Parks and Recreation**

March 2022

*Diane Johnson, Director*

**Reservations** for the six covered Pavilions at Constitution Park for the 2022 season opened online in Citizenserve beginning April 1. This allows for a reservation and payment to be made at any time. The traditional phone in reservation is also available. Rental Fees are \$ 100.00 for the Large Pavilion and \$ 75.00 for the Small Pavilion. 44 Reservations were received in March.

**Swimming Pool pass sales** began in March. Seasonal passes and 15 swim cards available for sale at City Hall.

### **Field and court usage for the month of March:**

Washington Middle School Girls' Softball – Practice at Nonnenmann field

Girls Softball League practice started at Cavanaugh, and Northcraft fields

Tennis Teams: Bishop Walsh Boys – Park Courts

Practices limited due to weather conditions

### **Areas of work**

- Continue to work with leagues, groups and schools for the upcoming spring/summer ball field and facility use. Weather conditions delayed the start of practice
- Park Pool 2022 season – continue to work with Amy Nazelrod. Coordinated and set up interviews for lifeguards and swim test held Saturday April 9 at FSU pool.
- Summer Day Camp Brochure preparation
- Work with Student Intern Zaina Kaka as she prepares for the Annual Easter Egg Hunt scheduled for Friday April 15. Zaina also assisted the Cumberland Downtown organization to prepare for their Holiday Event scheduled for Saturday April 16.
- Day Camp personnel interviews
- Coordinate back to work seasonal ball field supervisor at Mason Complex on March 13.
- Work related to scheduling music for the Sunday in the Park Concert Series
- Work related with Arbor Day 2022 celebration – Afterschool program students will participate on April 6 & 7 at Constitution Park – Shade Tree Commission, MD forestry service, City Departments, Allegany County BOE, University of MD Extension, all coordinated the event.
- Continue work on the Department 5-year plan for improvements at Constitution Park

### **Meetings**

Recreation Advisory Board Meeting Monday March 7

Staff related meetings

### **Upcoming**

- Annual Easter Egg Hunt – Friday April 15, 2022 – 2 p.m. Constitution Park
- Recreation Advisory Board Meeting Monday April 4, 5:00 p.m. Conference Room, City Hall
- Annual Day of Caring and Sharing with County United Way Friday May 13, 2022
- Pool interviews and testing Saturday April 9
- Bids for operation of Concession Stand due April 20.
- HR related work for the hiring of seasonal staff

## Community Development Report

March 2022

Kevin Thacker, Code Compliance Manager

### CODE COMPLIANCE

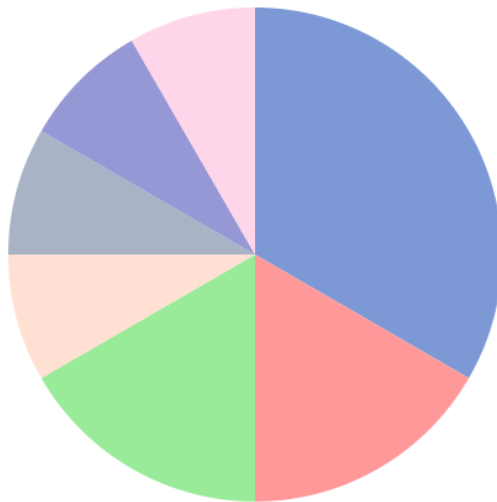
#### Code Enforcement Activity:

33 new cases received – 16 of those are still open

12 violations were found

38 cases have been resolved

Open Date From: 03/01/2022  
Open Date To: 03/31/2022



Violations by Violation Type			
	Standards for good repair and safe condition	4	33.3%
	Sanitary maintenance	2	16.7%
	Dwellings, yards and lots to be kept clean	2	16.7%
	Licensing of rental dwelling units	1	8.3%
	Order to vacate	1	8.3%
	Penalties	1	8.3%
	Toilet facilities	1	8.3%

#### Permits/Reviews & Rental Licenses:

44 Total Permits/Reviews were issued

49 Rental Inspection were completed

#### Building

Residential..... 2  
Commercial..... 0

#### Miscellaneous

Residential .....10  
Commercial .....0

#### Occupancy

Residential .....1  
Commercial .....2

#### Signage

Commercial ..... 1

#### Electrical

Residential..... 13  
Commercial..... 0

#### Plumbing

Residential .....3  
Commercial .....0

#### Utility

Residential .....0  
Commercial .....0

#### Demolition

Residential.....4  
Commercial..... 0

#### Public ROW

Issued ..... 8

#### Rental Licenses

Issued.....39

#### Rental Inspections

Pass.....48  
Fail ..... 1

**Plans, Reviews, Amendments and Appeals**  
(ZA, RPR, SR, ZMA, ZTA, SRA)  
(Type) Issued .....0

**Certificates of Appropriateness**  
Issued.....0  
**Request for Change/Amendment**  
Issued.....0

**Revenue from 'Issued' Permits/Reviews:**

Building Permits..... \$570.00  
Miscellaneous Permits..... 150.00  
Occupancy Permits ..... 60.00  
Sign Permits ..... 17.00  
Utility Permits..... 0.00  
Plan reviews, Amendments & appeals ..... 0.00  
Zoning Classification Determination (info. request)..... 0.00  
Municipal Infractions (citations)..... 0.00  
Certificates of Appropriateness (COA/RCA)..... 0.00  
Rental Licenses (new & renewal)..... 925.00  
Rental Inspection Requests (paid) ..... 0.00  
**TOTAL ..... \$1,722.00**

Demolition Bonds Collected..... \$6,000.00

**Noted Project Activity:**  
(tbd by Kevin)

**Community Development Programs**

March 2022

*Lee Borrer, Senior Community Development Specialist*

- New projects proposed for 2022 CDBG, 2020 CDBG reprogrammed funds and 2020 CDBG-CV reprogrammed funds were posted on March 11, 2022.
- Two contracts were executed for the ARPA Social Programs funds: Jane's Place, Inc. and Cumberland YMCA Bus Replacement.
- There has been no draw/action for March.

**Historic Planning/Preservation**

March 2022

*Ruth Davis-Rogers, Historic Planner/Preservation Coordinator*

**Personal Training**

Continue to train and learn the following systems:

- Citizenserve
- Municode
- Intelligrants (State of MD)
- Civicplus

### **Historic Preservation Commission Meeting (HPC)**

Due to lack of COA applications, the March HPC meeting was cancelled.

### **Meetings**

Attended and/or met with:

- Constitution Park Guard House Meeting
- David Jones
- ARPA Marketing Committee Meeting
- DAR to discuss George Washington Headquarters
- DDC Meeting
- John Pendleton to discuss renovations to property he is considering purchasing
- Ed Mullaney
- Morgan on Comprehensive Plan update
- AYPES 119 Centre Street
- Community Legacy Advisory Group
- Tour of Carver Center
- Arts and Entertainment Redesignation Meeting

### **Grants & Tax Credits**

Started administering the funding for the 2022 Community Legacy Program on the following programs:

- Residential Accessibility Improvement \$50,000

Worked with finance on Budget

Started formulating the Cumberland Roof Program, waiting to issue press release

Started preparing for the next round of Community Legacy Awards

### **Reports**

Completed information for Arts and Entertainment Redesignation

Researched information for CDBG Section 106 Programmatic Agreement

### **Other**

Submitted information to Margie for M&CC Orders

Reviewed possible changes to City Code and HPC Bylaws to present at next HPC Meeting



**Comptroller's Office**  
 March 2022  
*Mark Gandolfi, City Comptroller*

**Cash Flow:**

Attached for your review is a Cash Flow Summary for the month of March 2022.

On March 1, 2022, the City had a cash balance of \$23.8 million. Disbursements exceeded receipts by \$4 million resulting in a cash balance of \$20 million at March 31, 2022.

As of March 31, 2022, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)						\$ 2,870,142
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2022	\$ 1,966,107	\$ 118,278	\$ (4,808)	\$ 154,005	\$ -	\$ 1,925,572
FY 2021	489,825	864	(879)	21,742	-	468,068
FY 2020	294,158	-	(1,313)	34,454	-	258,391
FY 2019	63,346	-	(857)	552	-	61,937
FY 2018	54,102	-	(730)	518	-	52,854
FY 2017	25,153	-	(665)	-	-	24,488
FY 2016	23,000	-	-	-	-	23,000
FY 2015	21,151	-	-	-	-	21,151
FY 2014	13,669	-	-	-	-	13,669
FY 2013	9,339	-	-	-	-	9,339
FY 2012	5,574	-	-	-	-	5,574
FY 2011	3,109	-	-	-	-	3,109
Prior FY's	2,990	-	-	-	-	2,990
	<u>\$ 2,971,523</u>	<u>\$ 119,142</u>	<u>\$ (9,252)</u>	<u>\$ 211,271</u>	<u>\$ -</u>	<u>\$ 2,870,142</u>

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

Real property (non-owner occupied)	\$635,544
Non-Corp Personal Property	4,758
Corporate Personal Property	899,192
Real Property (semiannual payments)	385,340
Real Property (Half Year)	738
	<u><u>\$1,925,572</u></u>

The City's liquidity position continues to be strong as illustrated in the following cash and investments table. Restricted cash and investments are comprised primarily of invested American Rescue Plan Act

(ARPA) funds received in advance and bond proceeds restricted to associated capital projects and expenditures.

<b>Cash and Investment Summary</b>		
<b>March 31, 2022</b>		
	Cash	Investments
Beginning Balance	\$ 23,831,627	\$ 10,876,845
Add:		
Cash Receipts	10,463,117	4,600,577
Investment Transfer	-	-
Less:		
Disbursements	14,556,173	1,600,000
Investment Transfer	-	-
Ending Balance	\$ 19,738,571	\$ 13,877,422
Restricted	\$ 7,105,556	\$ 6,154

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

<b>Restricted Cash</b>				
	3/1/2022	Increase	Utilization	3/31/2022
Police Seizures	\$ 112,213	\$ 7	\$ 481	\$ 111,739
Est of Dorothy Jackson	11,250	-	-	11,250
Bowers Trust	53,580	-	-	53,580
Street Improvement	-	-	-	-
GOB 21	2,403,438	287,358	572,320	2,118,476
ARPA Funds	4,800,550	381	46,583	4,754,348
Demolition & Fiscal Agent Bonds	56,113	50	-	56,163
	\$ 7,437,144	\$ 287,796	\$ 619,384	\$ 7,105,556
<b>Restricted Investments</b>				
	3/1/2022	Increase	Utilization	3/31/2022
DDC	\$ 6,154	\$ -	\$ -	\$ 6,154

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

GOB 21 is the FY21 general obligation bond issuance restricted for scheduled capital projects, equipment and closing costs.

Estate of Dorothy Jackson is donations for fire, police and police K-9 of \$3,750 each.

#### **Capital Projects and Associated Debt:**

The tables below illustrate undrawn Maryland CDA bond proceeds and unused general obligation bond proceeds (GOB21) as well as the accumulated debt and grant proceeds associated with the Decatur Street waterline and the Combined Sewer Overflow (CSO) projects.

**Available Bond Proceeds**

	3/1/2022	Issue	Utilization	3/31/2022
CDA 2019	\$ 1,011,405	\$ -	\$ -	\$ 1,011,405
CDA 2021	6,889,360	-	134,227	6,755,133
GOB 21	2,403,438	-	284,962	2,118,476
	\$ 10,304,203	\$ -	\$ 419,189	\$ 9,885,014

**Decatur Street Project**

	3/1/2022	Issue	Utilization	3/31/2022
MWQFA Series 2022A	\$ 1,416,971.00	\$ -	\$ 235,866	\$ 1,181,105
MWQFA Series 2022B	472,324	-	47,184	425,140
Decature Street Grants	1,003,000	-	-	1,003,000
	\$ 2,892,295	\$ -	\$ 283,050	\$ 2,609,245

**CSO Projects**

	3/1/2022	Issue	Utilization	3/31/2022
Evitts Creek Debt	\$ 156,740	\$ -	\$ -	\$ 156,740
Evitts Creek Grant	5,418,560	-	-	5,418,560
78" Pipeline Debt	6,075,000	-	-	6,075,000
78" Pipeline Grant	46,338,080	-	-	46,338,080
	\$ 57,988,380	\$ -	\$ -	\$ 57,988,380

CDA 2021 utilization of \$134K includes \$105K toward police vehicles and \$29K for a Water Department Bobcat street saw attachment. GOB 2021 utilization of \$285K consists of \$42K for a police vehicle, \$33K for a fire marshal pickup, \$35K toward a Wastewater Treatment Plant (WWTP) ¾ ton pickup truck, \$15K toward long field improvements, \$33K toward the WWTP influent screen design, \$20K for additions and revisions to the fire sprinklers at the Municipal Service Center, \$95K for cross connection program and hydrant/valve replacements, and 10K toward the Fayette St. water main replacement.

The Decatur Street waterline project is funded with \$1.0 in grants and \$2.1 million in loans with \$0.5 million of the loan amount being forgivable after 10 years. This second draw of \$283K is for project materials.

The following three projects are major upgrades to the combined sewer collection system. Evitts Creek Phase 3 is in the engineering phase with the majority of the necessary funding in place. Phase 3 project cost is estimated at \$7.5 million and is partially funded with \$5.4 million in grants and \$0.2 million in loan. Phase 3 is on hold pending site access being granted by CSX. Evitts Creek Phase 4 is in the planning phase and funding is being sought from Maryland Department of the Environment (MDE) to begin the engineering phase in FY 23. Phase 4 project cost is estimated at \$4 million. The 78" pipeline project is budgeted to begin construction during FY24 pending Army Corp of Engineers approval and private property easement or acquisition. The total estimated project cost is \$67 million and is partially funded with \$46.3 million in grants and \$6.1 million in loan with \$1.5 million of the loan amount being forgivable.

**COVID-19:*****Available Funding (as of March 31<sup>st</sup>, 2022)***

The City is receiving \$19,595,850 from the American Rescue Plan Act (ARPA). Funding is distributed 50% in calendar year 2021 and the other 50% one (1) year after. On June 1, 2021, the first 50% was received in the amount of \$9,797,925. The U.S. Treasury issued guidance providing greater details on the eligible uses and priority of these funds. These are:

- Support public health expenditures
- Address negative economic impacts caused by the public health emergency
- Replace lost public sector revenue

- Provide premium pay for essential workers
- Invest in water, sewer, and broadband infrastructure

Funds available for use:

Purpose	Awarded	Allocation		
		Budgeted	Utilized	Remaining
American Rescue Plan Act (ARPA)	\$19,595,850			
Respond to the health emergency				
Community Programs				
DDC Assistance to Small Businesses		\$ 183,500	\$ 6,227	\$ 177,273
Promoting the Community		\$ 33,563	\$ 23,026	\$ 10,537
Amphitheatre and Pavilion 1&2		\$ 174,350	\$ -	\$ 174,350
Pool Area and Splash Pad		\$ 71,250	\$ -	\$ 71,250
Janes Place for Abused Children		\$ 102,623	\$ -	\$ 102,623
Union Rescue Mission		\$ 750,000	\$ -	\$ 750,000
Community Development Property Improvement		\$ 364,960	\$ -	\$ 364,960
Affordable Housing Assistance		\$ 250,000	\$ -	\$ 250,000
YMCA Bus Replacement		\$ 216,000	\$ -	\$ 216,000
PPE				
General		\$ 52,729	\$ 22,969	\$ 29,760
Facilities and Equipment		\$ 13,271	\$ 13,271	\$ -
Prisoner Processing Improvements		\$ 176,200	\$ -	\$ 176,200
HVAC improvement at City Hall & Public Safety Buildings		\$ 1,300,000	\$ -	\$ 1,300,000
Premium Pay		\$ 833,952	\$ 833,952	\$ -
Revenue Loss		\$10,000,000	\$4,149,913	\$ 5,850,087
Infrastructure Investments				
Water		\$ 5,073,452	\$ -	\$ 5,073,452
Unallocated Interest Earned		\$ -	\$ -	\$ 5,781
Total:	\$19,595,850	\$19,595,850	\$5,049,358	\$14,552,272

### General Fund Quarterly Budget Review:

The table below illustrates the differences between the Adopted FY22 budget and the unofficial revised budget with an explanation for the most significant variances. The revised FY22 General Fund budget estimates indicate a substantial increase in unassigned fund balance is expected from the original budget of \$1,042 to \$3,290,605.

**City of Cumberland**  
**FY 2022 Adopted vs Revised Comparison**

	<b>Adopted Budget</b>	<b>Revised Budget</b>	<b>Change Fav (Unfav)</b>
<b>Revenues</b>			
Taxes	\$ 12,611,449	\$ 13,041,336	429,887
Licenses & Permits	102,700	114,900	12,200
Intergovernmental	3,625,797	6,915,098	3,289,301
Charges for Services	1,624,700	1,688,741	64,041
Fines, Forfeitures & Interest	40,400	40,045	(355)
Miscellaneous	1,254,100	1,217,607	(36,493)
Financing Proceeds	4,718,304	4,198,248	(520,056)
Original Issue Premium	-	615,344	615,344
Interfund Transfers	2,546,849	2,496,686	(50,163)
<b>Total Revenue and other financing sources</b>	<b>26,524,299</b>	<b>30,328,005</b>	<b>3,803,706</b>
<b>Expenditures</b>			
General Government	1,776,048	1,967,204	(191,156)
Public Safety	13,678,259	13,974,041	(295,782)
Public Works	2,737,782	2,453,764	284,018
Recreation	878,527	862,422	16,105
Community Dev & Housing	1,373,059	1,473,965	(100,906)
Debt Service	3,179,707	3,428,476	(248,769)
Operating Transfers	4,498,922	875,705	3,623,217
Payment to Refunded Bond Escrow Agent	-	-	-
<b>Total Expenditures and other financing uses</b>	<b>28,122,304</b>	<b>25,035,577</b>	<b>3,086,727</b>
<b>Surplus (Deficit)</b>	<b>\$ (1,598,005)</b>	<b>\$ 5,292,428</b>	<b>\$ 6,890,433</b>
<b>(Creation) utilization Restricted/nonspendable fund balance</b>	<b>1,599,047</b>	<b>(2,001,823)</b>	<b>(3,600,870)</b>
<b>Increase in unassigned Fund balance</b>	<b>\$ 1,042</b>	<b>\$ 3,290,605</b>	<b>\$ 3,289,563</b>

*Revenue* – Overall the revised FY22 revenue estimate is \$3.8 million (14.34%) above the original adopted budget. The overall revenue increase is driven by two main changes in estimates. Actual year-to-date results through March 2022 indicate an improvement in tax and intergovernmental revenues. First, the tax revenue estimate experienced a net increase of \$0.4 million due to improved property and hotel/motel taxes and reduced property tax credits. Second, the intergovernmental revenue estimate experienced a net increase of \$3.3 million due to a \$3.2 million increase in ARPA revenue and a \$0.1 million increase in projected highway user and income tax revenues. The intergovernmental ARPA revenue estimate includes \$2.8 million of allowable funding for the provision of government services attributable to revenue loss and \$0.7 million for premium pay and COVID-19 prevention supplies.

*Expenditures* – The revised FY 2022 expenditure estimate is \$3.1 million below the original adopted budget. This decrease is primarily due to a \$3.6 million reduction in operating transfers for capital projects that have been postponed or delayed to FY23, partially offset by an increase of a \$0.5 million increase for cumulative operating costs. Operating cost increases include ARPA related expenditures for personal protective equipment, prevention of the spread of COVID-19 and premium pay, CARES Act loan forgiveness, timing of receipt of capital equipment, debt service and a Messick Road economic development project.

*Unassigned fund balance* - The revised FY22 budget reflects an increase to the City's unassigned fund balance of \$3.3 million. This result is the net effect of the above discussion.

The table below depicts the General Fund FY22 budget status through March 31, 2022 and its comparison to the prior year.

**City of Cumberland**  
**FY 2022 Comparison to FY 2021 General Fund**

	FY 2022			FY 2021		
	YTD Thru March 31	Adopted Budget	%age	YTD Thru March 31	Adopted Budget	%age
<b>Revenues</b>						
Taxes	\$ 12,745,043	\$ 12,611,449	101.1%	\$ 12,640,351	\$12,701,280	99.5%
Licenses & Permits	51,612	102,700	50.3%	77,153	122,900	62.8%
Intergovernmental	5,693,020	3,625,797	157.0%	2,451,611	3,089,824	79.3%
Charges for Services	1,177,847	1,624,700	72.5%	1,029,204	1,569,450	65.6%
Fines, Forfeitures & Interest	31,829	40,400	78.8%	30,209	59,200	51.0%
Miscellaneous	956,688	1,254,100	76.3%	1,259,596	982,000	128.3%
Financing Proceeds	4,813,592	4,718,304	102.0%	-	2,240,474	0.0%
Interfund Transfers	2,496,686	2,546,849	98.0%	2,539,172	2,651,374	95.8%
<b>Total Revenue and other financing sources</b>	<b>27,966,316</b>	<b>26,524,299</b>	<b>105.4%</b>	<b>20,027,297</b>	<b>23,416,502</b>	<b>85.5%</b>
<b>Expenditures</b>						
General Government	1,585,888	1,776,048	89.3%	1,180,872	1,786,435	66.1%
Public Safety	10,732,213	13,678,259	78.5%	9,071,865	11,684,675	77.6%
Public Works	1,683,830	2,737,782	61.5%	2,049,552	2,740,055	74.8%
Recreation	595,293	878,527	67.8%	567,882	708,834	80.1%
Community Dev & Housing	1,137,056	1,373,059	82.8%	1,020,553	1,359,178	75.1%
Debt Service	1,786,521	3,179,707	56.2%	1,329,659	3,097,380	42.9%
Operating Transfers	136,310	4,498,922	3.0%	203,265	1,710,223	11.9%
<b>Total Expenditures and other financing uses</b>	<b>17,657,110</b>	<b>28,122,304</b>	<b>62.8%</b>	<b>15,423,648</b>	<b>23,086,780</b>	<b>66.8%</b>
<b>Surplus (Deficit)</b>	<b>\$ 10,309,206</b>	<b>\$ (1,598,005)</b>		<b>\$ 4,603,649</b>	<b>\$ 329,722</b>	
<b>(Creation) utilization Restricted/nonspendable fund balance</b>	<b>-</b>	<b>1,599,047</b>		<b>-</b>	<b>(328,067)</b>	
<b>Increase (Decrease) in unassigned Fund balance</b>	<b>\$ 10,309,206</b>	<b>\$ 1,042</b>		<b>\$ 4,603,649</b>	<b>\$ 1,655</b>	

We are not overly concerned about any of the actual to budget or actual to prior year variances at this point, but we are noting the following in FY22 when compared to FY21:

### Revenue

- Tax revenue is \$105K greater in FY22 compared to the same period last year. Real estate tax revenue is down year-over-year by \$24K while personal property corporate tax is up by \$94K, personal property local tax is up by \$9K, hotel/motel tax is up \$81K and property tax credits are down \$46K while penalties and interest are down \$74K and Enterprise Zone reimbursement is down \$30K. The difference in the Enterprise Zone reimbursement results from the varying level of reimbursable enterprise credits in each fiscal year.
- Intergovernmental revenue is higher by \$3.2 million in FY22 due to the addition of \$3.2 million in ARPA funding and \$0.1 million increase in highway user revenue reduced by \$0.1 million in state income tax received year-over-year. Income tax revenue in FY22 is estimated to be \$50K less than FY21 fiscal year total.
- Charges for Services are \$149K higher year to date in FY22 resulting from improved ambulance service revenue, timing of rental registrations and the increase of summer camp program activity.
- Miscellaneous revenue is lower by \$303K in FY22 due to FY21 including a greater amount of surplus property sales, one non-recurring rental payment on a cell tower lease and greater LGIT health refund.
- Financing proceeds – the year-over-year difference is a result of timing of debt issuance among the fiscal years. The FY22 debt issuance occurred in December 2021, whereas the FY21 debt issuance occurred in April.
- Interfund transfers –Sewer Fund Pilot is down by \$41K over the prior year due to reduced net book value resulting from an additional year of depreciation. New asset additions during FY21 did not exceed the value of depreciation.

## Expenditures

- General government expenditures are higher in FY22 than during the same period last year by \$405K. This is caused by a \$171K increase in year over year expenditures in Department 33 Information Technology resulting from the timing differences of capital equipment, software maintenance and software as a service expenditures, a \$65K year over year increase in vehicle maintenance due to the timing of software as a service expenditures and lower vehicle maintenance charges to other departments, a \$157K increase in Department 68 Central Services for worker's compensation claims paid, a \$40K increase for a camera system upgrade in Department 71 Municipal Service Center, and an \$86K increase in Department 32 City Hall for the one time forgiveness of CARES Act small business loans and city administrator recruitment costs; reduced by the temporary vacancy in the City Administrator position in Department 12 City Administrator, fewer COVID-19 expenditures in Department 15 Comptroller, and changes in the health insurance maximum funding equivalent in Department 85 Insurance.
- Public Safety expenditures are greater by \$1.7 million in FY22 over FY21 primarily due to the payment of premium pay in FY22 with ARPA revenue and the purchase of a \$1.2 million fire truck.
- Public Works expenditures are down by \$366K primarily due to the timing of capital expenditures in Department 56 Street Maintenance and a milder winter over the prior year for Department 57 Snow Removal.
- Recreation expenditures represent 80.1% of the FY21 annual budget compared to 67.8% through March FY 22. During FY21, swimming pool expenses and revenue exceeded expectation for the year as we included a 50% reduction in budgeted activity due to COVID. The pool was open much more than anticipated during FY 21 which results in the higher percentage of budget, whereas in FY22 a reduction in budgeted activity is not present.
- Community development and housing expenditures are up by \$117K primarily due to a one-time \$125K Messick Road project disbursement to the CEDC.
- Debt Service is \$457K greater over the prior year due to the May FY21 CDA 2014 10- and 15-year payment made in July of FY22, the bond issuance costs associated with the CDA 2021 bond, and the new CDA 2021 debt service in March of FY22.
- Operating transfer expenditures are slightly lower year to date in FY22 due to the general fund capital project activity level and timing of debt draws.

## Health Care Claims Analysis

The table below compares our FY22 year to date health care plan status to FY21. The claims status can fluctuate widely from month to month. It is something we monitor closely, but the earlier in the year the less concerned we are about variances. Key points are as follows:

- Through March 31<sup>st</sup> we have a \$445K surplus compared to \$612K last year and a performance ratio of 97.41% compared to 89.42% last year.
- A key figure to watch is our performance ratio. The annual rates are established by estimating claims and adding a 15% "corridor" as a cushion for overages. A performance ratio of 100% indicates that we are at the expected claims rate.
- Members of the group pledge a "cross-share" that can be used to cover deficits of other members.
- Our "potential refund" is the balance after cross share which is the surplus less any anticipated cross-share.

Month	Total Deposits	Reinsurance		Net Monthly Claims Paid	CIGNA Refunds	Surplus (Deficit)	Performance Ratio	Pledged Cross		Anticipated Cross Share Needed	Balance After Cross Share Deducted
		Received	Pending					%age	Dollars		
Mar-22	2,932,781	459,875	5,178	3,011,092	61,972	448,714	97.41%	10.0%	(44,871)	(3,818)	444,896
Mar-21	3,086,510	113,148	106,514	2,649,281	29,616	686,507	89.42%	22.5%	(154,464)	(74,080)	612,427

Respectfully submitted,

Jeffrey Silka  
City Administrator

*sln*



**File Attachments for Item:**

1. Approval of the Work, Closed, and Regular Session Minutes of February 1, 2022, the Work Session Minutes of February 8, 2022, and the Regular Session Minutes of February 15, 2022

# Mayor and City Council of Cumberland

## WORK SESSION

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

Tuesday, February 1, 2022  
3:00 p.m.

**PRESENT:** Raymond M. Morriss, President; Council Members: Richard Cioni, Eugene Frazier, Joseph George (via Zoom), and Laurie Marchini.

**ALSO PRESENT:** Jeffrey Silka, City Administrator; Marjorie Woodring, City Clerk; Mark Gandolfi, City Comptroller; Ken Tressler, Director of Administrative Services; Chuck Ternent, Chief of Police; Shannon Adams, Fire Chief; Brooke Cassell, Public Works Operations Manager;

Greg Larry, Cumberland Times-News

### I. DEPARTMENT UPDATES – POLICE DEPARTMENT

Police Chief Chuck Ternent provided a comprehensive PowerPoint presentation detailing the department's 2021 statistics to everyone, and reviewed the main topics:

- Crime – Arrests and Total Incidents
  - 13% rise in incidents since last year – 88 calls per day
  - Arrests less than high point of 2019 – 4 per day
  - Aggravated assaults & murders up; overall crime down

The Chief reviewed the 4 murder cases for 2021 and advised on court timelines.

- City of Cumberland Overdoses
  - 75% of crimes are drug-related
  - All overdose deaths related to fentanyl now
  - Opioid overdoses in City at 9% fatality rate

The Chief provided detailed specifics and demographics for fatal and non-fatal overdoses in the City in 2021, and the amount of times Narcan was administered for each month.

- Review of CPD Personnel

The Chief provided a Personnel chart, and reviewed:

  - Nationwide police officer shortage
  - CPD supposed to be at 51, currently at 43; 4 – long-term sick leave
  - Trying to attract and retain officers with programs and incentives
  - Overtime budget 10% over where it should be this time of year
- Review of CPD Vehicles
  - Asked M&CC for support to obtain police vehicles – 4 new this week
  - Maintenance costs down
  - 72% of officers have take-home vehicles

- Community Policing
  - Not a lot due to Covid
  - School-based programs; mental health; domestic violence
  - Community and holiday programs; social media
  - Would like Neighborhood Advisory Commission to start again
- Use of Force
  - 58 documented out of 32K calls; mostly with mental health calls
  - Predominantly all physical force – no shootings
  - Offender hospital visits – 21 times; Officers – 13 times
- Vehicle Pursuits
  - CPD has pretty stringent pursuit policy – violent felony or danger to public
  - Only called out 5 times during 2021
  - No crashes, no injuries
- Bias Report
  - CPD does study on bias to obtain CALEA accreditation
  - Traffic stops; criminal citations, arrests – make sure no group more than any other
  - White males arrested higher than any other group due to City's demographics
- SWAT Analysis
  - Strengths – leadership; professionalism
  - Weaknesses – supervisor training; canine capabilities
  - Opportunities – training; improve crime rate
  - Threats – recruitment/retention; community mental health
- 2022 Goals and Objectives
  - Enhance pedestrian safety; enforcement of illegal gun possession
  - Career development; retention; recruitment
- Strategic Plan
  - Crime reduction
  - Retain and attract highest quality officers; workforce development
  - Intelligence and data-driven policing; body camera implementation
- 2022 Challenges
  - Administrative: retention/recruitment; new legislation; unfunded mandates; weapon replacement
  - Operations: mental health; additions; drug and violent crime

Chief Ternent discussed School Resource Officers (SROs), and said they have state grant money to do 1-2 additional on overtime funding – they have 1 in place – so that at any given time they have two officers working at any given time. He added further that the BOE wants more, and will pay, but stated that he doesn't have officers to give them.

In answer to a question from Council, Chief Ternent advised that body cameras are required by 2025 for every agency.

## **II. DEPARTMENT UPDATES – FIRE DEPARTMENT**

Chief Adams stated that they are making strides with improvements, and advised they are working towards a 5-year plan. He provided handouts and reviewed the information and updates:

- Personnel
  - Fully staffed as of 1/24/22; 1 off due to long-term illness
  - Covid issue on 1/25/22 with 8 members – all mild as of 2/1/22
- EMS calls for January 2022
  - Total - 514; Medic Assist - 5; Mutual Aid - 27
- Vehicles
  - New Ladder truck – in final process of getting equipment mounted
  - New Command unit – in service – waiting on few small equipment items
  - New Fire Marshal unit – Ford F-150 – delivered in a couple days – equipment added soon
  - New Fire Chief unit – ordered - current Chief unit will replace Car 3
- Recruits/Testing
  - 3 new recruits just finished training – have started on crews
  - Testing on 1/22/22 – 16 applied; 9 showed; 3 passed
- Recent Promotions
  - Fire Marshal, Chris Ratliff
  - Captain, Doug Beitzel
  - Lieutenant, Scott Flaskamp
  - Equipment Operator, JR Monahan
- Training
  - EMTs and Paramedics completing recertifications for medical license renew
  - Fire Officer training - 8 currently completing training
  - Ladder truck training - will begin next week
  - Instructor training - 5 currently in process for academy; takes 2 years to become MICRB certified – current issue for department
- Software Programs
  - New Fire Reporting System for County and City started 1/1/22 – “I Am Responding” NFRIS program – free countywide and statewide
  - EMS Reporting on tablets now to streamline patient care reporting – assisted with paperless EMS billing
- Budget Items
  - Working on obtaining new air packs
  - Pricing issues – going up all the time – difficult to order anything at all

- Biggest budget challenges right now – aging fleet and training needs
- Officer Standards/Response Policies
  - CFD Fire officers exceed the standard set by the County
  - Response Policy – need to have 3 person minimum on structure calls
- Baltimore Funeral of Fallen Firefighter Tomorrow
  - M&T Stadium – CFD has an engine crew of 5 assisting – just guys who are already off that day
  - Begin 6:00 a.m.; return by 6:00 p.m.
  - First time Baltimore City has been completely out-of-service
  - Huge outpouring of help – everything staffed and covered

### **III. DEPARTMENT UPDATES – PUBLIC WORKS**

Brooke Cassell, Public Works Operations Manager, provided handouts of the January 2022 monthly reports for the 8 departments under Public Works:

- Maintenance Division – includes:
  - Street Branch, Parks & Recreation, Fleet, Central Services, Forestry
- Utility Division – includes:
  - Water Department, Sewer Department, Flood Control
- Public Works Key Points – Winter Operations
  - Plowing, shoveling, equipment repairs
  - After snow removal, filling salt barrels, potholes, sign repairs, thoroughly clean all equipment
  - Thaw meters, also removal and installation of meters, water line breaks, hydrant repairs
- Projects
  - Fayette Street Water Line Replacement
  - Cross Connection Program
  - Water Department replacing larger meters around town – over ¾”
  - Sewer Department replaced 34” storm line on Reynolds Street recently
  - Extending sewer main on Durham Drive
  - Service Center – getting new fencing around complex – begins this coming Monday
  - Blaine Bender – promoted to Arborist last August
  - Roadside tree care work
  - Second timber harvest- Evitts Creek watershed – Blue Triangle Logging awarded - trees being marked for third sale – bidding April or May
  - Fall Tree Removal – Kiddy Contracting – 75% complete

- Central Services traffic signal – replacing underground wiring at Baltimore and Mechanic Streets
  - Central Services building maintenance – upgrades to Public Safety Building – painting offices and installing carpet, fire suppression system
- Staffing
  - Not fully staffed for last two years
  - Two new hires in Street Department
  - Losing a 40-year Parks and Recreation employee on March 1st
  - Covid – employee sick time – last month five out; two out currently
  - Start next summer doing cross training
- Equipment
  - New V Box Spreader, will help with large dump truck size issue
  - New Skid Steer – purchasing saw attachment
  - New Camera truck coming soon – already approved
  - Some larger equipment on a 2-year wait

#### **IV. PROPOSED ARPA FUNDING USES**

Mark Gandolfi, City Comptroller, gave background on the American Rescue Plan Act and discussed the four “pillars” of requirements. He advised that the first half was received last June, and the second half is expected this coming June. Mr. Gandolfi provided a PowerPoint presentation:

- Total of \$19,595,850
  - Mr. Gandolfi provided a pie chart of current utilization
  - Review recommended utilization of remaining funding
- Address COVID-19 negative impacts - non-profits; small businesses, etc.- \$3.7M
  - Allocations for Janes Place, YMCA Bus Replacement, Affordable Housing Assistance, Community Development Property Improvement, Union Rescue Mission
  - Government services through revenue loss funding
  - Invest in water infrastructure

Mr. Silka advised that Reverend Ziler of the Union Rescue Mission was advised that they need to define a project, as the City is under time constraints, and said they have to demonstrate that there is means for other financial support. Mr. Tressler added that the City will have to monitor to make sure it can be completed within the time frame.

Mr. Gandolfi discussed that any program funded can still be changed in the future if it's not working as it was thought to be.

- Support public health expenditures - \$1.8M
  - Promoting community
  - City COVID-19 mitigation supplies
  - Constitution Park improvements and additions
  - Prisoner processing improvements
  - HVAC improvements-City Hall & Public Safety buildings
- Essential workers premium pay - \$0.8M
  - \$3:13 per hour – onsite front line emergency responders
  - \$1.57 per hour – onsite second line emergency responders
  - *(Actual allocation in pie chart, page 10)*
- Government services - \$10M
  - COVID-19 caused a reduction of revenues in the most recent full year
  - \$6.5M adopted previously by M&CC; Treasury Final Rule increased annual escalation to 5.2% from 4.1%
  - New Ruling: Any ARPA recipient may elect up to \$10M without calculation for government services
- Investments in water, sewer, broadband infrastructure-\$5.1M
  - South End Water Main Replacement
  - Industrial Boulevard Water Main Replacement
  - Replace 4” Water Lines with 6” (City-wide)

Mr. Silka advised that everybody came together to come up with a matrix, ranking and reviewing each project. He stated that after that, it came down to him, Mr. Tressler, and Mr. Gandolfi to choose the final projects for recommendation. He said the goal was to meet the “pillars”, get the most bang for the buck, and meet the public good. He added that these will impact the most citizens on a daily basis.

Mayor Morriss commented on his appreciation of all the work the staff put into this, and said each project is good and gives them a lot of flexibility going forward.

Mr. Gandolfi discussed sharing the transit loop program with the County. He advised that he got nothing solid from the meetings he had with them, and heard nothing that would give an indication that it was a viability.

Mr. Silka discussed applications that didn’t make the priority list. He advised that once they get the final approved project list, they will alert those that didn’t make the cut of the opportunity to reapply.

**V. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 5:05 p.m. With a **motion** from Councilman Frazier, seconded by Councilman Cioni, the meeting moved into Closed Session.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

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



# Mayor and City Council of Cumberland

## Closed Session Minutes

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

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

Tuesday, February 1, 2022, 5:10 p.m.

The Mayor and City Council convened in open session at 5:10 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b)(3), (9) and (14) of the General Provisions Article of the Annotated Code of Maryland to discuss police union negotiations, the potential acquisition of property at 304/306 Fayette Street, and bid negotiation strategies regarding a property on Allegany Street.

**MOTION:** Motion to enter into Closed Session was made by Council Member Frazier, seconded by Council Member Cioni, and was passed on a vote of 5-0.

**PRESENT:** Raymond M. Morriss, President; Council Members Richard Cioni, Eugene Frazier, Joe George (via video conference), and Laurie Marchini.

**ALSO PRESENT:** Jeffrey Silka, City Administrator; Mike Cohen, City Solicitor; Margie Woodring, City Clerk; Ken Tressler, Director of Administrative Services, and Chuck Terner, Chief of Police



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* Joseph P. George  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## MINUTES

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

DATE: February 01, 2022

**I. OPEN SESSION – 6:15 p.m.**

**II. Pledge of Allegiance**

**III. Roll Call**

**PRESENT:**

Councilman Richard J. "Rock" Cioni  
Councilman Eugene T. Frazier  
Councilman Joseph P. George  
Councilwoman Laurie P. Marchini

**Also Present:** Jeffrey F. Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie A. Woodring, City Clerk; Ken Tressler, Director of Administrative Services; Allegany County Commissioner President Jake Shade

**IV. Statement of Closed Meeting**

1. Summary Statement of the closed meeting held February 1, 2022

Mayor Morriss announced that a closed session had been held on February 1, 2022 at 5:10 p.m. and read into the record a summary of those minutes which are attached hereto and made a part of these minutes as required under Section 3-306 (c) (2) of the General Provision Article of the Annotated Code of Maryland.

**V. Presentations**

1. Presentation from Allegany County Commissioner Jake Shade on the County's Investment Allegany Program, which is designed to provide match funding for projects in the downtown cores of the County's municipalities to encourage investment in the communities.

Commissioner Shade provided a handout for the Invest Allegany Program, detailing ARPA funds being allocated to help accelerate the County's business community, and support redevelopment of the downtown cores of Cumberland and Frostburg, as well as Main Streets across Allegany County.

2. Presentation from Ed Mullaney, Becky McClarran, Al Feldstein, and Jim Stafford of a proposal to dedicate the Baltimore Street Bridge, once newly renovated, in honor of Casper R. Taylor, former Speaker of the House.

Mr. Mullaney advised on the history of Baltimore Street Bridge

Mr. Feldstein spoke in support of naming the bridge after Casper Taylor, saying that Mr. Taylor was a leader and always worked in the best interest of the community for long and short term. He added that Mr. Taylor created opportunities to build upon that are here even today.

Mr. Stafford endorsed naming the bridge after the former Speaker of the House, saying that he has seen him over the years as a Delegate and beyond, to tout Western Maryland – Allegany and Washington counties.

Ms. McClarran provided background on Casper Taylor's life and his many projects he spearheaded or was involved with in Allegany County, remarked on his long tenure as Delegate and Speaker of the House, and said he was politically one of the most influential people to come from Allegany County.

Mayor Morriss said it was totally appropriate to name the bridge after Cass Taylor, adding that he was a "bridge builder" between the City and County and Annapolis, MD, and his ability to do that brought all of the things he worked towards come to fruition.

Mr. Silka advised that this could officially be done as an Order at the next M&CC public meeting, and Mayor Morriss agreed.

## **VI. Director's Reports**

**Motion** to approve the report was made by Councilman Frazier, seconded by Councilwoman Marchini, and was passed on a vote of 5-0

### **(A) Administrative Services**

1. Administrative Services monthly report for November, 2021

## **VII. Approval of Minutes**

**Motion** to approve the minutes was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 5-0

1. Approval of the Closed Session Minutes of October 13, 2021 and the Work and Regular Session Minutes of October 19, 2021

## **VIII. Public Hearings**

1. Public Hearing to receive a presentation on the Community Development Block Grant (CDBG) 2022-23 Annual Action Plan, and to allow community groups to petition for project support through CDBG funding.

*Hearing convened: 6:45 p.m.*

Ken Tressler, Director of Administrative Services, spoke on behalf of Lee Borrer, Senior Community Development Specialist, about the CDBG program, saying that it provides federal funds to benefit the City's low to moderate income citizens. A PowerPoint presentation was provided, and Mr. Tressler added that tonight's hearing is to receive comments from organizations wanting to apply. He reviewed the 2022 Action Plan application process and requirements, and said recommendations will be presented to M&CC at the April 25, 2022 M&CC meeting for submission to HUD. Mr. Tressler opened the floor for comments from agencies seeking funding:

- Terry Foote, Horizon Goodwill Industries, provided background on her organization and spoke about the Housing Navigation Program, and said it has been successful for the past 8 months and paths individuals to local organizations to secure housing. She also stated that they do wrap-around services for employment with Goodwill Industries or within the community, and advised that their success rate is about 50% with the Housing Navigation Program.
- Renee Kniseley, Executive Director, Local Management board - Allegany Youth Enrichment Program Services (AYEPS), spoke about the top thing on their community needs survey, which was that kids need something to do outside of school – mentors and positive influences in the community. She added that CDBG funds are funding the renovation of 119 Centre Street for their youth center, which will allow kids who don't have the means to pay for extracurricular activities to earn life skills and self-esteem, to do better in their community and in school. Alan Zapf also spoke for AYEPS, along with Jeremy Hedrick. He stated that Mr. Hedrick started the youth center, and said they had received money in the past for renovating the 1<sup>st</sup> and 2<sup>nd</sup> floor. He said that there is a physical side and educational side to the center, and advised that they were asking for funds to renovate the 3<sup>rd</sup> floor for a community room and after school tutoring programs, and the 4<sup>th</sup> floor for storage and possibly a county-wide band.
- Deanna Clark, Executive Director of Associated Charities, spoke about providing needed wrap-around services to the citizens of Cumberland, and said they received funding last year and are asking again this year. She advised that they are the only agency in Cumberland that provides prescription medication to all ages, regardless of the circumstances, and said they also provide a holistic approach to promoting a healthy, safe environment. She added that they provide rental & utility assistance, food, and personal hygiene securities, as well as stabilization of those that are experiencing a temporary crisis.
- Chrissy Ujcic, Jane's Place Child Advocacy Center, spoke about child abuse awareness and prevention, and said CDBG funding handles a good bit of their outreach for schools and events, and said those dollars have helped bring awareness to adults to take the responsibility for reporting abuse and protecting their children. She advised that their Color Run awareness event this year is set

for April 2<sup>nd</sup>. Police Chief Chuck Terner offered support for Jane's Place, saying that Jane's Place has been a partner with the CPD for many years, said it's where they do all their investigations and child interviews, and added that their detectives interact with Jane's Place daily. He also offered support for Associated Charities, saying they frequently partner with them throughout the year, and mentioned the Travelers in Need program. The Chief also mentioned AYEPS, advising that his officers run the program, so he has a vested interest in that as well. He added that the CPD is very involved with all of these programs.

- Austin Persons, advised that he is not a part of any organization, but said he is a stakeholder in the local community. He stated that as a botanist he thinks about programs related to food, regeneration, etc., and asked for guidance about any programs or partners he can participate with. Mayor Morriss advised that they will talk with staff and if anyone knows of anything they will contact him.

*Hearing adjourned: 7:16 p.m.*

## **IX. New Business**

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

Mr. Silka reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve all items was made by Councilman Frazier, seconded by Councilman George, and was passed on a vote of 5-0.

**Order 26,946** - authorizing the sole source purchase of a new Ford F550 Dump Truck with plow and spreader from Allegheny Truck Sales and Stephenson Equipment through Co-Star pricing, for an amount not-to-exceed \$107,440.62.

Mr. Silka advised that this was originally budgeted for \$90K, but due to supply chain issues this is the chassis they were able to find, and it is within the City's purchasing policy.

**Order 26,947** - authorizing the sole source purchase of a New Cuts SS3600HF Saw from from Cuts, Inc. for an amount not-to-exceed \$30,200.00, which will be used as an attachment on the new Water Department Caterpillar Skid Steer to help make precise cuts to concrete or asphalt.

Mr. Silka advised that a saw originally came with the Skid Steer in Order 26,912, but it was not really compatible with the City's purposes.

**Order 26,948** - appointing the City Administrator as the Interim Zoning Administrator effective this date.

Mr. Silka advised that this is just a housekeeping issue, as the previous City Administrator also held this title.

**Order 26,949** - authorizing execution of a contract with the Local Management Board (LMB) of Allegany County, Inc. providing terms by which the City shall serve as a pass-through agency for

funding obtained by the LMB through a Youth Services Coalition Planning Grant, to establish a strategic focus and local strategy for improved youth services in Allegany County.

Mr. Silka advised that the City will basically be the conduit for spending and tracking the grant.

**Order 26,950** - accepting the bid from Archway Station, Inc. for the 2021 Children and Youth Services Analysis project in the amount not to exceed \$22,500, which will be funded in full through grant funding obtained by the Local Management Board of Allegany County.

Mr. Silka advised that the City solicited bids for this analysis and said the document will be used to increase opportunities for community-based programs and services for youths.

**Order 26,951** - adopting Juneteenth into the Holiday Schedule for all City employees.

Mr. Silka advised that this holiday was added on an emergency-basis last year when the State adopted it, and said this Order will allow for the official recognition as a City holiday, to be incorporated into the CBAs and Handbooks.

**Order 26,952** - authorizing execution of a Donation Agreement with Cecelia Henderson for the donation of 412 Goethe Street (Tax No. 23-012677) to the City, authorizing acceptance of the deed, and authorizing the City Administrator and City Solicitor to execute documents necessary for the transfer.

Mr. Silka advised this is a fire unit that the City will acquire and mark for demolition.

**Order 26,953** - Order declaring City-owned property at 19 Frederick Street (Deed Liber 172, folio 17 Allegany County Land Records) as surplus and authorizing it for sale.

Mr. Silka advised that there is currently an RFP out for the development of this property, and said that once the finalized agreement is done, this Order allows for the sale.

**Order 26,954** - authorizing execution of a Memorandum of Agreement with the MD Department of Humans Services (DHS) regarding the City's participation in the Low Income Household Water Assistance Program (LIHWAP) to become effective February 1, 2022, for a five-year term, to supply eligible households with State-funded assistance for home water and wastewater bills.

Mr. Silka advised provides those eligible with a minimum of \$100 and a maximum of \$2,000 in order to satisfy delinquent accounts. He added that in order for people to access this, the City has to sign an M.O.U. with the state.

**Order 26,955** - declaring City-owned properties at 107 S. Allegany Street, 109 S. Allegany Street, and 802 Maryland Avenue to be surplus and authorizing them for sale.

## **X. Public Comments**

### *No Public Comments*

All public comments are limited to 5 minutes per person.

**XI. Adjournment**

With no further business at hand, the meeting adjourned at 7:22 p.m.

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

Raymond M. Morriss, Mayor \_\_\_\_\_

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

# Mayor and City Council of Cumberland

## WORK SESSION

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

Tuesday, February 8, 2022  
4:40 p.m.

**PRESENT:** Raymond M. Morriss, President; Council Members: Richard Cioni, Eugene Frazier, Joseph George and Laurie Marchini.

**ALSO PRESENT:** Jeffrey Silka, City Administrator; Marjorie Woodring, City Clerk; Matt Miller, CEDC Executive Director; Mike Getty; Kyle Talente and Matt Cardin, RKG Associates

Media: Greg Larry, Cumberland Times-News

### **I. FINAL RECOMMENDATIONS PRESENTATION - RKG ASSOCIATES – DRAFT CEDC STRATEGIC PLAN REASSESSMENT**

Matt Miller introduced once again Kyle Talente from RKG Associates, and noted that as this process has been going on for several months, and said now it's kind of in the home-stretch. Mr. Miller explained that this presentation today would be an overview of what the final Strategic Plan document will look like. He added that today they are looking for M&CC's feedback, comments, questions, or concerns.

Mr. Talente provided a PowerPoint presentation (attached to these minutes) and reviewed:

#### **GOALS**

Mr. Talente advised that developing a Council-endorsed economic plan vision is one of the most important goals, and said having Council support and endorse the plan vision is a critical component to move forward. He added that the CEDC should be the "switchboard operator" for all things economic development in the City.

#### **REPORT**

#### **BRIDGING VISION AND REALITY**

#### **RECOMMENDED APPROACH**

Mr. Talente advised that current staffing is able to handle focusing on business retention, expansion and development of existing assets, but said the City does not have staffing and resources for the rest. He added that marketing outreach and grant writing is the next logical step for advancement.



## **ROLE OF THE CEDC, EVOLVED**

Mr. Talente advised that communication needs to improve within the City, and said there also needs to be interaction with other community partners.

## **CURRENT STAFFING AND RESOURCES**

Mr. Talente advised that their recommendation is to have the DDC manager rolled under the CEDC, but said that may not be something that could be done readily. He explained that at the very least, the DDC should be co-located within the CEDC building in order to build a synergy of relationship. He also mentioned that the Board of Directors needs to participate in implementation.

## **RECOMMENDED STAFFING ADDITIONS**

Mr. Talente mentioned in-kind contributions or volunteerism to augment staffing, and added that between FSU and ACM, the City has access to potential interns to do data management or data collection.

## **BUSINESS RETENTION AND EXPANSION**

Mr. Talente advised that this is a good way to try and continue to build the City/County relationship.

## **ASSET DEVELOPMENT**

Mr. Talente spoke about the commercial node plan done seven years ago that focused on other commercial nodes in the City. He said that now that the City has done the downtown plan, there needs to be similar efforts for all its other commercial nodes, and to determine best uses for each part of the City.

Mr. Talente also spoke about housing diversity, and said the connection between economic development and housing is universal, and said if there's not the right amount or right kind of housing, it will be difficult to attract workers to the community. He advised to use the CEDC for acquiring disposition of property, which will put the City in the position of making better deals.

## **MARKETING COMMUNICATION, AND OUTREACH**

## **ORGANIZATION AND COORDINATION**

Mr. Talente advised that everyone needs to relinquish their illusion of control, to get more things done and get better at what is being done. He also spoke about the community considering a joint City/County economic development organization, and said from a professional perspective they believe it's in the best interest of all of Allegany County.

## **TOOLBOX DEVELOPMENT**

Mr. Talente discussed revolving capital fund and using ARPA dollars as a potential in a one-time investment in the capital improvement program, which he said is used expressly for real estate acquisition, disposition, development, investment, etc.

## DISCUSSION

Mr. Talente opened the floor for questions and comments.

Councilman George asked Mr. Talente to be more specific on areas where the M&CC could have improved upon, mistakes made, etc. that was shared with him by management or the board of directors. Mr. Talente advised that often times there were Community Development issues brought to the CEDC to solve, that were not CEDC-related. Speaking on communication, he explained that the biggest challenge not having a defined set of measurables/metrics that M&CC want the CEDC to address. He also recommended a retreat so both sides can talk, occurring on a yearly basis. Councilman George stated that the CEDC and the board of directors need to recognize the staff they have and develop their measurables and what they can accomplish, given their resources.

There was more discussion on the topic, with Mayor Morriss stating that it's incumbent on M&CC to work on things together with the CEDC and County to achieve goals, and said he agrees that communication needs to get better. It was mentioned that certain personnel changes in the CEDC have made things better, and that having the new City Administrator now going to be sitting on the CEDC board will also improve things.

Greg Larry, Cumberland Times-News, inquired about the recommended new position of Marketing and Grant Manager, and asked if staff at the County or the CEDC were able to do that job. Mr. Talente advised that the recommendation would be a new CEDC staff member to create outreach strategy both internally and externally, and to commit a certain amount of time to grant writing.

There was discussion about metrics and goals and responsibility for those. Mr. Talente advised that the primary funder is the City, which he said needs to define expectations and make sure the CEDC is addressing them, and added that both sides bring forth metrics.

There was discussion on connectivity between the CEDC and staff at City Hall regarding real estate acquisition, blighted properties, etc. Mr. Talente advised that if the City is acquiring properties for an economic development purpose, then it needs to flow through the CEDC; if acquiring for a community development purpose, then no, because it's not CEDC's job.

Mayor Morriss stated that ultimately if the City is not increasing jobs and population then it's not meeting the goal to make a great community; so all the measurables can be done, but job creation is the ultimate goal.

Mr. Talente stated that by creating an environment for companies to thrive, that will bring expansion, which will create jobs.

Mr. Miller advised that he would sent the PowerPoint presentation and final plan to M&CC, with the final subject to be reviewed by CEDC.

## **II. MAYOR AND COUNCIL UPDATES**

There was discussion about a utility charge/garbage complaint from 801 Washington Street, and an issue about the property going from two units to one.

There was discussion about a tour of the Goethe Street properties, and how many were on the tax sale.

There was discussion about the Union Rescue Mission, with Mayor Morriss saying that the prior director of the CEDC was the impetus for the Mission being on the CEDC's plate, and said it should not be there. He added that he has no problem taking it off their plate.

## **III. ADJOURNMENT**

With no further business at hand, the meeting adjourned at 5:56 p.m.

Respectfully submitted,

Marjorie A. Woodring  
City Clerk

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



# Mayor and City Council of Cumberland

*Mayor* Raymond M. Morriss  
*Councilman* Richard J. "Rock" Cioni  
*Councilman* Eugene T. Frazier  
*Councilman* Joseph P. George  
*Councilwoman* Laurie P. Marchini

City Administrator Jeffrey F. Silka  
City Solicitor Michael S. Cohen  
City Clerk Marjorie A. Woodring

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## MINUTES

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

DATE: February 15, 2022

### **I. OPEN SESSION – 6:15 p.m.**

### **II. Pledge of Allegiance**

### **III. Roll Call**

#### **PRESENT:**

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

**Also Present:** Jeffrey F. Silka, City Administrator; Marjorie A. Woodring, City Clerk; Chuck Ternent, Chief of Police; Shannon Adams, Fire Chief

### **IV. Presentations**

1. Recognition of Firefighter Matthew Rumphrey, Firefighter Colby Santmyre, and Firefighter Robert Bower upon their successful completion of the Firefighter Recruit Training approved by the Maryland Fire and Rescue Institute.

Fire Chief Shannon Adams provided background on each of the new recruits and recognized family and friends who were in attendance.

2. Recognition of employees upon their retirement from the City of Cumberland.

Streets Supervisor Jason Deal spoke on behalf of Michael Nicholson, who has been employed at the City for 40 total years. He stated that Mr. Nicholson has worked both in the Street and Water departments, until furloughed in 1979. He came back to the City in 1981, and has been with Parks and Recreation since 1995. Mr. Deal spoke about Mr.

Nicholson's dedication, training, and qualifications, and added that he had been the "City Santa" for the last 27 years.

**V. Director's Reports**

**Motion** to approve the reports was made by Councilman Cioni, seconded by Councilman George, and was passed on a vote of 5-0.

**(A) Engineering**

1. Engineering Division monthly report for January 2022

**(B) Public Works**

1. Maintenance Division monthly report for January 2022

**(C) Fire**

1. Fire Department monthly report for January, 2022

**(D) Police**

1. Police Department monthly report for January, 2022

**(E) Utilities - Flood, Water, Sewer**

1. Utilities Division Flood/Water/Sewer monthly report for January, 2022

**VI. Approval of Minutes**

**Motion** to approve the minutes was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

1. Approval of the Regular Session Minutes of November 2, 2021

**VII. New Business**

**(A) Ordinances**

1. **Ordinance No. 3908** (*1st reading*) - accepting the bid from EZ Out, Inc. for the purchase of surplus properties at 32 Laings Avenue., 105-107 Fifth Street, and 305-307 Fifth Street for the total amount of \$600 and authorizing execution of a deed to convey the properties to EZ Out, Inc.

Mr. Silka advised that these are properties that were declared surplus and were included in the Round II bids.

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

**Motion** to approve the first reading and table until next meeting was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 5-0

2. **Ordinance No. 3909** (*1st reading*) - repealing City Code Sections 2-171 to 2-175 pertaining to the City's purchasing policy and reenacting them with amendments, and enacting Section 2-177 pertaining to Change Orders.

Mr. Gandolfi advised that the policy has not been updated in 5 years, and said that some sections were administrative burdens and other sections were added. He said that this ordinance increases certain dollar limits and a threshold on lower limits, and added that departments can now have more latitude in purchases.

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

**Motion** to approve the first reading and table until next meeting was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 5-0

#### **(B) Orders (Consent Agenda)**

1. **Order 26,956** - authorizing the Chief of Police to accept a GOCCP (Governor's Office of Crime Prevention) FY22 BJAG Crisis Negotiation Equipment Grant in the amount of \$57,571.00 for the purchase of crisis negotiation equipment.
2. **Order 26,957** - declaring a 1999 Bobcat Skid Steer Loader, Model 763 (Serial No. 512243447) as surplus and authorizing it for sale or trade-in.
3. **Order 26,958** - approving Amendment No. 1-12212021 to the Community Development Block Grant Program effective February 15, 2022.

Mr. Silka went over the list of projects, and advised that they have been advertised for the last several weeks, with no public comment received.

4. **Order 26,959** - authorizing execution of a Memorandum of Understanding with the Department of Housing and Community Development regarding the award of \$125,000 in grant assistance to use for development of a demonstration project for expanding fiber optic broadband accessibility through the installation of fiber lines within the Baltimore Street Access Project (12-16-M), and authorizing acceptance of the funds.
5. **Order 26,960** - authorizing the Chief of Police to offer certain incentives to Cumberland Police Department employees.

Mayor Morris stated that the CPD is a dedicated group serving the community through trying times, and has not always been given the respect they deserve. He stated that the market for hiring new officers is now very competitive, and said they are due these additional incentives, as the CPD does a wonderful job of community policing. Chief Ternent expressed his appreciation for helping the department to get through personnel shortages. Council commented on the professionalism and excellence of the CPD.

6. **Order 26,961** - approving the expenditure of American Rescue Plan Act (ARPA) funding for certain projects, programs, and for revenue loss.
7. **Order 26,962** - authorizing execution of a First Amendment to the Collective Bargaining Agreement with the UFCW 1994, dated July 1, 2021, representing members of

the Cumberland Police Department, to address wage enhancements and to extend the term of the Agreement by one (1) year, which shall be through June 30, 2025.

8. **Order 26,963** - accepting the proposal from Tyler Technologies, Inc. to extend their current contract for maintenance and support services for the Logos.NET Finance/HR System for one additional year, which shall be through June 30, 2023, for the amount not-to-exceed \$51,067.80, authorizing the execution of documents to effect the renewal, and approving automatic one-year renewals upon mutual agreement of both parties.

9. **Order 26,964** - declaring an electric motor from North American Electric, Inc. (Serial No. 16073103) to be surplus equipment and authorizing it for sale or scrap.

10. **Order 26,965** - approving the renaming and dedication of the Baltimore Street Bridge as the Casper R. Taylor, Jr., Memorial Bridge, and authoring execution of all local, state and federal documents necessary to effect the renaming.

Councilwoman Marchini emphasized how much Casper Taylor has done for the community, and Mayor Morriss stated that this is a small way of recognizing what he's done throughout his political career.

## **VIII. Public Comments**

**Dana Tinnen**, 223 Wallace Street (*not in attendance at time of Public Comments*)

**Ed Taylor**, 400 S. Allegany Street, President of the Cumberland Historic Cemetery Organization (CHCO), spoke on two separate issues. He wanted to thank M&CC for their support of the building of a monument to police officer August Baker, who was killed in the line of duty in 1907. He advised that the unveiling will be on October 8<sup>th</sup> at Greenmount Cemetery.

Mr. Taylor also spoke about Heritage Days, saying there has been a problem with Dave Williams of the Allegany Historical Society, saying he has hijacked the festival. He proposed having Councilman Eugene Frazier and County Commissioner Dave Caporale appointed to the Heritage Days committee, and said every organization that wants to take part should get a seat at the table with one vote. He said many organizations are currently being discriminated against.

Mayor Morriss thanked Mr. Taylor and said the M&CC appreciates all the CHCO has done over the years, and added that he's looking forward to the unveiling of the monument to August Baker. He advised Mr. Taylor that they will consider all he has said, and see if something can be worked out to include everyone.

Councilman George added that he's noticed that Heritage Days folks are on Facebook and have provided information on how to register for the festival - so the information is out there - but said M&CC want it to be an inclusive and successful festival.

All public comments are limited to 5 minutes per person

**IX. Adjournment**

With no further business at hand, the meeting adjourned at 7:03 p.m.

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

Raymond M. Morriss, Mayor \_\_\_\_\_

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



**File Attachments for Item:**

1. Ordinance No. 3915 (*2nd and 3rd readings*) - to rescind Ordinance No. 3912, which authorized the conveyance of 107/109 S. Allegany Street to Del & Del Allegany Properties, LLC for the amount of \$3,500, accepting the Del & Del Properties, LLC request to renege their bid, and accepting the bid of C Corp Leasing in the amount of \$5,000 for said property, as originally offered in the 2022 Request for Bids for Surplus Property Rounds IV

**ORDINANCE NO. 3915**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO RESCIND AND ABROGATE ORDINANCE NO. 3912 AND TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING CERTAIN SURPLUS PROPERTY LOCATED AT 107-109 S. ALLEGANY STREET, CUMBERLAND, MD 21502 IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO C CORP LEASING, INC."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of certain parcels of real property and the improvements thereon located at 107-109 S. Allegany Street, Cumberland, MD 21502 (the "Property"), in the City of Cumberland, Allegany County, Maryland;

**WHEREAS**, the Property was declared to be surplus property under the terms of Order No. 26,757, passed by the Mayor and City Council on February 16, 2021;

**WHEREAS**, the City solicited bids for the sale and purchase of the Property and Del and Del Allegany Properties, LLC was the successful purchaser;

**WHEREAS**, the Mayor and City Council passed Ordinance No. 3912 on May 3, 2022, authorizing the execution of a deed for the purpose of conveying the Property to Del and Del Allegany Properties, LLC.

**WHEREAS**, Del and Del Allegany Properties, LLC decided not to proceed with the purchase of the Property, thereby necessitating the rescission and abrogation of Ordinance No. 3912.

**WHEREAS**, C Corp Leasing, Inc. submitted the second-best bid for the purchase of the Property in response the aforesaid solicitation;

**WHEREAS**, C Corp Leasing, Inc. desires to purchase the Property for the sum of \$5,000.00 and the Mayor and City Council agree to sell it to that corporation for that sum, subject to the terms and conditions relative to the expeditious repair and revitalization

of the Property set forth in the deed attached hereto as Exhibit A; and

**WHEREAS**, the Mayor and City Council of Cumberland deem the sale and improvement of the Property in accordance with the foregoing terms and conditions 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, upon C Corp Leasing, Inc.'s execution of a deed with the same substance as the deed attached hereto as Exhibit A, the Mayor and City Clerk be and they hereby are authorized to execute the said deed, thereby effecting the conveyance of the Property to C Corp Leasing, Inc. for the purchase price in the amount of \$5,000.00; and

**SECTION 2:** BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute a closing statement and such other documents as may be required for the purpose of facilitating and completing the closing for the sale of the Property; and

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

Passed this \_\_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

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

## **EXHIBIT A**

**DEED ONLY – NO TITLE SEARCH PERFORMED**

**THIS QUITCLAIM DEED**, made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND (the “City”)**, a Maryland municipal corporation, and **C CORP LEASING, INC. (the “Grantee”)**.

**WITNESSETH:**

That for and in consideration of the sum of Five Thousand Dollars (\$5,000.00), cash in hand paid and for other good and valuable consideration, the receipt of all of which is hereby acknowledged, the City does hereby quitclaim to the Grantee, its successors and assigns all of the party of the first part’s right, title, interest and estate in and to the following-described pieces or parcels of real estate lying and being in the City of Cumberland, Allegany County, Maryland, to wit:

**PARCEL ONE**

**ALL** that lot or parcel of ground situated on the East side of South Allegany Street and House No. 107 in the City of Cumberland, Allegany County, State of Maryland, and being more particularly described as follows, to-wit:

**BEGINNING** for the same at an iron pin on the East side of South Allegany Street and South 7 degrees and 25 minutes West 100 feet from the point of intersection of said East side of South Allegany Street and the South side of Greene Street, and running thence with the said East side of South Allegany Street, South 7 degrees and 25 minutes West 17 9/10 feet to a chiseled mark in the concrete sidewalk; thence leaving the said South Allegany Street and with the centerline of the partition wall of the double brick dwelling on the whole property of which this is a part, South 82 degrees and 2 minutes East 140 feet to a stake standing on the third line of the said whole property; thence with the remainder of the third line and with the fourth line of the said whole property North 7 degrees and 25 minutes East 19-25/100 feet and North 82 degrees 35 minutes West 140 feet to the beginning.

**PARCEL TWO**

**ALL** that lot or parcel of ground situated on the East side of South Allegany Street and House No. 109 in the City of Cumberland, Allegany County, State of Maryland, and being more particularly described as follows:

**BEGINNING** for the same at a chiseled mark on the East side of South Allegany Street and South 7 degrees and 25 minutes West 117-9/10 feet from the point of intersection of the said East side of South Allegany Street and the South side of Greene Street said beginning point also marks 17-9/10 feet on the first line of the whole property of which this is a part and running thence with the East side of South Allegany Street and the remainder of the said first line, South 7 degrees and 25 minutes West 20-1/10 feet to the original iron stake; thence leaving South Allegany Street and with the second line of the said whole property, South 82 degrees and 35 minutes East 140 feet to a chiseled mark on the concrete block wall in the rear of this property; thence with part of the third line of the said whole property, North 7 degrees and 25 minutes East 18-75/100 feet to a stake thence cutting across the said whole property and with the centerline of the partition wall of the double brick dwelling on the said whole property North 82 degrees and 2 minutes West 140 feet to the beginning.

The improvements on Parcels One and Two being commonly known as 107-109 S. Allegany Street, Cumberland, MD 21502.

**IT BEING** the same property described in the deed from Timothy L. Kenney and Lisa L. Kenney to Mayor and City Council of Cumberland dated October 1, 2021 and recorded among the Land Records of Allegany County, Maryland in Book 2736 Page 461.

**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.

In connection with the foregoing conveyance, the City and the Grantee covenant and agree as follow:

1. No later than two (2) months from the date of this deed, the Grantee shall clean up the exterior of the property, to include mowing, weeding, trash removal, and repair of any exterior property maintenance issues not requiring a permit.
2. No later than three (3) months from the date of this deed, the Grantee shall have applied for all permits required for the performance of the work detailed herein.
3. No later than six (6) months from the date of this deed, the Grantee shall complete all structural repairs detailed in the inspection report of SPECS Consulting Engineers & Surveyors dated January 28, 2022, a copy of which is attached hereto as Attachment 1, and all doors and windows shall be repaired or boarded up so as to secure the property and close it off from the elements.

4. No later and twelve (12) months from the date of this deed, the Grantee shall:
  - (a) Repair or replace all windows and doors, including, but not limited to, all doors and windows that were boarded up to secure the property and close it off from the elements;
  - (b) Repair or replace exterior siding and trim;
  - (c) Repair or replace porch decking, railings, and stairs; and
  - (d) Repair, replace or remove any accessory structures; and
5. No later than two (2) years from the date of this deed, (a) the Grantee shall have completed the rehabilitation of the exterior and interior of the property so it is ready for occupancy and (b) the rough framing, electrical and plumbing work shall have been completed and passed all inspections.
6. The City and its designees shall have right to inspect the hereinbefore-described property from time to time in order to ensure that the work described in paragraphs 1 through 5 above is progressing and is being performed and completed in the manner described herein; provided, however, that the City shall endeavor to give the Grantee no less than seventy-two (72) hours advance notice of any such inspections. The Grantee shall fully cooperate with the City and its designees in regard to the scheduling and conduct of the inspections.
7. The Grantee may not convey the property described above or any interest therein (aside from a security interest granted subject to these covenants, restrictions and agreements) to a third party until all of work described in paragraphs 1- 5 hereinbefore is completed in accordance with the terms and provisions set forth therein. Any such conveyance or attempt at such conveyance shall be null and void.
8. Should the Grantee fail to comply with the terms and provisions of paragraphs 1-5 hereinbefore, the title to the real property and improvements conveyed by the terms of this deed shall immediately and without the necessity of any further action on the part of the City, revert and revest in the City, and the Grantee shall lose and forfeit all of its rights, title and interest therein and thereto as well as the fixtures, rights, roads, ways, waters, privileges and appurtenances thereunto belonging or in anywise appertaining, and the City shall have the right of re-entry to the said

property. Further, the Grantee shall execute a deed effecting the conveyance of the hereinbefore-described property, improvements, fixtures, etc. to the City in the event the requirements set forth in paragraph 1-5 above are not satisfied in a timely manner. In the event the City institutes litigation to enforce the terms of this paragraph, the Grantee shall be liable for the City's reasonable attorneys' fees.

9. In furtherance of the terms and provisions set forth in the preceding section, the Grantee hereby grants the City Administrator (or acting or interim City Administrator) of the City the power and authority in its stead to execute and deliver a deed or deeds to the hereinbefore-described property to the City in the event the Grantee fails to comply with the terms and provisions set forth in paragraphs 1- 5 hereinbefore and to perform any and all acts required to effect the conveyance of the hereinbefore-described property to the City
10. The terms and provisions of paragraphs 7-9 are irrevocable; however, they shall expire four (4) years from the date of this deed. Those terms and provisions shall not be affected by the disability or incapacity of the Grantee.
11. If the requirements set forth in paragraphs 1- 5 above have been satisfied before the expiration date set forth in the preceding paragraph, upon the request of the Grantee, the City shall deliver a deed surrendering the rights of reverter described herein to the Grantee.

**[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]**



**IN WITNESS WHEREOF**, the City has caused these presents to be executed in its name and seal and duly attested all on the day and date first above written.

**WITNESS/ATTEST:**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
**Marjorie A. Woodring, City Clerk**

By: \_\_\_\_\_(SEAL)  
**Raymond M. Morriss, Mayor**

**C CORP LEASING, INC.**

\_\_\_\_\_

By: \_\_\_\_\_(SEAL)  
**Jared Court, President**

\_\_\_\_\_  
Grantee Witness #1

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Grantee Witness #2

\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Address

**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 \$5,000.00; 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:** \_\_\_\_\_

**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 **Jared Court**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the President of C Corp Leasing, Inc., a corporation, and acknowledged the foregoing to be the act and deed of the said corporation; 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 \$5,000.00; 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:** \_\_\_\_\_

**Attorney Certification**

I hereby certify that the foregoing instrument was prepared by the undersigned attorney licensed to practice law in the State of Maryland. He did not perform a title search in connection with its preparation.

\_\_\_\_\_  
Michael Scott Cohen



January 28, 2022

Mr. Kevin Thacker  
Code Compliance Manager  
City of Cumberland  
57 N. Liberty Street  
Cumberland, MD 21502

**RE: Inspection of Water Damage  
107-109 Allegany Street, Cumberland  
SPECS Project No. 5538**

Dear Mr. Thacker:

On January 14, 2022, you accompanied me as I performed a visual inspection of a duplex at 107-109 Allegany Street. The structure was unoccupied at the time of visit. It is my understanding that the City has purchased these units and will make them available for developers. The purpose of this report is to document the structural conditions of the units for future development.

For the most part, this is a complete cosmetic gut and replace job with a significant amount of structural work involved. The following is synopsis of the condition of the units. Pictures of the units are attached at the end of the report.

### **107 Allegany Street**

This is the northern half of the duplex. There is water damage to the first floor and second floor. This side will require selective demolition and replacement of the interior structural components. Most of the damage appeared to be confined to finishes except for a small area on the second floor.

### **109 Allegany Street**

This is the southern half of the duplex. This side will require a complete structural restoration. The developer should anticipate a complete structural remodel of this side, including all floors and interior walls. The basement in this unit is unfinished with a dirt floor. Caution should be exercised when entering this unit as the floors are unstable and subject to collapse.

### **Exterior Walls**

The exterior walls of both units appear to be in serviceable condition. The finishes on the walls will need removed. The exterior walls appear to be solid masonry.

### **Roof**

	105 S. CENTRE ST., SUITE 100 • CUMBERLAND, MD 21502	
	PHONE: 301.777.2510 • FAX: 301.777.8419	

The roof over both units will need to be replaced. The damage on 109 is extensive enough to require the roof joists to be selectively replaced. The remaining roof joists will need to be evaluated for water damage. Special attention should be directed to the middle load bearing wall and the end conditions of the roof joists. There is a sizeable hole over 109. It appears that most of the water damage stems from this hole in the roof.

### **Electrical, Plumbing and HVAC**

The utilities in both units will need to be completely replaced per code. New electrical services and whole house wiring should be anticipated. Plumbing will need to be evaluated based on re-designed layout. Water was not available during the inspection, but it is doubtful if the lines are serviceable and should be assumed to have substantial leaks. HVAC will need to be replaced in both units.

### **Mold and Environmental Factors**

Mold was not evaluated in the inspection, but given the amount of water damage, should be expected particularly in hidden areas. It is recommended that once gutted, a mold specialist be consulted to determine if additional measures will be needed. Given the age of the structure, lead is anticipated. The developer will need to follow the State's guidelines for lead abatement.

The intent of this inspection is to assist in the evaluation of the condition of the structural issues and is based on observations of the visible and apparent condition of the building and its components on the date of inspection. The results and recommendations provided are based on the best available information and are not intended to convey any representation regarding latent or concealed defects that may exist, and no warranty or guarantee is expressed or implied. No destructive testing or loading analysis has been performed. SPECS reserves the right to modify these recommendations based on revised information as it is presented to us. Additional digital photographs were taken and are available upon request.

If you have any additional questions, please contact me at 301.777.2510x15 or by email at [rrase@specseng.com](mailto:rrase@specseng.com).

Sincerely,  
SPECS, Inc.

A handwritten signature in blue ink, appearing to read "Ray C. Rase".

Raymond C. Rase, PE, PLS  
Project Manager

**File Attachments for Item:**

2. Ordinance No. 3916 (*2nd and 3rd readings*) - providing for the City Tax Levy for FY23

**ORDINANCE NO. 3916**

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, 2022, AND ENDING JUNE 30, 2023."

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the levy for the Fiscal Year 2023 for the City of Cumberland shall be as follows:

		<b>Net</b>	<b>Tax Rate Per</b>	
		<b>Assessable</b>	<b>\$100</b>	<b>Tax Levy</b>
<b>Property Taxes</b>		<b>Base</b>		
Real Estate		\$ 921,064,787	1.0595	\$ 9,758,681
Personal Property				
	Individual	1,397,281		
	Corporation	101,057,402		
		102,454,683	2.648	2,713,000
	Penalties and Interest			467,000
	Tax Credits			(247,000)
<b>Total Tax Levy</b>				<b>\$ 12,691,681</b>
<b>Other Revenues</b>				
Other Taxes		584,574		
Licenses & Permits		113,700		
Intergovernmental		9,537,394		
Charges for Services		1,729,840		
Fines, Forfeitures & Interest		31,720		
Miscellaneous		1,057,349		
<b>Total Other Revenue</b>				<b>13,054,577</b>
<b>Total Revenue</b>				<b>\$ 25,746,258</b>
<b>Other Financing Sources</b>				
Transfers-in				\$ 2,473,409
Capital Financing				1,179,870
(Increase) Decrease Restricted Fund Balance				3,750,741
<b>Total Other Financing Sources</b>				<b>\$ 7,404,020</b>
<b>Total Revenue and Other financing Sources</b>				<b>\$ 33,150,278</b>

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

Passed this \_\_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk



**File Attachments for Item:**

3. Ordinance No. 3917 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 General Fund

ORDINANCE NO. 3917

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, 2022, AND ENDING JUNE 30, 2023."

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, 2022, and ending June 30, 2023, to-wit:

General Government	\$ 2,118,551
Public Safety	13,038,414
Public Works	2,883,624
Recreation	861,734
Community Development	2,868,141
Debt Service	3,534,384
Transfer Out	5,458,491
<b>Total General Fund Appropriation</b>	<b>\$ 30,763,339</b>

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, 2023) 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, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk

**File Attachments for Item:**

4. Ordinance No. 3918 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Water Fund

ORDINANCE NO. 3918

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, 2022, AND ENDING JUNE 30, 2023."

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, 2022, and ending June 30, 2023, to-wit:

Water Administration	\$ 1,194,464
Water Distribution	2,936,543
Water Filtration	2,171,147
Interest Expense	454,681
Principal Payments	1,193,167
Capital Expenditure	4,010,000
<b>Total</b>	<b>\$ 11,960,002</b>

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, 2023.

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

Passed this \_\_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk

**File Attachments for Item:**

5. Ordinance No. 3919 (*2nd and 3rd readings*) - providing for the annual expenditure appropriation for the FY23 Sewer Fund

**ORDINANCE NO. 3919**

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, 2022, AND ENDING JUNE 30, 2023."

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, 2022, and ending June 30, 2023, to-wit:

Wastewater Treatment Plant	\$ 6,615,978
Sanitary & Storm Sewer	1,834,483
Flood Control	599,732
Interest Expense	204,691
Principal Payments	723,036
Capital Expenditures	2,911,511
<b>Total</b>	<b>\$ 12,889,431</b>

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, 2023.

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

Passed this \_\_\_\_\_ day of June, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk

**File Attachments for Item:**

6. Ordinance No. 3920 (*2nd and 3rd readings*) - providing for the annual expenditure appropriations for the FY23 Special Purpose Funds

**ORDINANCE NO. 3920**

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, 2022, AND ENDING JUNE 30, 2023."

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, 2022, and ending June 30, 2023, to-wit:

Housing Assistance	\$ 2,364,800
Downtown Development Commission	368,573
Community Development Block Grant	877,810
Police Grants	419,794
Community Legacy	120,000
Special Projects	333,290
Capital Projects	12,643,900
Street Improvements	1,367,868
Municipal Parking Authority	541,382
Trash Removal	1,843,865
<b>Total</b>	<b>\$ 20,881,282</b>

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, 2023) 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, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk



**File Attachments for Item:**

. Charter Amendment No. 149 (*1st reading*) - to rescind Charter Amendment No. 145 and repeal any affects upon the Charter by its passage, and to repeal Section 75 of the Charter, which prohibits the carrying of concealed weapons

# Council Agenda Summary

Meeting Date: June 7, 2022

Key Staff Contact: Mike Cohen, City Solicitor

## *Item Title:*

### **Charter Amendment Resolution No. 149 – Concealed Weapons**

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

*Charter Amendment #145 to repeal Charter Section 75 to remove prohibitions for carrying a concealed weapon was originally presented and approved by Council on March 5, 2019. Due to a technicality in the adoption process, however, staff is recommending that the 2019 amendment be repealed and a new process for an amendment be undertaken with the inclusion of a public hearing.*

*The proposed schedule for adoption of Charter Amendment Resolution No. 149 is:*

*June 7, 2022 – First reading of Charter Amendment Resolution No. 149*

*July 5, 2022 – Public Hearing*

*July 19, 2022 – 2<sup>nd</sup> and 3<sup>rd</sup> readings and adoption*

*August 8, 2022 – Effective date, unless petition for referendum submitted*

## **CHARTER AMENDMENT RESOLUTION NO. 149**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED “A RESOLUTION TO RESCIND CHARTER AMENDMENT 145 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL SECTION 75 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION) PERTAINING TO CARRYING CONCEALED WEAPONS.”

WHEREAS, Charter Amendment Resolution No. 145 pertaining to the repeal of Section 75 of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, Section 75 of the City Charter pertains to the prohibition against carrying concealed weapons;

WHEREAS, Section 75 of the Charter should have been repealed effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days' advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 145 and, therefore, it did not effect the amendment of the Charter intended by its terms, i.e., the repeal of Section 75;

WHEREAS, the prohibition against carrying concealed weapons is set forth in state law (Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland, as amended from time to time);

WHEREAS, the prohibitions and penalties provided for in Section 75 of the Charter are preempted by the aforesaid state law and should be removed from the Charter as was intended by the passage of Charter Amendment Resolution No. 145.

NOW THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 145 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the

referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the \_\_\_\_ day of \_\_\_\_\_, 2022, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the \_\_\_\_ day of \_\_\_\_\_, 2022, and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.

2. The title of this Resolution was published in the Cumberland Times-News on

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_ and  
\_\_\_\_\_.

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2022.

4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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

**File Attachments for Item:**

. Charter Amendment Resolution No. 150 (*1st reading*) - to rescind Charter Amendment No. 146 and repeal any affects upon the Charter by its passage, and to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence

# Council Agenda Summary

Meeting Date: June 7, 2022

Key Staff Contact: Mike Cohen, City Solicitor

## *Item Title:*

### **Charter Amendment Resolution No. 150 – Ordinance provisions**

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

*Charter Amendment #146 was originally presented and approved by Council on March 5, 2019, to repeal and reenact with amendments Charter Section 24 pertaining to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence. Due to a technicality in the adoption process, however, staff is recommending that the 2019 amendment be repealed and a new process for an amendment be undertaken with the inclusion of a public hearing.*

*The proposed schedule for adoption of **Charter Amendment Resolution No. 150** is:*

*June 7, 2022 – First reading of Charter Amendment Resolution No. 150*

*July 5, 2022 – Public Hearing*

*July 19, 2022 – 2<sup>nd</sup> and 3<sup>rd</sup> readings and adoption*

*August 8, 2022 – Effective date, unless petition for referendum submitted*



## CHARTER AMENDMENT RESOLUTION NO. 150

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE, ENTITLED "A RESOLUTION TO RESCIND CHARTER AMENDMENT RESOLUTION NO. 146 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL AND REENACT WITH AMENDMENTS SECTION 24 OF THE CHARTER OF THE CITY OF CUMBERLAND, MARYLAND (1991 EDITION), PERTAINING TO THE PUBLICATION OF ORDINANCES, WHEN ORDINANCES TAKE EFFECT, AND THE ADMISSIBILITY OF CODIFICATION IN EVIDENCE."

WHEREAS, Charter Amendment Resolution No. 146 pertained to repealing and reenacting with amendments Section 24 of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, Section 24 of the Charter pertains to the publication of ordinances, when ordinances take effect, and the admissibility of codification in evidence;

WHEREAS, the amendment of Section 24 of the Charter should have become effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days' advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 146 and, therefore, it did not effect the amendment of the Charter intended by its terms;

WHEREAS, Section 4-306 of the said Local Government Article provides that after a charter amendment resolution is proposed or adopted, it can only be rescinded by means of another charter amendment;

WHEREAS, the purpose of this Resolution is (i) to rescind Charter Amendment Resolution No. 146 and repeal any amendment to Section 24 of the Charter which may

have been effected pursuant to its passage and (ii) to repeal and reenact Section 24 of the Charter as was the intent upon the passage of Charter Amendment Resolution No. 146; and

WHEREAS, a public hearing on the subject matter of this Charter Amendment Resolution was held on the \_\_\_\_ day of \_\_\_\_\_, 2022, public notice of that hearing was provided by means of publication in the Cumberland Times-News on the \_\_\_\_ day of \_\_\_\_\_, 2022, more that twenty-one (21) days in advance of that hearing, and by posting on the North Centre Street entrance of City Hall, Cumberland, Maryland starting on the \_\_\_\_ day of \_\_\_\_\_, 2022, and continuing through the date of the said hearing.

NOW, THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 146 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED: that Section 24 of the Charter of the City of Cumberland is repealed and reenacted with amendments to read as follows:

Section 24. - Publication of summary of ordinances in newspaper; posting ordinances on city web site required; when ordinances to take effect.

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

A summary of every ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in a newspaper of general circulation in the city for two (2) consecutive days. The summary shall include the effective date of the ordinance, its subject matter and reference to the fact that its entire text is posted on the city's web site. The entire text of all ordinances shall, as soon as practicable after their passage, be posted on the city's web site until such time as the text is incorporated into the city code, as maintained on-line. Ordinances passed by the mayor and city council shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when posted on the city's web site and bearing in their terms the words "be it ordained by the Mayor

and City Council of Cumberland," or words of like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

[Note: A text edited version showing the changes made is attached hereto as Exhibit A.]

SECTION 3: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four (4) times, at weekly intervals, before the aforesaid date.

SECTION 4: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of Section 3 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the

referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the \_\_\_\_ day of \_\_\_\_\_, 2022, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the \_\_\_\_ day of \_\_\_\_\_, 2019 and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.

2. The title of this Resolution was published in the Cumberland Times-News on

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_ and  
\_\_\_\_\_.

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2022.
4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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

## EXHIBIT A

[Note: Additions to the Charter are capitalized and in bold print and deletions are stricken through.]

**Section 24. Publication OF SUMMARY of ordinances in newspapers; POSTING OF ORDINANCES ON CITY WEB SITE required; ~~exceptions~~; when ordinances to take effect; ~~admissibility of codification in evidence~~.**

The mayor and city council of said city shall be vested with the power and charged with the duty of making all laws and ordinances not inconsistent with the Constitution and laws of the state, touching every object, matter and subject within the local government instituted by this article.

~~Every~~ **A SUMMARY OF EVERY** ordinance imposing any penalty, fine, imprisonment or forfeiture for a violation of its provisions shall, as soon as practicable after the passage thereof, be published in ~~every issue of each of two newspapers published in said city for three (3) days successively (excluding Sundays), providing the amendments and corrections made in digesting and revision for publication in book form need not be so published~~ **A NEWSPAPER OF GENERAL CIRCULATION IN THE CITY FOR TWO (2) CONSECUTIVE DAYS. THE SUMMARY SHALL INCLUDE THE EFFECTIVE DATE OF THE ORDINANCE, ITS SUBJECT MATTER AND REFERENCE TO THE FACT THAT ITS ENTIRE TEXT IS POSTED ON THE CITY'S WEB SITE. THE ENTIRE TEXT OF ALL ORDINANCES SHALL, AS SOON AS PRACTICABLE AFTER THEIR PASSAGE, BE POSTED ON THE CITY'S WEB SITE UNTIL SUCH TIME AS THE TEXT IS INCORPORATED INTO THE CITY CODE, AS MAINTAINED ON-LINE.** Ordinances passed by the mayor and city council ~~and requiring publication~~ shall take effect and be in force from and after the date of their passage, unless it shall therein otherwise expressly be provided. All ordinances of the city, when ~~printed and published~~, **POSTED ON THE CITY'S WEB SITE** and bearing on the title page **PAGES** thereof the words "~~Ordained and published~~ **BE IT ORDAINED** by the Mayor and City Council of Cumberland," or words of like import, shall be prima facie evidence of their authority, and shall be admitted and received in all courts and places, without further proof.

**File Attachments for Item:**

. Charter Amendment Resolution No. 151 (*1st reading*) - to rescind Charter Amendment No. 147 and repeal any affects upon the Charter by its passage, and to repeal Charter Sections 192 - 203 pertaining to the Mayor and City Council's authority over the Memorial Hospital

# Council Agenda Summary

Meeting Date: June 7, 2022

Key Staff Contact: Mike Cohen, City Solicitor

## *Item Title:*

### **Charter Amendment Resolution No. 151 – Memorial Hospital**

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

*Charter Amendment #147 was originally presented and approved by Council on March 5, 2019, to repeal sections of the Charter pertaining to the Mayor and City Council's authority over the Memorial Hospital. Due to a technicality in the adoption process, however, staff is recommending that the 2019 amendment be repealed and a new process for an amendment be undertaken with the inclusion of a public hearing.*

*The proposed schedule for adoption of **Charter Amendment Resolution No. 150** is:*

*June 7, 2022 – First reading of Charter Amendment Resolution No. 150*

*July 5, 2022 – Public Hearing*

*July 19, 2022 – 2<sup>nd</sup> and 3<sup>rd</sup> readings and adoption*

*August 8, 2022 – Effective date, unless petition for referendum submitted*



## **CHARTER AMENDMENT RESOLUTION NO. 151**

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ADOPTED PURSUANT TO THE AUTHORITY CONTAINED IN ARTICLE 11-E OF THE CONSTITUTION OF THE STATE OF MARYLAND AND SECTION 4-304 OF THE LOCAL GOVERNMENT ARTICLE OF THE ANNOTATED CODE OF MARYLAND ENTITLED "A RESOLUTION TO RESCIND CHARTER AMENDMENT 147 AND REPEAL ANY AFFECTS UPON THE CHARTER EFFECTED BY ITS PASSAGE AND TO REPEAL THE FOLLOWING SECTIONS OF THE CHARTER OF THE CITY OF CUMBERLAND (1991 EDITION): SECTION 192 PERTAINING TO THE MEMORIAL HOSPITAL BOARD OF GOVERNORS; SECTION 193 OF THE SAID CHARTER PERTAINING TO SELECTION OF LAND AND PREPARATION OF PLANS; CONTRACTS FOR CONSTRUCTION; SALE OF BONDS; EXPENDITURE OF PROCEEDS FROM BONDS; SECTION 194 PERTAINING TO THE DEDICATION OF THE HOSPITAL; SECTION 195 PERTAINING TO RULES AND REGULATIONS FOR THE OPERATION OF THE HOSPITAL; SECTION 196 PERTAINING TO CHARGES FOR HOSPITALIZATION; SALARIES OF EMPLOYEES; RULES AND REGULATIONS GOVERNING CONDUCT OF PHYSICIANS, NURSES, EMPLOYEES; SECTION 197 PERTAINING TO FISCAL AFFAIRS OF THE HOSPITAL; SECTION 198 PERTAINING TO THE SUBMISSION OF SEMIANNUAL FINANCIAL REPORTS; SECTION 199 PERTAINING TO LIMITATION OF LIABILITY OF BOARD OF GOVERNORS AND OF CITY; SECTION 200 PERTAINING TO THE ACCEPTANCE OF GIFTS AND BEQUESTS BENEFITTING THE HOSPITAL; SECTION 201 PERTAINING TO THE REPEAL OF INCONSISTENT ACTS; SECTION 202 PERTAINING TO THE ABOLITION OF THE AFORESAID BOARD OF GOVERNORS UPON THE LEASING OF THE HOSPITAL; AND SECTION 203 PERTAINING TO THE LEASING OF THE HOSPITAL."

WHEREAS, Charter Amendment Resolution No. 147 pertaining to the repeal of Sections 192-203, inclusive, of the Charter of the City of Cumberland was passed on March 5, 2019;

WHEREAS, those sections of the City Charter pertained to the subject matter identified in the title to this Resolution:

WHEREAS, those sections of the Charter should have been repealed effective April 24, 2019;

WHEREAS, the General Assembly passed legislation which became effective July 1, 2018, amending Section 4-305(a) and (b) of the Local Government Article and requiring that local legislative bodies hold public hearings on proposed charter amendments after providing at least twenty-one (21) days' advance notice;

WHEREAS, a public meeting was not held on Charter Amendment Resolution No. 147 and, therefore, it did not effect the amendment of the Charter intended by its terms, i.e., the repeal of Sections 192-203; and

WHEREAS, Memorial Hospital has been demolished and, as a practical result, Sections 192-203 of the City Charter have no practical application.

NOW THEREFORE:

SECTION 1: BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Charter Amendment Resolution No. 147 is rescinded and any changes to the Charter effected by its passage are repealed;

SECTION 2: AND BE IT FURTHER RESOLVED, that the date of the passage of this Resolution is \_\_\_\_\_, 2022, and the amendment of the Charter of the City of Cumberland hereby enacted shall become effective on \_\_\_\_\_, 2022, unless a proper petition for a referendum hereon shall be filed as provided by Section 4-304 of the Local Government Article of the Annotated Code of Maryland. A complete and exact copy of this Resolution shall be continuously posted on the North Centre Street entrance of City Hall, Cumberland, Maryland, until \_\_\_\_\_, 2022, and the title of this Resolution shall be published in a newspaper of general circulation in the City of Cumberland no less than four times, at weekly intervals, before the aforesaid date.

SECTION 3: AND BE IT FURTHER RESOLVED, that the Mayor and City Council of Cumberland is hereby specifically directed to carry out the provisions of

Section 2 hereof regarding the giving of notice by posting and publication of this Resolution, approving the same, and, as evidence of said compliance, the City Clerk shall cause to be affixed to this Resolution a certificate of the publication in the newspaper in which the summary of this Resolution (i.e., its title) shall have been published, and the Mayor, if there is no petition for referendum, shall declare the Charter Amendment made to be effective on the effective date herein provided for, which is \_\_\_\_\_, 2022, by affixing his signature hereto in the space provided below the effective date hereof.

SECTION 4: AND BE IT FURTHER RESOLVED, that if a proper petition for referendum on the Charter Amendment herein proposed is filed, the Mayor and other proper officials of the City of Cumberland shall comply with applicable law, including, but not limited to, Subtitle 3 of Title 4 of the aforesaid Local Government Article.

SECTION 5: AND BE IT FURTHER RESOLVED, no later than ten (10) days after the Charter Amendment effected by this Resolution becomes effective, either as herein provided or following a referendum, the Mayor shall mail a copy of this Resolution to the Department of Legislative Services of Maryland, said mailing to include a complete certified copy of the text of this Resolution, the date of the referendum, if any is held, a certificate showing the number of Councilpersons voting for and against it, and a report on the votes cast for or against the amendments hereby enacted at any referendum hereon, and the effective date of the Charter Amendment.

THIS RESOLUTION PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

The Charter Amendment enacted by the foregoing Resolution became effective this \_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Raymond M. Morris, Mayor

ATTEST:

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

I HEREBY CERTIFY, that the foregoing Resolution, amending the Charter of the City of Cumberland, Maryland, was passed the \_\_\_\_ day of \_\_\_\_\_, 2022, with \_\_\_\_ votes in affirmation and \_\_\_\_ votes in the negative.

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

I HEREBY CERTIFY that:

1. Notice of the public hearing identified hereinbefore was provided by publication in the Cumberland Times- News on the \_\_\_\_ day of \_\_\_\_\_, 2022 and by posting on posted on the North Centre Street entrance of City Hall, Cumberland, Maryland the date of the public hearing and that a true and correct copy of said publication notice is attached hereto.
2. The title of this Resolution was published in the Cumberland Times-News on

\_\_\_\_\_,  
\_\_\_\_\_,  
\_\_\_\_\_ and  
\_\_\_\_\_.

as evidenced by the true and correct copy of the Cumberland Times-News certificate of publication attached hereto, and that it was posted on the North Centre Street entrance of City Hall, Cumberland, Maryland commencing on the day the title of this Resolution was first published in the Cumberland Times-News, 2022, and continuing through the date this Resolution became effective.

3. The foregoing is a true and exact copy of the Charter Amendment Resolution No. \_\_\_\_\_ passed by the Mayor and City Council of Cumberland, Maryland, in Regular Session on the \_\_\_\_ day of \_\_\_\_\_, 2022.
4. A petition for a referendum was not filed within the forty-nine (49) days following the date of the passage of the foregoing Resolution and, therefore, it became effective on the \_\_\_\_ day of \_\_\_\_\_, 2022.

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Marjorie A. Woodring, City Clerk

**File Attachments for Item:**

. Ordinance No. 3921 (*1st reading*) - authorizing execution of a deed to convey certain surplus property that is the former site of the Memorial Hospital to the Cumberland Economic Development Corporation

**ORDINANCE NO. 3921**

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A DEED FOR THE PURPOSE OF CONVEYING CERTAIN SURPLUS PROPERTY WHICH IS THE FORMER SITE OF MEMORIAL HOSPITAL LOCATED IN THE CITY OF CUMBERLAND, ALLEGANY COUNTY, MARYLAND TO CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION."

**WHEREAS**, Mayor and City Council of Cumberland is the fee simple owner of the property which is the former site of Memorial Hospital, in the City of Cumberland, Allegany County, Maryland;

**WHEREAS**, the said property was declared to be surplus property under the terms of Order No. 26,993, passed by the Mayor and City Council on April 19, 2022;

**WHEREAS**, the City is obligated to convey the said property to Cumberland Economic Development Corporation under the terms of a Memorandum of Understanding by and between Mayor and City Council of Cumberland and Cumberland Economic Development Corporation dated July 21, 2015; and

**WHEREAS**, this Ordinance authorizes the Mayor and City Council to fulfill the City's obligation to transfer the aforesaid property to Cumberland Economic Development Corporation.

**NOW, THEREFORE**

**SECTION 1:** BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Clerk be and they are hereby authorized to execute a deed in the form attached hereto or in a similar form, conveying the aforesaid real property and improvements thereon to

Cumberland Economic Development Corporation for Zero Dollars (\$0.00);

**SECTION 2:** AND BE IT FURTHER ORDAINED, that the City Solicitor shall prepare the Exhibit A to be attached to the deed;

**SECTION 3:** AND BE IT FURTHER ORDAINED, that the City Solicitor be and he is hereby authorized to execute such documents as may be required or expedient for the purpose of facilitating and completing the transaction which is the subject of this Ordinance, and he is further authorized to deliver the deed executed by the Mayor and City Clerk to Cumberland Economic Development Corporation; and

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

Passed this \_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Raymond M. Morriss, Mayor

ATTEST:

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



**NO TITLE SEARCH PERFORMED**

**THIS QUITCLAIM DEED** is made this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between **Mayor and City Council of Cumberland** (the “City”), a Maryland municipal corporation, and **Cumberland Economic Development Corporation** (“CEDC”), a Maryland corporation.

**WITNESSETH:**

That for and in consideration of the sum of Ten Dollars (\$10.00), and other good and valuable consideration, receipt whereof is hereby acknowledged, the City does hereby quitclaim unto CEDC, its successors and assigns, all of the City’s right, title, interest and estate in and to the parcels of property lying and being in the City of Cumberland, Allegany County, Maryland, described in the Exhibit A attached hereto (hereinafter referred to as the “Property”).

**SUBJECT, BUT TO LIMITED TO**, the following outconveyances:

1. The **FIRST PARCEL** is subject to the outconveyance effected by the deed from Mayor and City Council of Cumberland to B. Elaine Clinebell, widow, dated October 31, 1967 and recorded among the Land Records of Allegany County, Maryland in Deed Liber 413, folio 547, the said property being located on the south side of the current boundaries of the Property, being a part of Lot No. 35, Block 24 of the Johnson Heights Addition to the City of Cumberland.
2. The **FOURTH PARCEL** was conveyed from Mayor and City Council of Cumberland to O Van Tran and Thu Trang Thi Tran by deed dated October 23, 2012 and recorded among the Land Records of Allegany County, Maryland in Book 1919, Page 39. The said property is located at 519 Memorial Avenue, Cumberland, MD 21502.
3. The **FIFTH PARCEL** was conveyed from Mayor and City Council of Cumberland Thomas M. O’Rourke and Mary J. O’Rourke by deed dated July 31, 1986 and

recorded among the Land Records of Allegany County, Maryland in Deed Liber 558, folio 62. The said property is located at 504 Ridgewood Avenue, Cumberland, MD 21502.

**FURTHER SUBJECT TO** all outconveyances (including, but not limited to those listed above), plats, easements, rights of way, covenants and restrictions, etc. of record.

**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 Property unto CEDC, its successors and/or assigns, forever in fee simple as sole owner.

In connection with the foregoing conveyance, the City and CEDC covenant and agree as follows:

1. The Property may be used exclusively for the following purposes subject to the terms of the City of Cumberland Zoning Ordinance, as amended from time to time, the italicized terms being defined in the said Zoning Ordinance;

- (a) *Single-family detached dwellings;*
- (b) *Single-family attached dwellings;*
- (c) *Two-family dwellings;*
- (d) *Low-rise apartments;*
- (e) *Mid-rise apartments;*
- (f) *Dwelling units/mixed use;*
- (g) *Assisted living subject to the provisions of the zoning district;*
- (h) *Restaurants, general but specifically excluding restaurants, fast-food;*
- (i) *Professional offices;*

- (j) Business, administrative, or corporate offices for public agencies, nonprofit organizations, or private corporations; and
- (k) *Accessory uses and structures* relative to the foregoing uses.

2. No uses other than those set forth above shall be permitted at the Property without the written approval of the City by instrument recorded among the Land Records of Allegany County Maryland. The City's written approval may be denied for any reason or no reason at all.

3. The terms of paragraphs 1 and 2 above touch and concern the Property and shall be binding upon CEDC, its successor and assigns, and its successors-in-title.

4. Any transfer of the Property from the CEDC to a third party shall be made pursuant to the terms of a development agreement setting forth requirements for the development of the Property.

[REMAINDER OF PAGE INTENTIONALLY LEFT BLANK]

WITNESS the hands and seals of the City and CEDC the day and year first above written.

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
**Marjorie A. Woodring, City Clerk**

By: \_\_\_\_\_ (SEAL)  
**Raymond M. Morriss, Mayor**

**CUMBERLAND ECONOMIC  
DEVELOPMENT CORPORATION**

\_\_\_\_\_

By: \_\_\_\_\_ (SEAL)  
**Matthew Miller,  
Executive Director/President**

**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 \$0.00 and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident of the State of Maryland.

**WITNESS** my hand and Notarial Seal.

\_\_\_\_\_  
**NOTARY PUBLIC**

**My Commission Expires:** \_\_\_\_\_

**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 **Matthew Miller**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Executive Director/President of Cumberland Economic Development Corporation, and acknowledged the foregoing to be the act and deed of the said Cumberland Economic Development Corporation; and at the same time made oath he is duly authorized by it to make this acknowledgment.

**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 27,010** - authorizing the abatement of City real estate taxes for City-owned properties at 412 Goethe St., 406 Goethe St., 846 Gephart Dr., 842 Gephart Dr., 619 Greene St., 420 Pine Ave., 222 Pear St., 124 Columbia St., 13. W. Clement St., 804 Maryland Ave., and 439 Andrews St., and City real estate taxes *and* utilities at 435 Columbia St., 421 Arch St., and 409 Central Ave.

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

**ORDER NO. 27,010**

**DATE: June 7, 2022**

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

**THAT,** the City real estate taxes and utilities for the following City-owned properties  
be and are hereby abated:

<b>Property Address</b>	<b>Tax Acct. No./ Water Acct. No.</b>	<b>Tax Year(s)</b>	<b>Abatement Amt. Taxes</b>	<b>Abatement Amt. Utilities</b>
412 Goethe Street	23-012677/ 320246000	2017-2021	\$ 933.43	0
406 Goethe Street	23-007320/ 320250002	2019-2021	\$ 219.33	0
846 Gephart Drive	06-043402/ 59006004	2016-2021	\$ 1,897.57	0
842 Gephart Drive	06-012744/ 590064006	2014-2021	\$ 3,292.67	0
619 Greene Street	06036457/ 580254005	2014-2017	\$ 3,467.11	0
420 Pine Avenue	22-010549/ 240100004	2015-2021	\$ 3,319.27	0
222 Pear Street	05-008832/ 440058004	2014-2021	\$ 1,917.64	0
124 Columbia Street	05-004357/ 410090003	2015-2021	\$ 1,928.77	0
13 W. Clement Street	04-025865/ 010003404	2015-2021	\$ 3,258.82	0
804 Maryland Avenue	04-012089/ 260064007	2014-2021	\$ 467.80	0
439 Andrews Street	22-003917/ 240036000	2017-2021	\$ 1,767.25	0
435 Columbia Street	05-006287/ 420056002	2015-2021	\$ 1,741.20	\$ 2,556.54

421 Arch Street	04-039009/ 080016005	2014-2021	\$ 2,902.03	\$ 922.55
409 Central Avenue	22-015141/ 240060000	2016-2021	\$ 1,552.19	\$ 3,098.26
<b><i>TOTAL</i></b>			<b>\$ 28,665.08</b>	<b>\$ 6,577.35</b>

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**Raymond M. Morriss, Mayor**



# Re: County Abatements

1 message

Ken Tressler <ken.tressler@cumberlandmd.gov>

To: Michael Scott Cohen <michaelcohen@atlanticbnn.net>

Cc: Jeff Silka <jeff.silka@cumberlandmd.gov>, Lisa Terrell <lisa.terrell@cumberlandmd.gov>

Hello Mike,

I asked Lisa to take one last review and some of the properties have no county tax due and I had to add a couple others even though they are already in M&CC's name. I added the yellow hi green highlighted. Lisa is checking to see why we don't have access to the first 5 properties. If there are now taxes due on the Paw Paw, Industrial and Fifth Street properties I am assuming transfer on these properties that were sold via our real estate properties sales. Mike McKay (17 Paw Paw Way) called the other day asking when this transfer will be complete.

ID	Street Address		
22-015141	409 S. Central	Multiple	No access
04-039009	421 Arch St	Multiple	No access
22-003917	439 Andrews St	Multiple	No access
04-012089	804 Maryland	Multiple	No access
04-025865	13 West Clement	Multiple	No access
05-004357	124 Columbia	2,870.06	County Due
05-008832	222 Pear	3,104.96	County Due
22-010549	420 Pine	4,971.08	County Due
05-006287	435 Columbia	2,592.26	County Due
06-036457	619 Greene	5,528.00	County Due
06-012744	842 Gephart	5,705.88	County Due
06-043402	846 Gephart	2,757.34	County Due
23-007320	406/408 Goethe	155.14	County Due
23-012677	412 Goethe	1,305.01	County Due
04-016467	105 Grand	5,170.03	County Due
05-016290	443 Columbia	373.39	County Due
04-030028	107 Springdale	513.58	County Due
04-008758	109 Springdale	146.68	County Due
23-001867	471 Goethe	609.94	County Due
06-027172	809 Fayette	277.52	County Due
06-038565	107-109 Allegany	2,721.31	County Due
06-019757	17 Paw Paw Way	Nothing Due	
04-024540	32 Industrial	Nothing Due	
04-038738	105 Fifth St	Nothing Due	
04-045696	305 Fifth St	Nothing Due	
22-002929	417 Broadway	Nothing Due	
04-025393	802 Maryland	Nothing Due	
23-003635	410 Goethe St	Included in 42 Goethe	

On Mon, May 2, 2022 at 6:06 AM <michaelcohen@atlanticbnn.net> wrote:

I agree.

**Michael Scott Cohen, Esquire**

City Solicitor

City of Cumberland

213 Washington Street

Cumberland, MD 21502

Office Phone: (301) 724-5200

Cell Phone: (301) 707-2509

Main E-mail: michaelcohen@atlanticbnn.net

Feel free to call me on my cell phone if that is your preference.

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 23-012677  
Owner...: HENDERSON CECELIA  
Address: 412 GOETHE ST  
Mail To: HENDERSON CECELIA  
10 N LIBERTY ST  
APT 601  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 7,757.33  
Tot. Dsc App: .00  
Total Paid...: 6,102.52  
Total Due W/SC: 1,654.81

Phone...:

MD 21502-

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202112651	46.62	.00	6.51	.00	53.13
-	2020	1	1	202066467	46.62	.00	17.67	.00	64.29
-	2019	1	SA	201904291	280.42	.00	165.20	.00	445.62
-	2018	1	SA	201804291	280.06	.00	232.40	.00	512.46
-	2017	1	SA	201704490	279.71	.00	299.60	.00	579.31
-	2016	1	SA	201604577	254.87	.00	28.05	282.92	.00
-	2015	1	SA	201504584	254.87	.00	89.25	344.12	.00
-	2014	1	SA	201404844	299.27	.00	156.09	455.36	.00

Taxes 2017-2021

Water  
320246000-0

005

46.62+  
46.62+  
280.42+  
280.06+  
279.71+  
933.43\*

Inquiry

Prop#...: 23-007320  
Owner...: NATHAN RYAN PROPERTIES  
Address: 406 GOETHE ST  
Mail To: NATHAN RYAN PROPERTIES  
18101 OLDTOWN RD SE  
OLDTOWN

Phone...:

MD 21555-

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 11,741.71  
Tot. Dsc App: .00  
Total Paid...: 11,439.16  
Total Due W/SC: 302.55

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202112387	73.11	.00	10.22	.00	83.33
-	2020	1	1	202066209	73.11	.00	27.74	.00	100.85
-	2019	1	1	201912127	73.11	.00	45.26	.00	118.37
-	2018	1	1	201812152	73.11	.00	11.68	84.79	.00
-	2017	1	1	201765972	73.11	.00	12.04	85.15	.00
-	2016	1	1	201611892	66.61	.00	26.60	93.21	.00
-	2015	1	1	201511899	66.61	.00	42.56	109.17	.00
-	2014	1	SA	201404628	481.73	.00	43.38	525.11	.00

Taxes 2019-2021

Water

320250002 - 0

73.11+

73.11+

73.11+

003

219.33\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 06-043402  
Owner...: STALEY ERIC-MORRIS STEFAN  
Address: 846 GEPHART DR  
Mail To: STALEY ERIC-MORRIS STEFAN  
16515 SHINHAM RD

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 13,592.91  
Tot. Dsc App: .00  
Total Paid...: 10,179.75  
Total Due W/SC: 3,413.16

\*\*\*\*

HAGERSTOWN

MD 21740-2211

Phone...:

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202110773	282.89	.00	39.62	.00	322.51
-	2020	1	1	202064640	272.29	.00	103.55	.00	375.84
-	2019	1	1	201910580	272.29	.00	168.95	.00	441.24
-	2018	1	1	201810596	272.29	.00	234.35	.00	506.64
-	2017	1	1	201764448	417.44	.00	459.25	.00	876.69
-	2016	1	1	201610375	380.37	.00	509.87	.00	890.24
-	2015	1	1	201510387	380.37	.00	15.22	395.59	.00
-	2014	1	1	201410190	402.57	.00	97.04	499.61	.00

Taxes 2016-2021

Water

590060004-0

282.89+  
272.29+  
272.29+  
272.29+  
417.44+  
380.37+

006

1,897.57\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 06-012744  
Owner...: WASHINGTON WARREN H-JEAN F  
Address: 842 GEPHART DR  
Mail To: WASHINGTON WARREN H-JEAN F  
C/O SHEILA YOUNGER  
14224 OAKVIEW DR SW  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 17,358.10  
Tot. Dsc App: .00  
Total Paid...: 10,362.15  
Total Due W/SC: 6,995.95

Phone...:

MD 21502-5711

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202109898	291.01	.00	40.74	.00	331.75
-	2020	1	1	202063781	279.71	.00	106.21	.00	385.92
-	2019	1	1	201909738	279.71	.00	173.29	.00	453.00
-	2018	1	1	201809756	279.71	.00	240.37	.00	520.08
-	2017	1	1	201763627	576.37	.00	634.15	.00	1210.52
-	2016	1	1	201609564	525.18	.00	703.50	.00	1228.68
-	2015	1	1	201509573	525.18	.00	829.50	.00	1354.68
-	2014	1	1	201409421	535.80	.00	975.52	.00	1511.32

Taxes 2014-2021

Water

590064006-0

291.01+  
279.71+  
279.71+  
279.71+  
576.37+  
525.18+  
525.18+  
535.80+

008

3,292.67\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Documents Exist

Inquiry

Prop#...: 06-036457  
Owner...: MORRIS APRIL-STEFAN-STALEY ERIC  
Address: 619 GREENE ST  
Mail To: MORRIS APRIL-STEFAN-STALEY ERIC  
C/O APRIL MORRIS  
16575 SHINHAM RD  
HAGERSTOWN

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 15,293.92  
Tot. Dsc App: .00  
Total Paid...: 8,510.08  
Total Due W/SC: 6,783.84

Phone...:

Enter Option: \_\_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202110573	456.29	.00	63.91	.00	520.20
-	2020	1	1	202064454	448.17	.00	170.24	.00	618.41
-	2019	1	1	201910397	447.82	.00	277.76	.00	725.58
-	2018	1	1	201810419	447.46	.00	384.85	.00	832.31
-	2017	1	1	201764271	447.11	.00	491.70	.00	938.81
-	2016	1	1	201610201	407.08	.00	545.38	.00	952.46
-	2015	1	1	201510213	406.75	.00	643.06	.00	1049.81
-	2014	1	1	201410026	406.43	.00	739.83	.00	1146.26

Taxes 2014-2017

Water

580254005-0

456.29 +  
448.17 +  
447.82 +  
447.46 +  
447.11 +  
407.08 +  
406.75 +  
406.43 +

008

3,467.11\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 22-010549  
Owner...: MONTGOMERY ELMER ET UX  
Address: 420 PINE AV  
Mail To: MONTGOMERY ELMER ET UX  
C/O ARTHUR C MONTGOMERY SR  
1253 N BENTALOU ST  
BALTIMORE

School Dist.: CUMB SCHLS  
F22=Add'l Info  
Payoff Date : 5/03/2022  
Total Billed: 13,229.74  
Tot. Dsc App: .00  
Total Paid...: 7,129.06  
Total Due W/SC: 6,100.68

Phone...:

MD 21216-4506

Enter Option: \_\_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
—	2021	1	1	202111803	472.19	.00	66.08	.00	538.27
—	2020	1	SA	202003668	461.94	.00	161.70	.00	623.64
—	2019	1	SA	201903759	461.94	.00	272.58	.00	734.52
—	2018	1	SA	201803762	461.94	.00	383.46	.00	845.40
—	2017	1	SA	201703937	528.69	.00	566.03	.00	1094.72
—	2016	1	SA	201604021	471.43	.00	617.01	.00	1088.44
—	2015	1	SA	201504023	461.14	.00	714.55	.00	1175.69
—	2014	1	SA	201404254	450.84	.00	58.63	509.47	.00

Taxes 2015-2021

Water

240100004 - 0

472.19+  
461.94+  
461.94+  
461.94+  
528.69+  
471.43+  
461.14+

007

3,319.27\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 05-008832  
Owner...: DEATON MARGARET  
Address: 222 PEAR ST  
Mail To: DEATON MARGARET  
222 PEAR ST  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Phone...:

MD 21502-1536

Payoff Date : 5/03/2022  
Total Billed: 8,387.83  
Tot. Dsc App: .00  
Total Paid...: 4,575.31  
Total Due W/SC: 3,812.52

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202108618	232.74	.00	32.55	.00	265.29
-	2020	1	1	202062539	228.85	.00	87.02	.00	315.87
-	2019	1	1	201908507	228.85	.00	141.98	.00	370.83
-	2018	1	1	201808519	228.85	.00	196.94	.00	425.79
-	2017	1	1	201762422	283.95	.00	312.40	.00	596.35
-	2016	1	1	201608387	248.43	.00	332.99	.00	581.42
-	2015	1	1	201508392	238.14	.00	376.04	.00	614.18
-	2014	1	1	201408271	227.83	.00	414.96	.00	642.79

Taxes 2014-2021

Water

440058004 - 0

232.74+  
228.85+  
228.85+  
228.85+  
283.95+  
248.43+  
238.14+  
227.83+

008

1,917.64\*



City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 05-004357  
Owner...: BLAKE JOSEPH A ET UX  
Address: 124 COLUMBIA ST  
Mail To: BLAKE JOSEPH A ET UX  
C/O KELLERMEYER  
37 GREENE ST  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 8,239.68  
Tot. Dsc App: .00  
Total Paid...: 4,708.30  
Total Due W/SC: 3,531.38

MD 21502-0000

Phone...:

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202108450	301.96	.00	42.28	.00	344.24
-	2020	1	1	202062375	282.89	.00	107.54	.00	390.43
-	2019	1	1	201908348	282.89	.00	175.46	.00	458.35
-	2018	1	1	201808358	282.89	.00	243.38	.00	526.27
-	2017	1	1	201762265	282.89	.00	311.30	.00	594.19
-	2016	1	1	201608230	251.00	.00	336.34	.00	587.34
-	2015	1	1	201508235	244.25	.00	386.31	.00	630.56
-	2014	1	1	201408122	237.49	.00	.00	237.49	.00

Taxes 2015-2021

Water

410090003-0

301.96+  
282.89+  
282.89+  
282.89+  
282.89+  
251.00+  
244.25+

007

1,928.77\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 04-025865  
Owner...: WARNER BROOKS-ARLENE  
Address: 13 W CLEMENT ST  
Mail To: WARNER BROOKS-ARLENE  
190 VALENTINE ACRES RD  
CLEARVILLE

PA 15535-8640

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 14,285.03  
Tot. Dsc App: .00  
Total Paid...: 8,299.62  
Total Due W/SC: 5,985.41

Phone...:

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202107038	494.44	.00	69.23	.00	563.67
-	2020	1	1	202060996	483.13	.00	183.54	.00	666.67
-	2019	1	1	201906980	478.89	.00	296.98	.00	775.87
-	2018	1	1	201806986	474.66	.00	408.07	.00	882.73
-	2017	1	1	201760950	470.42	.00	517.55	.00	987.97
-	2016	1	1	201606943	428.64	.00	574.19	.00	1002.83
-	2015	1	1	201506950	428.64	.00	677.03	.00	1105.67
-	2014	1	1	201406900	436.36	.00	69.84	506.20	.00

*Taxes 2015-2021*

*Water*

*010003404-0*

494.44+  
483.13+  
478.89+  
474.66+  
470.42+  
428.64+  
428.64+

007

3,258.82\*

Inquiry

Documents Exist

Prop#...: 04-012089  
Owner...: SKY NATE PROPERTIES LLC  
Address: 804 MARYLAND AV  
Mail To: SKY NATE PROPERTIES LLC  
RT 3 BOX 457  
RIDGELEY

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 5,964.53  
Tot. Dsc App: .00  
Total Paid...: 4,870.38  
Total Due W/SC: 1,094.15

Phone...:

WV 26753-

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202106392	33.90	.00	4.76	.00	38.66
-	2020	1	1	202060375	33.90	.00	12.92	.00	46.82
-	2019	1	1	201906372	33.90	.00	21.08	.00	54.98
-	2018	1	1	201806374	33.90	.00	29.24	.00	63.14
-	2017	1	1	201760358	33.90	.00	37.40	.00	71.30
-	2016	1	1	201606364	30.89	.00	41.54	.00	72.43
-	2015	1	1	201506369	30.89	.00	48.98	.00	79.87
-	2014	1	1	201406348	236.52	.00	430.43	.00	666.95

Taxes 2014-2021

Water  
260064007-0

33.90+  
33.90+  
33.90+  
33.90+  
33.90+  
30.89+  
30.89+  
236.52+

008

467.80\*

Inquiry

Documents Exist

Prop#...: 22-003917  
Owner...: MAIN CHARLES L-REBECCA A  
Address: 439 ANDREWS ST  
Mail To: MAIN CHARLES L-REBECCA A  
410 WINMER ST  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Phone...:

ALE\*\*\*  
MD 21502-

Payoff Date : 5/03/2022  
Total Billed: 12,191.40  
Tot. Dsc App: .00  
Total Paid...: 9,257.85  
Total Due W/SC: 2,933.55

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202111450	316.79	.00	44.38	.00	361.17
-	2020	1	1	202065293	318.91	.00	121.22	.00	440.13
-	2019	1	1	201911223	318.91	.00	197.78	.00	516.69
-	2018	1	1	201811243	318.91	.00	274.34	.00	593.25
-	2017	1	SA	201703796	493.73	.00	528.58	.00	1022.31
-	2016	1	SA	201603876	449.88	.00	31.50	481.38	.00
-	2015	1	SA	201503873	449.88	.00	139.50	589.38	.00
-	2014	1	SA	201404092	455.67	.00	227.48	683.15	.00

Taxes 2017-2021

Water

240036000 - 0

493.73+  
318.91+  
318.91+  
318.91+  
316.79+

005

1,767.25\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 05-006287  
Owner...: GENTRY FREDERICK A JR ET UX  
Address: 435 COLUMBIA ST  
Mail To: GENTRY FREDERICK A JR ET UX  
435 COLUMBIA ST  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Phone...:

MD 21502-1644

Payoff Date : 5/03/2022  
Total Billed: 8,320.23  
Tot. Dsc App: .00  
Total Paid...: 5,132.86  
Total Due W/SC: 3,187.37

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202108509	260.99	.00	36.54	.00	297.53
-	2020	1	1	202062435	255.34	.00	97.09	.00	352.43
-	2019	1	1	201908405	255.34	.00	158.41	.00	413.75
-	2018	1	1	201808415	255.34	.00	219.73	.00	475.07
-	2017	1	1	201762321	258.52	.00	284.35	.00	542.87
-	2016	1	SA	201602036	230.41	.00	301.30	.00	531.71
-	2015	1	SA	201502039	225.26	.00	348.75	.00	574.01
-	2014	1	SA	201402163	220.11	.00	24.20	244.31	.00

Taxes 2015-2021

Water

420056002- 2556.54

260.99+  
255.34+  
255.34+  
255.34+  
258.52+  
230.41+  
225.26+

007

1,741.20\*

City of Cumberland \*\*Live\*\*  
5/03/22

PROPERTY TAX SYSTEM

TA0080S1

Inquiry

Documents Exist

Prop#...: 04-039009  
Owner...: WALKER VIRGINIA L  
Address: 421 ARCH ST  
Mail To: WALKER VIRGINIA L  
421 ARCH ST  
CUMBERLAND

School Dist.: CUMB SCHLS  
F22=Add'l Info

Phone...:

MD 21502-4103

Payoff Date : 5/03/2022  
Total Billed: 12,562.58  
Tot. Dsc App: .00  
Total Paid...: 6,887.59  
Total Due W/SC: 5,674.99

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202107648	261.70	.00	36.61	.00	298.31
-	2020	1	SA	202001384	402.61	.00	141.05	.00	543.66
-	2019	1	SA	201901406	402.26	.00	237.18	.00	639.44
-	2018	1	SA	201801400	401.90	.00	333.66	.00	735.56
-	2017	1	SA	201701465	401.55	.00	430.14	.00	831.69
-	2016	1	SA	201601488	354.95	.00	465.05	.00	820.00
-	2015	1	SA	201501486	344.00	.00	533.20	.00	877.20
-	2014	1	SA	201401569	333.06	.00	596.07	.00	929.13

Taxes 2014 - 2021

Water

080016005 - 922.55

261.70+  
402.61+  
402.26+  
401.90+  
401.55+  
354.95+  
344.00+  
333.06+

008

2,902.03\*

Inquiry

Documents Exist

Prop#...: 22-015141  
Owner...: KLINK ROSE M  
Address: 409 CENTRAL AV  
Mail To: KLINK ROSE M  
409 S CENTRAL AVE  
CUMBERLAND  
Phone...:

MD 21502-

School Dist.: CUMB SCHLS  
F22=Add'l Info

Payoff Date : 5/03/2022  
Total Billed: 9,052.88  
Tot. Dsc App: .00  
Total Paid...: 6,374.49  
Total Due W/SC: 2,678.39

Enter Option: \_

F3=Exit

X	Year	Perd	Type	Bill#	Tax	Pen	Int	Collected	Remaining Balance
-	2021	1	1	202112026	255.34	.00	35.77	.00	291.11
-	2020	1	SA	202003768	250.04	.00	87.50	.00	337.54
-	2019	1	SA	201903859	250.04	.00	147.50	.00	397.54
-	2018	1	SA	201803858	250.04	.00	207.50	.00	457.54
-	2017	1	SA	201704039	286.07	.00	306.02	.00	592.09
-	2016	1	SA	201604127	260.66	.00	341.91	.00	602.57
-	2015	1	SA	201504131	260.66	.00	153.99	414.65	.00
-	2014	1	1	201411325	286.72	.00	5.73	292.45	.00

Taxes 2016-2021

Water  
240060000 - 3098.26

260.66+  
286.07+  
250.04+  
250.04+  
250.04+  
255.34+

006

1,552.19\*

**File Attachments for Item:**

. **Order 27,011** - authorizing the execution of a billing agreement by and between the M&CC and Carter Professional Services, LLC, dba Medical Claim-Aid to perform billing and claims service on behalf of the Mayor and City Council related to EMS transports and fire/rescue incidents, effective 7/1/22 for 5 years with option to renew for an additional 3 years upon mutual agreement. The City will be billed the sum of 7.25% of all payments received during the preceding month related to ambulance transports



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

**ORDER NO.** 27,011

**DATE:** June 7, 2022

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

**THAT**, the Mayor be and is hereby authorized to execute a Billing Agreement between the Mayor and City Council of Cumberland and Carter Professional Services, LLC, dba Medical Claim Aid to perform billing and claims service on behalf of the Mayor and City Council of Cumberland related to EMS transports and fire/rescue incidents, and

**BE IT FURTHER ORDERED** that, this agreement will become effective July 1, 2022 for a period of five (5) years with the option to renew for an additional three (3) years upon mutual agreement, and

**BE IT FURTHER ORDERED** that, the City of Cumberland shall be billed the sum of 7.25% of all payments received during the preceding month related to ambulance transports.

---

**Raymond M. Morriss, Mayor**

# Council Agenda Summary

Meeting Date: June 7, 2022  
Key Staff Contact: Julie Davis, Fire Administrative Officer  
Shannon Adams, Fire Chief

## *Item Title:*

Carter Professional Services, LLC Billing Agreement Renewal

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

Recommend executing a billing agreement by and between the Mayor and City Council and Carter Professional Services, LLC, doing business as Medical Claim-Aid to perform billing and claims service on behalf of the Mayor and City Council related to EMS transports and fire/ rescue incidents.

The Agreement will become effective July 1, 2022 for a period of five (5) years with the option to renew for an additional three (3) years upon mutual agreement.

The City shall be billed the sum of 7.25% of all payments received during the preceding month related to ambulance transports.

## *Amount of Award:*

## *Budget number:*

## *Grant, bond, etc. reference:*



May 3, 2022

410-479-4790

1-800-432-5940

FAX: 410-479-4793

FAX: 1-800-764-6420

E-Mail: [admin@medicalclaimaid.com](mailto:admin@medicalclaimaid.com)

Mayor and City Council of Cumberland  
ATTN: Julie Davis, Fire Administrator  
57 N. Liberty Street  
Cumberland, MD 21502

**RECEIVED**

**MAY 16 2022**

Re: Billing Agreement Renewal **CUMBERLAND FIRE DEPT  
OFFICE OF THE FIRE CHIEF**

Dear Julie:

Our billing agreement with your company is coming up for renewal. Enclosed is our agreement/contract. Please consider this our formal request to continue serving the EMS billing needs of The Mayor & City Council of Cumberland.

Many changes have occurred in the past few years. Tremendous new Medicare changes and HIPAA requirements have dramatically impacted billing. Medical Claim Aid prides itself in adjusting and preparing for billing changes as they occur. Members of our staff regularly attend many conferences held all over the country detailing the new requirements.

Please review the enclosed agreement and return the signed original agreement to me at your earliest convenience. I will return an executed copy for your records.

**As you can see, although the benefits and services provided by Medical Claim-Aid have increased, we have not raised our rates!** This is in spite of the fact that postage and other costs have risen significantly. We have enjoyed serving your billing needs, and look forward to our continued association. Your loyalty is appreciated and we wanted to be sure you knew that! Should you have any questions, please contact me at any time. Thank you.

Sincerely,

LEAH CARTER WATKINS

Encl: billing agreement



410-479-4790

1-800-432-5940

FAX: 410-479-4793

FAX: 1-800-764-6420

E-Mail: [admin@medicalclaimaid.com](mailto:admin@medicalclaimaid.com)

## BILLING AGREEMENT

This Billing Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 2022 by and between **The Mayor and City Council of Cumberland** (hereinafter **MCCC**) and **Carter Professional Services, LLC**, doing business as **Medical Claim-Aid** (hereinafter **MCA**), witnesses that:

- (1) **CUSTOMERS.** MCA shall perform billing and claims service for MCCC related to EMS transports, fire and rescue incidents and fire department inspection and permit fees.
- (2) **BILLING.** MCA shall submit claims to third party payers (MEDICARE, Carefirst, private insurers, etc). Amounts not paid by third party payers shall be billed to the patient or the patient's representative, unless coordinated with subscription membership. During the first 90 day period (90 days from the time that the claim is referred by MCCC to MCA) such individual billing shall be such as is necessary to effect collection, but not to exceed what is stipulated by MCCC. MCA shall have the right to manage accounts receivable and to authorize payment plans, as it deems reasonable and appropriate. MCCC shall have the right to determine the total number of bills to each patient (except for that which is mandated by law) and the style and manner of messages to appear on the invoices.
- (3) **INQUIRIES.** All inquiries and complaints related to billing (if any) shall be directed to MCA.
- (4) **EFFECTIVE DATE, DURATION, RENEWAL.** The provisions of this Agreement shall become effective July 1, 2022 at which time MCA will continue responsibility for the billing as herein provided. The term of this Agreement is five years ending June 30, 2027. This contract is renewable thereafter for an additional three-year term, based upon satisfactory performance and mutual agreement of both parties.
- (5) **NOTICES.** Any and all notices regarding continuation or termination of this agreement to a party shall be deemed given and received by the party three days after written notice has been mailed by certified mail, return receipt requested, providing the notice is addressed as follows:

Mayor and City Council of Cumberland  
ATTN: Julie Davis, Fire Administrator  
57 N. Liberty Street  
Cumberland, MD 21502

CARTER PROFESSIONAL SERVICES, LLC. t/a MEDICAL CLAIM-AID  
ATTN: Leah Carter Watkins  
400 Market Street  
Denton, MD 21629

In addition to said certified mail notice; each party shall make a reasonable effort to fax a copy of the notice to the other party. MCA's current fax number of 410 479 4793. The foregoing is not intended to be the exclusive method of communication between the parties.

(6) **COMPENSATION.** MCCC shall pay to MCA the following:

Beginning the first of the month after funds are received, MCCC will be billed the sum of 7.25% of all payments received by MCCC during the preceding month related to ambulance transports. Statements will be sent the first of each month and are due and payable no later than the 10<sup>th</sup> of that month. Late payments are subject to 1.5% interest per month. MCA will not bill any charges for calls for which there are no payments received. In the event of subsequent renewal, all parties will have the opportunity to renegotiate the contingency rate not to exceed 10%.

(7) **PAYMENTS AND PAYMENT INFORMATION.** All Payments shall be payable to MCCC at their remittance address **PO BOX 120 Denton, MD 21629**. The cost of the PO Box is paid by MCA. MCCC shall ensure that any payments, which are paid to MCCC at their location, are forwarded to MCA as often as necessary, but not less than once weekly. This billing information includes all Medicare Remittance Notices, insurance explanations of benefit, personal payments, requests for additional information, returned mail and other related billing correspondence. MCCC is responsible for bank charges for credit card payments. MCA is responsible for all other credit card fees, including the monthly fee. MCA will ensure that all payments received at the post office box are forwarded to MCCC every Thursday with a detailed credit report.

(8) **COOPERATION.** MCA shall ensure that all its records relating to MCCC's billings, claims accounts receivable, etc., are kept up to date and are made available to MCCC whenever requested by them. This includes any reports which are deemed necessary by MCCC. Reports can be generated on a monthly, quarterly or other timely manner upon request by MCCC. Generally, 24 hours is necessary for receipt of said reports. (This obligation of MCA shall not be affected by any real or perceived contract dispute or other disagreement between the parties.) MCCC shall cooperate fully with MCA in providing, in a timely manner, all information needed by MCA to carry out its duties under this Agreement.

(9) **INVOICES AND SUPPLIES.** All printed material necessary to effect billing (i.e., invoices, statements, envelopes, signature stamp, notice of privacy practices etc will be paid by MCA.

(10) **HIPAA COMPLIANCE**. MCA shall carry out its obligations under this Agreement in compliance with the privacy regulations pursuant to Public Law 104-191 of August 21, 1996 known as the Health Insurance Portability and Accountability Act of 1996, Subtitle F – Administrative Simplification, Sections 261, et seq., as amended (“HIPAA”), to protect the Privacy of any personally identifiable protected health information (“PHI”) that is collected, processed or learned as a result of the billing services provided hereunder. In conformity therewith, MCA agrees that it will:

- a. Not use or further disclose PHI except as permitted under this Agreement or required by law.
- b. Use appropriate safeguards to prevent use or disclose of PHI except as permitted by this Agreement;
- c. To mitigate, to the extent practicable, any harmful effect that is known to MCA of a use or disclose of PHI by MCA in violation of this Agreement
- d. Report to MCCC any use or disclosure of PHI provided for by this Agreement of which MCA becomes aware;
- e. Ensure that any agents or subcontractors to whom MCA provides PHI, or who have access to PHI, agree to the same restrictions and conditions that apply to MCA with respect to such PHI;
- f. Make PHI available to MCCC and to the individual who has a right of access as required under HIPAA;
- g. Incorporate any amendments to PHI when notified to do so by MCCC.
- h. Provide an accounting of all uses or disclosures of PHI made by MCA as required under the HIPAA privacy rule;
- i. Make its internal practices, books and records relating to the use and disclosure of PHI available to the Secretary of the Department of Health and Human Services for purposes of determining MCA's and MCCC; compliance with HIPAA; and
- j. At the termination of this Agreement, return or destroy all PHI received from, or created or received by MCA on behalf of MCCC

MCA agrees to assume the following obligations regarding electronic Protected Health Information (e-PHI):

- a. MCA agrees to implement administrative, physical and technical safeguard that reasonably and appropriately protect the confidentiality, integrity and availability of the e-PHI that it creates, receives, maintains or transmits on behalf of MCCC.

- b. **MCA** will ensure that any agent, including a subcontractor, to whom it provides e-PHI that was created, received, maintained or transmitted on behalf of **MCCC** agrees to implement reasonable and appropriate safeguards to protect the confidentiality, security and integrity of e-PHI.
- c. **MCA** agrees to alert **MCCC** of any security incident (as defined by the HIPAA Security Rule) of which it becomes aware, and the steps it has taken to mitigate any potential security compromise that may have occurred, and provide a report to **MCCC** of any loss of data or other information system compromise as a result of the incident.

The specific uses and disclosures of PHI that may be made by **MCA** on behalf of **MCCC** include:

- a. The preparation of invoices to patients, carriers, insurers and other responsible for payment or reimbursement of the services provided by **MCCC**;
- b. Preparation of reminder notices or documents pertaining to collections of overdue accounts;
- c. The submission of supporting documentation to carriers, insurers and other payers to substantiate the health care services provided by **MCCC** to its patients or to appeal denials of payment for same.
- d. Other uses or disclosures of PHI as permitted by HIPAA privacy rule.

Notwithstanding any other provisions of this Agreement, this Agreement may be terminated by **MCCC**, in its sole discretion, if **MCCC** determines that **MCA** has violated a term or provision of this agreement pertaining to **MCCC**'S obligations under the HIPAA privacy rule, or if **MCA** engages in conduct which would, if committed by **MCCC**, result in a violation of the HIPAA privacy rule by **MCCC**.

(11) **SOFTWARE.** By agreement with and licensing requirements of Tritech Emergency Medical Systems, Inc. (formerly Ortivus NA. The software is the property of **MCA** and cannot be transferred to **MCCC**. The data is the property of **MCCC** and would be provided to them upon termination of this agreement.

(12) **INDEMNIFICATION AND HOLD HARMLESS AGREEMENTS.** **MCA** will indemnify and hold harmless **MCCC** for all fines and/or penalties that may be assessed for errors or erroneous information contained in claims submitted to third-party payors when and if such errors are the fault of **MCA**. **MCCC** will indemnify and hold harmless **MCA** for all fines and/or penalties that may be assessed for errors or erroneous information contained in claims submitted to third-party payors when such information was incorrectly or erroneously supplied by **MCCC** to **MCA** by way of a Patient Information Report or otherwise.

- (13) **REFUND OF AMOUNTS RECEIVED ERRONEOUSLY.** MCCC further agrees to refund to third-party payors any payments received by MCA on behalf of MCCC as a result of the submission of any erroneous claims and to indemnify and hold harmless MCA for such amounts. This includes all overpayments which will be reported to MCCC by MCA.

\_\_\_\_\_  
MAYOR

WITNESS \_\_\_\_\_

**CARTER PROFESSIONAL SERVICES, LLC., t/a MEDICAL CLAIM-AID**

\_\_\_\_\_  
**LEAH CARTER WATKINS**

\_\_\_\_\_



**File Attachments for Item:**

. **Order 27,012** - accepting the recommendation from the Cumberland Planning and Zoning Commission, dated April 27, 2022, to approve a Zoning Text Amendment (ZTA #22-02) to provide guidance for Dwelling Units / Mixed-Uses as a permitted use in Residential-Office (R-O) Zones and authorizing formal procedures to approve the amendment to commence

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

**ORDER NO. 27,012**

**DATE: June 7, 2022**

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

**THAT,** the recommendation from the Cumberland Planning and Zoning Commission, dated April 27, 2022, to approve a Zoning Text Amendment (ZTA #22-02) to provide guidance for Dwelling Units / Mixed-Uses as a permitted use in R-O (Residential-Office) Zones be and is hereby accepted; and

**BE IT FURTHER ORDERED,** that formal procedures to approve the recommended amendment to the City Code shall be commenced.

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**Raymond M. Morriss, Mayor**



# CITY OF CUMBERLAND MARYLAND

## DEPARTMENT OF ENGINEERING

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**TO:** Jeff Silka, City Administrator

**FROM:** Morgan Alban, GIS Specialist

**DATE:** April 27, 2022

**RE:** ZTA 22-02 – Dwelling Units/Mixed-Use

---

Please find attached a report approved by the Planning Commission (by a 3-0 vote) at its April 25, 2022 regular meeting recommending approval by the Mayor and City Council of a Zoning Text Amendment (ZTA 22-02). This text amendment was prepared by staff as a petition to provide guidance for Dwelling Units/Mixed-Uses as a permitted use in R-O (Residential-Office) Zones.

Under the Land Use Article of the Annotated Code of Maryland, this report must be presented to the Mayor and City Council at a regular meeting and a date scheduled for a final public hearing by the Mayor and City Council before the ordinance may be adopted. Therefore, we would like to request a public hearing date at which time I can explain the proposed amendment and answer any questions the Mayor and Council members may have. Once the hearing has been scheduled, I will prepare the required public notice and submit it to Margie Woodring for publication in the Cumberland Times-News as prescribed by Maryland Law. Please feel free to submit the draft ordinance language to our City Solicitor for his use in preparing the final Ordinance.

If you have any additional questions, please let me know. I will transmit a copy of this memo to Margie Woodring by e-mail, along with an editable computer file copy of the proposed ordinance. Thank you for your assistance.

**MAYOR**

RAYMOND M. MORRISS

**COUNCIL**

RICHARD J. CIONI, JR.  
EUGENE T. FRAZIER  
JOSEPH P. GEORGE  
LAURIE P. MARCHINI

**CITY ADMINISTRATOR**

JEFFREY F. SILKA

**CITY ENGINEER**

ROBERT L. SMITH, P.E.

Attachment

Cc: Margie Woodring (via e-mail)



MEMBER MARYLAND  
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 [www.cumberlandmd.gov](http://www.cumberlandmd.gov)  
VOICE (301)759-6600 • FAX (301)759-6608 • TDD (800)735-2258

**ZTA 22-02 – DWELLING UNITS/MIXED-USES**  
***Proposed Zoning Text Amendment***  
***April 25, 2022***

**NOTE:** (New language to be added is depicted in **bold-faced capital letters** and language to be deleted is depicted in ~~strikethrough font~~)

**Introduction:**

**AMEND SECTION 25-101 – ESTABLISHMENT OF ZONING DISTRICTS AS FOLLOWS:**

**Sec. 25-101. Establishment of zoning districts.**

(a) Zoning districts are established to provide appropriate locations for different types of land uses. The appropriate location for a particular land use is determined by environmental suitability, the location of public facilities and services, land productivity, existing land uses in the vicinity and recommended guidelines in the comprehensive plan. In order to regulate and restrict the location and use of buildings and land for trade, industry, residence and other purposes, and to regulate and restrict the location, height and size of buildings hereafter erected or structurally altered, the side of yards and other open spaces and the density of population. For the purposes of this chapter, the city is divided into the following districts (including the RR Floating Zone District, AR Adaptive Reuse Floating Zone, and PD Planned Development Floating Zone which are hereby established prior to being applied to any specific property within the city—see definition of floating zone/district in section 25-23):

<u>Conservation</u>	
C	Conservation
<u>Residential</u>	
R-E	Estate Residential
R-S	Suburban Residential
R-U	Urban Residential
R-O	Residential-Office
<u>Business/Commercial</u>	
B-L	Local Business
B-H	Highway Business
B-CBD	Central Business District
<u>Industrial/Employment</u>	
B-C	Business Commercial
I-G	Industrial-General
<u>Mixed Use</u>	
G-C	Gateway-Commercial District
G-I	Gateway-Industrial District
<u>Floating Zones</u>	
RR	Rehabilitation and Redevelopment Floating Zone
AR	Adaptive Reuse Floating Zone
PD	Planned Development Floating Zone

(b) Within these districts, no lot, structure, or accessory structure shall be used, in whole or in part, unless they comply with the requirements of article VI (zoning district regulations) and other applicable parts of this chapter.

(1) *Conservation (C)*. The purpose of this district is to regulate areas which, in the interest of the public health, safety, and general welfare of the city:

- a. Are subject to flooding and encroachment which aggravates flood conditions;
- b. Are part of or protective of the rights-of-way of an interstate highway; or
- c. Are located and featured in such a way as to, by reason of slope, geologic conditions, or overall natural character, warrant preservation through limited usage.

(2) *Estate Residential (R-E)*. The purpose of this district is to provide for low-density residential and certain other forms of development in predominantly undeveloped areas, in a manner that protects the natural features of the land.

(3) *Suburban Residential (R-S)*. The purpose of this district is to provide for the continuation of low density single family development in areas where existing and most recent single family development has occurred, and to stabilize and protect these areas.

(4) *Urban Residential (R-U)*. The purpose of this district is to provide areas for low and medium density urban residential uses, including single-family detached, single-family attached, and multi-family dwellings.

(5) *Residential-Office (R-O)*. The purpose of this district is to provide areas appropriate for the harmonious mixing of residential and non-residential uses, and to provide for higher density residential development in a variety of housing types. Dwelling units/mixed uses are consistent with this purpose and, perhaps, necessary for its fulfillment.

(6) *Local Business (B-L)*. The purpose of this district is to provide areas adjacent to residential districts in which commercial uses are permitted primarily for the convenience shopping, professional service, and personal service needs of the area residents.

(7) *Highway Business (B-H)*. The purpose of this district is to provide areas along major highways which are most appropriate for the development of businesses principally serving the needs of highway users and transients, with the servicing of resident convenience shoppers as a secondary function.

(8) *Central Business District (B-CBD)*. The purpose of this district is to define and provide regulations for the central regional and city core of shopping, business, government, and related activities.

(9) *Business Commercial (B-C)*. The purpose of this district is to provide opportunities for both business and commercial uses which exhibit similar functions in areas which are existing or potentially suitable for such uses, and to effect a desirable transition between business, commercial, existing residential, and other uses.

(10) *Industrial-General (I-G)*. The purpose of this zoning district is to permit and encourage modern industrial development and to permit limited commercial development.

(11) *Gateway-Commercial District (G-C)*. The purpose of this district is to permit and encourage a mixture of commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of the city's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in section 25-143.

(12) *Gateway-Industrial District (G-I)*. The purpose of this district is to permit and encourage a mixture of industrial/commercial and residential uses within the North Mechanic Street/North Centre Street corridor. To encourage preservation of the structures and properties that have historically defined the unique aesthetic character of one of the city's primary entry and egress corridors, and to guide future development in a manner consistent with this character, a set of guidelines related to parking, signage, site and architectural design have been developed for this district, as set forth in section 25-143.

(13) *Rehabilitation and Redevelopment Floating Zone District (RR)*. Certain areas of the city contain abandoned structures that were originally used for industrial, warehouse, or other employment purposes but which are now nonconforming in the district in which they are located. These structures are no longer useful and constitute a detriment to the surrounding neighborhoods and could adversely affect the city's taxable assessment base. The purpose of the Rehabilitation and Redevelopment Floating Zone District is to allow and provide incentive for the reuse, rehabilitation, and redevelopment of such structures in a manner that will allow them to be restored to the active tax rolls and inventory of land in the city, while preserving the integrity of the neighborhood in which they are located. Performance standards have been developed to address compatibility of proposed developments with adjacent residential areas, as set forth in section 25-144.

(14) *Adaptive Reuse Floating Zone (AR)*. The purpose of this floating zone district is to govern the comprehensive redevelopment and adaptive reuse of large properties (two (2) or more acres in size) containing one (1) or more structures (encompassing fifty thousand (50,000) square feet or more of gross floor area, either individually or in combination), the principal or primary use or operation of which has been discontinued or abandoned and which would require greater land use flexibility to revitalize or redevelop than may be allowed by alternative zoning classifications. Specific eligibility criteria and performance standards to govern the application and use of this floating zone are specified in section 25-147. The Adaptive Reuse Floating Zone process has been designed to permit comprehensive approval of rezoning, subdivision, and site plan development of a major redevelopment site through a single consolidated review and approval process.

(15) *Planned Development Floating Zone (PD)*. The purpose of the PD—Planned Development Floating Zone is to encourage the application of innovative and creative land use designs for residential and mixed use developments. The district is intended to allow the unified planning and development of large tracts of land suitable in location, area, and character for the uses and structures proposed. Specific eligibility criteria and performance standards to govern the application and use of this floating zone are specified in section 25-146. A mix of uses and housing types is encouraged, provided that the proposed project is generally consistent with the comprehensive plan and the land uses proposed along the external boundaries of the development site will be compatible in intensity, character, and design with the proposed neighboring uses within the development. The ultimate objectives to be achieved by providing increased design flexibility for planned developments are: to maximize the development potential of major infill and redevelopment projects, promote more contextually sensitive and compatible

environmental and architectural design, encourage permit streamlining to reduce up-front fixed development costs, and provide greater opportunities for common open space within major developments.

**AMEND SECTION 25-132 – USE REGULATIONS TABLE AS FOLLOWS:**

## USE REGULATIONS TABLE

[illegible]

[illegible]



historic areas, conservation areas, and other similar uses employing open land with open structures												
<b>Adult Businesses<sup>1</sup></b>												
Adult entertainment establishments									P			
Adult retail establishments									P			
<b>Cemeteries and Funeral Homes</b>												
Cemeteries	C	C	C									
Funeral homes	C		C	P	P	P	P				C	
<b>Educational, Research, Cultural, Religious, Social, Fraternal</b>												
Schools and educational institutions (including private, charter, and magnet schools as defined and permitted by the state department of education)	C	C	C	P				C				
Dormitories, fraternity and sorority houses				P								
Places of worship and related uses	P	P	P	P	P	P	P	P			P	
Private commercial educational institutions including schools for dance, music, art, drama, and other similar activities				P	P	P	P				P	
Clubs, lodges, or social buildings					P	P	P	P			C	
Community and cultural center buildings	C		C	P	P	P	P	P			C	P
Laboratories, research									P	P		C
<b>Transportation/Infrastructure Facilities</b>												
Railroad terminals, repair yards, and facilities									P			
Motor freight terminals									P			
Passenger terminals including taxi stands, bus, and rail passenger stations and shelters						P	P					
Off-street parking lots	P	P	P	P	P	P	P	P	P	P	P	P
Communications towers	P	P	P	P	P	P	P	P	P	P	P	P
Small cell technology structures	P	P	P	P	P	P	P	P	P	P	P	P
Wind energy system, large												
Wind energy system, small	C	C	C	C	C	C	C	C	C	C	C	C
<b>Agricultural Operations</b>												
Agricultural, horticultural, and forestry uses	P											
Nurseries for growing of flowers, trees, and shrubs not for sale on the lot	P	P	P						P			P
Nurseries for growing of flowers, fruits, vegetables, trees, and shrubs for sale on the lot	P				P	P			P	P	P	P

#### NOTES:

1. Permitted and prohibited uses in the Conservation District are presented in section 25-142.
2. Permitted and prohibited uses in the Rehabilitation and Redevelopment Floating Zone District are presented in section 25-144.
3. All public, professional, commercial, industrial, or other non-residential uses; all multi-family dwelling uses; all temporary structures; and certain other uses designated in sections 25-139

<sup>1</sup>\* Adult businesses may not be located within 1,500 linear feet of any public library, public park, public playground, school, church or similar place of worship, child care center, community center, or residence.

(steep slope development), 25-140 (development within floodplains, streams, and buffer areas), 25-141 (preservation of habitats of threatened and endangered species), 25-143 (gateway districts), and article X (Viewshed Protection Overlay District) are subject to the provisions of article VIII (site plan review).

(Ord. No. 3796, § 2, 6-7-16; Ord. No. 3828, § 1, 1-2-18; Ord. No. 3860, § 1(Att.), 10-15-19)

**Planning Commission Action:**

- ☒ Recommend adoption of the Zoning Text Amendment to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

The Commission adopts the findings, recommendations, and conditions set forth in the Staff Report.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- ☐ Recommend denial of requested Zoning Text Amendment to the Mayor and City Council, based on the following findings:
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

Motion by: \_\_\_\_\_

Seconded by: \_\_\_\_\_

Vote:

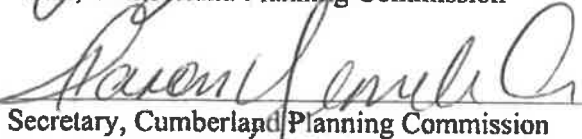
In favor of motion: 3      Opposed: 0      Abstained: \_\_\_\_\_

Number of voting members present: \_\_\_\_\_

Signed:

  
Chair, Cumberland Planning Commission

Date: 4/25/22

  
Secretary, Cumberland Planning Commission

Date: 4/25/22

**File Attachments for Item:**

. **Order 27,013** - lifting the "Open Containers of Alcohol" provisions of the City Code (Section 11-113) on June 11, 2022, from 12:00 p.m. until 9:00 p.m., within the area of North Centre Street between Baltimore Street and Frederick Street for the North Centre Street Festival; notwithstanding that open glass containers shall not be permitted

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

ORDER NO. 27,013

DATE: June 7, 2022

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

THAT, the provisions of Section 11-113 of the City Code, entitled "Open Containers of Alcohol," be and are hereby lifted for the North Centre Street Festival on June 11, 2022, from 12:00 p.m. through 9:00 p.m., within the area of Centre Street between Baltimore Street and Frederick Street;

Notwithstanding the foregoing, open glass containers shall not be permitted in the area defined above and Section 11-113 (a) of the City Code shall remain in force and effect as to glass open containers of alcoholic beverages in that area.

---

**Raymond M. Morriss, Mayor**

**\*Map attached**



**Centre Street Festival June 11th - OPEN CARRY PARAMETER Map**

**File Attachments for Item:**

. **Order 27,014** - authorizing execution of a BMX Facility Long-Term User Agreement with Riverside BMX for the use of the BMX bike track in the Mason Sports Complex through June 30, 2022, with the option to renew for one-year periods upon mutual consent

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

ORDER NO. 27,014

DATE: June 7, 2022

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

**THAT,** the Mayor be and is hereby authorized to execute a BMX Facility Long-Term User Agreement by and between the Mayor and City Council of Cumberland and Riverside BMX, providing for terms for use of the BMX bike track and appurtenances in the Mason Sports Complex through June 30, 2023, and renewable for one (1) year periods upon mutual agreement of both parties.

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**Raymond M. Morriss, Mayor**



## **BMX Facility Long-Term User Agreement**

THIS BMX FACILITY LONG-TERM USER AGREEMENT (“Agreement”) is made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 2022, by and between the **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation (hereinafter referred to as “City”), and **RIVERSIDE BMX** (hereinafter referred to as “User”).

### **WITNESSETH:**

In consideration of the mutual promises contained herein, and for other good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto do hereby agree as follows:

**1. Description of Premises** - City agrees to allow User the use of a portion of land located at Mason Sports Complex which is the current location of the BMX bike track and the appurtenances thereto (which BMX track and appurtenances are hereinafter referred to in this Agreement as the “Premises”).

**2. Use of Premises** – User agrees that the Premises shall be used exclusively for conducting bicycle motorcross events and practice session for the community sanctioned through the National Bicycle League.

**3. User as Operator of the Premises** - User shall be the exclusive operator of the Premises. User shall provide trained and competent staff to provide adequate and reasonable supervision during all times of use. Trained and competent staff shall mean officers of the User who are 18 years of age or older and who are familiar with planning, promotion, and operation of a BMX track. User shall provide a minimum of one staff person at all times when the track is in use and a minimum of two staff people during racing activities. User may restrict use to specific days and specific times during the day.

User shall restrict use of the Premises to those persons covered under User’s general liability insurance policy. City shall not authorize others to use the Premises without the User’s consent.

**4. General Public Use** –User shall provide times when the Premises is open for use by the general public under Users general liability insurance. User shall provide to the City a schedule of public use times and shall post this schedule at the Premises.

General public use of the Premises shall not be permitted unless such use is covered under User's general liability insurance policy. User shall prominently post signage on the Premises at all entry points for the purpose of notifying the public that unauthorized entry is prohibited and that trespassers will be prosecuted.

**5. Term of Agreement** – This Agreement shall extend from the date of execution to the 30th day of June, 2023.

**6. Renewal** – This Agreement may be renewed for additional one (1) year periods upon mutual agreement of the parties. User must submit written request for renewal at least ninety (90) days prior to the end of the then-current term of the Agreement.

**7. Rent** – City shall charge no monetary rent for the use of the Premises.

**8. Program Responsibility** - User has sole responsibility for the recreational program anticipated by this Agreement. The recreational program offered by the User may not discriminate based on race, color, creed, national origin, religion, disability or gender. The City shall have no obligation to assist in the provision of services that the User intends to provide by virtue of this Agreement or to provide the services if the User terminates this Agreement, except as expressly provided for by this Agreement.

**9. Concessions and Vendors** – During the initial term of this Agreement, User may operate a food concession at the Premises for the purpose of raising funds to cover the operating expenses of the facility. All such activities shall be in full compliance with all applicable laws, ordinances, and regulations. Thereafter, concession rights will be subject to approval by the City. User may allow private vendors to operate food concessions and bicycle-related concessions at the Premises. User shall ensure that any private vendor has general liability coverage in the amount of One Million Dollars (\$1,000,000.00) and User shall obtain a Certificate of Insurance from any private vendor naming both User and City as additional named insured.

**10. Fees Charged by User** – User may charge a reasonable and nominal fee for the use of the Premises during times when it is open for public use, provided public use of the facility is covered under User's general liability insurance policy, but the charge must be applicable to all users during that time. User may require membership in the USA BMS for non-open time use of the Premises in order to ensure

that participants are covered by the USA BMX's insurance policy. User may also charge entrance fees to participants in special events sponsored by User.

Revenues generated by fees shall be used for the operation and maintenance of the Premises, construction of facilities on the Premises, or providing recreational programs at the Premises. If requested by the City, User shall provide an annual accounting of revenues and expenses related to the use and operation of the Premises.

**11. Ownership of Improvements** – All permanent improvements to the Premises, including but not limited to restrooms, concession buildings, dirt track, fencing, guardrails, lighting, scoreboards, signs, and parking facilities, are the property of the City. Permanent improvements or fixtures made or attached to the Premises by any party during the term of this Agreement shall become the property of the City when installed, with the exception of any starting gate supplied by User, which shall remain the property of User.

**12. Maintenance of Premises**

**a. Grounds.** User shall maintain the grounds of the Premises, including, but not limited to, track repairs, mowing, seeding, fertilizing, sweeping, and clean-up of trash, debris, leaves, and downed branches. City will maintain all trees, including planting, trimming, and removal of dead trees.

**b. Bleachers.** User is responsible for all maintenance, repairs, and replacements of bleachers at the Premises. Any bleacher repairs shall require a City building permit and must be inspected by the City.

**c. Fencing.** City shall maintain the perimeter fence currently located at the Premises.

**d. Track Lighting.** User is responsible for all maintenance, repairs, and replacements of track lighting at the Premises. Track lighting shall be directional and directed to avoid a nuisance to neighboring properties.

**e. Scoreboards and Signs.** User shall be responsible for all maintenance, repairs, and replacements for scoreboards and signs.

**f. Parking.** User is responsible for the cleanup of trash and general debris in parking areas adjacent to the Premises.

**g. Safety.** User assumes full responsibility for inspecting, maintaining, and supervising all structures and facilities for which User is responsible in a safe and proper operating condition to minimize the risk of personal injury. City reserves the right to inspect any structure or facility on the Premises and may issue a notice to User for any structural or maintenance deficiencies. Upon receipt of such notice, User shall make the necessary improvements within seven (7) calendar days, unless City agrees, in writing, to extend the time.

**h. Exterior Colors.** User must obtain approval from City when altering the exterior colors or appearance of any existing structure or facility at the Premises.

**13. Construction of Improvements** – User must obtain approval from City for all permanent improvements to the Premises and obtain all necessary permits for the approved construction. User is solely responsible for the design of the BMX track and the safety of both the design and the construction of the track.

**14. Utilities and Services** – Utilities and services shall be provided and paid for by the parties as indicated below:

UTILITY / SERVICE	CITY	USER	NOT AVAILABLE
Electricity		X	
Water	X		
Gas			X
Telephone			X
Trash Hauling	X		

**15. Signs and Advertisements** – All signs or advertisements installed or displayed on the Premises must be approved by City. Approval will be based on size, content, location, and visibility. City reserves the right to remove any signs or advertisements from the Premises that it has not approved and User agrees to pay the cost of any such removals. User shall be permitted to place advertising

billboards around the perimeter of the track and structures on the Premises to generate income for the operations.

**16. Hold Harmless** – User will indemnify and hold City harmless from any and all loss, liability, cost, or damages that may occur or be claimed with respect to any person or property on, in, or about the Premises or to the Premises resulting from any act done or omission by or through User, its agents, employees, volunteers, invitees, or any other person on the Premises by reason of the User’s use or occupancy of the Premises and any and all loss, cost, liability, or expense (including, but not limited to, reasonable attorneys’ fees and litigations expenses) resulting therefrom. User will maintain, operate, and supervise the Premises in a safe and careful manner. User shall indemnify and hold City harmless from any and all loss, liability, cost (including, but not limited to, reasonable attorneys’ fees and litigation expenses), or damages that may occur or be claimed arising out of, as an incident to or as a result of User’s breach of the terms of this Agreement.

**17. Insurance**

**a. Buildings and Structures.** The City shall provide building and structure insurance in the same manner and amount that it would for any City-owned park structure. Providing this insurance does not obligate the City to incur any cost in repair or replacement beyond the insurance coverage provided. User may carry additional insurance at User’s cost if such insurance is available.

**b. General Liability.** User shall provide general liability insurance in the amount of One Million Dollars (\$1,000,000.00) covering all activities of the User, its participants, members, volunteers, spectators, agents, and uses of the facility whether authorized or unauthorized. This insurance must also extend to the preparation and sale of any food on the Premises if food will be distributed or sold. The insurance policy will name the **“Mayor and City Council of Cumberland”** as an additional insured and will include an endorsement requiring the insurer to provide City with no less than thirty (30) days advance notice of its cancellation. Prior to the execution of this Agreement and from time to time upon request of City, User shall provide City with a Certificate of Insurance evidencing the coverage referenced above. User agrees to immediately cease all use of the Premises if its general liability insurance is canceled or expired or if it has reason to believe that the insurance has expired or has been canceled. User must notify the City immediately in the event it has reason to believe the said insurance has expired or has been canceled.

**c. Contents.** User is solely responsible for insurance for all personal property kept on the Premises if the User elects such coverage. The City will not provide insurance for any personal property not owned by the City.

**18. Damage to Personal Property** – User is responsible for all personal property kept, stored, or placed on the property in conjunction with the User’s use of the Premises. City shall not be responsible for any loss or damage to personal property for any reason.

**19. Public Requirements** – User shall comply with all laws, orders, ordinances, park rules and regulations, permit regulations, and other public requirements in effect now or in the future affecting the Premises or the use of the Premises, and shall indemnify and hold the City harmless from all expenses (including, but not limited to, reasonable attorneys’ fees and litigation expenses), fines, penalties, damages or costs of any kind or nature resulting from its failure to do so. The Premises are not exempted from compliance with zoning or other municipal codes or ordinances, nor from any other requirements of law due to title being in the name of City.

**20. Assignment or Sublease** – User may not assign this Agreement nor may it sublease the Premises, in whole or in part without the written consent of City.

**21. Liens and Encumbrances** – User may not encumber the Premises or any property, fixtures, or improvements located thereon. User shall promptly pay when due all obligation or indebtedness incurred by virtue of this Agreement. This Agreement is subject to provisions of the City Charter, ordinances, and state statutes prohibiting alienation of title.

**22. City Assistance** – The terms of this Agreement shall not be interpreted to prohibit User from requesting that City provide additional services or support nor shall they be interpreted to prohibit City from providing additional services or support. City may grant additional services or support or deny requests therefore in its sole discretion, with or without basis.

**23. Notices** – Any notice sent to the parties shall be to the following addresses:

**City:** Mayor and City Council of Cumberland  
57 N. Liberty Street  
Cumberland, MD 21502

**User:** Riverside BMX, Inc.  
Kim Hazel  
218 Humbird Street  
Cumberland, MD 21502

**24. Current User Information** – User will provide City with a current list of all officers including names, titles, home addresses, and telephone numbers. User will provide an updated list within thirty (30) days of any change in the foregoing and with each Agreement renewal request.

**25. Governing Law.** This Agreement shall be construed under the laws of the State of Maryland. The parties hereto hereby agree to be subject to the jurisdiction of and waive any objection to the venue of any action filed by one against the other, in any court located in Allegany County, Maryland, and waive any claim that such courts constitute inconvenient fora. Unless otherwise agreed, all litigation arising out of or as an incident to the terms or execution of this Agreement shall be instituted and prosecuted in the District Court of Maryland for Allegany County or the Circuit Court for Allegany County, Maryland.

**26. Captions/Headings.** The captions and headings inserted in this Agreement are for convenience only and in no way define, limit, or otherwise describe the scope or intent of this Agreement, any provision hereof, or in any way affect the interpretation of this Agreement.

**27. Waiver of Trial by Jury.** THE PARTIES HERETO HEREBY WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH EITHER OF THEM MAY BE PARTIES, ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS AGREEMENT OR ANY PROVISION THEREOF. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS AGREEMENT. THIS WAIVER IS KNOWINGLY, WILLINGLY AND VOLUNTARILY MADE BY THE PARTIES HERETO, AND THE PARTIES HERETO HEREBY REPRESENT THAT NO REPRESENTATIONS OF FACT OR OPINION HAVE BEEN MADE BY ANY INDIVIDUAL TO INDUCE THIS WAIVER OF TRIAL BY JURY OR TO IN ANY WAY MODIFY OR NULLIFY ITS EFFECT.

**28. Entire Agreement.** It is expressly understood and agreed that this Agreement is the entire agreement of the parties and that there are and were no verbal representations, warranties, understandings, stipulations agreements, or promises pertaining to this Agreement not incorporated in this Agreement. It is likewise agreed that this Agreement may not be altered, waived, amended, or extended except by an instrument in writing signed by both parties hereto.

**29. Public Health Contingencies.** The terms and conditions of this Agreement are subject to all orders, ordinances, laws, statutes, rules and regulations of local, state and federal governments, including, but not limited to, those pertaining to the COVID-19 pandemic and/or other public health issues and including those which are presently existing and such measures passed or issued in the future.

The parties hereby agree and represent to each other that the undersigned have the authority to accept and sign this Agreement.

ATTEST:

MAYOR AND CITY COUNCIL  
OF CUMBERLAND

\_\_\_\_\_  
Marjorie A. Woodring

By: \_\_\_\_\_  
Raymond M. Morriss

WITNESS:

RIVERSIDE BMX, INC.

\_\_\_\_\_  
Signature

By: \_\_\_\_\_



**File Attachments for Item:**

. **Order 27,015** - accepting certain bids received for the "2022 Sale of Surplus Vehicles and Equipment" and rejecting all other bids

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

**ORDER NO. 27,015**

**DATE: June 7, 2022**

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

**THAT**, the following bids received for the "2022 Sale of Surplus Vehicles and Equipment " be and are hereby accepted, and all other bids received be and are hereby rejected:

	<b>Unit #</b>	<b>Year</b>	<b>Make</b>	<b>Bidder</b>	<b>Bid Amount</b>
1.	11	2005	Ford Crown Victoria	Kori R. Smith	\$ 500.00
2.	20	2006	Chevrolet Trailblazer	Wayne Long	400.00
3.	25	2008	Chevrolet Impala	Collin Carney	879.67
4.	42	2008	Dodge Charger	Dave Collins	305.00
5.	116	1998	Chevrolet Tahoe	Adam Beeman	5,507.00
6.	209	2008	Chevrolet 4x4 Dump Truck	Glenn Sutherland	6,538.00
7.	311	2006	Chevy Silverado 4x4 Pickup Ext Cab	Robert Bennett (Rawlings)	2,105.00
8.	607	2007	Chevrolet 4x4 Dump Truck	Glenn Sutherland	6,498.00
9.	706	2000	Jeep Cherokee 4x4	Robert Bennett (Rawlings)	2,379.00
10.	613		Mounted MQS 185 Air Compressor	Robert Bennett (Rawlings)	260.00
11.	215LMTRL		Utility Trailer	Blake Willard	763.00
12.	EMQLO		EMQLO Air Compressor Tank	William Johnson	42.00
13.	Cadet 2	2014	International Cub Cadet LZ Comm.	Joyce Johnson	841.11
14.	Robinair		Robinair Cooltech AC Machine 34134Z	Collin Carney	303.55
15.	Tire Balancer		Coats 700 Wheel Balancer	Robin Michaels	501.00
16.	Tire Changer		Coats Rim Clamp 5040A	Robin Michaels	501.00
17.	(2) MX-Pro R3		(2) MX-Pro Manual Ambulance Cots	Jesse Shipe	1.00
18.	SRECO		SRECO Storm Sewer Drag Box System	Shawn Appel	600.00

19.	904T		5'x10' Carry On Utility Trailer	Blake Willard	766.00
20.	OTC		OTC Transmission Jack	Wayne Long	190.00
21.	LATHE		Craftsman Lathe	Glenn Sutherland	315.00
22.	WELDER		Lincoln IdealArc 250 Stick Welder	Robert Bennett (Burlington)	239.00
				TOTAL	\$30,434.33

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**Raymond M. Morriss, Mayor**

Mayor and City Council of Cumberland

2022 Sale of Surplus Vehicles and Equipment

Bid Opening Date: May 18, 2022, City Hall Council Chambers 2:30 p.m.

			VIN 113914	VIN 187456	VIN 68172	VIN 220083	VIN 132352	VIN 178988	VIN 265411	VIN 167417	VIN 266120	
			2005 Ford Crown Vic	2006 Chevy Trailblazer	2008 Chevy Impala	2008 Dodge Charger	1998 Chevy Tahoe	2008 Chevy 4x4 Dump	2006 Chevy Silverado 4x4 PU	2007 Chevy 4x4 Dump Truck	2000 Jeep Cherokee 4x4	Mounted MQS 185 Air Compressor
			No.1	No. 2	No. 3	No. 4	No. 5	No. 6	No. 7	No. 8	No. 9	No. 10
Bidder	Affidavit	Addendum										
Greg Turano	N/A	No										
Robert Bennett (Rawlings)		Yes	\$162.00	\$253.00	\$162.00	\$162.00	\$253.00	\$2,105.00	\$2,105.00	\$2,552.00	\$2,379.00	\$260.00
John J. Jones, Jr.		Yes	\$275.78	\$275.78	\$275.78	\$275.78	\$285.78	\$2,678.78			\$275.78	\$225.78
Michael W. Lawrence		Yes		\$302.00	\$352.00		\$857.00					
Kori R. Smith		Yes	\$500.00									
Blake Willard		Yes										
Joyce C. Johnson		Yes										
Robin Michaels		Yes										
Wayne Long		Yes		\$400.00			\$1,050.00	\$3,900.00	\$1,000.00	\$3,854.00	\$400.00	
Adam Beeman	Yes - N/A	Yes					\$5,507.00					
Glenn Sutherland	Yes - N/A	Yes	\$100.00		\$200.00			\$6,538.00	\$358.00	\$6,498.00		\$100.00
Robert H. Bennett (Burlington)	Yes - No business listed	Yes									\$1,189.00	
Kevin Thac ker	Yes - N/A	Yes					\$313.13			\$2,613.13		
Troy Netzer	Yes - N/A	Yes										
Shawn Appel	Yes - N/A	Yes						\$5,000.00		\$5,001.00		
Matthew Propst	Yes - No business listed	Yes										
Collin Carney	Yes	Yes	\$305.59		\$879.67	\$265.55			\$325.55			
Jesse Shipe		Yes	\$201.00	\$201.00	\$375.00	\$251.00	\$1,651.00	\$401.00	\$301.00	\$601.00	\$401.00	\$5.00
William Johnson	Yes - N/A	Yes										
Dave Collins	Yes - No business listed	Yes	\$305.00	\$305.00	\$305.00	\$305.00	\$305.00	\$305.00	\$305.00	\$305.00	\$305.00	
James Jackson	Yes	Yes		\$150.00	\$100.00				\$150.00	\$1,005.00	\$150.00	
Recommended Award			Kori R. Smith	Wayne Long	Collin Carney	Dave Collins	Adam Beeman	Glenn Sutherland	Robert Bennett (Rawlings)	Glenn Sutherland	Robert Bennett (Rawlings)	Robert Bennett (Rawlings)

		1A163230010					062221/062222	VIN 172123			
Utility Trailer	EMQLO Air Compressor Tank	2014 International Cub Cadet Commercial	Robinair Cooltech AC Machine	COATS 700 Wheel Balancer	COATS Rim Clamp 5040A	(2) MX-Pro Manual Ambulance Cots	SRECO Storm Sewer Drag Box System	5x10 Carry on Utility Trailer	OTC Transmission Jack	Craftsman Lathe	Lincoln IDEALARC 250 Stick Welder
No. 11	No. 12	No. 13	No. 14	No. 15	No. 16	No. 17	No. 18	No. 19	No. 20	No. 21	No. 22
\$1,005.00					\$475.50			\$1,050.00	\$55.00	\$605.00	
	\$22.00	\$668.00	\$38.00	\$362.00	\$362.00			\$628.00	\$28.00	\$103.00	\$128.00
		\$225.85		\$175.78	\$375.78		\$175.78	\$375.78		\$175.78	
\$763.00								\$766.00		\$107.00	
		\$841.11									
				\$501.00	\$501.00						
\$150.00		\$649.00		\$209.00	\$240.00		\$200.00	\$300.00	\$190.00		
\$300.00		\$425.00	\$25.00	\$20.00	\$200.00		\$100.00	\$625.00		\$315.00	\$75.00
\$279.00				\$229.00							\$239.00
		\$713.13						\$213.13			
								\$585.00			
				\$260.00	\$260.00		\$600.00				
\$501.51		\$106.75	\$135.25					\$110.55			
			\$303.55				\$405.55				
\$201.00	\$5.00	\$659.00	\$1.00	\$5.00	\$5.00	\$1.00	\$1.00	\$301.00	\$1.00	\$36.00	\$27.00
	\$42.00							\$428.00			
\$150.00		\$350.00		\$150.00	\$355.00			\$100.00		\$75.00	
Blake Willard	William Johnson	Joyce C. Johnson	Collin Carney	Robin Michaels	Robin Michaels	Jesse Shipe	Shawn Appel	Blake Willard	Wayne Long	Glenn Sutherland	Robert H. Bennett (Burlington)

**File Attachments for Item:**

. **Order 27,016** authorizing the execution of Change Order No. 6 to the current contract with Casey Smith, LLC dba ServicePro for City Project "2019 Residential Grass Mowing" (10-19-M) in the decreased amount of \$3,048 to add/remove recently acquired or sold properties at various locations within the City limits, bringing the new contract value to \$55,637

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

**ORDER NO. 27,016**

**DATE: June 7, 2022**

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

**THAT**, the City Administrator be and is hereby authorized to execute Change Order No. 6 to the current contract with Casey Smith, LLC dba ServicePro, 15707 Saint Patrick's Church Road, NW, Mount Savage, MD, 21545, for City Project "2019 Residential Grass Mowing" (10-19-M) in the decreased amount of Three Thousand Forty-eight Dollars and No Cents (\$3,048.00), to add or remove recently acquired or sold properties at various locations within city limits, bringing the new contract value to Fifty-five Thousand, Six Hundred Thirty-seven Dollars and No Cents (\$55,637.00).

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**Raymond M. Morriss, Mayor**

<b>Casey Smith LLC dba ServicePro</b>	<b>Amount</b>
Original Contract Amount	\$45,460.00
Change Order No. 1	\$ 975.00
Change Order No. 2	\$ 5,475.00
Change Order No. 3	\$ 4,800.00
Change Order No. 4	\$ 1,800.00
Change Order No. 5	\$ 700.00
<b>Change Order No. 6</b>	<b>(\$3,048.00)</b>
<b>New Contract Amount</b>	<b><u>\$55,637.00</u></b>

Budget - 001.078.20100 – City Funds

# Council Agenda Summary

Meeting Date: 6/7/2022

Key Staff Contact: Derrik Grimm

## *Item Title:*

Change Order No 6 to Residential Mowing Contract

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

This change order is to add/remove properties recently acquired/sold by the City at various locations within City Limits. These will be added to the contract to allow mowing through the end of the FY. These properties will now be part of the year 3 contract. This will reduce the current contract by \$3,048.00. The new contract value will be \$55,637.00. Original contract was approved with M&CC order no. 26,462, change order 1 was approved with M&CC Order no. 26,564, change order 2 was approved with M&CC Order no. 26,634, change order 3 was approved with M&CC Order no. 26,667, change order 4 was approved with M&CC Order no. 26,703, and change order 5 was approved with M&CC Order no. 26,791.

*Amount of Award:* (\$3,048.00) for project total \$55,637.00

*Budget number:* 001.078.20100

*Grant, bond, etc. reference:* City Funds



# City of Cumberland

## Change Order Number: 6

**Project:** Residential Grass Mowing Contract  
**City Project No.:** 10-19-M  
**Purchase Order No.:** 2022-87  
**Contractor:** Service Pro  
**Vendor No.:** 239

The Change Order modifies (adds or deletes work) the contract as follows:

Add / Delete	Unit	Est # of Cuttings	Cost Per Cutting	Description	Delete	Add
<b>Mowing of City Owned Property Throughout the City of Cumberland</b>						
Delete	EA	6	\$ (40.00)	850 Sperry Terrace	-\$240.00	
Delete	EA	6	\$ (35.00)	443 Baltimore Ave	-\$210.00	
Delete	EA	6	\$ (35.00)	910 Maryland Ave	-\$210.00	
Delete	EA	6	\$ (35.00)	500 Kingsley Place	-\$210.00	
Delete	EA	6	\$ (30.00)	314 Broadway Street	-\$180.00	
Delete	EA	6	\$ (60.00)	451 Baltimore Avenue	-\$360.00	
Delete	EA	6	\$ (35.00)	231 Henderson Ave	-\$210.00	
Delete	EA	6	\$ (35.00)	249 & 251 Columbia Street	-\$210.00	
Delete	EA	6	\$ (35.00)	2 Altamont Terrace	-\$210.00	
Delete	EA	6	\$ (35.00)	27 Ridgeway Terrace	-\$210.00	
Delete	EA	6	\$ (100.00)	Arch St Properties	-\$600.00	
Delete	EA	6	\$ (88.00)	Industrial Blvd Properties	-\$528.00	
Delete	EA	6	\$ (20.00)	17 Paw Paw Way	-\$120.00	
Delete	EA	6	\$ (40.00)	909 Maryland Ave	-\$240.00	
Delete	EA	6	\$ (20.00)	424 Goethe Street	-\$120.00	
Delete	EA	6	\$ (30.00)	10 Altamont Terrace	-\$180.00	
Delete	EA	6	\$ (40.00)	101 North Cedar Street	-\$240.00	
Delete	EA	6	\$ (35.00)	712 Elm Street	-\$210.00	
Delete	EA	6	\$ (35.00)	455 Baltimore Ave	-\$210.00	
Delete	EA	6	\$ (25.00)	3 Altamont Terrace	-\$150.00	
Delete	EA	6	\$ (35.00)	6 Altamont Terrace	-\$210.00	
Delete	EA	6	\$ (30.00)	218 Park Street	-\$180.00	
Delete	EA	6	\$ (40.00)	623-625 Maryland Ave	-\$240.00	
Add	EA	6	\$ 30.00	14 W. First Street		\$180.00
Add	EA	6	\$ 30.00	105 Grand Avenue		\$180.00
Add	EA	6	\$ 30.00	417 Broadway Street		\$180.00
Add	EA	6	\$ 35.00	443 Columbia Street		\$210.00
Add	EA	6	\$ 20.00	471 Goethe Street		\$120.00
Add	EA	6	\$ 30.00	802 Maryland Avenue		\$180.00
Add	EA	6	\$ 40.00	309 Fayette Street		\$240.00
Add	EA	6	\$ 30.00	804 Maryland Avenue		\$180.00
Add	EA	6	\$ 20.00	406 Goethe Street		\$120.00
Add	EA	6	\$ 20.00	412 Goethe Street		\$120.00
Add	EA	6	\$ 40.00	409 Central Ave		\$240.00
Add	EA	6	\$ 40.00	421 Central Ave		\$240.00
Add	EA	6	\$ 40.00	421 Arch Street		\$240.00
<b>TOTALS</b>					<b>-\$5,478.00</b>	<b>\$2,430.00</b>

The Original Contract Sum was:

The Original Contract Sum was: \$45,460.00  
 Previous Change Orders: \$13,225.00  
 Contract Sum as a result of Previous Change Orders: \$58,685.00  
 The Contract Sum increased/decreased by this Change Order: -\$3,048.00  
 The New Contract Sum as a result of this Change Order is: **\$55,637.00**

Contract Time Change: No time added

**Recommended by:** \_\_\_\_\_  
 Contracts Admin Officer Date

**Contractor:** Service Pro  
 \_\_\_\_\_  
 Date

**Accepted by:** \_\_\_\_\_  
 Director of Engineering Date

**Approved By:** \_\_\_\_\_  
 City Administrator Date

Mayor and City Council Order Number Authorizing this Change Order: \_\_\_\_\_

**File Attachments for Item:**

. **Order 27,017** - accepting the bid of Carl Belt, Inc. for City Project "Influent Screening System Upgrade" (02-21-WWTP) in the not-to-exceed lump sum cost of \$1,420,500

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

**ORDER NO. 27,017**

**DATE: June 7, 2022**

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

**THAT**, the bid of Carl Belt, Inc., 11521 Milnor Avenue, Cumberland, MD, 21502 for City Project “Influent Screening System Upgrade” (02-21-WWTP) be and is hereby accepted in the not-to-exceed lump sum cost of One Million, Four Hundred Twenty Thousand, Five Hundred Dollars and No Cents (\$1,420,500.00).

---

**Raymond M. Morriss, Mayor**

<b>Company</b>	<b>Amount</b>
Carl Belt, Inc.	\$1,420,500.00
Triton Construction	\$1,681,000.00
HRI Bridge Company	\$1,682,646.00
Maverick Construction	\$1,967,960.00

Budget: 003.399.TP6.63000 – City Funds

# Council Agenda Summary

Meeting Date: 6/7/2022

Key Staff Contact: Matt Idleman, PE

## *Item Title:*

Award Influent Screening System Upgrade Construction Contract

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

Award Influent Screening System Upgrade Construction Contract to low responsive bidder, Carl Belt, Inc., in the lump sum cost of \$1,420,500.00.

Project involves construction of two mechanically cleaned fine screens to replace the existing headworks mechanical bar screen, installation of two new washer-compactors, and replacement of existing metal structure with a new wood-framed structure.

This project was advertised for bid on 3/28/22. Bids closed on 4/27/22, with four qualified bids being received. The low bidder was Carl Belt, Inc. with an acceptable bid of \$1,420,500.00. The other acceptable bids ranged from \$1,681,000.00 to \$1,967,960.00.

The project is budgeted for this fiscal year, and utilizes City funds.

*Amount of Award:* \$1,420,500.00

*Budget number:* 003.399.TP6.63000

*Grant, bond, etc. reference:* City Funds

# CITY OF CUMBERLAND MARYLAND

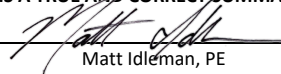
PROJECT INFORMATION	
Project Title:	Influent Screening System Upgrade
City Project:	2-21-WWTP
Contract Length:	365 Calendar Days
BID OPENING	
Date & Time:	April 27, 2022 2:30 PM EDT
Location:	Council Chambers, City Hall Cumberland, MD 21502

CERTIFIED BID TABULATION			
BIDDER	BIDDER	BIDDER	BIDDER
Carl Belt	Triton Construction	HRI Bridge Company	Maverick Construction
11521 Milnor Ave. Cumberland, MD 21502	PO Box 1360 Saint Albans, WV 25177	1750 West College Avenue State College, PA 16801	401 Greenwood Creek Lane Grasonville, MD 21638

BIDS AND ALTERNATES				Carl Belt		Triton Construction		HRI Bridge Company		Maverick Construction	
BID NO.	DESCRIPTION OF BID	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1	Total Base Bid w/ Approved Manufacturer	LS	1	\$ 1,420,500.00	\$ 1,420,500.00	\$ 1,681,000.00	\$ 1,681,000.00	\$ 1,682,646.00	\$ 1,682,646.00	\$ 1,967,960.00	\$ 1,967,960.00

Carl Belt		Triton Construction		HRI Bridge Company		Maverick Construction	
Bid	✓	Bid	✓	Bid	✓	Bid	✓
AoQtB	✓	AoQtB	✓	AoQtB	✓	AoQtB	✓
LPC	County	LPC	County	LPC	N/A	LPC	N/A
ARVF	✓	ARVF	✓	ARVF	✓	ARVF	✓
BASE BID	\$ 1,420,500.00	\$ 1,681,000.00		\$ 1,682,646.00		\$ 1,967,960.00	

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

  
Matt Idleman, PE

Deputy Director of Engineering

**File Attachments for Item:**

. **Order 27,018** - accepting the bid from Sharon Marvin for the "Operation of the Concession Stand at Constitution Park for the 2022 Season" in the amount of \$400 for the season, and authorizing the Mayor to execute a Concession License Agreement providing for terms for use of the Constitution Pool Concession Area through September 30, 2022

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

ORDER NO. 27,018

DATE: June 7, 2022

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

**THAT,** the bid from Sharon Marvin for the “Operation of the Concession Stand at Constitution Park Pool for the 2022 Season” be and is hereby accepted in the amount of Four Hundred Dollars (\$400.00) for the 2022 season; and

**BE IT FURTHER ORDERED,** that the Mayor be and is hereby authorized to execute a Concession License Agreement by and between the Mayor and City Council of Cumberland and Sharon Marvin, providing for terms for use of the Constitution Pool Concession Area through September 30, 2022.

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**Raymond M. Morriss, Mayor**

## **CONCESSION LICENSE AGREEMENT**

**THIS CONCESSION LICENSE AGREEMENT** (“Agreement”), made this \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_, by and between the **Mayor and City Council of Cumberland** (the “City”), a municipal corporation of the State of Maryland, and Sharon Marvin (“Licensee”), of Allegany County Maryland.

### **WITNESSETH:**

**1. Grant of License.** That for and in consideration for the Licensee’s payment of the his/hereinafter-described license fee, the City does his/hereby grant unto Licensee, the right and privilege to exclusively operate the Concession Area (the “Concession”) on the second floor of the Casino Building in Constitution Park (the “Park”) in the City of Cumberland, Maryland, and she shall have the privilege of selling in said Concession all articles of merchandise commonly sold at concession stands in public parks as well as the privilege to operate at that location such pinball machines, arcade-style games and similar devices authorized by the laws of the State of Maryland and the Code of the City of Cumberland as are approved by the Director (the “Director”) of the City’s Department of Parks and Recreation (the “Department”). Notwithstanding anything to the contrary his/herein, Licensee shall not be permitted to sell or offer for consumption beers, wines or alcoholic beverages of any kind in the Park.

The City his/hereby agrees to permit Licensee to operate the Concession as concession stand. Licensee shall be solely responsible for providing all furnishings, trade fixtures and equipment he/she needs in order to operate the Concession and the City shall have no obligations in regard to the same. At the end of the term of this Agreement, Licensee shall have a right to remove such furnishings, trade fixtures and equipment as he/she may purchase and install in said Concession, except those which are so fixed as to



be permanent additions to the building. Any damages caused to the Concession as a result of Licensee's removal of his/her furniture, trade fixtures and equipment shall be repaired by Licensee at his/his/her expense, said repairs to be effected in a good and workmanlike manner, restoring the Concession as good or a better condition than it was in as of the effective date of this Agreement.

During the term of this Agreement, Licensee shall be responsible for repairing and maintaining the equipment and appliances installed by the City at the Concession and keeping it in good and properly working order. Licensee shall be responsible for returning it to the City in good and properly working order upon the termination of this Agreement or upon the expiration of its term.

**2. Cleanliness.** Licensee shall be responsible for keeping the Concession in a clean and sanitary condition throughout the term of this Agreement. At the conclusion this/hereof, Licensee shall surrender possession of the premises to the City in a "broom-clean" condition. Throughout the term of this Agreement, Licensee shall keep the area surrounding the Concession free of trash and debris.

**3. License Fee.** In exchange for the license his/herein granted, Licensee shall pay the City a license fee in the amount of Four Hundred Dollars (\$400.00), payable in consecutive monthly installments, each in the amount of One Hundred Dollars (\$100.00). The first such installment shall be due, payable and paid on June 15, 2022, and each subsequent installment shall be paid no later than the fifteenth (15<sup>th</sup>) day of the month. Said payments shall be made at the City's Finance Department in City Hall, 57 N. Liberty Street, Cumberland, MD 21502. The license fee and the monthly installments this/hereof shall not be abated for any reason.

4. **Exclusivity.** Although Licensee shall have the exclusive right to operate the Concession, nothing herein contained shall prevent other concessionaires from selling concessions elsewhere in the Park. Further, this Agreement shall not be interpreted to confer any rights upon Licensee other than those expressly granted his/her/herein.

5. **Laws and Regulations.** The rights herein granted shall be subject to the City's ordinances, its Code and Charter, the rules and regulations of its Department of Parks and Recreation (the "Department") and other laws and regulations as may be applicable, and the business to be conducted under the terms of this Agreement shall at all times be conducted in conformity with the foregoing.

The Department shall have the right to regulate advertising materials used in or upon any of the buildings in the Park or distributed therein. Further, no signage shall be permitted at the Concession other than that which is approved by the Director, said approval not to be unreasonably withheld.

No items vended by Licensee shall be sold in excess of standard market prices. Licensee shall close the Concession and cease to operate the same as the said Park shall officially be closed unless the Director grants Licensee permission in writing to operate at such times when the Park is officially closed.

6. **Term of Agreement.** It is specifically understood that the rights granted herein are granted as to the period of time commencing May 1, 2022, and concluding September 30, 2022. Notwithstanding the foregoing, Licensee shall not be permitted to conduct business at the Concession until such time as the Allegany County Health Department issues a permit for the conduct of those operations. The Concession shall be

well stocked and kept open for business starting May 28, 2022, and continuing through the end of the term of this Agreement.

7. **No Alternations.** Licensee shall not make any alterations, modifications or improvements at or in the Concession or the Casino Building without the written permission of the Director, said permission to be granted or withheld for any reason or no reason at all.

8. **Limitations on License.** Licensee shall not engage in any commercial activities at the Park (like selling concessions at other locations or showing movies) other than those expressly authorized by the terms of this Agreement unless the Director grants Licensee written permission to do so. This prohibition extends to activities like operating concessions at locations other than the Concession and showing movies.

9. **Relationship between the Parties.** The relationship between the City and Licensee is that of an independent contractor and a contracting entity. Nothing herein contained shall be construed to give Licensee any interest as an employee, joint venturer, or partner of or with the City. During the term of this Agreement, Licensee shall conduct his/her business operations at the Concession as an independent contractor and she shall have control of and shall be exclusively responsible for said operations.

10. **Indemnification.** Licensee will defend, indemnify and hold the City harmless from and against any and all claims, actions, damages, liabilities and expenses (including, but not limited to, reasonable attorneys' fees) in connection with the loss of life, bodily injury, or damage to property or business arising from, related to, or in connection with the conduct of the business operations which are the subject of this Agreement occasioned wholly or in part by any act or omission of Licensee, his/her agents, employees,

representatives, sublicensees, contractors, or subcontractors, or any agents or employees of the foregoing. Licensee's indemnification obligations as set forth in this section include, but are not limited to, the obligation to indemnify the City for its attorneys' fees, court costs and any litigation expenses it may incur. The provisions of this section shall survive the termination or earlier expiration of this Agreement.

**11. Insurance.** Throughout the term of this Agreement, Licensee shall, at its expense, maintain (i) comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate, and (ii) workers' compensation insurance in no less than the statutorily required minimum amounts. Licensee shall furnish the City with a certificate of insurance prior to or contemporaneously with the execution of this Agreement. Thereafter, Licensee shall deliver certificates of renewal for each insurance policy not less than thirty (30) days in advance of the expiration date of the policy, bearing verification from the agent of the company issuing the certificate that the premiums have been paid in full. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without thirty (30) days prior written notice to the City. Each policy shall name "Mayor and City Council of Cumberland" as an additional insured.

**12. Miscellaneous.**

**12.1 Remedies for Breach of Agreement.** Notwithstanding any provisions in this Agreement to the contrary, the parties his/hereto reserve the right to seek any remedies available in equity or law upon a breach of the terms of this Agreement. In the event of a breach of the terms of this Agreement, the breaching party shall pay the

reasonable attorney's fees, court costs and other expenses incurred by the non-breaching party as a result of the breach.

**12.2 Severability.** If any provision of this Agreement or the application thereof to any party or circumstance is held invalid or unenforceable, the remainder of this Agreement and the application of such provision to other parties or circumstances will not be affected this/hereby, and to this end, the provisions of this Agreement are declared severable.

**12.3 Captions.** The captions and titles to the paragraphs, sections and subsections of this Agreement are for convenience purposes only and are not in aid of the interpretation of this Agreement, and to this end, shall not limit, restrict or expand the provisions hereof.

**12.4 Time is of the Essence.** Time is of the essence in with respect to the provisions of this Agreement.

**12.5 Binding Effect.** This Agreement shall be binding upon and inure to the benefit of the parties his/hereto, and their respective heirs, personal representatives, successors and assigns.

**12.6 Governing Law.** This Agreement shall be governed by, construed and enforced in accordance with the laws of the State of Maryland. It shall be enforceable with an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and the parties hereto agree to be subject to the jurisdiction of such Courts and further waive any claim that any action or proceeding arising out of or relating to this Agreement and commenced in such courts in commenced in an inconvenient forum or one that lacks proper venue. This provision shall be construed

to proscribe any action or remedy being brought or asserted by either party in any other forum located in any other jurisdiction unless the Circuit Court of Allegany County, Maryland, or the District Court of Maryland for Allegany County determine that the action must be transferred to another jurisdiction.

**12.7 Waiver.** Neither the City's nor Licensee's waiver of the breach of any covenant, term or condition of this Agreement will be construed as a waiver of the breach of any other covenants, terms or conditions or as a waiver of a subsequent breach of the same covenant, term or condition.

**12.8 Definitions.** Whenever used in this Agreement, the singular shall include the plural; any gender shall include the other gender, and vice-versa.

**12.9 Entire Agreement.** This Agreement contains the final and entire agreement between the parties his/hereto with reference to the provisions his/heretof, and neither they nor their agents shall be bound by any terms, conditions or representations not contained his/herein.

**12.10 Jury Trial.** The parties waive their right to a jury trial in a proceeding brought by any party based upon or arising out of or as an incident to this Agreement.

**IN WITNESS WHIS/HEREOF**, the parties his/hereto have executed this Agreement the day and year first above written.

**WITNESS/ATTEST:**

**MAYOR AND CITY COUNCIL  
OF CUMBERLAND**

\_\_\_\_\_  
Marjorie A. Woodring  
City Clerk

By: \_\_\_\_\_  
Raymond M. Morriss  
Mayor

\_\_\_\_\_  
(Witness)

\_\_\_\_\_  
(Licensee signature)

**File Attachments for Item:**

. Order 27,019 - approving the submission of the 2022 Community Development Block Grant (CDBG) 2022 Annual Action Plan Funding to the Department of Housing and Urban Development and authorizing the Mayor to execute documentation necessary for submission and for the receipt of funding



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

ORDER NO. 27,019

DATE: June 7, 2022

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

**THAT,** the following requests for Community Development Block Grant (CDBG) 2022 Annual Action Plan funding be and is hereby approved for submission to the Department of Housing and Urban Development:

Project Name	2022 CDBG	2020 Surplus
<b>Housing/Rehabilitation</b>		
JFV Sidewalk ADA installation	\$40,000	
<b>Subtotal</b>	<b>\$40,000</b>	
<b>Facilities /Infrastructure Improvements</b>		
Baltimore Street Redesign Ph 3/City Sidewalks/Multi Use Trail	\$232,720	
Constitution Park Improvement/Splashpad	\$278,000	
YMCA Gilcrist Security for Transitional Housing	\$30,820	
YMCA Gilcrist Gymnasium Roof	\$36,000	
Allegany Youth Enrichment Program Youth Center Rehab	\$10,000	\$4,752.83
<b>Subtotal</b>	<b>\$587,540</b>	<b>\$4,752.83</b>
<b>Administration/Planning</b>		
Administration	\$130,000	
<b>Subtotal</b>	<b>\$130,000</b>	
<b>Public Services</b>		
CPD Foot and Bike Patrols	\$4,960	
AHEC West Dental Access	\$5,000	
YMCA Gilcrist Food Program	\$5,000	
Long Term Prescription Program Assoc Charities	\$6,000	
Short Term Prescription Program Assoc Charities	\$6,000	
Jane's Place,Cumb Cares Project (child abuse/neglect)	\$5,000	
Abuse Intervention Program IPV	\$10,500	
<b>Subtotal</b>	<b>\$42,460</b>	<b>\$0.00</b>
<b>TOTAL PROJECTS</b>	<b>\$800,000</b>	<b>\$4,752.83</b>
<b>Total Available Allocations</b>	<b>\$800,000</b>	<b>\$4,752.83</b>

**BE IT FURTHER ORDERED**, that the Mayor be and is hereby authorized to execute all documents pertaining to the application for submission and for the receipt of funding.

---

**Raymond M. Morriss, Mayor**

## 2022 City of Cumberland Community Development Block Grant Program

City of Cumberland Community Development Staff announces the Community Development Block Grant (CDBG) 2022 Annual Action Plan proposed projects for funding. These 14 projects fall under one of four categories: Housing/Rehabilitation, Facilities/Infrastructure, Admin/Planning, and Public Services for a total of \$800,000; the estimated award from the U.S. Department of Housing and Urban Development. The contingency plan for an increase or decrease in the grant amount actually received from the grantor includes increasing or decreasing the Baltimore Street Ph 3/City Sidewalks/Multi-Use Trail project accordingly. Surplus funds from a completed 2020 HRDC Emergency Homeless Prevention project are recommended for reallocation to Allegany Youth Enrichment Program's existing youth center rehabilitation project. These proposed CDBG projects will be presented at the regular Mayor and City Council meeting on Tuesday, April 5, 2022 and are slated for approval at the regular Mayor and City Council meeting on Tuesday, April 19, 2022.

Project Name	2022 CDBG	2020 Surplus
<b>Housing/Rehabilitation</b>		
JFV Sidewalk ADA installation	\$40,000	
<b>Subtotal</b>	<b>\$40,000</b>	
<b>Facilities /Infrastructure Improvements</b>		
Baltimore Street Redesign Ph 3/City Sidewalks/Multi Use Trail	\$232,720	
Constitution Park Improvement/Splashpad	\$278,000	
YMCA Gilcrist Security for Transitional Housing	\$30,820	
YMCA Gilcrist Gymnasium Roof	\$36,000	
Allegany Youth Enrichment Program Youth Center Rehab	\$10,000	\$4,752.83
<b>Subtotal</b>	<b>\$587,540</b>	<b>\$4,752.83</b>
<b>Administration/Planning</b>		
Administration	\$130,000	
<b>Subtotal</b>	<b>\$130,000</b>	
<b>Public Services</b>		
CPD Foot and Bike Patrols	\$4,960	
AHEC West Dental Access	\$5,000	
YMCA Gilcrist Food Program	\$5,000	
Long Term Prescription Program Assoc Charities	\$6,000	
Short Term Prescription Program Assoc Charities	\$6,000	
Jane's Place,Cumb Cares Project (child abuse/neglect)	\$5,000	
Abuse Intervention Program IPV	\$10,500	
<b>Subtotal</b>	<b>\$42,460</b>	<b>\$0.00</b>
<b>TOTAL PROJECTS</b>	<b>\$800,000</b>	<b>\$4,752.83</b>
<b>Total Available Allocations</b>	<b>\$800,000</b>	<b>\$4,752.83</b>

Comments regarding the 2022 CDBG Annual Plan will be accepted through April 11, 2022 in writing to Lee Borrer, 57 N. Liberty Street, Cumberland, Maryland 21502 or [lee.borrer@cumberlandmd.gov](mailto:lee.borrer@cumberlandmd.gov) or by calling 301 759-6437 M-F, 8:00 a.m. – 4:00 p.m.

ADV: March 11, 2022

**File Attachments for Item:**

. Order 27,020 - accepting the proposal from Insight Public Sector SLED to provide Cisco 9300 switches and related equipment and software for the amount not to exceed \$30,000

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

ORDER NO. 27,020

DATE: June 7, 2022

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

**THAT,** the proposal from Insight Public Sector SLED, 2701 E. Insight Way, Chandler, AZ 85286-1930, to provide Cisco 9300 switches and related equipment and software for the amount not to exceed Thirty Thousand Dollars (\$30,000.00) be and is hereby accepted.

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**Raymond M. Morriss, Mayor**

Budget: MIS Department

# Council Agenda Summary

Meeting Date:

Key Staff Contact: Johnna Byers, Director IT

**Item Title:**

Cisco switches for Public Safety 2nd floor IT room

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

*IT requests an order for costs not to exceed \$30,000 to Insight Direct, for two Cisco 9300 switches and related equipment and software. We received two quotes for the equipment; we solicited quotes from six different vendors and the two quotes we received were the only vendors who had the items in stock. The other vendors had at least a six month lead time on the order. We had funds budgeted for next fiscal year for this purchase, but requested Finance to move the purchase up to this year since the items are available.*

**Amount of Award:**

**Budget number:**

**Grant, bond, etc. reference:**

**SOLD-TO PARTY 10978387**

CITY OF CUMBERLAND  
JOHNNA BYERS  
57 N LIBERTY ST  
CUMBERLAND MD 21502-2312

**SHIP-TO**

CITY OF CUMBERLAND  
JOHNNA BYERS  
57 N LIBERTY ST  
CUMBERLAND MD 21502-2312

**Quotation**

Quotation Number : [225093278](#)  
Document Date : 01-JUN-2022  
PO Number : CORRECT DISTY QUOTE  
PO Release :  
Sales Rep : Robert Crigler  
Email : [ROBERT.CRIGLER@INSIGHT.COM](mailto:ROBERT.CRIGLER@INSIGHT.COM)  
Telephone : +18004674448  
Sales Rep 2 : Deann Cannon  
Email : [DEANN.CANNON@INSIGHT.COM](mailto:DEANN.CANNON@INSIGHT.COM)  
Telephone : +14803667126

**We deliver according to the following terms:**

Payment Terms : Net 30 days  
Ship Via : Federal Express/Next day AM  
Terms of Delivery: : FOB DESTINATION  
Currency : USD

In order for Insight to accept Purchase Orders against this contract and honor the prices on this quote, your agency must be registered with OMNIA Partners Public Sector (formerly U.S. Communities).  
Our sales teams would be happy to assist you with your registration. Please contact them for assistance -- the registration process takes less than five minutes.

In order for Insight to accept Purchase Orders against this contract and honor the prices on this quote, your agency must be registered with OMNIA Partners Public Sector (formerly U.S. Communities).  
Our sales teams would be happy to assist you with your registration. Please contact them for assistance -- the registration process takes less than five minutes.

Material	Material Description	Quantity	Unit Price	Extended Price
<a href="#">C9300-24UX-A</a>	Cisco Catalyst 9300 - Network Advantage - switch - 24 ports - managed - rack-mountable OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	10,244.38	20,488.76
<a href="#">CON-SNT-C93024XU</a>	Cisco SMARTnet extended service agreement OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	963.37	1,926.74
<a href="#">C9300-DNA-A-24-3Y</a>	Cisco Digital Network Architecture Advantage - Term License (3 years) - 24 ports Coverage Dates: 01-JUN-2022 - 01-JUN-2025 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	1,521.67	3,043.34
<a href="#">C9300-NM-8X=</a>	Cisco Catalyst 9300 Series Network Module - expansion module - 10 Gigabit SFP+ x 8 OMNIA PARTNERS IT PRODUCTS & SERVICES(# 4400006644)	2	2,002.03	4,004.06

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Product Subtotal	27,536.16
Services Subtotal	1,926.74
Freight	33.51
TAX	0.00
<b>Total</b>	<b>29,496.41</b>

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Thank you for choosing Insight. Please contact us with any questions or for additional information about Insight's complete IT solution offering.

Sincerely,

Robert Crigler  
+18004674448  
[ROBERT.CRIGLER@INSIGHT.COM](mailto:ROBERT.CRIGLER@INSIGHT.COM)

Deann Cannon  
+14803667126  
[DEANN.CANNON@INSIGHT.COM](mailto:DEANN.CANNON@INSIGHT.COM)  
Fax 8006227904

OMNIA Partners (formerly U.S. Communities) IT Products, Services and Solutions Contract No. 4400006644

Insight Public Sector (IPS) is proud to be a contract holder for the OMNIA Partners Technology Products, Services & Solutions Contract.

This competitively solicited contract is available to participating agencies of OMNIA Partners. OMNIA Partners assists local and state government agencies, school districts (K-12), higher education, and nonprofits in reducing the cost of purchased goods by pooling the purchasing power of public agencies nationwide. This is an optional use program with no minimum volume requirements and no cost to agencies to participate.

Regarding tariff impacts on IPS contract quotes, Insight is communicating with the contracting officials on the contracts held by Insight to minimize the impact of tariffs to our clients.

Thanks for choosing Insight!

OMNIA Partners (formerly U.S. Communities) IT Products, Services and Solutions Contract No. 4400006644

Insight Public Sector (IPS) is proud to be a contract holder for the OMNIA Partners Technology Products, Services & Solutions Contract.

This competitively solicited contract is available to participating agencies of OMNIA Partners. OMNIA Partners assists local and state government agencies, school districts (K-12), higher education, and nonprofits in reducing the cost of purchased goods by pooling the purchasing power of public agencies nationwide. This is an optional use program with no minimum volume requirements and no cost to agencies to participate.

Regarding tariff impacts on IPS contract quotes, Insight is communicating with the contracting officials on the contracts held by Insight to minimize the impact of tariffs to our clients.

Thanks for choosing Insight!



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Insight Global Finance has a wide variety of flexible financing options and technology refresh solutions. Contact your Insight representative for an innovative approach to maximizing your technology and developing a strategy to manage your financial options.

This purchase is subject to Insight's online Terms of Sale unless you have a separate purchase agreement signed by you and Insight, in which case, that separate agreement will govern. Insight's online Terms of Sale can be found at the "terms-and-policies" link below.

Effective Oct. 1, 2018, the U.S. government imposed tariffs on technology-related goods. Technology manufacturers are evaluating the impact on their cost and are providing us with frequent cost updates. For this reason, quote and ecommerce product pricing is subject to change as costs are updated. If you have any questions regarding the impact of the tariff on your pricing, please reach out to your sales team.

**SOFTWARE AND CLOUD SERVICES PURCHASES:** If your purchase contains any software or cloud computing offerings ("Software and Cloud Offerings"), each offering will be subject to the applicable supplier's end user license and use terms ("Supplier Terms") made available by the supplier or which can be found at the "terms-and-policies" link below. By ordering, paying for, receiving or using Software and Cloud Offerings, you agree to be bound by and accept the Supplier Terms unless you and the applicable supplier have a separate agreement which governs.  
<https://www.insight.com/terms-and-policies>

**File Attachments for Item:**

. Order 27,021 - approving Amendment No. 2-4182022 to the Community Development Block Grant (CDBG) Program effective June 7, 2022

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

ORDER NO. 27,021

DATE: June 7, 2022

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

**THAT,** the following amendment No. 2-4182022 to the Community Development Block Grant Program be and is hereby approved effective June 7, 2022:

Program	Current	Amendment	New Total
2021 Baltimore Street Redesign	\$232,721	(\$162,000)	\$70,721
2021 South Street Sidewalk ADA Improvements	0	\$162,000	\$162,000

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**Raymond M. Morriss, Mayor**

## **Public Notice of Intent to Reprogram Community Development Block Grant Funds**

### **Amendment #2 4182022**

#### **City of Cumberland**

In accordance with federal regulations governing the Consolidated Planning process, the City of Cumberland is notifying the public regarding a proposal to reprogram a total of \$162,000 in Community Development Block Grant (CDBG) funds from activities affecting the 2021 Annual Action Plan. Reprogramming CDBG funds in a timely manner enables the City to comply with HUD "Timeliness" standards and allows the funds to be used on "shovel ready" activities.

The changes proposed for the FY 2021 Annual Action Plan involve reallocating \$162,000 from the original \$232,721 for Baltimore Street Redesign project in 2021 which also described other sidewalk and accessibility improvements to downtown Cumberland. Since the area for sidewalk improvements has changed from downtown to South Cumberland, an area with a low-moderate income concentration higher than 51%; a substantial amendment to the 2021 Annual Action Plan is required based upon the 2020 Citizen Participation Plan for CDBG. The Cumberland Engineering Department has identified South Street Sidewalk ADA Improvements project as a priority in 2022 due to the delays on the Baltimore Street Redesign project which is now estimated to begin in late spring 2023. Infrastructure improvements are included as goals within the 2020 -2024 Five Year Consolidated CDBG Plan.

As a result of the aforementioned proposed changes to the 2021 Annual Action Plan, \$162,000 of 2021 Baltimore Street Redesign (TT21.010) funds will be allocated to create a 2021 project totaling \$162,000 known as South Street Sidewalk ADA Improvements Project. Baltimore Street Redesign project will be reduced to \$70,721.

**Written comments concerning the proposed amendment may be provided effective Friday, April 29, 2022 through 4 PM, Tuesday, May 31 2022. Provide written comments to the City of Cumberland, Department of Community Development by mail to 57 N. Liberty Street, Cumberland, Maryland or email to [lee.borror@cumberlandmd.gov](mailto:lee.borror@cumberlandmd.gov). This Amendment to the Community Development Block Grant 2021 Annual Action Plan will be presented to Mayor and City Council at the regular meeting for approval on Tuesday, June 7, 2022 in Council Chambers at City Hall at 6:15 PM or by virtual livestream forum during a pandemic where public group assembly is discouraged.**

**ADV: Friday, April 29, 2022**