



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 Allison Layton

AGENDA

M&CC Regular Meeting
City Hall

DATE: December 20, 2022

OPEN SESSION – 6:15 p.m.

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

1. Summary Statement of the closed meeting held December 20, 2022

Presentations

1. Recognition of Employee Retirements
2. Presentation of a Certificate of Recognition to the Fort Hill High School Football Team by the Mayor and City Council for capturing the Class 1A Maryland State Football Title

Director's Reports

(A) Administrative Services

1. Administrative Services Monthly Reports for October and November, 2022

(B) Public Works

1. Maintenance Division monthly reports for October and November, 2022

(C) Police

1. November 2022 Monthly Police Report

(D) Utilities - Flood, Water, Sewer

1. Utilities Division (Water/Sewer/Flood) November Monthly Report

Approval of Minutes

1. Approval of the Closed, Work, and Regular Session Minutes of September 6, 2022, and the Closed Session Minutes of September 13, 2022

Public Comments – For Agenda items only

All public comments are limited to 5 minutes per person

Unfinished Business

(A) Ordinances

1. Ordinance 3936 (*2nd and 3rd readings*) - an ordinance to repeal and re-enact with amendments sections 19-2 to 19-5 of Chapter 19 of the Code of the City entitled "Public Ethics" for the purpose of complying with state law
2. Ordinance 3937 (*2nd and 3rd readings*) – an ordinance to approve the petition to amend the official zoning map to rezone property located at the intersection of Seton Drive and Pinecrest Drive from R-S (Suburban Residential) to B-L (Local Business)

New Business

(A) Orders (Consent Agenda)

1. Order 27,144 - amending the City of Cumberland Municipal Debt Policy, originally adopted by Order 25,001 and dated September 29, 2009, to establish comprehensive guidelines for the issuance and management of the City's debt
2. Order 27,145 - accepting the retirement of John C. Ternent, Chief of Police effective January 1, 2023
3. Order 27,146 -appointing Captain James D. Burt as acting Police Chief, effective January 1, 2023
4. Order 27,147 - authorizing \$25,000 in initial start up funds for the Carver Center for the purposes of utilities and insurance
5. Order 27,148 - authorizing the sole source proposal from Carl Belt, Inc. for the emergency repair work on the 18" Sewer line in Mechanic Street in the not to exceed amount of \$157,718.10
6. Order 27,149 - authorizing the purchase of a new Ford F-600 dump truck with plow and spreader for the Water Department from Keystone Ford for a price not to exceed \$116,485
7. Order 27,150 - authorizing the purchase of a new Ford F-550 service body truck for the Water Department from Keystone Ford for an amount not to exceed \$110,435
8. Order 27,151 - authorizing the purchase of a new Ford F-250 regular cab pickup truck with plow for the Flood Control Department from Keystone Ford for an amount not to exceed \$55,160

- [9.](#) Order 27,152 - authorizing the purchase of a new F-350 service body truck for the Street Department from Keystone Ford and J & J Equipment for an amount not to exceed \$64,491
- [10.](#) Order 27,153, authorizing the transfer of 309 S. Cedar Street from Richard A. Pravlik to Kevin Knisely
- [11.](#) Order 27,154 - authorizing the forgiveness of loans within the Deferred Loan Program due to deficiencies with the program documents
- [12.](#) Order 27,155 – amending the ARPA funding allocation approved by Order 26,961, approving an increase of \$100,000 to Affordable Housing Assistance and a decrease of \$100,000 to Community Development Property Improvement
- [13.](#) Order 27,156 - declaring certain City-owned properties to be surplus and authorizing them for public sale

Letters / Petitions

- [1.](#) Letter from the City Clerk advising that the MD State Board of Canvassers certified the 2022 General Election results on December 12 2020, and that the Mayor, Raymond M. Morriss, was re-elected and Rock Cioni and James Leo Furstenberg, III., having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 3, 2023

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

. Administrative Services Monthly Reports for October and November, 2022

Administrative Services Monthly Report for October 2022

December 20, 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 October 2022

Information Technology Department

October 2022

Statistics

130 new help desk requests
106 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 working on police mobile data terminal updates
- Assist with FOI request
- Assist with Fuelmaster upgrade
- Assist with personnel changes and moves

Parks and Recreation

October 2022

Diane Johnson, Director

Baseball/ Softball League

Soccer/Football League play and practices for October:

The City of Cumberland provides fields for the following leagues:

Girls Softball, Fall Instructional League

Dapper Dan Fall League

JCP Soccer League

AVID Soccer Club

Renegades Pee Wee Football

Note – October concluded regular field usage for the fall season with the exception of only special event practices.

Pavilion Reservations and usage for the month of October - **13 reservations**

Pavilion reservations closed October 31, for the season to resume in the spring.

Seasonal Employees – October concluded the staffing of seasonal employees of the park watchmen at Constitution Park. Mason Sports has additional weeks in November for playoff and Travel Football team practices. Restrooms will be open on a daily basis only until Winterization of these facilities begins in Mid to Late November.

Afterschool Program Christmas Event – Planning for students with the Afterschool Program from four local Elementary Schools to visit City Hall and Downtown Cumberland Christmas Tree in December. Mr. Brad Ditto, Director of the Afterschool Program will organize the groups transportation to City Hall to view the decorations, visit with Santa, treats and more. Planned for December 12,13,14, &15.

Program Open Space Application – Preparation of the Application for POS project recently approved by Allegany County. The project includes Constitution Park improvements including upgrade and replacement of Picnic Tables, Grills and Trash containers.

Meetings attended:

Monthly Recreation Advisory Board Meeting – October 3

Parks & Recreation Maintenance Meeting

Sign company for replacement of Park signs

Upcoming:

Recreation Advisory Board Meeting – Monday November 7

Afterschool Program – Students visit City Hall Christmas Party

New Year's Eve Fireworks

Proposals for July 4, 2023 Fireworks

2024 budget preparation

Begin Planning for 2023 Season

Community Development Report

October 2022

Kevin Thacker, Code Compliance Manager

CODE COMPLIANCE

Noted Activity:

- Love's Travel Center - \$550,000 RV site project. Plans include 23 RV & Van spaces, retail store, pavilion, community campsite, etc..
- UPMC - \$163,000 CT scan room remodel.
- 1040 Bedford St. - \$215,000 remodel to repair fire damaged home
- Demolition of two blighted properties: 804 Maryland and 124 Columbia St.

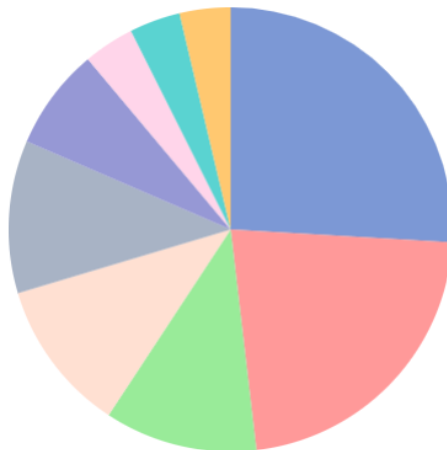
Code Enforcement Activity:

68 new cases received – 32 of those are still open

27 violations were found

66 cases have been resolved

Open Date From: 10/01/2022
Open Date To: 10/31/2022



Violations by Violation Type			
	Dwellings, yards and lots to be kept clean	7	25.9%
	Cutting of weeds	6	22.2%
	Licensing of rental dwelling units	3	11.1%
	Permits and certificates	3	11.1%
	Registration of agents	3	11.1%
	Duties of owner and operator	2	7.4%
	Order to vacate	1	3.7%
	(10) Truck and vehicle parking requirements	1	3.7%
	Plumbing, installation and maintenance	1	3.7%

Permits/Reviews & Rental Licenses:

45 Total Permits/Reviews were issued 290 Rental Inspections were completed

Building

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

Miscellaneous

Residential5
Commercial4

Occupancy

Residential0
Commercial4

Signage

Commercial 1

Electrical

Residential..... 10
Commercial..... 4

Plumbing

Residential3
Commercial4

Utility

Residential0
Commercial1

Demolition

Residential..... 2
Commercial0

Public ROW	Rental Licences	Rental Inspections
Res./Comm. 6	Issued.....55	Pass29
		Fail.....4
Plans, Reviews, Amendments and Appeals (ZA, RPR, SR, ZMA, ZTA, SRA)		Certificates of Appropriateness
Subdivision Review1		Issued.....1
		Request for Change/Amendment
		Issued.....1

Revenue from 'Issued' Permits/Reviews:

Building Permits.....	\$5,448.00
Miscellaneous Permits.....	75.00
Occupancy Permits	120.00
Sign Permits	62.00
Utility Permits.....	0.00
Plan reviews, Amendments & appeals	250.00
Zoning Classification Determination (info request).....	0.00
Municipal Infractions (citations)	0.00
Certificates of Appropriateness	30.00
Rental Licenses (new & renewals)	0.00
Paid Rental Inspection Requests	<u>4,375.00</u>
TOTAL	\$10,360.00

Demolition Bonds Collected..... \$0.00 (*both in Oct. were City owned*)

Community Development Programs

October 2022

Lee Borrer, Senior Community Development Specialist

Community Development Block Grant (CDBG) Monthly Activity	October 2022 Report	Original Budget	Lifetime Funds Exp	Remaining Balance
Baltimore Street Redesign	2020	\$402,700.00	\$0.00	\$402,700.00
Constitution Park Inclusive Playground Ph. 2	2020	\$65,000.00	\$64,210.39	\$789.61
Fire Dept Stair Chair 1780	2020	\$2,626.37	\$2,625.45	\$0.92
Const Pk Incl. Playground Ph. 2 guard station		\$3,373.63	\$0.00	\$35,683.59
AYEPS Youth Center Facility Rehab	2020	\$4,752.83	\$0.00	\$4,752.83
2020 Grant Totals		\$773,785.60	\$327,196.61	\$443,926.95
Balt Street Redesign/Queen City/South St.	2021	\$232,721.00	\$0.00	\$232,721.00
Queen City project break away	2021	\$70,721.00		
South Street project break away	2021	\$162,000.00		
HRDC Rental Rehabilitation	2021	\$19,300.00	\$0.00	\$19,300.00
Admin	2021	\$126,426.00	\$80,348.05	\$46,077.95

Ind. Cost	2021	\$15,120.00	\$9,477.00	\$5,643.00
Fair Housing	2021	\$8,454.00	\$7,013.96	\$1,440.04
YMCA Gilchrist Repl. Ph. 2	2021	\$48,520.00	\$48,519.00	\$1.00
Targeted Foot & Bike Patrol	2021	\$3,961.00	\$3,869.67	\$91.33
Jane's Place Inc	2021	\$4,000.00	\$4,000.00	\$0.00
Const Park/Splashpad	2021	\$87,750.00	\$0.00	\$87,750.00
2021 PI credits				\$6,550.50
2021 Grant Totals		\$809,120.00	\$51,206.38	\$399,574.82
2022 PI credits	2022 hud yr			\$9.22
2022 Grant Totals	2022	\$803,672.00	\$0.00	\$803,672.00
Total PI credited to 2022		\$9.22		Remaining
Total				\$856,604.52
			Total All Yrs	\$856,604.52
October 2022 Report 11/3/22				
Balances:	Year			
\$443,926.95	2020			
\$399,584.04	2021			
\$803,672.00	2022			
\$843,510.99	OLD 20 21			

\$1,647,182.99 Total All

CARES ACT CDBG Monthly Report	Amount Funded	Expended	Funds Remain	IDIS #	Not funded
CV HRDC Emergency Assistance (COMPLETED)	\$24,992.05	\$24,992.05	\$0.00	1757	
CV Associated Charities Emergency Homeless Prevention	\$21,768.22	\$7,614.48	\$14,153.74	1763	
CV Hazard Pay Relief Program (COMPLETED)	\$55,000.00	\$55,000.00	\$0.00	1762	
CV Broadband & Technology Accessibility EXPANDED	\$172,456.00	\$76,963.65	\$95,492.35	1758	increase
CV YMCA Gymnasium Roof (Gilchrist) NEW	\$40,600.00	\$0.00	\$40,600.00	1787	\$ 40,600.00
CV Family Crisis Resource Center COVID hotline/Hepa new	\$84,544.00	\$0.00	\$84,544.00	1788	
CV3 AYEP Youth Center Rehabilitation SEE FUNDS ADDED	\$190,050.73	\$56,020.55	\$134,030.18	1764	increase
CV3 YMCA Transitional Housing Sanitizer (COMPLETED)	\$6,750.00	\$6,750.00	\$0.00	1765	
TOTAL CDBG CV	\$596,161.00	\$227,340.73	\$368,820.27		\$ 40,600.00
B20MW24001 Award (1st rnd.)	\$476,251.00				
B20MW24001 Award (3rd rnd.)	\$119,910.00				

Updated

11/3/2022

Historic Planning/Preservation

October 2022

Ruth Davis-Rogers, Historic Planner/Preservation Coordinator

In addition to serving the public and answering daily questions and inquiries I did the following:

Personal Training

Continue to train and learn the following systems:

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

Historic Preservation Commission Meeting (HPC)

- Prepared and administered the Historic Preservation Meeting on Sept. 14th
- Reviewed and administered Certificate of Appropriateness permits

Meetings & Events

- Attended meeting for Allegany Center of Lifelong Learning
- Attended meeting with Clocktowner Ventures
- Attended Downtown Development Commission Meeting
- Attended MSAC Meeting at Arts Council
- Attended Leadership Allegany
- Attended ARPA Meeting
- Helped with Carver Clean Up
- Attended Cumberland Education and History Meeting
- Attended Zoom Mtg. w/MHT

Grants, Tax Credits and Section 106 reviews

Administered/managed funding/grants for:

- Residential Accessibility Improvement \$50,000.
- Roof Replacement Program \$50,000.
- Conducted Section 106 Reviews (as needed) for CDBG funding.
- Answered questions (as needed) regarding tax incentives from both current and potential building owners.

Comptroller's Office
Financial Activity Report October 2022
Mark Gandolfi, City Comptroller

Cash Flow:

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

On October 1, 2022, the City had a cash balance of \$18.2 million (\$14.1 million invested in a value money market program and \$4.1 million participating in a sweep program at First United Bank). Disbursements exceeded receipts by \$2.1 million resulting in a cash balance of \$16.2 million at October 31, 2022 (\$15.2 million invested in a value money market program and \$1.0 million participating in a sweep program at First United Bank).

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

Taxes receivable (General Fund)						\$ 4,511,039
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2023	\$ 3,256,166	\$ 733,225	\$ (14,115)	\$ 633,485	\$ -	\$ 3,341,791
FY 2022	750,486	150	(1,504)	91,912	-	657,220
FY 2021	264,262	42	-	5,153	-	259,151
FY 2020	93,996	-	746	415	-	94,327
FY 2019	41,340	-	-	3,351	-	37,989
FY 2018	36,888	-	-	217	-	36,671
FY 2017	16,604	-	-	182	-	16,422
FY 2016	17,171	-	-	183	-	16,988
FY 2015	17,642	-	-	183	-	17,459
FY 2014	12,929	-	-	183	-	12,746
FY 2013	9,152	-	-	-	-	9,152
FY 2012	5,385	-	-	-	-	5,385
FY 2011	2,963	-	-	-	-	2,963
Prior FY's	2,775	-	-	-	-	2,775
	<u>\$ 4,527,759</u>	<u>\$ 733,417</u>	<u>\$ (14,873)</u>	<u>\$ 735,264</u>	<u>\$ -</u>	<u>\$ 4,511,039</u>

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

Real property (non-owner occupied)	\$1,208,771
Non-Corp Personal Property	22,154
Corporate Personal Property	868,529
Real Property (semiannual payments)	1,242,337
Real Property (Half Year)	0
	<u><u>\$3,341,791</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.

Cash and Investment Summary

October 31, 2022

	Cash	Investments
Beginning Balance	\$ 18,212,982	\$ 30,164,012
Add:		
Cash Receipts	5,754,182	59,980
Investment Transfer	-	-
Less:		
Disbursements	7,779,802	-
Investment Transfer	-	-
Ending Balance	\$ 16,187,362	\$ 30,223,992
Restricted	\$ 6,943,405	\$ 9,845,293

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

Restricted Cash

	10/1/2022	Increase	Utilization	10/31/2022
Police Seizures	\$ 112,409	\$ -	\$ -	\$ 112,409
Est of Dorothy Jackson	89	-	-	89
Bowers Trust	70,636	-	-	70,636
Street Improvement	-	-	-	-
GOB 21	1,948,095	4,019	-	1,952,114
ARPA	4,741,898	9,783	-	4,751,681
Demolition & Fiscal Agent Bonds	56,476	-	-	56,476
	\$ 6,929,603	\$ 13,802	\$ -	\$ 6,943,405

Restricted Investments

	10/1/2022	Increase	Utilization	10/31/2022
DDC	\$ 4,930	\$ 10	\$ -	\$ 4,940
GOB 21	3,504	7	-	\$ 3,511
ARPA	9,817,118	19,724	-	\$ 9,836,842
	\$ 9,825,552	\$ 19,741	\$ -	\$ 9,845,293

Increases to GOB21, ARPA and DDC are interest earnings on funds awaiting planned use.

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 and equipment.

Estate of Dorothy Jackson is donations for fire, police and police K-9.

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

	10/1/2022	Increase	Utilization	10/31/2022
CDA 2019	\$ 883,547	\$ -	\$ -	\$ 883,547
CDA 2021	5,779,326	-	-	5,779,326
GOB 21	1,948,095	4,019	-	1,952,114
	\$ 8,610,967	\$ 4,019	\$ -	\$ 8,614,986

Decatur Street Project

	10/1/2022	Increase	Utilization	10/31/2022
MWQFA Series 2022A	\$ 1,181,105.00	\$ -	\$ -	\$ 1,181,105
MWQFA Series 2022B	425,140	-	-	425,140
Decatur Street Grants	352,277	-	-	352,277
	\$ 1,958,522	\$ -	\$ -	\$ 1,958,522

CSO Projects

	10/1/2022	Increase	Utilization	10/31/2022
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

The GOB 21 \$4K balance increase is interest earned.

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. Construction is in process and expected to be complete November 1, 2022.

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 October 31, 2022)***

The City received \$19,595,850 from the American Rescue Plan Act (ARPA). 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	\$ 28,435	\$ 155,065
Promoting the Community		\$ 33,563	\$ 30,312	\$ 3,251
Amphitheatre and Pavilion 1&2		\$ 174,350	\$ 3,971	\$ 170,379
Pool Area and Splash Pad		\$ 71,250	\$ -	\$ 71,250
Janes Place for Abused Children		\$ 102,623	\$ 7,947	\$ 94,676
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		\$ 50,089	\$ 28,779	\$ 21,310
Facilities and Equipment		\$ 15,911	\$ 15,911	\$ -
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		\$ -	\$ -	\$ 91,895
Total:	\$19,595,850	\$19,595,850	\$5,099,222	\$14,588,523

Respectfully submitted,

Jeffrey Silka
City Administrator

sln

Administrative Services Monthly Report for November 2022

December 20, 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 November 2022.

Information Technology Department

November 2022

Johnna Byers, Director

Statistics

125 new help desk requests
91 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 working on police mobile data terminal updates
- Assist with Laserfiche server migration and upgrade
- Begin WebEx cloud phone migration/upgrade project
- Continue investigating replacement property tax software
- Begin project to replace aged cameras in City Hall and Public Safety

Parks and Recreation

November 2022

Diane Johnson, Director

Annual Tree Lighting Ceremony for the City of Cumberland – Downtown Cumberland Mall – Program coordinated by the Mall Manager, Downtown Businesses, and the City was held Friday November 24, 2022. Parks & Recreation was not involved in the event. No Visits with Santa with Candy bags for children were held following the tree lighting. Saturday visits with Santa and Mrs. Claus are scheduled for the Book Center from 1 to 3 p.m. Bags of Candy will be provided by Parks & Rec. for Santa to give to the children.

Field Usage:

Football Practice – Youth League team practice at Flynn and Northcraft Fields, with lights, for travel teams with the Alliance Organization

Western Maryland Elite Travel Football teams' practice at Bower Field

Soccer League games and practice concluded

Seasonal employee at Mason Complex, Chuck Lowery concluded work for the season.

Regular Season Field use concluded for the year.

Meetings attended:

November Recreation Advisory Board meeting

Finan Center Volunteer organization – (The organization packed 250 Candy Bags for the Afterschool program's visit to City and Santa and Mrs. Claus visits at the Book Center.

After School Program Holiday Visit to City Hall:

Working with Mr. Bradley Ditto, Director of the Allegany County After School program to plan a visit for 200 Students to City Hall and Downtown Cumberland. The event is planned for a four-day period with a different school each evening. The Elementary age students will visit City Hall to view the decorations, visit with Santa, and walk to the see the City's Christmas Tree on the Downtown Mall.

Upcoming:

- After School Program from Allegany County Public Schools Visits to City Hall and Downtown Cumberland – December 12, 13, 14, & 15
- December Recreation Board meeting 12/5/22
- Fireworks for New Year's Eve
- Planning for 2022 Spring/Summer season and seasonal employees
- Fireworks quotes for the July 4th 2022

Community Development Report

November 2022

Kevin Thacker, Code Compliance Manager

CODE COMPLIANCE

Noted Activity:

- New hire - Denise Adams, Citizen Service Representative position.
- Demolition permit issued for one SFD residential property: 1211 Lexington Ave.
- New home permit issued for 0 Longwood Ave.

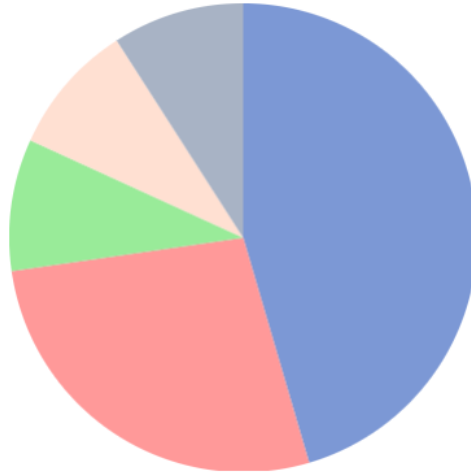
Code Enforcement Activity:

26 new cases received – 14 of those are still open

11 violations were found

19 cases have been resolved

Open Date From: 11/01/2022
Open Date To: 11/30/2022



Violations by Violation Type			
	Dwellings, yards and lots to be kept clean	5	45.5%
	Cutting of weeds	3	27.3%
	Duties of owner and operator	1	9.1%
	Keeping of livestock prohibited; exceptions	1	9.1%
	Cleanliness of sidewalks, alleys and gutters	1	9.1%

Permits/Reviews & Rental Licenses:

30 Total Permits/Reviews were issued.

49 Rental Inspections were completed

Building

Residential..... 1

Commercial..... 5

Miscellaneous

Residential5

Commercial3

Occupancy

Residential0

Commercial4

Signage

Commercial 1

Electrical

Residential..... 2

Commercial..... 3

Plumbing

Residential0

Commercial0

Utility

Residential0

Commercial0

Demolition

Residential..... 1

Commercial 0

Public ROW

Res./Comm..... 6

Rental Licences

Issued.....31

Rental Inspections

Pass46

Fail.....3

Plans, Reviews, Amendments and Appeals

Certificates of Appropriateness

(ZA, RPR, SR, ZMA, ZTA, SRA)	Issued.....2
Subdivision Review	Request for Change/Amendment
.....0	Issued.....0

Revenue from 'Issued' Permits/Reviews:

Building Permits.....	\$3,255.00
Miscellaneous Permits.....	105.00
Occupancy Permits	120.00
Sign Permits	16.50
Utility Permits.....	0.00
Plan reviews, Amendments & appeals	0.00
Zoning Classification (information request)	0.00
Municipal Infractions (citations)	0.00
Certificates of Appropriateness	60.00
Rental Licenses (new & renewals)	4,075.00
Paid Rental Inspection Requests00
TOTAL	<u>\$7,631.50</u>

Demolition Bonds Collected..... \$1,500.00

Community Development Programs

November 2022

Lee Borror, Senior Community Development Specialist

City CDBG Projects

All Environmental Review Records and Contracts for 2022 CDBG are completed and signed; all projects are underway.

Cumberland 2021 Consolidated Annual Performance Evaluation Report approved by HUD

Cumberland 2022 Line of Credit Delayed due to HUD inaction (signed contract sent September 16 and November 2.

There have been no new draws.

See October 2022 Report for most updated information.

City CDBG CARES ACT Projects

All CDBG-CV projects are under contract and underway.

No draws since October 2022 Report

City ARPA Projects

Jane's Place, Inc. -underway, no significant draws

YMCA Bus Purchase - re-evaluated and contract pending notification to M & CC

PIP Program- files complete, contractors chosen, 3 units in the pilot rehabilitation program estimated underway beginning December 2022

Cumberland Human Relations Commission

October Retreat/Planning Session Completed, updated Fair Housing Strategic Plan
Met in November-no quorum present

Historic Planning/Preservation

November 2022

Ruth Davis-Rogers, Historic Planner/Preservation Coordinator

In addition to serving the public and answering daily questions and inquiries I did the following:

Personal Training

Continue to train and learn the following systems:

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

Historic Preservation Commission Meeting (HPC)

- Prepared and administered the Historic Preservation Meeting on November 16th
- Reviewed and administered Certificate of Appropriateness permits

Meetings & Events

- Attended meeting for Allegany Center of Lifelong Learning
- Attended site visit meeting with Clock Towner Ventures
- Attended Downtown Development Commission Meeting
- Attended meeting with Allegany Museum and local educational leaders about partnering on a local history component for youth
- Attended Leadership Allegany
- Attended meeting to discuss Roof Replacement Program projects
- Hosted visit from Preservation Maryland
- Served on CIP Grant Review Committee
- Attended ALLCON meeting
- Attended meeting Carver Center Mtg.

Grants, Tax Credits and Section 106 reviews

Administered/managed funding/grants for:

- Residential Accessibility Improvement \$50,000.
- Roof Replacement Program \$50,000.
- Conducted Section 106 Reviews (as needed) for CDBG funding.
- Answered questions (as needed) regarding tax incentives from both current and potential building owners.

Comptroller's Office
Financial Activity Report November 2022
Mark Gandolfi, City Comptroller

Cash Flow:

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

On November 1, 2022, the City had a cash balance of \$16.2 million (\$15.2 million invested in a value money market program and \$1.0 million participating in a sweep program at First United Bank). Receipts exceeded disbursements by \$723 thousand resulting in a cash balance of \$17 million at November 30, 2022 (\$14.4 million invested in a value money market program and \$2.4 million participating in a sweep program at First United Bank).

As of November 30, 2022, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)						\$ 3,939,166
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2023	\$ 3,341,791	\$ 286,241	\$ (753)	\$ 842,578	\$ -	\$ 2,784,701
FY 2022	657,220	3,201	(562)	9,755	-	650,104
FY 2021	259,151	-	(59)	-	-	251,552
FY 2020	94,327	-	-	-	-	94,242
FY 2019	37,989	17	-	-	-	38,006
FY 2018	36,671	-	-	-	-	36,671
FY 2017	16,422	-	-	-	-	16,422
FY 2016	16,988	-	-	-	-	16,988
FY 2015	17,459	-	-	-	-	17,459
FY 2014	12,746	-	-	-	-	12,746
FY 2013	9,152	-	-	-	-	9,152
FY 2012	5,385	-	-	-	-	5,385
FY 2011	2,963	-	-	-	-	2,963
Prior FY's	2,775	-	-	-	-	2,775
	\$ 4,511,039	\$ 289,459	\$ (1,374)	\$ 852,333	\$ -	\$ 3,939,166

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

Real property (non-owner occupied)	\$1,094,910
Non-Corp Personal Property	7,689
Corporate Personal Property	489,913
Real Property (semiannual payments)	1,192,189
Real Property (Half Year)	0
	<u>\$2,784,701</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.

Cash and Investment Summary		
November 30, 2022		
	Cash	Investments
Beginning Balance	\$ 16,190,392	\$ 30,223,992
Add:		
Cash Receipts	10,724,429	77,789
Investment Transfer	-	-
Less:		
Disbursements	10,001,370	-
Investment Transfer	-	-
Ending Balance	\$ 16,913,451	\$ 30,301,781
Restricted	\$ 6,915,307	\$ 9,870,633

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

Restricted Cash				
	11/30/2022	Increase	Utilization	11/30/2022
Police Seizures	\$ 112,409	\$ -	\$ -	\$ 112,409
Est of Dorothy Jackson	89	-	-	89
Bowers Trust	70,636	-	-	70,636
Street Improvement	-	-	-	-
GOB 21	1,952,114	4,810	44,615	1,912,309
ARPA	4,751,681	11,707	-	4,763,388
Demolition & Fiscal Agent Bonds	56,476	-	-	56,476
	\$ 6,943,405	\$ 16,517	\$ 44,615	\$ 6,915,307
Restricted Investments				
	11/30/2022	Increase	Utilization	11/30/2022
DDC	\$ 4,940	\$ 13	\$ -	\$ 4,953
GOB 21	3,511	9	-	3,520
ARPA	9,836,842	25,318	-	9,862,160
	\$ 9,845,293	\$ 25,340	\$ -	\$ 9,870,633

Increases to GOB21, ARPA and DDC are interest earnings on funds awaiting planned use.

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 and equipment.

Estate of Dorothy Jackson is donations for fire, police and police K-9.

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

	11/1/2022	Increase	Utilization	11/30/2022
CDA 2019	\$ 883,547	\$ -	\$ -	\$ 883,547
CDA 2021	5,779,326	-	45,661	5,733,665
GOB 21	1,955,625	-	39,797	1,915,828
	\$ 8,618,497	\$ -	\$ 85,457	\$ 8,533,040

Decatur Street Project

	11/1/2022	Increase	Utilization	11/30/2022
MWQFA Series 2022A	\$ 726,064	\$ -	\$ -	\$ 726,064
MWQFA Series 2022B	273,460	-	-	273,460
Decatur Street Grants	352,277	-	-	352,277
	\$ 1,351,801	\$ -	\$ -	\$ 1,351,801

CSO Projects

	11/1/2022	Increase	Utilization	11/30/2022
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 \$46K includes \$17K for a Street Department pavement roller, and \$29K for a Sewer Department flex-wing rotary grass cutter. GOB 21 utilization of \$45K includes 1K toward a Sewer Department utility vehicle, \$34K toward the influent screen design, \$2K toward the McMullen Bridge design, and \$8K toward the Avondale water line replacement; reduced by \$5K interest earned.

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. Construction is in process and expected to be complete December 31, 2022.

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 November 30, 2022)***

The City received \$19,595,850 from the American Rescue Plan Act (ARPA). 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	Allocated Interest Earned	Utilized	Remaining
American Rescue Plan Act (ARPA)	\$19,595,850				
Respond to the health emergency					
Community Programs					
DDC Assistance to Small Businesses		\$ 183,500		\$ 28,435	\$ 155,065
Promoting the Community		\$ 33,563		\$ 30,312	\$ 3,251
Amphitheatre and Pavilion 1&2		\$ 174,350	\$ 10,650	\$ 3,971	\$ 181,029
Pool Area		\$ 71,250	\$ 81,245	\$ -	\$ 152,495
Janes Place for Abused Children		\$ 102,623		\$ 7,947	\$ 94,676
Union Rescue Mission		\$ 750,000		\$ 749,000	\$ 1,000
Community Development Property Improvement		\$ 364,960		\$ -	\$ 364,960
Affordable Housing Assistance		\$ 250,000		\$ -	\$ 250,000
YMCA Bus Replacement		\$ 216,000		\$ -	\$ 216,000
PPE					
General		\$ 50,089		\$ 28,779	\$ 21,310
Facilities and Equipment		\$ 15,911		\$ 15,911	\$ -
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		\$ -		\$ -	\$ 37,025
Total:	\$19,595,850	\$19,595,850	\$ 91,895	\$5,848,222	\$13,876,548

Respectfully submitted,

Jeffrey Silka
City Administrator

sln

File Attachments for Item:

. Maintenance Division monthly reports for October and November, 2022

MAINTENANCE DIVISION REPORT
October and November 2022

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

Central Services Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
OCTOBER 2022**

- **POTHoles AND COMPLAINTS**
 - Patched potholes on 1 alley using 4 tons of hot mix asphalt.
 - Repaired concrete curb on Fayette St. using 3 CY of concrete.

- **UTILITY HOLES**
 - Worked on trench repair for water main replacement on Avondale placing 62 ton of hot mix asphalt.
 - Paved 1 lane of the 400 block of Mechanic Street for the Sewer Dept. using 156 tons of hot mix asphalt.

- **TREE & BRUSH WORK**
 - Removed and/or pruned 32 trees.
 - Resolved and/or addressed 42 complaints/tree issues
 - Planted 3 service berry trees @ Constitution Park and shooting range.

- **MISCELLANEOUS**
 - Completed 4 Work Orders
 - Cleaned Underpass, McMullen Bridge, Washington St Bridge, Fayette St Bridge, and Cumberland St. Bridge 4 times.
 - Picked up 2 dead animals.
 - Picked up trash/discarded items on 1 occasion.
 - Cleaned Municipal Center shop once a week.
 - Conducted monthly safety meeting.
 - Set out & picked up traffic control for Halloween Parade.
 - Worked Overtime on weekends @ parks & parklets

STREET MAINTENANCE - OCTOBER 2022		Oct 3-7	Oct 11-14	Oct 17-21	Oct 24-28	Oct 31	TOTAL
SERVICE REQUEST COMPLETED		4					4
PAVING PERFORMED	Tons		156				156
CONCRETE WORK	Cy				3		3
UTILITY HOLES REPAIRED	Water	16		26	20		62
	Sewer		156				156
	Cy						0
	Tons						0
POTHOLE FILLING	Streets						0
	Alleys	1					1
	Days	1					1
	Cold Mix						0
	Tons	4.0					4
PERMANENT PATCH	Cy						0
	Tons						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED		11					11
STREET NAME SIGNS REPAIRED/INSTALLED		4					4
HANDICAPPED SIGNS	Repaired						0
	Installed		9				9
	Removed		2				2
CURB PAINTING PERFORMED	Blue		9				9
	Yellow	1					1
	Red	12					12
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	Loads	13	9	15	13	4	54
	Miles	124	105	146	112	42	529
SWEPPER DUMPS HAULED TO LANDFILL	Tons		8.8		3.43	3.6	16
STREET MILLING	Days						0
CLEANED BALTIMORE ST. UNDERPASS	Days	1	1	1	1		4
TRAFFIC CONTROL	Events		1		1		2
SNOW REMOVAL	Days						0
CLEAN TRUCKS	Days						0
SHOVEL & SALT SIDEWALKS	Days						0
BRUSH REMOVAL/TREE WORK	Areas	5	5	4	7	2	23
CHECK DRAINS/CLEAR DEBRIS	Days						0
LEAF PICK-UP	Loads					2	2
CLEAN UP WASH & DEBRIS	Days		1				1

Picked up trash/discarded furniture on 1 occasions

Picked up 2 dead animals

Performed preventative maintenance and cleaned Loader @ Municipal Center

Cleaned Municipal Center shop once a week

Conducted monthly safety meeting

Set out & picked up traffic control for Halloween Parade

Worked Overtime on weekends @ parks & parklets

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
OCTOBER 2022**

- Constitution Park, Mason's Complex and Area Parklets
 - Cleaned up garbage 3 times a week
- Washington Headquarters
 - Cleaned up garbage 5 times a week
- Parks & Parklets Mowing
 - Constitution Park
 - Mowed 7 days
 - Mason's Complex
 - Mowed 9 days
 - Parklets
 - Mowed 7 days
- Ball Fields
 - Mowed 6 times
 - Drug 2 times
 - Lined 7 times
- Miscellaneous Work
 - Performed preventative maintenance on mowers, trimmers & blowers.
 - Prepared feed & bedding for ducks & geese @ the Duck Pond.
 - Installed new window @ craft house.
 - Winterized bathrooms, pump houses and pool area.
 - Work on pool pumps.
 - Cleaned up leaves in the Park.

**FLEET MAINTENANCE
MONTHLY REPORT
OCTOBER 2022**

DEPARTMENT	REPAIRS
Central Services	1
Community Development	3
DDC	0
Engineering	0
Fire	10
Flood	1
MPA	1
P & R Maintenance	4
Police	17
Public Works	0
Sewer	15
Snow Removal	0
Street Maintenance	35
Water Distribution	32
WFP	0
WWTP	3
In House Fleet Maintenance Projects	6
Scheduled Preventative Maintenance	14
Field Service Calls	5
Total Fleet Maintenance Projects	147
Total Repair Orders Submitted	17
Fleet Maintenance Risk Management Claims	1

CENTRAL SERVICES MONTHLY REPORT OCTOBER 2022

- **City Hall:** Disinfecting the AHU's 3 times a week because of COVID. Worked on the panic buttons in a second floor office. Finished installing a new WebEx camera system in the Council Chambers for the IT Department. Painting the City Clerk's office area from the Mayor's office to the Administrators office.
- **Municipal Service Center:** Disinfecting the RTU's 3 times a week because of COVID. Checked and tested all the heating systems in the building and replaced all the batteries in the thermostats. Fixed the Sewer Departments furnace in the garage at WWTP. Cleaned the gutters and trimmed the trees back away from the back of the building. Replaced the thermostat in the Flood control office area.
- **Public Safety Building:** Disinfecting the AHU's 3 times a week because of COVID. Repaired a garage door in the Fire Department that wasn't closing tight. Repaired the concrete pillar in between garage door 5&6 cosmetic damage.
- **Fire Stations #2:** Replaced all the smoke detectors in the building. Garage door maintenance (greased the track and checked the drive chain) Started and tested the boiler system.
- **Canadian Hose House:** Check the Building twice a month to make sure that the boiler is working properly and that there are no water leaks.
- **Downtown Area & Mall:** Helped set up the new stage on the mall by Liberty St stage for the Halloween event. Located and marked City owned underground conduits on Harrison St because on a water main brake. Replaced the lighting hand hole cover on the Mall at the corner of Centre St and Baltimore St. Helped set up the Christmas tree stand on the fountain in the center of the Mall.
- **Traffic and Street Lights:** Monthly routine preventive maintenance on the 21 traffic control cabinets. Reset traffic lights at the Dingle, Baltimore and Mechanic St and Henderson and Mechanic St intersections that were in flash. Repaired a cross walk head at Baltimore and Mechanic St intersection that may have been hit by a large truck. Reported 8 street light to the power company to repair. Replaced a burned out lamps in the Henderson Ave and Valley St intersection.

- **Parks areas:** Pine Ave. playground. Helped install the basketball uprights and painted the uprights and put the backboards on. Repair the flame control on the Eternal flame at Veterans Park.
- **Fayette St Bridge:** Built a new handrail on the Fayette St Bridge.
- Load tested generators. October 27, 2022
- Monthly Safety Meeting – October 4, 2022
- PM's on all the pumps and motors at PSB, City Hall and MSC

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
NOVEMBER 2022**

- **POTHoles AND COMPLAINTS**
 - Patched potholes on 18 Streets and 2 alleys using 19 tons of hot mix asphalt.
- **UTILITY HOLES**
 - Worked on trench repair for water main replacement on Avondale placing 140 ton of hot mix asphalt.
- **TREE & BRUSH WORK**
 - Removed and/or pruned 36 trees.
 - Resolved and/or addressed 40 complaints/tree issues
 - Cut Christmas Tree Down, hauled to Downtown and set it up. Assisted with decorations.
- **MISCELLANEOUS**
 - Completed 16 Work Orders
 - Cleaned Underpass, McMullen Bridge, Washington St. Bridge, Fayette St Bridge, and Cumberland St. Bridge 3 times.
 - Cleaned Municipal Center shop once a week.
 - Conducted monthly safety meeting.
 - Set out & picked up traffic control for Tree Lighting.

STREET MAINTENANCE - NOVEMBER 2022		Nov 1-4	Nov 7-10	Nov 14-18	Nov 21-23	Nov 28-30	TOTAL
SERVICE REQUEST COMPLETED		2	2	7		5	16
PAVING PERFORMED	Tons						0
CONCRETE WORK	Cy						0
UTILITY HOLES REPAIRED	Water	22	46	60	12		140
	Sewer						0
	Cy		1.00				1
	Tons						0
POTHOLE FILLING	Streets	6		7		5	18
	Alleys	2					2
	Days	1		2		1	4
	Cold Mix						0
	Tons	4.0		10.0		5.0	19
PERMANENT PATCH	Cy						0
	Tons						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED						9	9
STREET NAME SIGNS REPAIRED/INSTALLED							0
HANDICAPPED SIGNS	Repaired						0
	Installed						0
	Removed					2	2
CURB PAINTING PERFORMED	Blue						0
	Yellow						0
	Red			1		2	3
PAVEMENT MARKINGS INSTALLED	No.						0
STREET CLEANING	Loads	15	12	13	8	15	63
	Miles	156	97	88	55		396
SWEEPER DUMPS HAULED TO LANDFILL	Tons	5.6	4.6			8.1	18
STREET MILLING	Days						0
CLEANED BALTIMORE ST. UNDERPASS	Days	1	1	1			3
TRAFFIC CONTROL	Events						0
SNOW REMOVAL	Days			2			2
CLEAN TRUCKS	Days			2			2
SHOVEL & SALT SIDEWALKS	Days			1			1
BRUSH REMOVAL/TREE WORK	Areas	5	2	10	6	1	24
CHECK DRAINS/CLEAR DEBRIS	Days						0
LEAF PICK-UP	Loads	9	13	5	5	5	37
CLEAN UP WASH & DEBRIS	Days						0

Performed preventative maintenance and cleaned Loader @ Municipal Center
 Cleaned Municipal Center shop once a week
 Conducted monthly safety meeting
 Set out & picked up traffic control for Tree Lighting
 6 employees completed Stewards of Children Training
 1 employee completed Pesticide Training with Blaine Bender
 Cut Christmas Tree down, hauled to Downtown and set it up.

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
NOVEMBER 2022**

- Constitution Park, Mason's Complex and Area Parklets
 - Cleaned up garbage 3 times a week
- Washington Headquarters
 - Cleaned up garbage 3 times a week
- Parks & Parklets Mowing
 - Constitution Park
 - Mowed 1 day
 - Mason's Complex
 - Mowed 1 day
 - Parklets
 - Mowed 1 day
- Ball Fields
 - Mowed 2 times
 - Lined 3 times
- Miscellaneous Work
 - Performed preventative maintenance on mowers, trimmers & blowers.
 - Prepared feed & bedding for ducks & geese at the Duck Pond.
 - Winterized bathrooms.
 - Decorated City Hall for Christmas.
 - Placed Christmas Lights on Virginia Ave
 - Cleaned up leaves in the Park.
 - Moved water barricades to Downtown Mall.

**FLEET MAINTENANCE
MONTHLY REPORT
NOVEMBER 2022**

DEPARTMENT	REPAIRS
Central Services	1
Community Development	1
DDC	0
Engineering	1
Fire	12
Flood	2
MPA	0
P & R Maintenance	2
Police	22
Public Works	0
Sewer	3
Snow Removal	16
Street Maintenance	23
Water Distribution	10
WFP	2
WWTP	3
In House Fleet Maintenance Projects	6
Scheduled Preventative Maintenance	20
Field Service Calls	5
Total Fleet Maintenance Projects	129
Total Repair Orders Submitted	20
Fleet Maintenance Risk Management Claims	0

CENTRAL SERVICES MONTHLY REPORT NOVEMBER 2022

- **City Hall:** Disinfecting the AHU's 3 times a week because of COVID. Worked on the panic buttons in a second floor office. Painting the City Clerk's office area from the Mayor's office to the Administrators office. Replacing carpet on the second floor east side of the building. Helped with all the Christmas decoration. Opened the door on the night of the tree lighting event for citizens to see the decorations. Replaced all the air filters in the AHU's.
- **Municipal Service Center:** Disinfecting the RTU's 3 times a week because of COVID. Cleaned the gutters. Replaced all the air filter in the AHU's. Repaired multiple parking lot light that were out. Repaired the electric brake on one of the garage door in the mechanic's shop. Cleaned and repaired two of the overhead heaters, one was not cycling all the time and the other was making a lot of noise.
- **Public Safety Building:** Disinfecting the AHU's 3 times a week because of COVID. Replaced all the air filters in the AHU's. Repaired lights in the C3I office. Replaced multiply burned out four foot LED tubes throughout the building. Realigned AHU #1 main blower motor, was making a lot of noise and belts not lined up well.
- **Fire Stations #2:** Cleaned the boiler and oiled all the pumps and motors. Replaced and clean the spilt units in the lounge and sleeping areas. Garage door maintenance (greased the track and checked the drive chain) Started and tested the boiler system.
- **Canadian Hose House and Fire Station #3:** Check the Building twice a month to make sure that the boiler is working properly and that there are no water leaks.
- **Downtown Area & Mall:** Helped set up, secure and decorate the Christmas tree. Hung all the overhead decorations on Centre St., Liberty St. and Baltimore St. Helped with the tree lighting event.
- **Traffic and Street Lights:** Monthly routine preventive maintenance on the 21 traffic control cabinets. Reset traffic lights at the Dingle, Baltimore and Mechanic St. and Henderson and Mechanic St. intersections that were in flash. Repaired a cross walk head at Baltimore and Mechanic St. intersection that may have been hit by a large truck. Reported 19 street lights to the power company to repair. Rebuilt the traffic control cabinet at Queen City Dr. and Harrison St. after a two vehicle accident destroyed it.

- **Parks areas:** Turned outlets on at George Washington Head Quarters for LBC to put up all the Christmas Decorations. Helped get power for LBC to decorate at Veterans Park.
- **Cumberland St:** Help remove a hazardous tree on Cumberland St. and Spruce Place.
- Load tested generators. November 1, 2022
- Monthly Safety Meeting – November 14, 2022
- PM's on all the pumps and motors at PSB, City Hall and MSC

File Attachments for Item:

. November 2022 Monthly Police Report



City of Cumberland Department of Police

Monthly Report
November 2022



City of Cumberland Department of Police

Monthly Report

November 2022

Part 1 Crimes for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
Aggravated Assaults	4	5	B & E (All)	15	7	Murder	0	0	Rape	6	1
Robbery	2	2	Theft - Felony	1	1	Theft - Vehicle	2	3			

Selected Criminal Complaints for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
Theft - Misdemeanor	22	15	Theft - Petty	7	30	Domestic Assaults	11	21	CDS	21	19
Disturbances	123	133	DOP/Vandalism	23	21	Indecent Exposure	1	1	Sex Off - Other	5	2
Suicide	0	0	Suicide - Attmpt.	0	1	Tampering M/V	0	0	Abuse - Child	1	0
Trespassing	20	16	Assault on Police	3	3	Assault Other	27	21			

Selected Miscellenous Incidents for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
Alcohol Volations	3	2	Juvenile Compl.	14	13	Missing Persons	3	3	School Resource	254	226
School Threat	0	0	Sex Off. Regist.	3	4	Truancy	10	0	Death Investigation	8	6

Selected Traffic Incidents for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
DWI	6	11	Hit & Run	10	12	M/V Crash	57	58	Traffic Stop	378	350

Selected Service Calls for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
Alarms	33	35	Assist Motorist	26	35	Check Well-Being	93	120	Foot Patrol	28	85
Assist Other Agency	52	89	Bike Patrol	0	3	Special Events	10	12	Suspicious Activity	55	58

Current Incident Status for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
Open	17	84	Arrest	206	213	Closed	2130	2025	Suspended	45	40



City of Cumberland Department of Police

Monthly Report

November 2022

Arrests Totals for the Month

	2021	2022		2021	2022		2021	2022		2021	2022
M/V Citations	51	50	M/V SERO	3	2	M/V Warnings	330	295	Arrest on View Adult	24	32
Arrest On Crim. Cit.	8	12	Arrest Summons	23	30	Arrest Warrant Adult	41	54	Adult Crim.	97	130
Arrest Summon (Chrg)	17	27	Arrest Warrant (Chrg)	12	20	Juvenile Crim.	13	13	Arrest on View Juv	13	11
Arrest Warrant JUV	0	0	Emer. Petition	44	46	Fingerprinting	5	1	RunAway & Miss Per.	2	3
Civil Citation	1	3									

Total Incidents Reported :

2021	2022
2,398	2,362

Chuck Ternent - Chief of Police

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

November 2022

SWORN PERSONNEL: 46 SWON OFFICERS

Administration	6 officers
Squad D1	9 officers
Squad N1	8 officers
Squad D2	7 officers
Squad N2	7 officers
C3I/C3IN	5 officers
School Resource	2 officers
Academy	2 recruits
Medical/Modified Duty	0 officers

CIVILIAN EMPLOYEES: 5 full time, 7 part time

CPD Office Associate	1 full time
CPD Records Clerk	1 full time
CPD Records Clerk	1 part time OPEN
MCIN Coordinator	1 full time* OPEN
CPD Patrol Assistant	1 full time
CPD Crime Analyst	1 full time* OPEN
CPD Maintenance	1 part time
C3IN Office Associate	1 part time**
C3I Office Associate	1 full time
C3I Office Associate	1 part time**
MPA Supervisor	1 part time
Parking Meter Supervisor	1 full time
Parking Enforcement	2 part time
Code Enforcement	2 part time

*=Grant funded

**=Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 1,000.50
COMP TIME USED: 136.50
SICK TIME USED: 168

YEAR TO DATE (beginning 07/01/22): 4,485.50
YEAR TO DATE (beginning 07/01/22): 562.50
YEAR TO DATE (beginning 07/01/22): 776.75

OVERTIME REPORT

OVERTIME WORKED: 268.75
HOSPITAL SECURITY: 56
COURT TIME WORKED: 384

YEAR TO DATE (beginning 07/01/22): 1,138
YEAR TO DATE (beginning 07/01/22): 273
YEAR TO DATE (beginning 07/01/22): 1,528

File Attachments for Item:

. Utilities Division (Water/Sewer/Flood) November Monthly Report

[illegible][illegible]

[illegible]

November 2022 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates

Run gate operators

Check sewage regulators

Safety meeting

Run Greene St. pump

Clean bullpen

Clean all storm drains

Perform other maintenance work as required

SEWER BRANCH

Calls answered	5
Service lines opened	0
Owner's trouble	5
Traced lines/main	233
Mains Repairs/ Replace	0
Sewer taps installed/replaced	0
Cleaned catch basins	13
Cleanouts installed	0
Televised sewer mains	5 mains
Televised sewer lines	3 service lines
Call outs/ overtime	7 callouts/ 6 hours overtime
Weekly check of overflows, pits	4
Catch basin repair/rebuild	1
Flushed mains	998 Feet
Gallons of water used	8,000 Gals.

605 Vac-con truck	2,000 Gals.
608 Flush truck	6,000 Gals.
Safety meeting	

318 Broadway St. catch basin repair
Wills Creek Ave Cleaned debris from basin with backhoe
Virginia Ave cleaned basin
213 Pennsylvania Ave flushed and vac sewer main
19 Beechwood Dr. Vac sewer manhole
Greene St. flushed and vac sewer main
Cleaned pit basin at sewer garage
Service center cleaned storm basin
Cleaned scumwell (W.W.T.P.)
Hydro 5 sites (water)

File Attachments for Item:

1. Approval of the Closed, Work, and Regular Session Minutes of September 6, 2022, and the Closed Session Minutes of September 13, 2022

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, September 6, 2022, 4:30 p.m.

The Mayor and City Council convened in public session followed immediately by a motion to close the meeting pursuant to Section 3-305 (b)(1), (3), and (7) of the General Provisions Article of the Annotated Code of Maryland to discuss board and commission appointments, a real estate matter, and to receive legal advice regarding 1) the amendment of the Zoning Ordinance signa regulations and 2) the Court of Special Appeals ruling in Rocon, LLC, et al vs. Jerome Gerstein, et al, approving the construction of a cell tower in the City.

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

PRESENT: Raymond M. Morriss, President; Council Members Richard Cioni (via phone), Joseph George, and Laurie Marchini. Council Member Eugene Frazier was absent.

ALSO PRESENT: Jeffrey Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, September 6, 2022, 5:30 p.m.

PRESENT: Raymond M. Morriss, President; Council Members: Richard Cioni (by phone), Joe George, and Laurie Marchini. Council Member Eugene Frazier was absent.

ALSO PRESENT: Jeffrey Silka, City Administrator; Michael Cohen, City Solicitor; Marjorie Woodring, City Clerk

Media: Greg Larry, Cumberland Times-News

I. PUBLIC MEETING AGENDA REVIEW-SEPTEMBER 6, 2022

Mayor Morriss reviewed the public meeting agenda. There was discussion about the Engineering Department not having an update report for the month of August. There was also discussion about when Fayette Street paving would begin, since the water lines have been completed. Mr. Silka stated he would get the information for Council tomorrow.

Mr. Silka advised that there are three public hearings on the agenda due to a procedural error in the three Charter Amendments, so they are being reposted. Mr. Cohen explained further.

Mr. Silka inquired if anyone had any specific questions about any Agenda items. Mayor and City Council replied no.

Councilman George discussed Bill Atkinson running for County Commissioner, and if he would still be the consultant on the River Park project if he wins. Mayor Morriss advised that he would get with Mr. Atkinson about it.

There was discussion about the Allegany High School façade. Mr. Silka advised that there has been no interest in it, and Mayor Morriss stated that Michael Thompson, Jr. of Fade to Blue is working on trying to find grant funding for it.

Council discussed Mayor Morriss' meeting with Congressman Trone regarding the Fayette Street Bridge. The Mayor stated that he's in town giving updates on several projects, and there was talk about asking Trone to put the Fayette Street Bridge project on a fast-track.

II. HOTEL-MOTEL

Mr. Silka advised that there is a place-holder in the budget of \$45K; however, it can be adjusted. He added that the allocation of the money is not the entire allocation, just a re-allocation of a portion of it.

Council and staff discussed the pre-funding letters that went out, and the few organizations that have not submitted this year, with Mr. Silka advising that said organizations had been contacted multiple times with no response.

Mayor Morriss advised on the best way to fill out the individual funding recommendation spreadsheet, that has formulas built in to total and average funding amounts.

There was discussion about the time frame, with Mayor Morriss stating the sooner the better, at least by the end of the week or next Monday, to be able to discuss it at the Tuesday work session.

Council discussed the amounts asked for this this year doubling what the set amount is, with Mayor Morris stating that the requests normally exceed the funding amount every year. He added that to the best extent possible to make sure the bottom line stays within the budget of \$45K. There was discussion about increasing the amount. Mr. Silka stated that is up to M&CC.

There was discussion about putting the organizations that are routinely funding actually in the budget, but it was found that most of them are regulars, so it was not feasible.

Council discussed the requirements for this year, and the standard of “heads in beds”, with some flexibility. It was noted that past administrations didn’t use that as a major consideration, and several that don’t meet that criteria were pointed out.

III. MAYOR AND CITY COUNCIL UPDATES

Councilman George advised that once again there will be no Planning and Zoning Commission meeting or Evitts Creek Steering Committee meeting.

Councilman Cioni discussed Let’s Beautify Cumberland and Parks and Rec. He also noted that per Council’s discussion, he would run Pickle Ball by the P&R Board.

Councilwoman Marchini discussed the committees she sits on, saying that most of them will meet this week. She discussed inventorying things on the downtown mall – bike racks, benches, trashcans, etc. She stated that there has been interest from some organizations to buy some of the inventory, or to donate it to other organizations.

The Councilwoman discussed the Baltimore Street Access Project, saying they had their meeting last week, and that there will be a town hall meeting with business owners before Thanksgiving. She added that there is a mandatory bid meeting on August 31st, and stated that bids are due on September 21st.

Mayor Morriss advised on the Baltimore Street Bridge Project, saying the bid came in last week, and said they will see what’s leftover for the Cumberland Street Bridge, using federal money.

The Mayor advised on the WMSRR board meeting last week, stated all is going well, with Polar Express tickets already doing a brisk sale, and advised that the Moonlight Madness Train last Friday sold out. He also mentioned the Pumpkin Patch Trains coming this fall.

Mayor Morriss discussed the DHCD tour last week of the projects requested for the McMullen Building, the Allegany Museum and the Gateway Center.

The Mayor discussed the 2nd Annual Jane Gates Day on August 31st, and said it was good to watch progress on the grounds and building. He also talked about the Greater Cumberland Committee Zoom meeting last week with the topic Outdoor Recreation and Economy and said the host of the meeting is working with 7-8 states in Appalachia on outdoor economics, and how to best position themselves.

The Mayor discussed Purple Fest, which he attended with some of the Council Members, and stated that September is Recovery Month, as well as Childhood Cancer Awareness Month, and said City Hall will be lit up in purple.

Greg Larry, Cumberland Times-News, asked how many organizations applied for Hotel-Motel funding this year, which is 19.

IV. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:00 p.m.

Respectfully submitted,

Allison K. Layton
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 Allison Layton

MINUTES

M&CC Public Meeting
City Hall

DATE: September 06, 2022

I. OPEN SESSION – 6:15 p.m.

II. Pledge of Allegiance

III. Roll Call

Councilman Joseph P. George
Councilwoman Laurie P. Marchini
President Raymond M. Morriss

Councilmen Eugene T. Frazier and Richard J. "Rock" Cioni were absent

Also Present: Jeffrey F. Silka, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Chuck Ternent, Chief of Police; Shannon Adams, Fire Chief

IV. Statement of Closed Meeting

1. Summary Statement of the closed meeting held September 6, 2022

Mayor Morriss announced that a closed meeting had been held on September 6, 2022 at 4:30 p.m. and read into the record a summary of that meeting, which is attached hereto and made a part of these minutes, as required under Section 3-306 (c)(2) of the General Provisions Article of the Annotated Code of Maryland.

V. Presentations

1. Presentation of City Star Awards to individuals who have gone above and beyond the expected to make a difference in our community.

Mayor Morriss read the list of the 5 people nominated for the City Star Award.

Holly Fetters – nominated by Stephanie Williams for her work in the community, specifically opening her home to foster children and providing presents for families with children that don't have the resources to do so.

John Wunderlick – nominated by Mary Kiraly for his work in supporting the City, and his discovery of the 1753 George Washington Trail and connection in Butler County, PA, helping to secure permission to use the established Trail Medallion in Maryland.

Joe Metzner – nominated by Jeff Hedrick, for delighting kids and parents alike in every neighborhood for about 40 years. Affectionately known as "Sno-Cone Joe" he is the property manager of the Value City Shopping Center and works tirelessly to keep the area clean and crime-free, while often helping regulars there to get connected to services, jobs, etc.

Alan Zapf – nominated by both Renee Kniseley and Bill Kimble for his work in supporting the City's youth by starting a non-profit for area kids (Allegany Youth Enrichment Program) and devoted time to working directly with youth in the community. This was a team effort, and Ms. Kniseley and Mr. Kimble want to commend AYEPS for their work with youth as well.

Doug Widdows – Doug was nominated by Maria Kiefer as the perfect example of leadership, compassion, and drive. Doug's career in USA BMX spans 20 years, with his winning of multiple state, regional, and national races. Doug recently changed his focus to bettering the community and has dedicated all of his free time to volunteer work, as well as donating his personal funds to local causes he holds dear. He has also donated personal funds and assisted in the rebuild of the Riverside BMX track.

The City Stars received their awards, as well as a round of applause and a sincere thank you from M&CC for their selfless work in supporting communities in the City of Cumberland.

VI. Director's Reports

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

(A) Engineering

1. Engineering Department monthly report for July, 2022

VI. Approval of Minutes

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

1. Approval of the Work and Closed Session Minutes of April 26, 2022, and the Closed, Work, and Regular Session Minutes of May 3, 2022, and the Closed and Regular Session Minutes of May 17, 2022

Councilman Cioni connected into meeting via phone at 6:31 p.m.

VII. Public Hearings

1. Public Hearing - to receive comment on proposed **Charter Amendment Resolution No. 149** to rescind Charter Amendment No. 145 and to repeal Section 75 of the Charter, which prohibits the carrying of a concealed weapon in accordance with Section 4-101 of the Criminal Law Article of the Annotated Code of Maryland.

Convened 6:34 p.m.

No public comments

Adjourned 6:34 p.m.

2. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 150** to rescind Charter Amendment No. 146 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.

Convened 6:35 p.m.

No public comments

Adjourned 6:35 p.m.

3. Public Hearing to receive comment on proposed **Charter Amendment Resolution No. 151** to rescind Charter Amendment No. 147 and to repeal Charter Sections 192-203 pertaining to the Mayor and City Council's authority over the Memorial Hospital.

Convened 6:35

No public comments

Adjourned 6:36

VIII. Unfinished Business

(A) Ordinances

1. **Ordinance No. 3925** (*2nd and 3rd readings*) - to authorize the transfer of City-owned property at 728 Baker Street to Floyd F. Gregory, Jr. for the purchase price of \$500.

SECOND READING: The ordinance was submitted in title only for its second reading. **Motion** to accept the second reading and move to the third after comment after comment was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 4-0.

Mayor Morriss called for questions or comments. Being none, the ordinance moved to its third reading.

THIRD READING: The ordinance was submitted in title only for its third reading and was passed on a vote of 4-0.

IX. New Business

(A) Ordinances

1. **Ordinance 3926** (*1st reading*) - approving the transfer of 471 Baltimore Avenue to Bechance, LLC for the purchase price of \$100 and authorizing execution of a deed to effect the transfer.

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

Motion to accept the first reading and table until next meeting was made by Councilman George, seconded by Councilman Cioni, and was passed on a vote of 3-0, with Councilwoman Marchini leaving the meeting at time of vote.

(B) Orders (Consent Agenda)

Order 27,074 - authorizing the Chief of Police to accept a FY23 Sex Offender Compliance Grant in the amount of \$18,071.00 for Cumberland Police Department and Allegany County Sheriff's Office overtime to perform compliance checks by conducting home visits of registered sex offenders to confirm residency.

Order 27,075 - authorizing the Chief of Police to accept a FY23 Maryland Center for School Safety (MCSS) SRO grant in the amount of \$49,245.00 to provide adequate police coverage in and around city schools, pay officers' overtime to supplement school resource activities, and provide additional officers to patrol during school time and extracurricular activities.

Order 27,076 - accepting the State bid from Hertrich Fleet Services Inc. for five (5) police vehicles at a total not-to-exceed cost of \$247,140.00.

Order 27,077 - rescinding Order No. 27,055 because of a misstated purchase amount and accepting the sole source proposal from L/B Water Service, Inc. to provide water meters and smartpoints for FY23 in the amount not-to-exceed \$335,000.

Order 27,078 - appointing Jeffrey F. Silka, City Administrator, as a City representative to the Enterprise Zone Advisory Committee effective this date.

Order 27,079 - accepting the proposal from MuniLink to provide FY23 software hosting and support services for the City's utility billing system in the amount not-to-exceed \$43,016.62.

Order 27,080 - abating real estate and special taxing district taxes for 118 Baltimore Street, owned by the Cumberland Economic Development Corporation.

Order 27,081 - approving a residential exemption from the Special Taxing District Levy for the 2022-2023 tax year for 33 N. Centre Street in the amount of \$600.72.

Order 27,082 - reappointing Dan Bowser to the Downtown Development Commission and Harold Hipsley to the Shade Tree Commission.

Order 27,083 - accepting the proposal from KONE, Inc. to rehabilitate two (2) elevators in the Public Safety Building for the amount not-to-exceed \$440,000.

Mr. Silka advised that this proposal was budgeted for this fiscal year.

Order 27,084 - authorizing execution of Change Order No. 1 to the Residential Grass Mowing Project (14-22-M) with Casey Smith, LLC dba/ ServicePro, for the increased not-to-exceed amount of \$6,300.00; bringing the total contract amount to \$59,690.00.

Mr. Silka advised that there were six properties added into this contract.

X. Letters / Petitions

1. Report from the City Clerk advising of the official results of the 2022 Cumberland Municipal Primary Election as certified by the Maryland Board of Elections, showing that the four (4) highest vote getters and those whose names will be placed on the General Election Ballot for November 8, 2022, are Rock Cioni, Mary Conlon, James Leo Furstenberg, III, and Joseph Paul George

XI. Public Comments

Maria Stallings, 12801 Cresap Street, Apt. 4, Cresaptown, talked about tourism and expanding the bike trail from Cumberland to Bowling Green, via the railroad tracks on Beall Street and Kelly Road.

Mayor Morriss advised that they will take a look at it with the County, and see if it's possible.

David Biser, 17 Long Drive, Cumberland, retired law enforcement officer, talked about the shortage of police officers in Cumberland. He stated the City does need a fully staffed police department, and advised that it's a long process to become an officer, with only a small portion of those that sign up making it through. He encouraged M&CC to work with the Police Department to get them fully staffed. Mr. Biser continued and repeated the same sentiments to the Fire Department and the Water Department, saying they should be fully staffed and supported.

Mayor Morriss assured Mr. Biser that M&CC fully support these departments and are very proud of them. He agreed that hiring and retention is difficult, and said they will do their best to hire and retain in all the departments.

Council agreed, saying the City is blessed to have so many good officers in both the Fire and Police Departments, and stated that Cumberland's public safety and leadership is the envy of small towns all over the country.

Chief Ternent advised that Mr. Biser had trained past officers at the CPD, as well as himself.

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, the meeting adjourned at 6:52 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Allison K. Layton, City Clerk _____

Mayor and City Council of Cumberland

Closed Session Minutes

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

2nd Floor Conference Room

Tuesday, September 13, 2022; 4:30 p.m.

The Mayor and City Council convened in public session at 4:30 p.m. for the purpose of immediately moving into executive session pursuant to Section 3-305 (b)(7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding a proposal for the purchase of a property owned by the Cumberland Economic Development Corporation.

MOTION: Motion to enter into Closed Session was made by Council Member George, 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 (via phone), Joseph George, and Laurie Marchini.

ALSO PRESENT: Jeffrey Silka, City Administrator; Michael S. Cohen, City Solicitor; Sherri Nicol, Assistant to the City Clerk; Matt Miller, CEDC Executive Director; Stu Czapski, CEDC Economic Development Specialist

File Attachments for Item:

1. Ordinance 3936 (*2nd and 3rd readings*) - an ordinance to repeal and re-enact with amendments sections 19-2 to 19-5 of Chapter 19 of the Code of the City entitled "Public Ethics" for the purpose of complying with state law

ORDINANCE NO. 3936

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, ENTITLED "AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTIONS 19-2 TO 19-5, INCLUSIVE, OF CHAPTER 19 OF THE CODE OF THE CITY OF CUMBERLAND ENTITLED 'PUBLIC ETHICS', WITH RESPECT TO SECTIONS 19-2, 19-4 AND 19-5, FOR THE PURPOSE OF COMPLYING WITH STATE LAW REQUIRING THAT LOCAL ETHICS LAWS PERTAINING TO ELECTED LOCAL OFFICIALS, CONFLICTS OF INTEREST AND FINANCIAL DISCLOSURE BE EQUIVALENT TO OR EXCEED THE REQUIREMENTS OF APPLICABLE STATE LAW, AND, WITH RESPECT TO SECTION 19-3, FOR THE PURPOSE OF MAKING CHANGES IN THE DISCRETION OF THE MAYOR AND CITY COUNCIL."

WHEREAS, the City of Cumberland Public Ethics Law, Chapter 19 of the Code of the City of Cumberland, sets forth the City of Cumberland's laws relative to public ethics;

WHEREAS, the Maryland General Assembly passed legislation effective October 1, 2011 (Md. State Govt. Code Ann. §§ 15-804(b) & 15-805(b)(2) requiring that local governments enact public ethics regulations for elected local officials relative to conflicts of interest and financial disclosure that are equivalent to or exceed State law standards;

WHEREAS, the Maryland General Assembly passes legislation from time to time that amends State law standards pertaining to ethics, which in turn, requires that local governments amend their ethics laws to meet or exceed the amended State law standards;

WHEREAS, as required on account of changes in State law, this Ordinance provides for the amendment of Sections 19-2, 19-4 and 19-5 so that their terms will meet or exceed State law standards;

WHEREAS, the changes to Section 19-3 are not required by State law but are being made to allow the City Solicitor discretion to recuse himself from his obligation to advise the Administrative

Appeals Board from time to time, as there are occasions where such
recusal is appropriate;

WHEREAS, State law requires that local governments obtain the
State Ethics Commission's approval for changes made to their public
ethics laws; and

WHEREAS, in accordance with the aforesaid State law, the City
provided the State Ethics Commission with documentation showing
the changes to the Public Ethics Law that would be effected by
this Ordinance, and by correspondence dated November 17, 2022, the
State Ethics Commission notified the City Solicitor that it
approved of such changes.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL
OF CUMBERLAND, MARYLAND:

SECTION 1. That Sections 19-2 to 19-5, inclusive, of the
Code of the City of Cumberland (1991 Edition), be and they are
hereby repealed and reenacted, the said reenacted provisions being
set forth in the Exhibit A attached hereto and a text-edited
version showing the changes made to existing law upon the passage
of this Ordinance is attached hereto and incorporated by reference
herein as Exhibit B:

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

Passed this _____ day of December, 2022.

Raymond M. Morriss, Mayor

ATTEST:

Allison K. Layton, City Clerk

EXHIBIT A

Sec. 19-2. - Definitions.

Designated second home means:

- (1) If an individual owns one second home, the individual's second home; or
- (2) If an individual owns more than one second home, any one second home the individual identifies to the board as the individual's designated second home.

Home address means the address of an individual's:

- (1) Principal home; and
- (2) Designated second home, if any.

Interest means:

- (1) A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- (2) For purposes of this chapter, interest includes any interest held at any time during the reporting period.
- (3) Interest does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - b. An interest in a time or demand deposit in a financial institution;
 - c. An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - d. A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - e. A college savings plan under the Internal Revenue Code; or
 - f. A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

Principal home means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

Qualified relative means a spouse, parent, child, brother, or sister.

Quasi-governmental entity means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

Second home means a residential property that:

- (1) An individual occupies for some portion of the filing year; and
- (2) Is not a rental property or a time share.

Sec. 19-3. - Administrative appeals board.

- (a) There is an administrative appeals board (the "board") created under section 238 of the Charter that consists of five (5) members appointed by the mayor and city council. The board shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.

- (b) The board shall:
 - (1) Devise, receive, and maintain all forms required by this chapter;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
 - (4) Conduct a public information program regarding the purposes and application of this chapter.
- (c) The city solicitor shall advise the board. The city solicitor shall have the right to recuse himself from this obligation, in which event, the city administrator may retain the services of outside counsel.
- (d) The board shall certify to the state ethics commission on or before October 1 of each year that the city is in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, for elected local officials.
- (e) The board shall determine if changes to this chapter are required to be in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, and shall forward any recommended changes and amendments to the mayor and city council for enactment.
- (f) Any official or other person subject to the provisions of this chapter may request the board for an advisory opinion concerning the application of this chapter. The board shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to it. Copies of these interpretations shall be made available to the public upon request.
- (g) Any person may file with the board a complaint alleging a violation of any of the provisions of this chapter. These complaints shall be written and under oath, and may be referred to the city solicitor, or other legal counsel if appropriate, for investigation and review. If, after receiving an investigative report, the board determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the board's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the board may take any enforcement action provided for in accordance with section 19-9.
- (h) The board may adopt other policies and procedures to assist in the implementation of the board's programs established in this chapter.

Sec. 19-4. - Conflicts of interest.

- (a) *Applicability.* All city elected officials, officials appointed to city boards and commissions subject to this chapter, and employees are subject to this section.
- (b) *Participation prohibitions.* Except as permitted by board regulation or opinion, an official or employee may not participate in:
 - (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - b. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - e. An entity, doing business with the city, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - f. A business entity that:
 - 1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 - 2. As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
 - (3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
 - a. The disqualification leaves a body with less than a quorum capable of acting;
 - b. The disqualified official or employee is required by law to act; or
 - c. The disqualified official or employee is the only person authorized to act.
 - (4) The prohibitions of paragraph (1) and (2) of this subsection do not apply if participation is allowed by regulation or opinion of the board.
 - (5) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- (c) *Employment and financial interest restrictions.*
 - (1) Except as permitted by regulation of the board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
 - a. Be employed by or have a financial interest in any entity:
 - 1. Subject to the authority of the official or employee or the city agency, board, commission with which the official or employee is affiliated; or

2. That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated.
 - b. Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
 - c. Hold any outside employment that impairs the employee's ability to perform or availability for the performance of the employee's job duties with the City,
 - d. Wear the uniform of another employer or any other clothing with the name, logo or any other reference to the other employer.
 - e. Solicit work for the employee's outside employer.
- (2) This prohibition does not apply to:
- a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - b. Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the board;
 - c. An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the board; or
 - d. Employment or financial interests allowed by regulation of the board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (d) *Post-employment limitations and restrictions.*
- (1) A former official or employee may not assist or represent any party other than the city for compensation in a case, contract, or other specific matter involving the city if that matter is one in which the former official or employee significantly participated as an official or employee.
 - (2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.
- (e) *Contingent compensation.* Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the city.
- (f) *Use of prestige of office.*
- (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another, or to influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.
 - (2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
 - (3) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
 - (4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
 - (5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- (g) *Solicitation and acceptance of gifts.*
- (1) An official or employee may not solicit any gift.
 - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
 - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:

- a. Is doing business with or seeking to do business with the city office, agency, board, or commission with which the official or employee is affiliated;
 - b. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - c. Is engaged in an activity regulated or controlled by the official's or employee's governmental unit
 - d. Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or
 - e. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
- (4) Paragraph (5) of this subsection does not apply to a gift:
 - a. That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;
 - b. Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or
 - c. Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.
- (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - a. Meals and beverages consumed in the presence of the donor or sponsoring entity;
 - b. Ceremonial gifts or awards that have insignificant monetary value;
 - c. Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost or trivial items of informational value;
 - d. Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - e. Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - f. A specific gift or class of gifts that the board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the city and that the gift is purely personal and private in nature;
 - g. Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - h. Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.
- (h) *Disclosure of confidential information.* Other than in the discharge of official duties, an official, employee, or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the individual's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (i) *Participation in procurement.*
 - (1) An individual or a person that employs an individual who assists a city agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The board may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.

- (j) *Retaliation prohibited.* An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.

Sec. 19-5. - Financial disclosure—Local elected officials and candidates to be local elected officials.

(a) *Applicability/financial disclosure statements.*

- (1) This section applies to all local elected officials and candidates to be local elected officials.
- (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - a. On a form provided by the board;
 - b. Under oath or affirmation; and
 - c. With the board.
- (3) **Deadlines for filing statements.**
 - a. An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - b. An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
 - c.
 - 1. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.
 - 2. The statement shall cover:
 - i. The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
 - ii. The portion of the current calendar year during which the individual held the office.

(b) *Candidates to be local elected officials.*

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) A candidate to be an elected local official shall file a statement required under this section:
 - a. In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - b. In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - c. In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official shall file the statements required under subsection (b) with the city clerk.
- (4) If a statement required to be filed by a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the city clerk, the candidate shall be deemed to have withdrawn the candidacy.
- (5) The city clerk may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (6) Within thirty (30) days of the receipt of a statement required under this section, the city clerk shall forward the statement to the board or the office designated by the board.

(c) *Public record.*

- (1) The city clerk shall maintain all financial disclosure statements filed under this section.

- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the board or the city.
- (3) If an individual examines or copies a financial disclosure statement, the city clerk shall record:
 - a. The name and home address of the individual reviewing or copying the statement; and
 - b. The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the city clerk shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the city clerk may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- (6) The City Administrator shall not provide public access to information related to consideration received from:
 - 1. The University of Maryland Medical System;
 - 2. A governmental entity of the State or a local government in the State; or
 - 3. A quasi-governmental entity of the State or local government in the State.
- (7) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.
- (d) *Retention requirements.* The city clerk shall retain financial disclosure statements for four (4) years from the date of receipt.
- (e) *Contents of statement.*
 - (1) *Interests in real property.*
 - a. A statement filed under this section shall include a schedule of all interests in real property wherever located.
 - b. For each interest in real property, the schedule shall include:
 - 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 - 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 - 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 - 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 - 5. If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 - 6. The identity of any other person with an interest in the property.
 - (2) *Interests in corporations and partnerships.*
 - a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the city.
 - b. For each interest reported under this paragraph, the schedule shall include:
 - 1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 - 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;

3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
 - c. An individual may satisfy the requirement to report the amount of the interest held under item b.2. of this paragraph by reporting, instead of a dollar amount:
 1. For an equity interest in a corporation, the number of shares held and, unless the corporation's stock is publicly traded, the percentage of equity interest held; or
 2. For an equity interest in a partnership, the percentage of equity interest held.
- (3) *Interests in business entities doing business with the city.*
- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the city, other than interests reported under paragraph (2) of this subsection.
 - b. For each interest reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- (4) *Gifts.*
- a. A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the city or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. For each gift reported, the schedule shall include:.
 - b. For each gift reported, the schedule shall include:
 1. A description of the nature and value of the gift; and
 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.
- (5) *Employment with or interests in entities doing business with the city.*
- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the city.
 - b. For each position reported under this paragraph, the schedule shall include:

1. The name and address of the principal office of the business entity;
 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. The name of each city agency with which the entity is involved.
- (6) *Indebtedness to entities doing business with or regulated by the individual's city unit or department.*
- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with or regulated by the individual's city unit or department owed at any time during the reporting period:
 1. By the individual; or
 2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
 - b. For each liability reported under this paragraph, the schedule shall include:
 1. The identity of the person to whom the liability was owed and the date the liability was incurred;
 2. The amount of the liability owed as of the end of the reporting period;
 3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
 4. The security given, if any, for the liability.
- (7) *Employment of immediate family members.* A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the city in any capacity at any time during the reporting period.
- (8) *Sources of earned income.*
- a. A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
 - b. A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
 - c. For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the city, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.
- (9) *Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.*
- a. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:
 1. The University of Maryland Medical System;
 2. A governmental entity of the State or a local government in the State; or
 3. A quasi-governmental entity of the State or local government in the State.
 - b. For each financial or contractual relationship reported, the schedule shall include:
 1. A description of the relationship;
 2. The subject matter of the relationship; and
 3. The consideration.
- (10) *Schedule of additional interests or information.* A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

- (f) *Interests of individual making statement.* For the purposes of subsections (e)(1), (2), and (3) of this section, the following interests are considered to be the interests of the individual making the statement:
- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
 - (2) An interest held, at any time during the applicable period, by:
 - a. A business entity in which the individual held a 10% or greater interest;
 - b. A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
 - c. A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and
 - d. A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.
 - (3) An interest held by a trust or an estate in which, at any time during the reporting period:
 - a. The individual held a reversionary interest or was a beneficiary; or
 - b. If a revocable trust, the individual was a settlor.
- (g) *Compliance.*
- (1) The board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
 - (2) The board may take appropriate enforcement action to ensure compliance with this section.

EXHIBIT B

Sec. 19-2. -Definitions.

Designated second home means:

- (1) If an individual owns one second home, the individual's second home; or

- (2) If an individual owns more than one second home, any one second home the individual identifies to the board as the individual's designated second home.

Home address means the address of an individual's:

- (1) Principal home; and
- (2) Designated second home, if any.

Interest means:

- (1) A legal or equitable economic interest, whether or not subject to an encumbrance or a condition, that is owned or held, in whole or in part, jointly or severally, directly or indirectly.
- (2) For purposes of this chapter, interest includes any interest held at any time during the reporting period.
- (3) Interest does not include:
 - a. An interest held in the capacity of a personal agent, custodian, fiduciary, personal representative, or trustee, unless the holder has an equitable interest in the subject matter;
 - b. ☐ An interest in a time or demand deposit in a financial institution;
 - c. ☐ An interest in an insurance policy, endowment policy, or annuity contract under which an insurer promises to pay a fixed amount of money either in a lump sum or periodically for life or a specified period;
 - d. ☐ A common trust fund or a trust which forms part of a pension or profit sharing plan which has more than 25 participants and which has been determined by the Internal Revenue Service to be a qualified trust under the Internal Revenue Code;
 - e. ☐ A college savings plan under the Internal Revenue Code; or
 - f. ☐ A mutual fund or exchange-traded fund that is publicly traded on a national scale unless the mutual fund or exchange-traded fund is composed primarily of holdings of stocks and interests in a specific sector or area that is regulated by the individual's governmental unit.

Principal home means the sole residential property that an individual occupies as the individual's primary residence, whether owned or rented by the individual.

Qualified relative means a spouse, parent, child, brother, or sister.

Quasi-governmental entity means an entity that is created by state statute, that performs a public function, and that is supported in whole or in part by the state but is managed privately.

Second home means a residential property that:

- (1) ☐ An individual occupies for some portion of the filing year; and
- (2) ☐ Is not a rental property or a time share.

Sec. 19-3. ☐ Administrative appeals board.

- (a) There is an administrative appeals board (the "board") created under section 238 of the Charter that consists of five (5) members appointed by the mayor and city council. The board shall be the advisory body responsible for interpreting this chapter and advising persons subject to it as to its application.
- (b) ☐ The board shall:
 - (1) Devise, receive, and maintain all forms required by this chapter;
 - (2) Develop procedures and policies for advisory opinion requests and provide published advisory opinions to persons subject to this chapter regarding the applicability of the provisions of this chapter to them;
 - (3) Develop procedures and policies for the processing of complaints to make appropriate determinations regarding complaints filed by any person alleging violations of this chapter; and
 - (4) Conduct a public information program regarding the purposes and application of this chapter.

- (c) The city solicitor shall advise the board. The city solicitor shall have the right to recuse himself from this obligation, in which event, the city administrator may retain the services of outside counsel.
- (d) The board shall certify to the state ethics commission on or before October 1 of each year that the city is in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, for elected local officials.
- (e) The board shall determine if changes to this chapter are required to be in compliance with the requirements of General Provisions Article, Ann. Code of Md. tit. 5 subtit. 8, and shall forward any recommended changes and amendments to the mayor and city council for enactment.
- (f) _ Any official or other person subject to the provisions of this chapter may request the board for an advisory opinion concerning the application of this chapter. The board shall respond promptly to these requests, providing interpretations of this chapter based on the facts provided or reasonably available to it. Copies of these interpretations shall be made available to the public upon request.
- (g) Any person may file with the board a complaint alleging a violation of any of the provisions of this chapter. These complaints shall be written and under oath, and may be referred to the city solicitor, or other legal counsel if appropriate, for investigation and review. If, after receiving an investigative report, the board determines that there are insufficient facts upon which to base a determination of a violation, it may dismiss the complaint. If there is a reasonable basis for believing a violation has occurred, then the subject of the complaint shall be afforded an opportunity for a hearing conducted in accordance with the board's applicable rules of procedure for actions taken on the record. Any final determination resulting from the hearing shall include findings of fact and conclusions of law. Upon a finding of a violation, the board may take any enforcement action provided for in accordance with section 19-9.
- (h) The board may adopt other policies and procedures to assist in the implementation of the board's programs established in this chapter.

Sec. 19-4. _Conflicts of interest.

- (a) *Applicability.* All city elected officials, officials appointed to city boards and commissions subject to this chapter, and employees are subject to this section.
- (b) *Participation prohibitions.* Except as permitted by board regulation or opinion, an official or employee may not participate in:
 - (1) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision of the matter, any matter in which, to the knowledge of the official or employee, the official or employee, or a qualified relative of the official or employee has an interest.
 - (2) Except in the exercise of an administrative or ministerial duty that does not affect the disposition or decision with respect to the matter, any matter in which any of the following is a party:
 - a. A business entity in which the official or employee has a direct financial interest of which the official or employee may reasonably be expected to know;
 - b. A business entity for which the official, employee, or a qualified relative of the official or employee is an officer, director, trustee, partner, or employee;
 - c. A business entity with which the official or employee or, to the knowledge of the official or employee, a qualified relative is negotiating employment or has any arrangement concerning prospective employment;
 - d. If the contract reasonably could be expected to result in a conflict between the private interests of the official or employee and the official duties of the official or employee, a business entity that is a party to an existing contract with the official or employee, or which, to the knowledge of the official or employee, is a party to a contract with a qualified relative;
 - e. An entity, doing business with the city, in which a direct financial interest is owned by another entity in which the official or employee has a direct financial interest, if the official or employee may be reasonably expected to know of both direct financial interests; or
 - f. _ A business entity that:

1. The official or employee knows is a creditor or obligee of the official or employee or a qualified relative of the official or employee with respect to a thing of economic value; and
 2. ☐ As a creditor or obligee, is in a position to directly and substantially affect the interest of the official or employee or a qualified relative of the official or employee.
- (3) A person who is disqualified from participating under paragraphs (1) or (2) of this subsection shall disclose the nature and circumstances of the conflict and may participate or act if:
- a. The disqualification leaves a body with less than a quorum capable of acting;
 - b. The disqualified official or employee is required by law to act; or
 - c. The disqualified official or employee is the only person authorized to act.
- (4) The prohibitions of paragraph (1) and (2) of this subsection do not apply if participation is allowed by regulation or opinion of the board.
- (5) A former regulated lobbyist who is or becomes subject to this chapter as an employee or official, other than an elected official or an appointed official, may not participate in a case, contract, or other specific matter as an employee or official, other than an elected official or appointed official, for one calendar year after the termination of the registration of the former regulated lobbyist if the former regulated lobbyist previously assisted or represented another party for compensation in the matter.
- (c) ☐ *Employment and financial interest restrictions.*
- (1) Except as permitted by regulation of the board when the interest is disclosed or when the employment does not create a conflict of interest or appearance of conflict, an official or employee may not:
- a. ☐ Be employed by or have a financial interest in any entity:
 1. ☐ Subject to the authority of the official or employee or the city agency, board, commission with which the official or employee is affiliated; or
 2. ☐ That is negotiating or has entered a contract with the agency, board, or commission with which the official or employee is affiliated; ~~or.~~
 - b. ☐ Hold any other employment relationship that would impair the impartiality or independence of judgment of the official or employee.
 - c. Hold any outside employment that impairs the employee's ability to perform or availability for the performance of the employee's job duties with the City.
 - d. Wear the uniform of another employer or any other clothing with the name, logo or any other reference to the other employer.
 - e. Solicit work for the employee's outside employer.
- (2) ☐ This prohibition does not apply to:
- a. An official or employee who is appointed to a regulatory or licensing authority pursuant to a statutory requirement that persons subject to the jurisdiction of the authority be represented in appointments to the authority;
 - b. ☐ Subject to other provisions of law, a member of a board or commission in regard to a financial interest or employment held at the time of appointment, provided the financial interest or employment is publicly disclosed to the appointing authority and the board;
 - c. ☐ An official or employee whose duties are ministerial, if the private employment or financial interest does not create a conflict of interest or the appearance of a conflict of interest, as permitted by and in accordance with regulations adopted by the board; or
 - d. ☐ Employment or financial interests allowed by regulation of the board if the employment does not create a conflict of interest or the appearance of a conflict of interest or the financial interest is disclosed.
- (d) ☐ *Post-employment limitations and restrictions.*

- (1) A former official or employee may not assist or represent any party other than the city for compensation in a case, contract, or other specific matter involving the city if that matter is one in which the former official or employee significantly participated as an official or employee.
- (2) A former elected official may not assist or represent another party for compensation in a matter that is the subject of legislative action for one calendar year after the elected official leaves office.
- (e) *Contingent compensation.* Except in a judicial or quasi-judicial proceeding, an official or employee may not assist or represent a party for contingent compensation in any matter before or involving the city.
- (f) *Use of prestige of office.*
 - (1) An official or employee may not intentionally use the prestige of office or public position for the private gain of that official or employee or the private gain of another, or to influence, except as part of the official duties of the official or employee or as a usual and customary constituent service without additional compensation, the award of a state or local contract to a specific person.
 - (2) An official may not directly or indirectly initiate a solicitation for a person to retain the compensated services of a particular regulated lobbyist or lobbying firm.
 - (3) This subsection does not prohibit the performance of usual and customary constituent services by an elected local official without additional compensation.
 - (4) An official, other than an elected official, or employee may not use public resources or the title of the official or employee to solicit a contribution as that term is defined in the Election Law Article.
 - (5) An elected official may not use public resources to solicit a contribution as that term is defined in the Election Law Article.
- (g) *Solicitation and acceptance of gifts.*
 - (1) An official or employee may not solicit any gift.
 - (2) An official or employee may not directly solicit or facilitate the solicitation of a gift, on behalf of another person, from an individual regulated lobbyist.
 - (3) An official or employee may not knowingly accept a gift, directly or indirectly, from a person that the official or employee knows or has the reason to know:
 - a. Is doing business with or seeking to do business with the city office, agency, board, or commission with which the official or employee is affiliated;
 - b. Has financial interests that may be substantially and materially affected, in a manner distinguishable from the public generally, by the performance or nonperformance of the official duties of the official or employee;
 - c. ~~Is engaged in an activity regulated or controlled by the official's or employee's governmental unit; or~~
 - d. ~~Is a lobbyist with respect to matters within the jurisdiction of the official or employee; or~~
 - e. Is an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations.
 - (4) Paragraph (5) of this subsection does not apply to a gift:
 - a. ~~That would tend to impair the impartiality and the independence of judgment of the official or employee receiving the gift;~~
 - b. ~~Of significant value that would give the appearance of impairing the impartiality and independence of judgment of the official or employee; or~~
 - c. ~~Of significant value that the recipient official or employee believes or has reason to believe is designed to impair the impartiality and independence of judgment of the official or employee.~~
 - (5) Notwithstanding paragraph (3) of this subsection, an official or employee may accept the following:
 - a. ~~Meals and beverages consumed in the presence of the donor or sponsoring entity;~~
 - b. ~~Ceremonial gifts or awards that have insignificant monetary value;~~

- c. _ Unsolicited gifts of nominal value that do not exceed twenty dollars (\$20.00) in cost or trivial items of informational value;
 - d. _ Reasonable expenses for food, travel, lodging, and scheduled entertainment of the official or the employee at a meeting which is given in return for the participation of the official or employee in a panel or speaking engagement at the meeting;
 - e. _ Gifts of tickets or free admission extended to an elected local official to attend a charitable, cultural, or political event, if the purpose of this gift or admission is a courtesy or ceremony extended to the elected official's office;
 - f. _ A specific gift or class of gifts that the board exempts from the operation of this subsection upon a finding, in writing, that acceptance of the gift or class of gifts would not be detrimental to the impartial conduct of the business of the city and that the gift is purely personal and private in nature;
 - g. _ Gifts from a person related to the official or employee by blood or marriage, or any other individual who is a member of the household of the official or employee; or
 - h. _ Honoraria for speaking to or participating in a meeting, provided that the offering of the honorarium is in not related in any way to the official's or employee's official position.
- (h) *Disclosure of confidential information.* Other than in the discharge of official duties, an official, employee, or former official or employee may not disclose or use confidential information, that the official or employee acquired by reason of the ~~official's or employee's~~ individual's public position and that is not available to the public, for the economic benefit of the official or employee or that of another person.
- (i) *Participation in procurement.*
- (1) An individual or a person that employs an individual who assists a city agency in the drafting of specifications, an invitation for bids, or a request for proposals for a procurement may not submit a bid or proposal for that procurement or assist or represent another person, directly or indirectly, who is submitting a bid or proposal for the procurement.
 - (2) The board may establish exemptions from the requirements of this section for providing descriptive literature, sole source procurements, and written comments solicited by the procuring agency.
- (j) *Retaliation prohibited. An official or employee may not retaliate against an individual for reporting or participating in an investigation of a potential violation of the local ethics law or ordinance.*

Sec. 19-5. _Financial disclosure—Local elected officials and candidates to be local elected officials.

- (a) *Applicability/financial disclosure statements.*
- (1) This section applies to all local elected officials and candidates to be local elected officials.
 - (2) Except as provided in subsection (b) of this section, a local elected official or a candidate to be a local elected official shall file the financial disclosure statement required under this section:
 - a. _ On a form provided by the board;
 - b. _ Under oath or affirmation; and
 - c. _ With the board.
 - (3) _ *Deadlines for filing statements.*
 - a. _ An incumbent local elected official shall file a financial disclosure statement annually no later than April 30 of each year for the preceding calendar year.
 - b. _ An individual who is appointed to fill a vacancy in an office for which a financial disclosure statement is required and who has not already filed a financial disclosure statement shall file a statement for the preceding calendar year within thirty (30) days after appointment.
 - c. _ 1. An individual who, other than by reason of death, leaves an office for which a statement is required shall file a statement within sixty (60) days after leaving the office.

2. _ The statement shall cover:

- i. _ The calendar year immediately preceding the year in which the individual left office, unless a statement covering that year has already been filed by the individual; and
- ii. _ The portion of the current calendar year during which the individual held the office.

(b) _ *Candidates to be local elected officials.*

- (1) Except for an official who has filed a financial disclosure statement under another provision of this section for the reporting period, a candidate to be an elected local official shall file under a financial disclosure statement each year beginning with the year in which the certificate of candidacy is filed through the year of the election.
- (2) _ A candidate to be an elected local official shall file a statement required under this section:
 - a. _ In the year the certificate of candidacy is filed, no later than the filing of the certificate of candidacy;
 - b. _ In the year of the election, on or before the earlier of April 30 or the last day for the withdrawal of candidacy; and
 - c. _ In all other years for which a statement is required, on or before April 30.
- (3) A candidate to be an elected official shall file the statements required under subsection (b) with the city clerk.
- (4) If a ~~candidate fails to file a~~ statement required to be filed by this section a candidate is overdue and not filed within eight (8) days after written notice of the failure to file is provided by the city clerk ~~at least twenty (20) days before the last day for the withdrawal of candidacy~~, the candidate ~~is~~shall be deemed to have withdrawn the candidacy.
- (5) The city clerk may not accept any certificate of candidacy unless a statement has been filed in proper form.
- (6) Within thirty (30) days of the receipt of a statement required under this section, the city clerk shall forward the statement to the board or the office designated by the board.

(c) _ *Public record.*

- (1) The city clerk shall maintain all financial disclosure statements filed under this section.
- (2) Financial disclosure statements shall be made available during normal office hours for examination and copying by the public subject to reasonable fees and administrative procedures established by the board or the city.
- (3) If an individual examines or copies a financial disclosure statement, the city clerk shall record:
 - a. _ The name and home address of the individual reviewing or copying the statement; and
 - b. _ The name of the person whose financial disclosure statement was examined or copied.
- (4) Upon request by the official or employee whose financial disclosure statement was examined or copied, the city clerk shall provide the official with a copy of the name and home address of the person who reviewed the official's financial disclosure statement.
- (5) For statements filed after January 1, 2019, the city clerk may not provide public access to an individual's home address that the individual has designated as the individual's home address.
- (6) The City Administrator shall not provide public access to information related to consideration received from:
 - 1. The University of Maryland Medical System;
 - 2. A governmental entity of the State or a local government in the State; or 3.
 - A quasi-governmental entity of the State or local government in the State.
- (7) An individual who is required to disclose the name of a business under this section shall disclose any other names that the business is trading as or doing business as.

(d) *Retention requirements.* The city clerk shall retain financial disclosure statements for four (4) years from the date of receipt.

(e) *Contents of statement.*

(1) *Interests in real property.*

- a. A statement filed under this section shall include a schedule of all interests in real property wherever located.
- b. ☐ For each interest in real property, the schedule shall include:
 1. The nature of the property and the location by street address, mailing address, or legal description of the property;
 2. The nature and extent of the interest held, including any conditions and encumbrances on the interest;
 3. The date when, the manner in which, and the identity of the person from whom the interest was acquired;
 4. The nature and amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired;
 5. ☐ If any interest was transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and the identity of the person to whom the interest was transferred; and
 6. The identity of any other person with an interest in the property.

(2) ☐ *Interests in corporations and partnerships.*

- a. A statement filed under this section shall include a schedule of all interests in any corporation, partnership, limited liability partnership, or limited liability corporation, regardless of whether the corporation or partnership does business with the city.
- b. ☐ For each interest reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the corporation, partnership, limited liability partnership, or limited liability corporation;
 2. The nature and amount of the interest held, including any conditions and encumbrances on the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - i. ☐ The date when, the manner in which, and the identity of the person from whom the interest was acquired; and
 - ii. ☐ The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.
- c. ☐ An individual may satisfy the requirement to report the amount of the interest held under item b.2. of this paragraph by reporting, instead of a dollar amount:
 1. For an equity interest in a corporation, the number of shares held and, unless the ~~corporation's~~corporation's stock is publicly traded, the percentage of equity interest held; or
 2. ☐ For an equity interest in a partnership, the percentage of equity interest held.

(3) ☐ *Interests in business entities doing business with the city.*

- a. A statement filed under this section shall include a schedule of all interests in any business entity that does business with the city, other than interests reported under paragraph (2) of this subsection.
- b. For each interest reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the business entity;
 2. The nature and amount of the interest held, including any conditions to and encumbrances in the interest;
 3. With respect to any interest transferred, in whole or in part, at any time during the reporting period, a description of the interest transferred, the nature and amount of the consideration received in exchange for the interest, and, if known, the identity of the person to whom the interest was transferred; and
 4. With respect to any interest acquired during the reporting period:
 - i. The date when, the manner in which, and the identity of the person from whom the interest was acquired; and

(4) *Gifts.*

- ii. The nature and the amount of the consideration given in exchange for the interest or, if acquired other than by purchase, the fair market value of the interest at the time acquired.

- a. A statement filed under this section shall include a schedule of each gift in excess of twenty dollars (\$20.00) in value or a series of gifts totaling one hundred dollars (\$100.00) or more received during the reporting period from or on behalf of, directly or indirectly, any one (1) person who does business with or is regulated by the city. or from an association, or any entity acting on behalf of an association that is engaged only in representing counties or municipal corporations. For each gift reported, the schedule shall include:.
- b. For each gift reported, the schedule shall include:
 1. A description of the nature and value of the gift; and
 2. The identity of the person from whom, or on behalf of whom, directly or indirectly, the gift was received.

(5) *Employment with or interests in entities doing business with the city.*

- a. A statement filed under this section shall include a schedule of all offices, directorships, and salaried employment by the individual or member of the immediate family of the individual held at any time during the reporting period with entities doing business with the city.
- b. For each position reported under this paragraph, the schedule shall include:
 1. The name and address of the principal office of the business entity;
 2. The title and nature of the office, directorship, or salaried employment held and the date it commenced; and
 3. The name of each city agency with which the entity is involved.

(6) *Indebtedness to entities doing business with or regulated by the individual's city. unit or department.*

- a. A statement filed under this section shall include a schedule of all liabilities, excluding retail credit accounts, to persons or entities doing business with ~~the city~~ or regulated by the individual's city unit or department owed at any time during the reporting period:
 1. By the individual; or
 2. By a member of the immediate family of the individual if the individual was involved in the transaction giving rise to the liability.
- b. For each liability reported under this paragraph, the schedule shall include:

1. The identity of the person to whom the liability was owed and the date the liability was incurred;
2. The amount of the liability owed as of the end of the reporting period;
3. The terms of payment of the liability and the extent to which the principal amount of the liability was increased or reduced during the year; and
4. ☐ The security given, if any, for the liability.

(7) ~~Schedule~~ Employment of immediate family members of the individual employed by the city.
A statement filed under this section shall include a schedule of the immediate family members of the individual employed by the city in any capacity at any time during the reporting period.

(8) *Sources of earned income.*

- a. ☐ A statement filed under this section shall include a schedule of the name and address of each place of employment and of each business entity of which the individual or a member of the individual's immediate family was a sole or partial owner and from which the individual or member of the individual's immediate family received earned income, at any time during the reporting period.
- b. ☐ A minor child's employment or business ownership need not be disclosed if the agency that employs the individual does not regulate, exercise authority over, or contract with the place of employment or business entity of the minor child.
- c. ☐ For a statement filed on or after January 1, 2019, if the individual's spouse is a lobbyist regulated by the city, the individual shall disclose the entity that has engaged the spouse for lobbying purposes.

~~(9)~~(9) Relationship with University of Maryland Medical System, State or Local Government, or Quasi-Governmental Entity.

a. An individual shall disclose the information specified in General Provisions Article §5-607(j)(1), Annotated Code of Maryland, for any financial or contractual relationship with:

1. The University of Maryland Medical System;
2. A governmental entity of the State or a local government in the State; or
3. A quasi-governmental entity of the State or local government in the State.

b. For each financial or contractual relationship reported, the schedule shall include:

1. A description of the relationship;
2. The subject matter of the relationship; and
3. The consideration.

(10) Schedule of additional interests or information. A statement filed under this section may also include a schedule of additional interests or information that the individual making the statement wishes to disclose.

(f) *Interests of individual making statement.* For the purposes of subsections (e)(1), (2), and (3) of this section, the following interests are considered to be the interests of the individual making the statement:

- (1) An interest held by a member of the individual's immediate family, if the interest was, at any time during the reporting period, directly or indirectly controlled by the individual.
- (2) ☐ An interest held at any time during the applicable period, by :
 - a. A business entity in which the individual held a ~~thirty (30) percent~~ 10% or greater interest at any time during the reporting period.;
 - b. A business entity described in item (i) of this subsection in which the business entity held a 25% or greater interest;
 - c. A business entity described in item (ii) of this subsection in which the business entity held a 50% or greater interest; and

d. A business entity in which the individual directly or indirectly, through an interest in one or a combination of other business entities, holds a 10% or greater interest.

(3) An interest held by a trust or an estate in which, at any time during the reporting period:

- a. ☐ The individual held a reversionary interest or was a beneficiary; or
- b. ☐ If a revocable trust, the individual was a settlor.

(g) ☐ *Compliance.*

- (1) The board shall review the financial disclosure statements submitted under this section for compliance with the provisions of this section and shall notify an individual submitting the statement of any omissions or deficiencies.
- (2) The board may take appropriate enforcement action to ensure compliance with this section.

File Attachments for Item:

2. Ordinance 3937 (*2nd and 3rd readings*) – an ordinance to approve the petition to amend the official zoning map zoning map to rezone property located at the intersection of Seton Drive and Pinecrest Drive from R-S (Suburban Residential) to B-L (Local Business)

ORDINANCE NO. 3937

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE APPROVING THE PETITION TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF CUMBERLAND (REFERRED TO IN SECTION 25-1 OF THE CODE OF THE CITY OF CUMBERLAND (1991 EDITION)) TO REZONE PROPERTY LOCATED AT THE SOUTHEAST CORNER OF THE INTERSECTION OF SETON DRIVE AND PINECREST DRIVE FROM THE R-S (SUBURBAN RESIDENTIAL) ZONING CLASSIFICATION TO THE B-L (LOCAL BUSINESS) ZONING CLASSIFICATION."

WHEREAS, the property which is the subject of this Ordinance (the "Property"), 6.02 acres, more or less, located at the southeast corner of Seton Drive and Pinecrest Drive, identified as Tax ID No. 06-010776, and more particularly described in the deed from Cumberland Real Estate Corporation to Mary Lane Real Estate Corporation dated December 30, 2009 and recorded among the Land Records of Allegany County, Maryland Book 1680, Page 369, is owned by Mary Lane Real Estate Corporation.

WHEREAS, MVP Counseling Services (the "Applicant") filed a Petition for Zoning Map Amendment (the "Petition"), requesting that the Property be rezoned from the Suburban Residential (R-S) Zoning District to the Local Business (B-L) Zoning District.

WHEREAS, if the Petition is granted, the Applicant will purchase the Property and construct an office building designed to house a counseling practice.

WHEREAS, the Cumberland Planning Commission Staff issued a Staff Report dated September 2, 2022 (the "Staff Report"), a copy of which is attached hereto and incorporated by reference herein as Exhibit 1, recommending that the proposed zoning map amendment be approved.

WHEREAS, among other things, the Staff Report includes Staff's findings relative to the required considerations set forth in Section 4-204(b)(1) of the Land Use Article of the Annotated Code of Maryland, i.e., population change, the availability of public facilities, present and future transportation patterns, compatibility with existing and proposed development for the area, and the relationship of the proposed amendment to the local jurisdiction's plan.

WHEREAS, the Petition included analysis relative to the Change-Mistake Rule and why the proposed change in the zoning classification of the Property meets its requirements

WHEREAS, the Planning Commission held a hearing on September 26, 2022 for the purpose of considering the Petition, voting 2-0 to recommend that the Mayor and City Council grant the Zoning Map amendment requested therein.

WHEREAS, as required by Section 25-439(e) of the City Code, the Planning Commission forwarded its recommendation to the Mayor and City Council for action.

WHEREAS, as required by Section 4-203(b) of the Land Use Article and Section 25-439(f) of the City Code, the Mayor and City Council published notice of the time and place of the public hearing before it on the matter of the rezoning which is the subject of this Ordinance together with a summary of the proposed rezoning in *The Cumberland Times News*, a newspaper of general circulation in Allegany County and the City of Cumberland, once each week for 2 successive weeks with the first notice being provided at least 14 days before the hearing. The notices were published on October 19, 2022 and October 26, 2022.

WHEREAS, in anticipation of the hearing, staff issued a Supplement to Staff Report dated October 19, 2022, a copy of which is attached hereto and incorporated by reference herein as Exhibit 2, for the purpose of confirming that they agree with the Applicant's analysis relative to the Change-Mistake Rule and its conclusion that the proposed zoning change satisfies its requirements.

WHEREAS, as required by Section 4-203(b) of the Land Use Article and Section 25-439(e) of the City Code, a public hearing on the proposed rezoning was held before the Mayor

and City Council on November 15, 2022, at which public hearing all parties in interest and citizens of the City of Cumberland wishing to be heard were afforded the opportunity to have their say.

WHEREAS, having considered the Staff Report and the attachments thereto and the Supplement to Staff Report, the Mayor and City Council decided to adopt as its own findings those which are set forth in the Staff Report and the attachments thereto and the Supplement to Staff Report.

WHEREAS, based upon the foregoing, the Mayor and City Council determined that they would accept the recommendation of the Planning Commission and that they would rezone the Property as requested in the Petition.

NOW, THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, that the relief sought in the Petition is granted. The Property shall be rezoned from R-S to B-L is granted. The Official Zoning Map referred to in Section 25-1 of the Code of the City of Cumberland (1991 Edition) be and is hereby amended to rezone the Property accordingly.

SECTION 2: BE IT FURTHER ORDAINED, that the said change shall be made on the Official Zoning Map immediately by inserting an entry on said Map stating:

On December 6, 2022, by official action of the Mayor and City Council of Cumberland, the following changes were made on the Official Zoning Map:

The 6.02, more or less, acre parcel of property located at the southeast corner of Seton Drive and Pinecrest Drive, identified as Tax ID No. 06-010776, and more particularly described in the deed from Cumberland Real Estate Corporation to Mary Lane Real Estate Corporation dated December 30, 2009 and recorded among the Land Records of Allegany County, Maryland Book 1680, Page 369, was zoned B-L (Local Business)

SECTION 3: AND BE IT FURTHER ORDAINED, that this Ordinance shall take effect on the eleventh day following its passage.

PASSED this _____ day of December, 2022.

Raymond M. Morriss,
Mayor

ATTEST:

Allison Layton
City Clerk

CUMBERLAND PLANNING COMMISSION STAFF REPORT

ZMA #22-000002: Seton Drive – Proposed Zoning Classification Change

September 2, 2022

Overview:

On August 31, 2022, Andrea Emerick, on behalf of MVP Counseling Services, filed an application to rezone property at the southeast corner of Seton Drive and Pinecrest Drive (Tax Account ID # 01-06010776) from the current R-S, Suburban Residential Zoning Designation to B-L, Local Business. A copy of the application and maps showing the location and boundaries of the property is attached to this report.

The subject property lies immediately adjacent to property owned by UPMC Western Maryland and is currently zoned B-L, Local Business. The property also lies adjacent to property owned by Barbara Bingham and is currently zoned as R-U, Urban Residential. The property is currently owned by Mary Lane Real estate Corporation, but it is the intent of the contract purchaser, in the event that the proposed zoning change is granted, to construct an office building designed to house the counseling facilities to be operated by the contract purchaser.

Procedural Status:

The applicant submitted the petition (ZMA 22-02) to rezone the property at Seton Drive & Pinecrest Drive to B-L, Local Business. A copy of that application form and all accompanying attachments is provided at the end of this report. The applicant was informed that the rezoning petition would be presented to the Planning Commission at a formal public hearing on Monday September 26, 2022 at 4:30 PM.

Staff Review:

In support of the requested rezoning, per the requirements outlined in Section 25-144 (Zoning Chapter) of the Cumberland City Code, the applicant has submitted a map and description of the property, and written justification as to why the property should be rezoned and how it meets the criteria as outlined in the Land Use Article of the Annotated Code of Maryland.

Staff Recommendation:

Under the provisions of the Land Use Article of the Annotated Code of Maryland, the Mayor and City Council must make a series of specific findings in making its decision regarding the proposed zoning. A recommendation regarding these findings must be made by the Planning Commission. The specific findings are outlined in Section 4-204(b)(1) of the Land Use Article, and are as follows:

1. Population Change:

Staff notes the findings in the 2013 Comprehensive Plan that the population of the City of Cumberland has been in decline since the 1940's. The Plan further notes that the city desires to reverse that trend and support the future growth and economic development of the city. The proposed zoning would provide for limited future economic expansion of the city's commercial base, thereby expanding the City's tax base, and promoting population growth that could be consistent with the recommendations of the City's Comprehensive Plan.

2. The Availability of Public Facilities:

The property in question is currently served by all city services. Change in Zoning will not affect the availability or adequacy of existing public services and facilities.

3. Present & Future Transportation Patterns:

Staff finds that the proposed map amendment/zoning change will not affect present or future transportation patterns in the area.

4. Compatibility with Existing and Proposed Development for the Area:

The area in question is currently zoned R-S, Suburban Residential. However, as mentioned previously in this report, there are adjacent parcels zoned B-L (Local Business). Staff finds that the rezoning of the parcel in question would provide continuity with the neighboring zoning of B-L (Local Business) and R-U (Urban Residential).

5. Relationship of the Proposed Amendment to the Local Jurisdiction's Plan:

The proposed zoning change is consistent with the current and future uses contemplated by the 2013 Comprehensive Plan for the area. Supporting Local Businesses is a key factor in supporting Economic Development in the region, as dictated in the City's Comprehensive Plan.

Planning Commission Action:

- [X] Recommend adoption of the requested Zoning Map Amendment for the affected property at Seton Drive & Pinecrest Drive to the Mayor and City Council in accordance with the following findings of fact and recommended conditions:

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

- [] Recommend denial of requested Zoning Map Amendment for the affected property Seton Drive & Pinecrest Drive to the Mayor and City Council, based on the following findings:

Motion by: Vic Rezendez

Seconded by: Ally Litten

Vote:

In favor of motion: 2 Opposed: 0 Abstained: _____

Number of voting members present: 3

Signed:


Chair, Cumberland Planning Commission

Date: 9/26/2022


Secretary, Cumberland Planning Commission

Date: 9/26/2022

Appendix A

Permit Applications & Documentation



City of Cumberland

Department of Community Development • 57 N. Liberty Street • Cumberland, MD 21502 • www.cumberlandmd.gov
301-722-2000, ext. 5600 • Fax 301-759-6432 • complaints@cumberlandmd.gov

ZMA22-000002

☐ ZMA ☐ ZTA ☐ SRA # _____

Petition for ZONING MAP AMENDMENT / ZONING TEXT AMENDMENT and SUBDIVISION REGULATIONS TEXT AMENDMENT

Requires Municipal Planning & Zoning Commission Review

Project Location: Seton Drive Property ID #: 010 06010776
found on deed or view: www.dat.state.md.us, Real Property Search

Applicant: MVP Counseling Services, LLC Phone: _____

Address: P. O. Box 826, Frostburg, Maryland 21532

Fax: (724) 803-0592 Email: anemerick@mvp-changebeginswithone.com

Contact Name: Andrea Emerick Phone: (301) 777-0012

Short Description of Project: Construction of a freestanding building for location of counseling services.

Project includes ancillary parking, supporting utilities and stormwater management.

Attach detailed maps indicating **Present Zoning** and **Proposed Zoning**

Attach written description of Proposed Rezoning including Reasons for Change

For a Zoning Text Amendment - Reference: Municipal Code Chapter 25 – Zoning, Article XV.

Submit a copy of the actual zoning text changes in proper legal form including the original text of the zoning with the wording to be removed indicated in strikethrough text and any new language highlighted in bold-faced type. All section numbers and headings must be included.

For a Zoning Map Amendment – Reference: Municipal Code Chapter 25 – Zoning, Article VI and Article XV.

(note the three floating zone special requirements):

- Rehabilitation and Redevelopment Floating Zone
- Adaptive Reuse Floating Zone
- Planned Development Floating Zone
- All other Zoning Map Amendments

For a Subdivision Regulations Text Amendment – Reference: Municipal Code Chapter 25 – Zoning, Article VI.

For all Non-Floating Zone changes, provide a legal justification for the statutory "Change or Mistake Rule." This requires attorney representation before the Planning Commission and the Mayor and Council.

The detailed requirements of applications for specific uses can vary and additional information may be required.

A review fee is payable at time of application

- Zoning Map Amendment - \$500.00
- Zoning Text Amendment - \$200.00
- Subdivision Regulations Text Amendment - \$50.00

A Planning & Zoning Commission
brochure is available.

Applicant's signature: Andrea Emerick Date: 8/29/2022

To apply online go to citizenserve.com/Cumberland

H/Community Development/Permit Apps 3.2022/ZMA,ZTA,SRA

DESCRIPTION OF PROPOSED REZONING

The Applicant is the contract purchaser of property located on Seton Drive. The property is currently owned by Mary Lane Real Estate Corporation, 1121 Buxton Drive, Knoxville, Tennessee 37922. The property is located at the southeast corner of Seton Drive and Pinecrest Drive. It is identified as Tax Account ID: 010-06010776 (the "Subject Property").

The Subject Property lies immediately adjacent to property owned by Western Maryland Health System, Inc. (the "Health System Property"). The Health System Property is currently zoned "Local Business." The Subject Property also lies adjacent to property owned by Barbara D. Bingman, Tax Account ID: 010-06002765, Bauer Development of Cumberland, Tax Account ID: 010-06002625, and property owned by the Mayor & City Council of Cumberland, Maryland, Tax Account ID: 010-06049699. The Bingman, Bauer and City properties are currently zoned "Urban Residential."

The development of property in the neighborhood of the Subject Property includes two high schools: Allegany and Bishop Walsh, numerous office buildings on both Seton Drive and Bishop Walsh Road, and a commercial complex at the corner of Seton Drive and Bishop Walsh Road. The commercial complex lies adjacent to the Health System Property and is owned by CSB, LLC, Tax Account ID: 010-06046584. The commercial complex, like the Health System Property, is zoned "Local Business."

It is the intent of the contract purchaser, in the event that the proposed zoning change can occur, to construct an office building designed to house counseling facilities to be operated by the contract purchaser. The term "office," under the Zoning Ordinance (Chapter 25, Article 2, Definitions Section 25-23) includes location where professional services are performed.

The Subject Property is currently classified as a part of a "Suburban Residential" district, which is designed 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. While the purpose of the "Suburban Residential" district is set forth in the Zoning Ordinance, since adoption, the Subject Property, located on the east side of Seton Drive, has not realized any single-family development and the Subject Property lies immediately adjacent to property which would support the proposed use. As a local business, professional services are specifically permitted in that district and the proposed services would be consistent with the established zoning policies of supporting the needs of area residents.

The "Suburban Residential" zoning district in which the Subject Property lies has not realized residential development for many years. The neighborhood has changed by the elimination of Sacred Heart Hospital and the relocation of Allegany High School, but

the residential population has remained relatively static. The change in the neighborhood of the Subject Property has made it more important for professional services to be made available to the adjacent residential area and those factors support a change in the zoning classification of the Subject Property from "Suburban Residential" to "Local Business."

LEGAL JUSTIFICATION FOR APPLICATION OF “CHANGE OR MISTAKE RULE”

MVP Counseling Services, LLC (the “Applicant”) has prepared and filed a Rezoning Application with respect to property that it has contracted to purchase located on Seton Drive near the intersection of Seton Drive and Bishop Walsh Road in the City of Cumberland, Allegany County, Maryland (the “Subject Property”). The Subject Property is currently zoned “Suburban Residential.” The Applicant believes that there has been a change in the neighborhood of the Subject Property that demonstrates that the proper zoning for the Subject Property should be “Local Business.”

In Maryland, regulation of land use is a creation of the Legislature. The State has delegated to local governments the authority to zone (Land Use Article 4-305) and specifically authority to amend or repeal zoning regulations and boundaries. (Land Use Article 4-204(a)). Along with this grant of authority, the local legislative body (the “City”) has authority to change the zoning classification of property on a finding that there has been a substantial change in the neighborhood where the property is located. (Land Use Article 4-204(B)(2)(i)). This is what the courts refer to as the “change” portion of the change and mistake rule. (See: *von Lusch v. Board of County Commissioners*, 24 Md. App. 383, 330 A.2d 738, cert denied, 275 Md. 757 (1975). Changes in condition may justify the amendment of an existing zoning ordinance. *Furnace Branch Land Company v. Board of County Commissioners*, 232 Md. 536, 194 A.2d 640 (1963).

In the process of an application for rezoning, the applicant must demonstrate what particular area reasonably constitutes the “neighborhood” of the subject property, must establish the changes that have occurred since the last comprehensive zoning, and must demonstrate that the changes resulted in a change in the character of the neighborhood itself. *Mayor of Baltimore v. Stone*, 271 Md. 655, 319 A.2d 536 (1974). Consistent with Maryland law, the Applicant submits the following information in respect to a delineation of the area that reasonably constitutes the neighborhood of the Subject Property, outlines the changes that have occurred since the last comprehensive zoning, and seeks to demonstrate that the changes have resulted in a change in the character of the neighborhood where the Subject Property is located.

The Neighborhood

The burden is on the applicant to demonstrate the neighborhood where the property is located, *Pattey v. Board of County Commissioners*, 271 Md. 352, 317 A.2d 142 (1974), and what constitutes the neighborhood is one of the basic facts to be established in a rezoning process. *Iverson v. Zoning Board*, 22 Md. App. 265, 322 A.2d 569 (1974). The concept of a neighborhood is flexible and varies according to the geographic location involved. *Pattey v. Board of County Commissioners*, *supra*.

The Applicant represents that the “neighborhood,” for purposes of its Application, is an area that is bounded by the limits of the City of Cumberland to the west and extends to and includes the area of Allegany High School and Bishop Walsh High School to the

north and east. Since the last comprehensive zoning, the Subject Property has been undeveloped, has been classified as a part of a "Suburban Residential" district, but that district has not realized any significant residential growth. That district has realized, on properties immediately adjacent to the Subject Property, development in the context of local businesses (the CSB Property), as well as the opportunity for local business development on the property owned by Western Maryland Health System. At the time of the last comprehensive zoning, the Subject Property was not included in the "Local Business" classification but, rather, included in the "Suburban Residential" district despite the fact that it fronts on Seton Drive where local businesses were located.

Since the last comprehensive zoning, not only have no residences been constructed on the adjacent Suburban Residential zoned district, but overall residential development has remained relatively stagnant. In looking forward, it is not reasonable to expect that the Subject Property, fronting as it does on Seton Drive and immediately adjacent to local businesses, will be the subject of residential development. While the Subject Property may have been properly zoned as "Suburban Residential" at the time of the last rezoning, to accommodate its then expected development, the change that has occurred within the defined neighborhood demonstrates that a Local Business designation for the Subject Property is most appropriate.

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 06 Account Number - 010776	
Owner Information		
Owner Name:	MARY LANE REAL ESTATE CORP	Use: RESIDENTIAL
Mailing Address:	1121 BUXTON DR KNOXVILLE TN 37922-	Principal Residence: NO Deed Reference: /01680/ 00369
Location & Structure Information		
Premises Address:	SETON DR CUMBERLAND 21502-0000	Legal Description: 6.02A SE COR SETON DR & PINECREST DR
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0107 0009 5001 6080001.01 0000	2021 Plat Ref:
Town: CUMBERLAND		
Primary Structure Built	Above Grade Living Area Finished Basement Area Property Land Area County Use	6.0200 AC
Stories Basement Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements	/	
Value Information		
	Base Value	Value Phase-in Assessments
		As of As of As of
		01/01/2021 07/01/2022 07/01/2023
Land:	76,300	66,700
Improvements	0	0
Total:	76,300	66,700 66,700
Preferential Land:	0	0
Transfer Information		
Seller: CUMBERLAND REAL ESTATE CORP, THE	Date: 04/13/2010	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01680/ 00369	Deed2:
Seller: CUMBERLAND REAL ESTATE CORP, THE	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01867/ 00028	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments: Class		07/01/2022 07/01/2023
County:	000	0.00
State:	000	0.00
Municipal:	000	0.00 0.00 0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application		
Date:		

Real Property Data Search {}
Search Result for ALLEGANY COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
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Special Tax Recapture: None

Account Identifier: District - 06 Account Number - 046584

Owner Information

Owner Name: CSB LLC **Use:** COMMERCIAL CONDOMINIUM
Mailing Address: 157 BALTIMORE ST **Principal Residence:** NO
 CUMBERLAND MD 21502- **Deed Reference:** /00675/ 00720

Location & Structure Information

Premises Address: SETON DR **Legal Description:** SETON DRIVE
 CUMBERLAND 21502-0000 CONDOMINIUM
 UNIT 101

Map: 0107	Grid: 0012	Parcel: 2360	Neighborhood: 10003.01	Subdivision: 0000	Section:	Block:	Lot: 101	Assessment Year: 2021	Plat No:	Plat Ref:
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Town: CUMBERLAND

Primary Structure Built	Above Grade Living Area	Finished Basement Area	Property Land Area	County Use
1974	1,380 SF		30,065 SF	

StoriesBasementType **ExteriorQualityFull/Half** **GarageLast Notice of Major**

 MEDICAL OFFICE / C4 Improvements

 BUILDING Bath

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2021	07/01/2022	07/01/2023
Land:	14,800	14,800		
Improvements	74,100	70,700		
Total:	88,900	85,500	85,500	85,500
Preferential Land:	0	0		

Transfer Information

Seller: HAYSTACK HOLDING CO	Date: 10/04/1999	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00675/ 00720	Deed2:
Seller: DOLLY, JAMES	Date: 12/11/1986	Price: \$65,000
Type: ARMS LENGTH IMPROVED	Deed1: /00560/ 00974	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments: Class		07/01/2022	07/01/2023
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00 0.00	0.00 0.00

Special Tax Recapture: None

Homestead Application Information

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application **Date:**

View Map		View GroundRent Redemption		View GroundRent Registration					
Special Tax Recapture: None									
Account Identifier:		District - 06 Account Number - 002625							
Owner Information									
Owner Name:		BAUER DEVELOPMENT OF CUMBERLAND		Use:	RESIDENTIAL/COMMERCIAL NO				
Mailing Address:		11307 EASTMAN RD NE CUMBERLAND MD 21502-8200		Principal Residence:	Deed Reference: /00465/ 00367				
Location & Structure Information									
Premises Address:		PINECREST DR CUMBERLAND 21502-0000		Legal Description:	1.098A OFF PINECREST DR HAYSTACK MT				
Map: 0107	Grid: 0018	Parcel: 2358	Neighborhood: 6080001.01	Subdivision: 0000	Section: 0000	Block: 0000	Lot: 0000	Assessment Year: 2021	Plat No: 0000
Town: CUMBERLAND						Plat Ref:			
Primary Structure Built		Above Grade Living Area		Finished Basement Area		Property Land Area		County Use	
						1.0900 AC			
Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements		
Value Information									
		Base Value		Value		Phase-in Assessments			
				As of		As of		As of	
Land:		24,900		01/01/2021		07/01/2022		07/01/2023	
Improvements		0		24,900					
Total:		24,900		24,900		24,900		24,900	
Preferential Land:		0		0					
Transfer Information									
Seller:		Date:		Price:					
Type:		Deed1:		Deed2:					
Seller:		Date:		Price:					
Type:		Deed1:		Deed2:					
Seller:		Date:		Price:					
Type:		Deed1:		Deed2:					
Exemption Information									
Partial Exempt Assessments:		Class		07/01/2022		07/01/2023			
County:		000		0.00					
State:		000		0.00					
Municipal:		000		0.00 0.00		0.00 0.00			
Special Tax Recapture: None									
Homestead Application Information									
Homestead Application Status: No Application									
Homeowners' Tax Credit Application Information									
Homeowners' Tax Credit Application Status: No Application						Date:			

Real Property Data Search ()
Search Result for ALLEGANY COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 06 Account Number - 049699	
Owner Information		
Owner Name:	MAYOR-CITY COUNCIL OF CUMBERLAND	Use: EXEMPT
Mailing Address:	CITY HALL CUMBERLAND MD 21502	Principal Residence: NO
		Deed Reference: /00635/ 00540
Location & Structure Information		
Premises Address:	PINECREST DR CUMBERLAND 21502-0000	Legal Description: 20332 SF TRI PINECREST DR
Map: Grid: Parcel: Neighborhood: Subdivision: Section: Block: Lot: Assessment Year: Plat No:	0107 0010 2358 6080001.01 0000	2021 Plat Ref:
Town: CUMBERLAND		
Primary Structure Built	Above Grade Living Area	Finished Basement Area
		Property Land Area 20,332 SF
Stories	Basement	Type Exterior Quality Full/Half Bath Garage Last Notice of Major Improvements
		/
Value Information		
	Base Value	Value Phase-in Assessments
		As of As of As of
		01/01/2021 07/01/2022 07/01/2023
Land:	5,000	5,000
Improvements	0	0
Total:	5,000	5,000 5,000
Preferential Land:	0	0
Transfer Information		
Seller: BAUER DEVELOPMENT OF CUMB	Date: 03/14/1996	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00635/ 00540	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:
Exemption Information		
Partial Exempt Assessments: Class		07/01/2022 07/01/2023
County: 670		5,000.00 5,000.00
State: 670		5,000.00 5,000.00
Municipal: 670		5,000.00 5,000.00 5,000.00 5,000.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: No Application		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application	Date:	

Real Property Data Search ()
Search Result for ALLEGANY COUNTY

View Map	View GroundRent Redemption	View GroundRent Registration
Special Tax Recapture: None		
Account Identifier:	District - 06 Account Number - 002765	
Owner Information		
Owner Name:	BINGMAN BARBARA D	Use: RESIDENTIAL CONDOMINIUM
Mailing Address:	935 PINECREST DR APT B1 CUMBERLAND MD 21502-3170	Principal Residence: YES Deed Reference: /01363/ 00542
Location & Structure Information		
Premises Address:	935 PINECREST DR CUMBERLAND 21502-0000 UNIT: B1	Legal Description: 935 PINECREST DR UNIT B-1 PINECREST CONDO HAYSTACK MTN
Map: Grid: 0107	Parcel: 0009	Neighborhood: 2346
Subdivision: 6080001.01	Section: 0000	Block: 1
Lot: 2021	Assessment Year:	Plat No:
Town: CUMBERLAND	Plat Ref:	
Primary Structure Built 1987	Above Grade Living Area	Finished Basement Area YES
Stories Basement Type	Exterior Quality Full/Half Bath	Garage Last Notice of Major Improvements
CONDO GARDEN /	3	
Value Information		
	Base Value	Value
		As of
		01/01/2021
Land:	14,000	14,000
Improvements	65,600	68,000
Total:	79,600	82,000
Preferential Land:	0	0
		81,200
		82,000
Transfer Information		
Seller: DONELSON, DIANE	Date: 03/07/2007	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /01363/ 00542	Deed2:
Seller: TATE, JAMES HOWARD	Date: 07/11/2001	Price: \$67,000
Type: ARMS LENGTH IMPROVED	Deed1: /00695/ 00232	Deed2:
Seller: STAKEM, WILLIAM-MARY SUSAN	Date: 10/13/1999	Price: \$71,500
Type: ARMS LENGTH IMPROVED	Deed1: /00676/ 00083	Deed2:
Exemption Information		
Partial Exempt Assessments: Class	07/01/2022	07/01/2023
County: 000	0.00	
State: 000	0.00	
Municipal: 000	0.00 0.00	0.00 0.00
Special Tax Recapture: None		
Homestead Application Information		
Homestead Application Status: Approved 02/14/2012		
Homeowners' Tax Credit Application Information		
Homeowners' Tax Credit Application Status: No Application Date:		



DATE	7/1/2019
BY	MDOT
FOR	MDOT

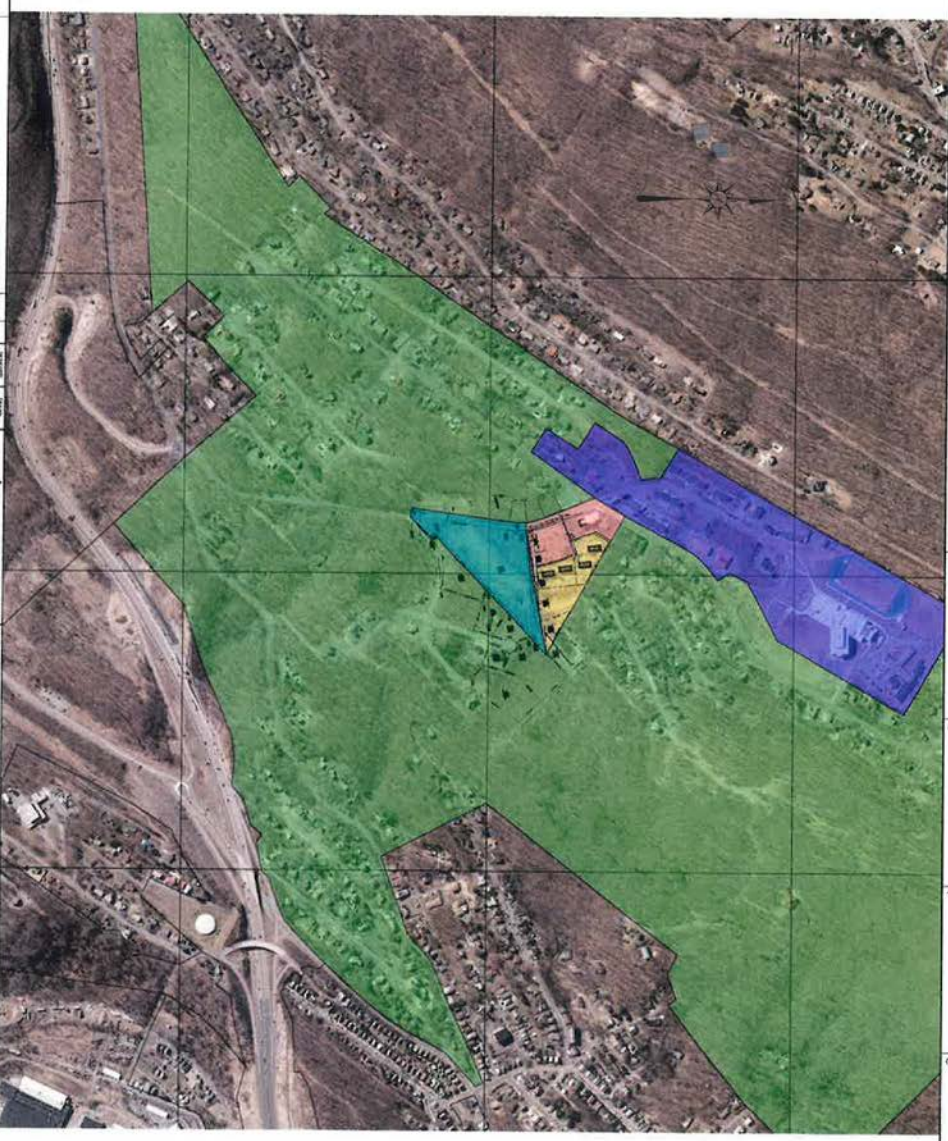
DCR	MDOT
APR	MDOT



PREPARED FOR:
SPECS PROJECT, LLC
301.777.7777
301.777.7777

PROPERTY SURVEY PINECREST AND SETON DRIVE OVERALL ZONING

DATE	7/1/2019
BY	MDOT
FOR	MDOT



ZONING LEGEND

Green	Single-Family Residential
Yellow	Medium-Density Residential
Orange	Low-Density Residential
Blue	Industrial
Light Blue	Office/Professional
Dark Blue	Public/Institutional

Scale: 1" = 100'

NOTES:

1. THIS MAP WAS PREPARED BY SPECS PROJECT, LLC FOR THE PROPERTY SURVEY OF THE PINECREST AND SETON DRIVE OVERALL ZONING.
2. THE ZONING LEGEND IS BASED ON THE MARYLAND ZONING ACT, 1980, AS AMENDED.
3. THE ZONING LEGEND IS BASED ON THE MARYLAND ZONING ACT, 1980, AS AMENDED.
4. THE ZONING LEGEND IS BASED ON THE MARYLAND ZONING ACT, 1980, AS AMENDED.

SUPPLEMENT TO STAFF REPORT

ZMA 22-02

SETON DRIVE & PINECREST DRIVE

To: Mayor and City Council

From: Morgan Alban

Re: Supplement to Staff Report for Zoning Map Amendment 22-02 – Seton Drive & Pinecrest Drive

Date: 10/19/22

Staff prepared a Cumberland Planning Commission Staff Report (the "Report") dated September 2, 2022 in regard to the above-referenced matter. The Report did not address the Change-Mistake Rule and how it applies to the Applicant's proposed amendment of the City's Official Zoning Map (the "Map").

The Change-Mistake Rule is set forth in Section 25-440 of the City Code. Subsections (b) and (c) set forth the criteria which must be considered in determining whether the Map should be amended, stating as follows:

- (b) Except for a comprehensive zoning map amendment, the application shall include either a finding that there has been a substantial change in the character of the neighborhood where the property is located since the last comprehensive zoning map amendment which supports the proposed amendment, or a finding that existing zoning classification of the property is a mistake.
- (c) If a finding is made that there has been a "change in the character of the neighborhood," in accordance with subsection (b), the area comprising that neighborhood shall be defined by the applicant. The planning commission may modify these neighborhood boundaries, in whole or in part.

The Application for the Map amendment (see Appendix A attached to the Report) includes analysis relative to how the Applicant's proposed Map amendment satisfies the Change-Mistake Rule. That analysis is incorporated by reference herein. The Applicant has defined the applicable neighborhood and shown how it has changed since the last comprehensive rezoning. Staff accepts the Applicant's analysis and agrees that the requirements of the Change-Mistake Rule have been satisfied.

File Attachments for Item:

. Order 27,144 - amending the City of Cumberland Municipal Debt Policy, originally adopted by Order 25,001 and dated September 29, 2009, to establish comprehensive guidelines for the issuance and management of the City's debt

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

ORDER NO: 27,144

DATE: December 20, 2022

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

THAT, the Mayor and City Council of Cumberland hereby amend the City of Cumberland Municipal Debt Policy adopted by Order No. 25,001, dated September 29, 2009 and attached, to establish comprehensive guidelines for the issuance and management of the City's debt; and

BE IT FURTHER ORDERED, that this policy be and is hereby effective with the date of the passage of this order.

Raymond M. Morriss, Mayor

City of Cumberland
Municipal Debt Policy
Dated as of December 20, 2022

1. Introduction & Legal Authority

The purpose of this Municipal Debt Policy (the "Policy") of the City of Cumberland ("City") is to establish comprehensive guidelines for the issuance and management of the City's debt.

The City has authority to borrow money and issue debt payable from its taxes or other revenues for City-related purposes pursuant to Article 23A of the Annotated Code of Maryland, certain provisions of the Charter of the City of Cumberland, including, without limitations Sections 81 and 82A, and certain public general laws of the State of Maryland. The City has the authority to undertake lease financing pursuant to Section 82B of the Charter.

This Policy confirms the commitment of the Mayor and City Council, the City Administrator, other City management and staff, and advisors to: i) adhere to sound debt issuance and management practices, including the full and timely repayment of all borrowings; ii) achieve the lowest practical cost of borrowing commensurate with prudent level of risk; and iii) obtain unfettered access to the capital markets through preserving and enhancing of the quality of the City's bonds and other debt.

2. Municipal Debt Policy Scope

This Policy shall govern the issuance and management of all of the debt and lease financings of the City, together with all obligations and facilities related to those debt and lease financings. While adherence to this Policy is required under normal circumstances, the City recognizes that changes in the capital markets, City programs, and other unforeseen circumstances may produce situations that are not covered by this Policy, or require modification in order to achieve the City's Policy goals. Thus, the City may, upon recommendation of the Mayor or City Administrator, approve financing and other related agreements with terms and/or provisions that deviate from this Policy. The failure of the City to comply with any provision of this Policy shall not affect the validity of any debt that is otherwise duly authorized and executed.

3. Municipal Debt Policy Objectives

The objectives of this Policy are as follows:

- a. Maintain unfettered, cost-effective access to the capital markets through prudent debt management policies.
- b. Provide financial support for the City's strategic and capital plan objectives through debt and equipment lease financing.
- c. Provide guidelines for the overall management of the City's debt.
- d. Achieve the highest practical credit ratings and the lowest possible costs.

4. Compliance with Law and City Agreements

All City debt and lease financing shall be issued in accordance with the City Charter, and all applicable Federal and State laws, rules and regulations.

5. Appropriate Use of Debt

City debt shall only be used for the following purposes: i) to finance capital improvement projects undertaken by the City including the construction, major repair, or enhancement of City facilities; ii) to finance the acquisition of capital assets; iii) to finance the purchase of capital equipment; iv) to refinance previously issued City debt or long-term obligations; v) in anticipation of receipt of taxes; and vi) to finance other large and extraordinary costs as determined by the City such as legal judgments, settlements or pension or other obligations. Long term debt shall never be used to fund operating costs, except for appropriate de minimis working capital.

6. Debt Approval Procedures

All proposed debt issuances shall be submitted to the Mayor and City Council for its approval and authorization. The Mayor and City Council; by majority vote shall approve any ordinance or resolution authorizing each such issuance.

7. Types of Borrowing

The following categories of debt refer to the form of revenue source, type of debt (new money vs. refunding), lien, and mode (fixed rate vs. variable rate).

a. General Obligation Bonds

City General Obligation Bonds are long term debt obligations that are repayable from City property taxes and, if applicable, identified revenues, grants or other third-party funds and are secured by the full faith and credit and taxing power of the City.

b. Revenue Bonds

Revenue Bonds are long term debt obligations used to finance a specific City project, facility or system. A distinguishing characteristic of revenue bonds is that they are repayable primarily from revenues generated by the facility, standalone project or system to be financed by the bonds, rather than from the City's General Fund. Neither the credit nor the taxing power of the City, the State of Maryland or any political subdivision of the State shall be pledged or made available to pay or secure revenue bonds of the City, unless specifically authorized by an Order of the Mayor and City Council.

c. Lease Financing

Lease obligations may be an appropriate means of financing capital equipment and, in certain instances, real property. A financing lease is a fixed-term, non-cancelable lease that is similar to a loan and is used for the acquisition of capital assets such as

equipment or real property. Under a financing lease, the title (or ownership) of the assets purchased either remains with the lessor during the lease period or is vested in the lessee with a right of reversion to the lessor. At the end of the lease, title to the assets financed transfers to the lessee.

In a financing lease, the lessee enjoys the benefits and bears the burdens of ownership of the leased property and is, consequently, treated as the owner of that property for federal tax purposes. The lease payments represent the lessee's installment purchase of the leased property over time. Under a financing lease, the lessee will acquire unencumbered title to the leased property at the end of the lease term upon payment of nominal consideration. Any purchase option that may be exercised during the lease term will typically require payment of the unpaid principal balance of the amount originally advanced for the leased property plus any accrued interest and any premium.

The City may enter into a financing lease and/or implement a master lease program to finance the acquisition of capital equipment. These types of obligations can be considered for equipment and assets as an alternative to other debt financing. Equipment with a useful life of 3 years or greater may be lease financed. Lease finance contracts or programs will be at least \$10,000 in amount, and the term of lease may not exceed the average useful life of the equipment being lease financed.

d. New Money Bonds

New money bonds are bonds issued to finance the cost of capital improvement projects, for real property or any other purpose outlined in Section 5 of this Policy. The issuance of new money bonds will generally result in an increase in the amount of City debt outstanding, in contrast to refunding bonds, which refinance previously issued debt.

e. Refunding Bonds

Refunding bonds are bonds issued to refinance (or refund) previously issued and currently outstanding debt. The City may issue refunding bonds to refinance the principal of and interest on outstanding bonds or other debt of the City in order to (i) achieve debt service savings; (ii) restructure scheduled debt service; (iii) convert from or to a variable or fixed interest rate structure; (iv) change or modify the source or sources of payment and security for the refunded debt; or (v) modify covenants otherwise binding upon the City.

f. Long Term Debt

Long term debt is defined as bonds or other debt with a final maturity of one (1) year or more. The City may issue debt with longer-term maturities to amortize City capital or other costs over a period commensurate with the expected life, use or benefit provided by the projects, programs or facilities financed from such bonds, subject to any applicable statutory or tax code limitations.

g. Short Term Debt

For purposes of this Policy, short-term debt is defined as any debt with a final maturity of less than one (1) year. The City may issue debt with shorter-term maturities, including grant and revenue anticipation notes, to provide interim financing for capital projects in anticipation of the issuance of longer-term bond or other debt and/or the receipt of grant or other third-party moneys.

h. Fixed Rate Borrowings

Fixed rate borrowings are debt issuances that pay a fixed rate of interest. Fixed rate borrowing may utilize one or more series of bonds with differing maturities, all of which pay a fixed rate of interest. Fixed-rate debt shall be the primary type of debt issued by the City to assure future costs and to insulate the City from interest rate risk.

i. Variable Rate Borrowings

Variable rate borrowings are debt issuances whose interest rate vary from day to day, week to week, or some other period, based on pre-determined market indices and conditions. Variable rate bonds are typically issued using a letter of credit, which assures the liquidity needed for such debt, and also typically enhances the credit quality of the debt. When considering the issuance of variable rate debt, the City shall take into account current and projected interest rate environments and whether variable rate debt is a common mode of financing for the type of borrowing contemplated.

j. Additional Types of Borrowings

Special taxing district and special assessment bonds may be issued by creating a district in which, to the extent required by applicable statutes, the land-owners and others within the district agree to tax themselves, through ad valorem or special taxes at a higher rate in order to repay debt issued to finance capital improvements. The City may issue such bonds as appropriate in support of its development and capital improvement programs. The City may also issue tax increment financing bonds (which are secured by incremental ad valorem real property taxes) to finance infrastructure and other public improvements.

k. Tax Anticipation Notes

A Tax Anticipation Note is a short-term note issued with the intent to repay once tax payments are collected. Tax anticipation notes shall be utilized only when absolutely necessary to meet the cash flow requirements of the City and shall not be used for capital projects.

8. Debt Affordability Objectives and Policy Limits

It is the policy of the City to meet the objectives listed below through a debt affordability analysis to ensure that the City continues to provide essential operational services while planning for replacement, rehabilitation, repair and expansion of its capital investments.

- a. The City will seek to minimize the level of debt outstanding consistent with the debt service that can be supported by its current operations.
- b. Enterprise fund related debt service will be supported by the revenues of the enterprise operations itself, except to the extent a particular lender such as the Maryland Water Quality Financing Administration or United States Department of Agriculture requires a backup general obligation pledge of the City or pledge of additional system revenues for a particular financing.

The debt affordability analysis includes:

1. A five-year forecast of capital equipment and projects
2. A five-year forecast of new debt issuances
3. Five years actual and six years projected debt:
 - a. Per capita
 - b. As a percentage of personal income
 - c. As a percentage of real property assessed value
4. Five years actual and six years projected market value per capita
5. Annual General Fund debt service as a percentage of General Fund expenditures
6. Analysis of proprietary funds debt service for the most recently completed fiscal year, current fiscal year, and five-year forecast
7. Summary and recommendations

9. Derivatives and Interest Rate Swaps

The City will not utilize derivatives or interest swaps unless such action is specifically approved by an Order of the Mayor and City Council.

10. Professional Services

The City may retain professional services providers as necessary or desirable in connection with (i) the structuring, issuance and sale of its bonded debt; (ii) monitoring of and advice regarding its outstanding bonds; and (iii) the negotiation, execution and monitoring of related agreements, including without limitation bond insurance, credit facilities, investment agreements; and (iv) other similar or related matters. Professional service providers may include financial advisors, bond counsel, disclosure counsel, consultants, bond trustees and Federal arbitrage rebate services providers, and may include, as appropriate, underwriters, feasibility consultants, remarketing agents, auction agents, broker/dealers, escrow agents, verification agents and other similar parties.

The City shall require that its financial advisors, bond and disclosure counsel, and City

consultants be free of any conflicts of interest, or that any necessary or appropriate waivers or consents are obtained.

11. Periodic Review

The City Administrator shall review this Policy on a periodic basis, and recommend any changes to the Mayor and City Council for consideration.

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Ken Tressler and Mark Gandolfi

Item Title:

City of Cumberland – Debt Policy Update

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

A revision to certain sections of the City's debt policy to update and expand upon procedures, requirements, and accountability for the issuance and management of the City's debt. The main items of this update include:

- Removed references to capital lease per GASB 87 changes.
- Identified and included affordability metrics within debt policy per a 2021 S&P rating recommendation.

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

ORDER NO:_____

DATE:_____

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

THAT, the Mayor and City Council of Cumberland hereby amend the City of Cumberland Municipal Debt Policy adopted by Order No. 25,001, as attached, to establish comprehensive guidelines for the issuance and management of the City's debt; and

BE IT FURTHER ORDERED, That this policy be and is hereby effective with the date of the passage of this order.

Raymond M. Morriss, Mayor

City of Cumberland
Municipal Debt Policy
Dated as of **December 20, 2022**

1. Introduction & Legal Authority

The purpose of this Municipal Debt Policy (the "Policy") of the City of Cumberland ("City") is to establish comprehensive guidelines for the issuance and management of the City's debt.

The City has authority to borrow money and issue debt payable from its taxes or other revenues for City-related purposes pursuant to Article 23A of the Annotated Code of Maryland, certain provisions of the Charter of the City of Cumberland, including, without limitations Sections 81 and 82A, and certain public general laws of the State of Maryland. The City has the authority to undertake ~~capital~~-lease financing pursuant to Section 82B of the Charter.

This Policy confirms the commitment of the Mayor and City Council, the City Administrator, other City management and staff, and advisors to: i) adhere to sound debt issuance and management practices, including the full and timely repayment of all borrowings; ii) achieve the lowest practical cost of borrowing commensurate with prudent level of risk; and iii) obtain unfettered access to the capital markets through preserving and enhancing of the quality of the City's bonds and other debt.

2. Municipal Debt Policy Scope

This Policy shall govern the issuance and management of all of the debt and ~~capital~~-lease financings of the City ~~funded from the capital markets~~, together with all obligations and facilities related to those debt and ~~capital~~-lease financings. While adherence to this Policy is required under normal circumstances, the City recognizes that changes in the capital markets, City programs, and other unforeseen circumstances may produce situations that are not covered by this Policy, or require modification in order to achieve the City's Policy goals. Thus, the City may, upon recommendation of the Mayor or City Administrator, approve financing and other related agreements with terms and/or provisions that deviate from this Policy. The failure of the City to comply with any provision of this Policy shall not affect the validity of any debt that is otherwise duly authorized and executed.

3. Municipal Debt Policy Objectives

The objectives of this Policy are as follows:

- a. Maintain unfettered, cost-effective access to the capital markets through prudent debt management policies.
- b. Provide financial support for the City's strategic and capital plan objectives through

debt and equipment lease financing.

- c. Provide guidelines for the *overall* management of the City's debt.
- d. Achieve the highest practical credit ratings and the lowest possible costs.

4. Compliance with Law and City Agreements

All City debt and ~~capital~~-lease financing shall be issued in accordance with the City Charter, and all applicable Federal and State laws, rules and regulations.

5. Appropriate Use of Debt

City debt shall only be used for the following purposes: i) to finance capital improvement projects undertaken by the City including the construction, major repair, or enhancement of City facilities; ii) to finance the acquisition of capital assets; iii) to finance the purchase of capital equipment; iv) to refinance previously issued City debt or long-term obligations; v) in anticipation of receipt of taxes; and vi) to finance other large and extraordinary costs as determined by the City such as legal judgments, settlements or pension or other obligations.

Long term debt shall never be used to fund operating costs, except for appropriate de minimis working capital. ~~The City shall use proceeds from governmental purpose bonds for public use projects, as approved by the Mayor and City Council.~~

Commented [CC1]: First paragraph already defines use.

6. Debt Approval Procedures

All proposed debt issuances ~~will~~shall be submitted to the Mayor and City Council for its approval and authorization. The Mayor and City Council; by majority vote shall approve any ordinance or resolution authorizing each such issuance.

7. Types of Borrowing

The following categories of debt refer to the form of revenue source, type of debt (new money vs. refunding), lien, and mode (fixed rate vs. variable rate).

a. General Obligation Bonds

City General Obligation Bonds are long term debt obligations that are repayable from City property taxes and, if applicable, identified revenues, grants or other third-party funds and are secured by the full faith and credit and taxing power of the City.

~~The City may issue City General Obligation Bonds to fund capital improvement projects, purchases of large scale capital equipment, and other costs of the City.~~

Commented [CC2]: No. 5 defines acceptable uses.

b. Revenue Bonds

~~Special~~ Revenue Bonds are long term debt obligations used to finance a specific City project, facility or system. A distinguishing characteristic of revenue bonds is that they are repayable ~~solely~~primarily from revenues generated by the facility, ~~stand-alone~~standalone project or system to be financed by the bonds, rather than from the City's General Fund. Neither the credit nor the taxing power of the City, the State of

Maryland or any political subdivision of the State shall be pledged or made available to pay or secure revenue bonds of the City, unless specifically authorized by an Order of the Mayor and City Council.

c. Lease Financing

Lease obligations ~~are may be~~ an appropriate means of financing capital equipment and, in certain instances, real property. A ~~capital-financing~~ lease is a fixed-term, non-cancelable lease that is similar to a loan and is used for the acquisition of capital assets such as equipment or real property. Under a ~~capital-financing~~ lease, the title (or ownership) of the assets purchased either remains with the lessor during the lease period or is vested in the lessee with a right of reversion to the lessor. At the end of the lease, title to the assets financed transfers to the lessee.

In a financing lease, the lessee enjoys the benefits and bears the burdens of ownership of the leased property and is, consequently, treated as the owner of that property for federal tax purposes. The lease payments represent the lessee's installment purchase of the leased property over time. Under a financing lease, the lessee will acquire unencumbered title to the leased property at the end of the lease term upon payment of nominal consideration. Any purchase option that may be exercised during the lease term will typically require payment of the unpaid principal balance of the amount originally advanced for the leased property plus any accrued interest and any premium.

The City may enter into a ~~capital-financing~~ lease and/or implement a master ~~capital~~ lease program to finance the acquisition of capital equipment. These types of obligations can be considered for equipment and assets as an alternative to other debt financing ~~such as revenue bonds. Only high priority~~ equipment with a useful life of 3 years or greater ~~will may be capital~~ lease financed. Lease finance contracts or programs will be at least \$100,000 in ~~size~~ amount, and the term of lease ~~will may not~~ exceed the average useful life of the equipment being ~~lease~~ financed. ~~Equipment with a useful life of less than 3 years will be funded on a pay as you go basis. Short term operating leases for equipment are not covered by this policy.~~

d. New Money Bonds

New money bonds are bonds issued to finance the cost of capital improvement projects, for real property or any other purpose outlined in Section ~~V-5~~ of this Policy. The issuance of new money bonds will generally result in an increase in the amount of City debt outstanding, in contrast to refunding bonds, which ~~simply~~ refinance previously issued debt.

e. Refunding Bonds

Refunding bonds are bonds issued to refinance (or refund) previously issued and currently outstanding debt. The City may issue refunding bonds to refinance the principal of and interest on outstanding bonds or other debt of the City in order to (i)

achieve debt service savings; (ii) restructure scheduled debt service; (iii) convert from or to a variable or fixed interest rate structure; (iv) change or modify the source or sources of payment and security for the refunded debt; or (v) modify covenants otherwise binding upon the City.

f. Long Term Debt

~~For purposes of this Policy, if~~ Long term debt is defined as bonds or other debt with a final maturity of ~~ten-one (10)~~ years or more. The City may issue debt with longer-term maturities to amortize City capital or other costs over a period commensurate with the expected life, use or benefit provided by the projects, programs or facilities financed from such bonds, subject to any applicable statutory or tax code limitations.

g. Short Term Debt

For purposes of this Policy, short-term debt is defined as any debt with a final maturity of less than ~~three-one (31)~~ years. The City may issue debt with shorter-term maturities, including grant and revenue anticipation notes, to provide interim financing for capital projects in anticipation of the issuance of longer-term bond or other debt and/or the receipt of grant or other third-party moneys.

h. Fixed Rate Borrowings

Fixed rate borrowings are debt issuances that pay a fixed rate of interest. Fixed rate borrowing may utilize one or more series of bonds with differing maturities, all of which pay a fixed rate of interest. Fixed-rate debt shall be the primary type of debt issued by the City to assure future costs and to insulate the City from interest rate risk.

i. Variable Rate Borrowings

Variable rate borrowings are debt issuances whose interest rate vary from day to day, week to week, or some other period, based on pre-determined market indices and conditions. Variable rate bonds are typically issued using a letter of credit, which assures the liquidity needed for such debt, and also typically enhances the credit quality of the debt. When considering the issuance of variable rate debt, the City shall take into account current and projected interest rate environments and whether variable rate debt is a common mode of financing for the type of borrowing contemplated.

j. Additional Types of Borrowings

Special taxing district and special assessment bonds may be issued by creating a district in which, to the extent required by applicable statutes, the land-owners and others within the district agree to tax themselves, through ad valorem or special taxes at a higher rate in order to repay debt issued to finance capital improvements. The

City may issue such bonds as appropriate in support of its development and capital improvement programs. The City may also issue tax increment financing bonds (which are secured by incremental ad valorem real property taxes) to finance infrastructure and other public improvements.

k. Tax Anticipation Notes

A Tax Anticipation Note is a short-term note issued with the intent to repay once tax payments are collected.~~Tax anticipation notes are notes issued in receipt of anticipated taxes.~~ Tax anticipation notes shall be utilized only when absolutely necessary to meet the cash flow requirements of the City and shall not be used for capital projects.

8. Debt Affordability Objectives and Policy Limits

It is the policy of the City to meet the objectives listed below through a debt affordability analysis.~~These limits will to~~ ensure that the City continues to provide essential operational services while planning for replacement, rehabilitation, repair and expansion of its capital investments.

- a. The City will seek to minimize the level of debt outstanding consistent with the debt service that can be supported by its current operations.
- b. Enterprise fund related debt service will be supported by the revenues of the enterprise operations itself, except to the extent a particular lender such as the Maryland Water Quality Financing Administration or United States Department of Agriculture requires a backup general obligation pledge of the City or pledge of additional system revenues for a particular financing.

The debt affordability analysis includes:

- 1. A five-year forecast of capital equipment and projects
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- 5. Annual General Fund debt service as a percentage of General Fund expenditures
- 6. Analysis of proprietary funds debt service for the most recently completed fiscal year, current fiscal year, and five-year forecast
- 7. Summary and recommendations

9. Derivatives and Interest Rate Swaps

The City will not utilize derivatives or interest swaps unless such action is specifically approved by an Order of the Mayor and City Council.

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10. Professional Services

The City may retain professional services providers as necessary or desirable in connection with (i) the structuring, issuance and sale of its bonded debt; (ii) monitoring of and advice regarding its outstanding bonds; and (iii) the negotiation, execution and monitoring of related agreements, including without limitation bond insurance, credit facilities, investment agreements; and (iv) other similar or related matters. Professional service providers may include financial advisors, bond counsel, disclosure counsel, ~~City~~ consultants, bond trustees and Federal arbitrage rebate services providers, and may include, as appropriate, underwriters, feasibility consultants, remarketing agents, auction agents, broker/dealers, escrow agents, verification agents and other similar parties.

The City shall require that its financial advisors, bond and disclosure counsel, and City consultants be free of any conflicts of interest, or that any necessary or appropriate waivers or consents are obtained.

11. Periodic Review

The City Administrator shall review this Policy on a periodic basis, and recommend any changes to the Mayor and City Council for consideration.

File Attachments for Item:

. Order 27,145 - accepting the retirement of John C. Ternent, Chief of Police effective January 1, 2023

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

ORDER NO. 27,145

DATE: December 20, 2022

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

THAT, the retirement of John C. Ternent from the position of Chief of Police be accepted, with the effective date of January 1, 2023.

Raymond M. Morriss, Mayor

City of Cumberland

Department of Police

20 Bedford Street, Cumberland, Maryland 21502

Tel: 301-777-1600 Fax: 301-759-6544 cpd@cumberlandmd.gov



John "Chuck" Ternent
Chief of Police

November 11, 2022

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

Mr. Mayor and Council,

As you are aware in 2018, I entered into an agreement with the Maryland Retirement Commission to retire from the state system after 30 years of service which is January 1, 2023. At the time I entered into this agreement, I did not anticipate that I would have the opportunity to eventually serve the city as the Chief of Police.

As you are aware my tenure as Chief has been some of the most challenging times for law enforcement in history. I have stood by my employees while we have been weathering this storm and I am very proud of them. I am very committed to serving the city and leading its police department. I enjoy working with the dedicated Mayor and Council, city staff and the community for the betterment of the city. Although we have done a lot there still is more work to do. I am excited about the future of the department.

As part of the state retirement systems rules, any person retiring from the state system must have a 45-day break in service before seeking employment with any agency who participates in the state retirement system. I am hopeful the Mayor and Council will allow me to return to employment after this required break in service.

I am recommending that upon my retirement on January 1, 2023, you appoint my second in command, Captain James Burt, as acting Chief of Police. Captain Burt is also committed to the department and this community and is very able to carry out the duties of Chief of Police during my absence.

I very much appreciate your consideration in this matter.

Respectfully,

A handwritten signature in blue ink, appearing to read "Chief Chuck Ternent".

Chief John "Chuck" Ternent

File Attachments for Item:

. Order 27,146 -appointing Captain James D. Burt as acting Police Chief, effective January 1, 2023

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

ORDER NO. 27,146

DATE: December 20, 2022

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

THAT, Captain James D. Burt be and is hereby appointed Acting Police Chief
effective January 1, 2023.

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,147 - authorizing \$25,000 in initial start up funds for the Carver Center for the purposes of utilities and insurance

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

ORDER NO. 27,147

DATE: December 20, 2022

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

THAT, the authorization of initial start-up funds to the Carver Center Board in an amount not to exceed Twenty-Five Thousand Dollars and No Cents (\$25,000) for the purpose of utility reconnection costs and Directors and Officers Insurance be and is hereby approved.

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,148 - authorizing the sole source proposal from Carl Belt, Inc. for the emergency repair work on the 18" Sewer line in Mechanic Street in the not to exceed amount of \$157,718.10

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

ORDER NO. 27,148

DATE: December 20, 2022

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

THAT, the sole source proposal from Carl Belt, Inc., 11521 Milnor Avenue, Cumberland, MD 21502, for the emergency repair work on the 18" sewer line in Mechanic Street be and is hereby accepted in the amount not to exceed One Hundred Fifty Seven Thousand Seven Hundred Eighteen Dollars and Ten Cents (\$157,718.10); and

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

Raymond M. Morriss, Mayor

Budget Code: 003.320.40800

Council Agenda Summary

Meeting Date: 12/20/2022

Key Staff Contact: Robert Smith, PE

Item Title:

Mechanic Street 18" Sewer Line Emergency Repair

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

The City of Cumberland had to perform emergency repair work on the 18" sewer line in Mechanic Street. This scope of work was outside of the capabilities of our sewer department due to equipment limitations, therefore, the City sole sourced this work to Carl Belt, Inc. to perform due to the emergency nature of this sewer collapse. Work included the repair of the 18" sewer line and the paving of the road in which the work was performed. The work totaled \$157,718.10.

This will be funded with City Sewer Funds.

Amount of Award: \$157,718.10

Budget number: 003.320.40800

Grant, bond, etc. reference: City Funds

EM-11/14/22

301-729-8900

INVOICE

Fax No. 301-729-0163

CARL BELT
INCORPORATED
CONTRACTING . . ENGINEERING

OFFICE AND YARD
11521 MILNOR AVENUE BOWLING GREEN

POST OFFICE BOX 1210
CUMBERLAND, MARYLAND 21501-1210

TO City of Cumberland
57 N. Liberty Street
Cumberland, MD 21502

DATE 10/31/22
Invoice #40110

TERMS-NET CASH.

INTEREST AT THE RATE OF 1½ % PER MONTH (ANNUAL RATE 18%) WILL BE CHARGED ALL BALANCES THAT BECOME 30 DAYS

RE: Belt Job #726
Sewer Line Repair
Mechanic Street

To invoice for emergency repair of 18" sewer line leak.

LABOR

Week Ending 9/24/22

Superintendent	2	Hrs. @ \$	98.00	\$	196.00
Job Foreman	32	Hrs. @	84.32		2,698.24
Job Foreman - Prem. Time	4	Hrs. @	108.36		433.44
Lead Laborer	32	Hrs. @	66.26		2,120.32
Lead Laborer - Prem. Time	4	Hrs. @	84.20		336.80
Laborer	32	Hrs. @	60.05		1,921.60
Laborer - Prem. Time	4	Hrs. @	75.96		303.84
Operator (2)	56	Hrs. @	79.28		4,439.68
Operator - Prem. Time	7	Hrs. @	104.43		731.01
Teamster (3)	48	Hrs. @	64.56		3,098.88
Teamster -Prem. Time	6.5	Hrs. @	82.18		534.17

Week Ending 10/1/22

Superintendent	2	Hrs. @	98.00		196.00
Job Foreman	40	Hrs. @	84.32		3,372.80
Job Foreman - Prem. Time	2	Hrs. @	108.36		216.72
Lead Laborer	40	Hrs. @	66.26		2,650.40
Lead Laborer - Prem. Time	4	Hrs. @	84.20		336.80
Laborer	40	Hrs. @	60.05		2,402.00
Laborer - Prem. Time	4	Hrs. @	75.96		303.84
Operator (2)	82.5	Hrs. @	79.28		6,540.60
Operator - Prem. Time	9	Hrs. @	104.43		939.87
Teamster (4)	75	Hrs. @	64.56		4,842.00
Teamster -Prem. Time	10	Hrs. @	82.18		821.80

Week Ending 10/8/22

Superintendent	2	Hrs. @	98.00		196.00
Job Foreman	33	Hrs. @	84.32		2,782.56
Lead Laborer	16	Hrs. @	66.26		1,060.16
Lead Laborer - Prem. Time	1	Hrs. @	84.20		84.20
Laborer (3)	49	Hrs. @	60.05		2,942.45
Laborer - Prem. Time	1	Hrs. @	75.96		75.96
Operator (2)	43.5	Hrs. @	79.28		3,448.68
Operator - Prem. Time	2	Hrs. @	104.43		208.86
Teamster	32	Hrs. @	64.56		2,065.92
Teamster -Prem. Time	1	Hrs. @	82.18		82.18

TOTAL LABOR

\$ 52,383.78

INVOICECARL BELT
INCORPORATED

City of Cumberland

10/31/22
Page 2 of 3**EQUIPMENT****Week Ending 9/24/22**

Komatsu WA250 Loader	13.0	Hrs. @	\$ 70.00	\$ 910.00
CAT Wheel Saw	4.0	Hrs. @	130.00	520.00
Komatsu PC308 Excavator	28.0	Hrs. @	120.00	3,360.00
Komatsu PC238 Excavator	15.0	Hrs. @	90.00	1,350.00
CAT 305 Excavator	3.0	Hrs. @	50.00	150.00
Tractor with Lowboy Trailer	6.5	Hrs. @	95.00	617.50
Tri-Axle Dump Truck	37.5	Hrs. @	65.00	2,437.50
6" Godwin Pump	1.0	Week @	2,410.00	2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00	200.00
Pick Up w/ Small Tools	20.0	Hrs. @	40.00	800.00
Rollback	9.0	hrs. @	75.00	675.00

Week Ending 10/1/22

Komatsu WA250 Loader	21.5	Hrs. @	70.00	1,505.00
Komatsu PC308 Excavator	44.0	Hrs. @	120.00	5,280.00
Komatsu PC238 Excavator	26.0	Hrs. @	90.00	2,340.00
Tractor with Lowboy Trailer	3.5	Hrs. @	95.00	332.50
Tri-Axle Dump Truck	70.0	Hrs. @	65.00	4,550.00
6" Godwin Pump	1.0	Week @	2,410.00	2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00	200.00
Pick Up w/ Small Tools	20.0	Hrs. @	40.00	800.00
Rollback	1.5	hrs. @	75.00	112.50

Week Ending 10/8/22

Komatsu WA250 Loader	20.0	Hrs. @	70.00	1,400.00
Komatsu PC308 Excavator	17.0	Hrs. @	120.00	2,040.00
CAT 305 Excavator	7.0	Hrs. @	50.00	350.00
IR DD22 Blacktop Roller	1.0	Hrs. @	45.00	45.00
6" Godwin Pump	1.0	Week @	2,410.00	2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00	200.00
Tri-Axle Dump Truck	17.0	Hrs. @	65.00	1,105.00
Single Axle Dump Truck	8.0	Hrs. @	60.00	480.00
Pick Up w/ Small Tools	10.0	Hrs. @	40.00	400.00
Rollback	8.0	hrs. @	75.00	600.00

TOTAL EQUIPMENT (Tax Exempt)**\$ 39,990.00****MATERIAL**

Allegany Aggregates	Invoice #726162	\$ 782.26
Allegany Aggregates	Invoice #726125	5,048.87
Allegany Aggregates	Invoice #726210	3,015.44
Allegany Aggregates	Invoice #726252	97.46
Core & Main	Invoice #R625238	8,327.00
Core & Main	Invoice #R622352	13,539.66
LB Water	Invoice #3642369	6,288.89
Potomac Valley Industrial Supply	Invoice #155848	1,441.34
Potomac Valley Industrial Supply	Invoice #155857	82.84
Potomac Valley Industrial Supply	Invoice #155919	32.22
Potomac Valley Industrial Supply	Invoice #155953	134.79
Potomac Valley Industrial Supply	Invoice #156108	88.35
Potomac Valley Industrial Supply	Invoice #156137	22.82
Potomac Valley Industrial Supply	Invoice #156267	95.73
National Trench Safety	Invoice #15691-0001	3,080.34
Sloan Co.	Invoice #3059	110.00

INVOICE

CARL BELT
INCORPORATED

City of Cumberland

10/31/22
Page 3 of 3

(Continued material)

Surplus City	Invoice #413756	\$ 18.18	
United Rentals	Invoice #210889522-001	1,720.12	
Xylem	Invoice #401202459	<u>9,204.44</u>	
		53,130.75	
		<u>7,969.61</u>	
Overhead & Profit 15%			
TOTAL MATERIAL			\$ 61,100.36

SUBCONTRACTOR

Emerick Trucking	Invoice #5052	97.31	
Emerick Trucking	Invoice #5077	113.53	
Quarry Ridge Asphalt	Invoice #39602	1,851.25	
Quarry Ridge Asphalt	Invoice #39582	<u>1,867.50</u>	
		3,929.59	
		<u>314.37</u>	
Overhead & Profit 8%			
TOTAL SUBCONTRACTOR			<u>4,243.96</u>

TOTAL AMOUNT DUE THIS INVOICE			<u>\$ 157,718.10</u>
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301-729-8900

INVOICE

Fax No. 301-729-0163

CARL BELT

INCORPORATED

CONTRACTING .. ENGINEERING

OFFICE AND YARD
11521 MILNOR AVENUE BOWLING GREEN

POST OFFICE BOX 1210
CUMBERLAND, MARYLAND 21501-1210

TO City of Cumberland
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Superintendent	2	Hrs. @ \$	98.00	\$ 196.00
Job Foreman	32	Hrs. @	84.32	2,698.24
Job Foreman - Prem. Time	4	Hrs. @	108.36	433.44
Lead Laborer	32	Hrs. @	66.26	2,120.32
Lead Laborer - Prem. Time	4	Hrs. @	84.20	336.80
Laborer	32	Hrs. @	60.05	1,921.60
Laborer - Prem. Time	4	Hrs. @	75.96	303.84
Operator (2)	56	Hrs. @	79.28	4,439.68
Operator - Prem. Time	7	Hrs. @	104.43	731.01
Teamster (3)	48	Hrs. @	64.56	3,098.88
Teamster -Prem. Time	6.5	Hrs. @	82.18	534.17

Week Ending 10/1/22

Superintendent	2	Hrs. @	98.00	196.00
Job Foreman	40	Hrs. @	84.32	3,372.80
Job Foreman - Prem. Time	2	Hrs. @	108.36	216.72
Lead Laborer	40	Hrs. @	66.26	2,650.40
Lead Laborer - Prem. Time	4	Hrs. @	84.20	336.80
Laborer	40	Hrs. @	60.05	2,402.00
Laborer - Prem. Time	4	Hrs. @	75.96	303.84
Operator (2)	82.5	Hrs. @	79.28	6,540.60
Operator - Prem. Time	9	Hrs. @	104.43	939.87
Teamster (4)	75	Hrs. @	64.56	4,842.00
Teamster -Prem. Time	10	Hrs. @	82.18	821.80

Week Ending 10/8/22

Superintendent	2	Hrs. @	98.00	196.00
Job Foreman	33	Hrs. @	84.32	2,782.56
Lead Laborer	16	Hrs. @	66.26	1,060.16
Lead Laborer - Prem. Time	1	Hrs. @	84.20	84.20
Laborer (3)	49	Hrs. @	60.05	2,942.45
Laborer - Prem. Time	1	Hrs. @	75.96	75.96
Operator (2)	43.5	Hrs. @	79.28	3,448.68
Operator - Prem. Time	2	Hrs. @	104.43	208.86
Teamster	32	Hrs. @	64.56	2,065.92
Teamster -Prem. Time	1	Hrs. @	82.18	82.18

TOTAL LABOR

\$ 52,383.78

COPY

INVOICE

CARL BELT
INCORPORATED

City of Cumberland

10/31/22
Page 2 of 3

EQUIPMENT

Week Ending 9/24/22

Komatsu WA250 Loader	13.0	Hrs. @ \$	70.00	\$	910.00
CAT Wheel Saw	4.0	Hrs. @	130.00		520.00
Komatsu PC308 Excavator	28.0	Hrs. @	120.00		3,360.00
Komatsu PC238 Excavator	15.0	Hrs. @	90.00		1,350.00
CAT 305 Excavator	3.0	Hrs. @	50.00		150.00
Tractor with Lowboy Trailer	6.5	Hrs. @	95.00		617.50
Tri-Axle Dump Truck	37.5	Hrs. @	65.00		2,437.50
6" Godwin Pump	1.0	Week @	2,410.00		2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00		200.00
Pick Up w/ Small Tools	20.0	Hrs. @	40.00		800.00
Rollback	9.0	hrs. @	75.00		675.00

Week Ending 10/1/22

Komatsu WA250 Loader	21.5	Hrs. @	70.00		1,505.00
Komatsu PC308 Excavator	44.0	Hrs. @	120.00		5,280.00
Komatsu PC238 Excavator	26.0	Hrs. @	90.00		2,340.00
Tractor with Lowboy Trailer	3.5	Hrs. @	95.00		332.50
Tri-Axle Dump Truck	70.0	Hrs. @	65.00		4,550.00
6" Godwin Pump	1.0	Week @	2,410.00		2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00		200.00
Pick Up w/ Small Tools	20.0	Hrs. @	40.00		800.00
Rollback	1.5	hrs. @	75.00		112.50

Week Ending 10/8/22

Komatsu WA250 Loader	20.0	Hrs. @	70.00		1,400.00
Komatsu PC308 Excavator	17.0	Hrs. @	120.00		2,040.00
CAT 305 Excavator	7.0	Hrs. @	50.00		350.00
IR DD22 Blacktop Roller	1.0	Hrs. @	45.00		45.00
6" Godwin Pump	1.0	Week @	2,410.00		2,410.00
Additional 6" pump (standby)	1.0	Week @	200.00		200.00
Tri-Axle Dump Truck	17.0	Hrs. @	65.00		1,105.00
Single Axle Dump Truck	8.0	Hrs. @	60.00		480.00
Pick Up w/ Small Tools	10.0	Hrs. @	40.00		400.00
Rollback	8.0	hrs. @	75.00		600.00

TOTAL EQUIPMENT (Tax Exempt)

\$ 39,990.00

MATERIAL

Allegany Aggregates	Invoice #726162	\$ 782.26
Allegany Aggregates	Invoice #726125	5,048.87
Allegany Aggregates	Invoice #726210	3,015.44
Allegany Aggregates	Invoice #726252	97.46
Core & Main	Invoice #R625238	8,327.00
Core & Main	Invoice #R622352	13,539.66
LB Water	Invoice #3642369	6,288.89
Potomac Valley Industrial Supply	Invoice #155848	1,441.34
Potomac Valley Industrial Supply	Invoice #155857	82.84
Potomac Valley Industrial Supply	Invoice #155919	32.22
Potomac Valley Industrial Supply	Invoice #155953	134.79
Potomac Valley Industrial Supply	Invoice #156108	88.35
Potomac Valley Industrial Supply	Invoice #156137	22.82
Potomac Valley Industrial Supply	Invoice #156267	95.73
National Trench Safety	Invoice #15691-0001	3,080.34
Sloan Co.	Invoice #3059	110.00

INVOICE

CARL BELT
INCORPORATED

City of Cumberland

10/31/22
Page 3 of 3

(Continued material)

Surplus City

Invoice #413756

\$ 18.18

United Rentals

Invoice #210889522-001

1,720.12

Xylem

Invoice #401202459

9,204.44

53,130.75

Overhead & Profit 15%

7,969.61

TOTAL MATERIAL

\$ 61,100.36

SUBCONTRACTOR

Emerick Trucking

Invoice #5052

97.31

Emerick Trucking

Invoice #5077

113.53

Quarry Ridge Asphalt

Invoice #39602

1,851.25

Quarry Ridge Asphalt

Invoice #39582

1,867.50

3,929.59

Overhead & Profit 8%

314.37

TOTAL SUBCONTRACTOR

4,243.96

TOTAL AMOUNT DUE THIS INVOICE

\$ 157,718.10

File Attachments for Item:

. Order 27,149 - authorizing the purchase of a new Ford F-600 dump truck with plow and spreader for the Water Department from Keystone Ford for a price not to exceed \$116,485

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

ORDER NO. 27,149

DATE: December 20, 2022

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

THAT, the Sole Source purchase of a 2023 Ford F-600 Dump Truck with Plow and Spreader from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201, with an upfit by Stephenson Equipment, in the not-to-exceed cost of One Hundred Sixteen Thousand Four Hundred Eighty-Five Dollars and No Cents (\$116,485), be and is hereby approved; and

BE IT FURTHER ORDERED THAT, this special pricing is in accordance with City Code Section 2-171(c), which pertains to purchasing cooperatives and state and local government contracts (piggyback contracts).

Raymond M. Morriss, Mayor

Budget:
Water Department 002.220.64000

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the purchase of a New Ford F600 Dump Truck with Plow and Spreader from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201 for an amount not to exceed \$116,485.

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

Requesting an order to accept the purchase of a New Ford F600 Dump Truck with Plow and Spreader from Keystone Ford for an amount not to exceed \$116,485. Keystone Ford is supplying the chassis and Stephenson Equipment will be providing the upfit. Keystone is offering CoStars Allowance 025-E22-445 pricing and Stephenson Equipment is offering us CoStars Contracts #025-021 and #025-171, which is in accordance with the City Code Sec. 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts). This truck will be used in daily operations by the Water Department for mainline jobs, maintenance and snow removal operations.

Amount of Award:

\$116,485

Budget number:

002.220.64000 (Water Department)

Grant, bond, etc. reference:

N/A



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

New F600 Dump Truck with Plow and Spreader

3 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Thu, Dec 8, 2022 at 9:14 AM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Mark and Ken,

We had budgeted \$115,000 for a F600 Dump Truck with Plow and Spreader for the Water Department. The truck quote that I received was from Keystone Ford and Stephenson who have supplied past dump trucks. They are offering Costars Contract Pricing. I don't see getting this truck for close to a year and we are really in need to replace one of our old 5 Tons. The total cost is a little over budget by \$1,485. Would one of you approve an overrun for this.

Thanks,
Brian

David Brian Broadwater Jr*Fleet Manager*

City of Cumberland, MD

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

215 Bowen St. | Cumberland, MD 21502

**Cumberland***Maryland***Mark Gandolfi** <mark.gandolfi@cumberlandmd.gov>

Thu, Dec 8, 2022 at 12:01 PM

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

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Hi Brian,

This override for \$1,485 in the water department for the F600 dump with plow and spreader is approved.

Best regards,

Mark

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Mon, Dec 12, 2022 at 9:56 AM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Thank you!

[Quoted text hidden]

CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

December 8, 2022

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

Dear Mayor and City Council,

I recommend that we move forward with the purchase of a New Ford F600 Dump Truck with Plow and Spreader from Keystone Ford. Keystone Ford is offering us CoStar pricing (purchasing co-op), which is in accordance with Section 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts).

This truck was budgeted by the Water Department for \$115,000.00. The total cost of this truck will be \$116,485.00. Funding is available to cover the excess overbudget. The extra cost is due to the supply and demand of trucks. The ability to obtain the CoStar cooperative purchasing allows us to save money and to work with dealers that deal with municipality's, such as ourselves, every day.

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY E. SILKA

**PW OPERATIONS
MANAGER**

BROOKE CASSELL

Sincerely,



David Broadwater Jr
Fleet Manager



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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



Prepared by: Nelson Raines
11/17/2022

Keystone Ford | 301 Walker Road Chambersburg Pennsylvania | 172013507

2023 F-600 Chassis 4x4 SD Regular Cab 145" WB DRW XL (F6L)

Price Level: 315 | Quote ID: cum60023

Pricing Summary - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$56,410.00
Options	\$11,060.00
Colors	\$0.00
Upfitting	\$0.00
Fleet Discount	\$0.00
Fuel Charge	\$0.00
Destination Charge	\$1,795.00
Subtotal	\$69,265.00

Pre-Tax Adjustments

Code	Description	MSRP
1	CoStars Allowance 025-E22-445	-\$3,000.00
10	Stephenson Equipment	\$50,220.00
Total		\$116,485.00

Customer Signature

Acceptance Date

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

File Attachments for Item:

. Order 27,150 - authorizing the purchase of a new Ford F-550 service body truck for the Water Department from Keystone Ford for an amount not to exceed \$110,435

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

ORDER NO. 27,150

DATE: December 20, 2022

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

THAT, the Sole Source purchase of a 2023 Ford F-550 Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201, with an upfit by Stephenson Equipment, in the not-to-exceed cost of One Hundred Ten Thousand Four Hundred Thirty-Five Dollars and No Cents (\$110,435), be and is hereby approved; and

BE IT FURTHER ORDERED THAT, this special pricing is in accordance with City Code Section 2-171(c), which pertains to purchasing cooperatives and state and local government contracts (piggyback contracts).

Raymond M. Morriss, Mayor

Budget:
Water Department 002.220.64000

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the purchase of a New Ford F550 Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201 for an amount not to exceed \$110,435.

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

Requesting an order to accept the purchase of a Ford F550 Service Body Truck from Keystone Ford for an amount not to exceed \$110,435. Keystone Ford is supplying the chassis and Stephenson Equipment will be providing the upfit. Keystone is offering CoStars Allowance 025-E22-445 pricing and Stephenson Equipment is offering us CoStars Contracts #025-021 and #025-171, which is in accordance with the City Code Sec. 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts). This truck will be used in daily operations by the Water Department for mainline jobs, water leaks and maintenance.

Amount of Award:

\$110,435

Budget number:

002.220.64000 (Water Department)

Grant, bond, etc. reference:

N/A



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

New Service Body Truck for Water Department

3 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Mon, Dec 12, 2022 at 12:18 PM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>

Cc: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Mark and Ken,

We had budgeted for a new tool truck in the water department for this fiscal year in the amount of \$110,000. I was able to receive a quote for \$110,435 for this new truck from Keystone Ford and Stephenson Equipment. Once again I did check into the pricing. MD state bids has no options. National Fleet from Sourcewell does have the truck availability, but it is only \$30 cheaper and I was able to go down spec for spec with Stephenson on the body. I just wanted to make sure that I am ok to proceed with the Mayor and City Council Order Financially?

Thanks,
Brian

--

David Brian Broadwater Jr*Fleet Manager*

City of Cumberland, MD

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

215 Bowen St. | Cumberland, MD 21502

**Cumberland**
Maryland

Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Mon, Dec 12, 2022 at 12:36 PM

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

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Hi Brian,

You may proceed.

Best regards,

Mark

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Mon, Dec 12, 2022 at 12:59 PM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Marty Watts <marty.watts@cumberlandmd.gov>

Thanks

[Quoted text hidden]

CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

December 8, 2022

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

Dear Mayor and City Council,

I recommend that we move forward with the purchase of a New Ford F550 Service Body Truck from Keystone Ford. Keystone Ford is offering us CoStar pricing (purchasing co-op), which is in accordance with Section 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts).

This truck was budgeted by the Water Department for \$110,000.00. The total cost of this truck will be \$110,435.00. Funding is available to cover the excess overbudget. The ability to obtain the CoStar cooperative purchasing allows us to save money and to work with dealers that deal with municipality's, such as ourselves, everyday.

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY E. SILKA

**PW OPERATIONS
MANAGER**

BROOKE CASSELL

Sincerely,



David Broadwater Jr
Fleet Manager



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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



Prepared by: Nelson Raines

12/05/2022

Keystone Ford | 301 Walker Road Chambersburg Pennsylvania | 172013507

2023 F-550 Chassis 4x4 SD Crew Cab 179" WB DRW XL (W5H)

Price Level: 315 | Quote ID: cumb550

Pricing Summary - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$56,690.00
Options	\$13,575.00
Colors	\$0.00
Upfitting	\$0.00
Fleet Discount	\$0.00
Fuel Charge	\$0.00
Destination Charge	\$1,795.00
Subtotal	\$72,060.00

Pre-Tax Adjustments

Code	Description	MSRP
1	CoStars Allowance 025-E22-445	-\$3,000.00
10	Stephenson Equipment	\$41,375.00
Total		\$110,435.00

Customer Signature

Acceptance Date

File Attachments for Item:

. Order 27,151 - authorizing the purchase of a new Ford F-250 regular cab pickup truck with plow for the Flood Control Department from Keystone Ford for an amount not to exceed \$55,160

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

ORDER NO. 27,151

DATE: December 20, 2022

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

THAT, the Sole Source purchase of a 2023 Ford F-250 Regular Cab Pickup Truck with Plow from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201, in the not-to-exceed cost of Fifty-Five Thousand One Hundred Sixty Dollars and No Cents (\$55,160), be and is hereby approved; and

BE IT FURTHER ORDERED THAT, this special pricing is in accordance with City Code Section 2-171(c), which pertains to purchasing cooperatives and state and local government contracts (piggyback contracts).

Raymond M. Morriss, Mayor

Budget:
Flood Department 003.325.64000

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the purchase of a New Ford F250 Regular Cab Pickup Truck with Plow from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201 for an amount not to exceed \$55,160.

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

Requesting an order to accept the purchase of a New Ford F250 Regular Cab Pickup Truck with Plow from Keystone Ford for an amount not to exceed \$55,160. Keystone Ford is offering CoStars Allowance 025-E22-445 pricing, which is in accordance with the City Code Sec. 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts). This truck will be used in daily operations by the Flood Department for maintenance and snow removal operations.

Amount of Award:

\$55,160

Budget number:

003.325.64000 (Flood Department)

Grant, bond, etc. reference:

N/A

Mark

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Wed, Dec 7, 2022 at 1:59 PM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>

Mark, as per are conversation on the phone. My recommendation is that we go with the Regular Cab F250 with a plow. I know that it is over budget. But we need to move quickly on this purchase to have this truck for next winter. The truck that we currently use is in need of replacement now. I'm not sure that it would make it through another year of plowing. Could you approve an overrun of \$5,160 for 003.320.64000 so that I can move forward with the Mayor and City Council Order.

[Quoted text hidden]

Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Wed, Dec 7, 2022 at 2:14 PM

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

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>

Hi Brian,

Please proceed and the override of \$5,160 is approved. Thank you for your time and patience discussing this.

Best regards,

Mark

[Quoted text hidden]

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Wed, Dec 7, 2022 at 2:28 PM

To: Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Cc: Ken Tressler <ken.tressler@cumberlandmd.gov>, Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Tim Murphy <tim.murphy@cumberlandmd.gov>

Thanks Mark

[Quoted text hidden]

CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

December 8, 2022

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

Dear Mayor and City Council,

I recommend that we move forward with the purchase of a New Ford F250 Regular Cab Pickup Truck with Plow from Keystone Ford. Keystone Ford is offering us CoStar pricing (purchasing co-op), which is in accordance with Section 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts).

This truck was budgeted by the Flood Department for \$50,000.00. The total cost of this truck will be \$55,160.00. Funding is available to cover the excess overbudget. The extra cost is due to the supply and demand of trucks. The ability to obtain the CoStar cooperative purchasing allows us to save money and to work with dealers that deal with municipality's, such as ourselves, every day.

MAYOR
RAYMOND M. MORRISS

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

CITY ADMINISTRATOR
JEFFREY F. SILKA

**PW OPERATIONS
MANAGER**
BROOKE CASSELL

Sincerely,



David Broadwater Jr
Fleet Manager



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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



Prepared by: Nelson Raines
12/07/2022

Keystone Ford | 301 Walker Road Chambersburg Pennsylvania | 172013507

2023 F-250 4x4 SD Regular Cab 8' box 142" WB SRW XL (F2B)

Price Level: 315 | Quote ID: cumreg250

Pricing Summary - Single Vehicle

MSRP

Vehicle Pricing

Base Vehicle Price	\$46,760.00
Options	\$2,085.00
Colors	\$0.00
Upfitting	\$0.00
Fleet Discount	\$0.00
Fuel Charge	\$0.00
Destination Charge	\$1,795.00
Subtotal	\$50,640.00

Pre-Tax Adjustments

Code	Description	MSRP
1	CoStars Allowance 025-E22-445	-\$3,000.00
10	Stephenson Equipment	\$7,520.00
Total		\$55,160.00

Customer Signature

Acceptance Date

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

File Attachments for Item:

. Order 27,152 - authorizing the purchase of a new F-350 service body truck for the Street Department from Keystone Ford and J & J Equipment for an amount not to exceed \$64,491

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

ORDER NO. 27,152

DATE: December 20, 2022

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

THAT, the Sole Source purchase of a 2023 Ford F-350 Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201, with an upfit by J&J Equipment, in the not-to-exceed cost of Sixty Four Thousand Four Hundred Ninety-One Dollars and No Cents (\$64,491), be and is hereby approved; and

BE IT FURTHER ORDERED THAT, this special pricing is in accordance with City Code Section 2-171(c), which pertains to purchasing cooperatives and state and local government contracts (piggyback contracts).

Raymond M. Morriss, Mayor

Budget:
Street Department 001.056.64000

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Brian Broadwater

Item Title:

Order Accepting the purchase of a New Ford F350 Service Body Truck from Keystone Ford, 301 Walker Road, Chambersburg, PA 17201 and J&J Equipment, 422 Riggs Road, Somerset, PA 15501 for an amount not to exceed \$64,491.

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

Requesting an order to accept the purchase of New Ford F350 Service Body Truck. Keystone Ford is supplying the chassis for \$51,620 and J&J Equipment will be providing the upfit for \$12,871, for a total amount not to exceed \$64,491. Keystone is offering CoStars Allowance 025-E22-445 pricing and J&J Equipment is offering us CoStars Contracts #025-E22-439, which is in accordance with the City Code Sec. 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts). This truck will be used in daily operations by the Water Department for mainline jobs, water leaks and maintenance.

Amount of Award:

\$64,491

Budget number:

001.056.64000 (Street Department)

Grant, bond, etc. reference:

N/A

CITY OF CUMBERLAND MARYLAND

DEPARTMENT OF PUBLIC WORKS

December 8, 2022

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

Dear Mayor and City Council,

I recommend that we move forward with the purchase of New Ford F350 Service Body Truck. Keystone Ford is supplying the chassis for \$51,620 and J&J Equipment will be providing the upfit for \$12,871. Keystone Ford and J&J Equipment are offering us CoStar pricing (purchasing co-op), which is in accordance with Section 2-171 (c) - Purchasing cooperatives, state and local government contracts (Piggybacking Contracts).

MAYOR
RAYMOND M. MORRISS

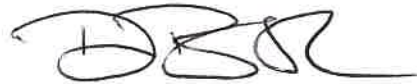
COUNCIL
RICHARD J. CIONI, JR.
EUGENE T. FRAZIER
JOSEPH P. GEORGE
LAURIE P. MARCHINI

CITY ADMINISTRATOR
JEFFREY F. SILKA

**PW OPERATIONS
MANAGER**
BROOKE CASSELL

This truck was budgeted by the Street Department for \$60,000. The total cost of this truck will be \$64,491. Funding is available to cover the excess overbudget. The ability to obtain the CoStar cooperative purchasing allows us to save money and to work with dealers that deal with municipality's, such as ourselves, every day.

Sincerely,



David Broadwater Jr
Fleet Manager



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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



Brian Broadwater <brian.broadwater@cumberlandmd.gov>

New Ford F350 Service Body for Street Department

2 messages

Brian Broadwater <brian.broadwater@cumberlandmd.gov>

Thu, Dec 15, 2022 at 8:35 AM

To: Brooke Cassell <brooke.cassell@cumberlandmd.gov>, Ken Tressler <ken.tressler@cumberlandmd.gov>, Mark Gandolfi <mark.gandolfi@cumberlandmd.gov>

Mark and Ken,

When I originally started to look for this truck, one my quotes were \$12,000 over budget. I was able to get that down drastically. The street department budgeted \$60,000. The cost of this truck is \$64,491. I need an overrun of \$4,491. This truck is important, as the old #216 is going to go to parks and rec to replace #506 which is in major need of replacement.

Could you approve this overrun?

Thanks,
Brian**David Brian Broadwater Jr****Fleet Manager**

City of Cumberland, MD

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

215 Bowen St. | Cumberland, MD 21502

**Cumberland**
*Maryland***David Brian Broadwater Jr****Fleet Manager**

City of Cumberland, MD

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

215 Bowen St. | Cumberland, MD 21502

**Cumberland**
*Maryland***Mark Gandolfi** <mark.gandolfi@cumberlandmd.gov>

Thu, Dec 15, 2022 at 8:44 AM

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

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

Approved.

[Quoted text hidden]



Prepared by: Nelson Raines

12/14/2022

Keystone Ford | 301 Walker Road Chambersburg Pennsylvania | 172013507

2023 F-350 Chassis 4x4 SD Super Cab 168" WB SRW XL (X3F)

Price Level: 315 | Quote ID: cum350-23

Pricing Summary - Single Vehicle

	MSRP
<i>Vehicle Pricing</i>	
Base Vehicle Price	\$51,450.00
Options	\$1,375.00
Colors	\$0.00
Upfitting	\$0.00
Fleet Discount	\$0.00
Fuel Charge	\$0.00
Destination Charge	\$1,795.00
Subtotal	\$54,620.00

Pre-Tax Adjustments

Code	Description	MSRP
1	CoStars Allowance 025-E22-445	-\$3,000.00
Total		\$51,620.00

Customer Signature

Acceptance Date

12/12/22

J&J Truck Equipment

Quote: 86366

Eng/Auti

422 Riggs Road
Somerset, PA 15501

Rev: 3

Page :

Issue: 1

Order:

PO NO:

Phone: 814-444-7070 or 877-455-8785

Fax: 814-445-3726

Customer

CITY OF CUMBERLAND
57 NORTH LIBERTY ST
57 N LIBERTY ST
CUMBERLAND MD 21502
Attn: BRIAN BROADWATER
Phone: 301-759-6627
Email: brian.broadwater@cumberlandmd.gov

Brief Description

696-2

End User: CITY OF CUMBERLAND
Number of Units: 1 Entered By: SS2
Sales Rep: Larry Faidley
Inside Sales: Steven L. Stilley

Quote Type: SVB

SEQ #:	70	ECCO BACK-UP ALARM	1	4
		SUPPLY AND INSTALL ECCO 450 BACK-UP ALARM		
SEQ #:	80	MUDFLAPS 12"X18"X1/4" "J&J"	1	4
		PROVIDE AND INSTALL 12" X 18" X 1/4" J&J MUDFLAPS OR REQUIRED SIZE.		
SEQ #:	90		1	0
		INSTALL OF FACTORY PROVIDED REAR VIEW CAMERA AT THE REAR OF CHASSIS BEST POSSIBLE LOCATION. VALID ON FACTORY BED DELETE OPTION ONLY.		
SEQ #:	100	LIGHTBAR,HIGHLIGHTER LED PNG	1	0
		PROVIDE AND INSTALL TO TOP OF CAB ON THIRD BRAKE LIGHT MOUNT A FEDERAL SIGNAL 15" AMBER LOW PROFILE LIGHT BAR WIRED TO OEM SWITCH		
SEQ #:	110		1	0
		PROVIDE AND INSTALL A BUYER DRILL FREE THIRD BRAKE LIGHT MOUNT. 8895152		
SEQ #:	120	8' BED, CARGO AREA ONLY	1	0
		PROVIDE AND APPLY A SPRAY ON SPEEDLINER 1000 TO THE CARGO AREA.		

Price / Unit:	\$12,871.00	8
Total / Unit:	\$12,871.00	
Total Due:	\$12,871.00	

----- (Optional Equipment NOT Included) -----

** Can be included at customer's request **

	Price Per Unit	Appx Weight Per Unit
--	-------------------	----------------------------

SEQ #:	130		1	750.00	0
		OPTION FOR BED REMOVAL ON APPLICABLE CHASSIS WITH BED TO BE RETURNED TO CUSTOMER PROVIDE AND INSTALL AFTERMARKET CAMERA AND MOUNTING BRACKET TO BEST POSSIBLE LOCATION REAR OF CHASSIS.			

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

Terms: Net 30 Days

QUOTE EXPIRES:
01/11/23

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

By: _____ Date: _____
(Customer Signature)

File Attachments for Item:

. Order 27,153, authorizing the transfer of 309 S. Cedar Street from Richard A. Pravlik to Kevin Knisely

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

ORDER NO. 27,153

DATE: December 20, 2022

WHEREAS, in accordance with the terms of Ordinance No. 3911, passed May 3, 2022, the City transferred the property at 309 S. Cedar Street, Cumberland, MD 21502 (Tax ID #04-015460) (“the Property”) to Richard A. Pravlik, subject to the covenants and agreements set forth in the deed effecting the transfer. The said deed was recorded among the Land Records for Allegany County, Maryland in Book 2818, Page 319.

WHEREAS, the deed provides that Mr. Pravlik may not convey the Property to a third property unless he completed certain tasks to clean up the Property and repair the improvements thereon.

WHEREAS, the deed contained other provisions that were particular to Mr. Pravlik.

WHEREAS, Mr. Pravlik now intends to transfer the Property to Kevin Knisely, but he has not completed the repair and cleanup of the Property.

WHEREAS, the purpose of this Order is for the City to consent to the transfer of the Property to Kevin Knisely, subject to the terms and conditions set forth hereinafter.

NOW THEREFORE, IT IS HEREBY ORDERED, BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND that, the City will consent to the transfer of the Property from Richard A. Pravlik to Kevin Knisely, and the Mayor is hereby authorized to execute such documents as may be necessary or expedient to note that consent.

BE IT FURTHER ORDERED that the aforesaid transfer shall be subject to the following terms and conditions:

1. Mr. Pravlik shall pay the attorney's fees the City incurred relative to transfer of the Property to Mr. Knisely.
2. The deed effecting the transfer of the Property shall include provisions making the City Administrator Mr. Knisely's attorney-in-fact for the purposes he was appointed Mr. Pravlik's attorney-in-fact in the deed effecting the transfer of the Property from the City to Mr. Pravlik.
3. The deed effecting the transfer of the Property to Mr. Knisley shall include a provision noting the City's approval of the transfer effected by its terms.
4. The said deed shall be subject to the City Solicitor's review and approval and it shall contain an acknowledgment from the City Solicitor to confirm that he reviewed the deed and approved of its content for the benefit of the City. The deed shall also include the City Solicitor's acknowledgment that Mr. Pravlik satisfied his obligation to pay the City's legal fees.
5. This Order shall be attached to the deed.

BE IT FURTHER ORDERED THAT, the deed effecting the transfer from Mr. Pravlik to Mr. Knisely will be null and void in the event the parties do not comply with the terms and conditions set forth above.

Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,154 - authorizing the forgiveness of loans within the Deferred Loan Program due to deficiencies with the program documents

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

ORDER NO. 27,154

DATE: December 20, 2022

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

THAT, due to deficiencies in the Deferred Loan Program documents, which have arisen on account of the passage of time, said loans will be forgiven.

Raymond M. Morriss, Mayor

**City of Cumberland
Outstanding Deferred Loans**

Name	Date	Balance	Property ID	Address
Def Loan H Deneen	11/1/1988	3,647.00	04 033450	905 Maryland Ave
Def Loan D Pirlozzi	11/27/1990	8,389.00	05 030269	713 Shriver Ave
Def Loan M Rhodes	4/2/1992	6,018.34	04 029194	11-13 Putman St
Def Loan R Bohn (#2)	11/28/1994	7,841.00	22 012037	447 Baltimore Ave
Def Loan W Frazier	6/9/1995	11,747.25	23 006642	435 Goethe St
Def Loan R Mearkle	6/13/1995	14,951.00	05 018552	211 Knox St
Def Loan J Baldwin	6/30/1995	11,871.58	04 049675	329 Williams St
Def Loan Davis-Miller	10/25/1994	17,680.00	22 008722	421 Broadway St
Def Loan W Livengood	1/16/1997	30,330.13	05 003172	539 Columbia Ave
Def Loan A Melotte	2/25/1997	13,461.00	05 008824	218 Pear St
Def Loan D Rice	4/16/1997	17,386.40	06 027954	208 Wallace St
Def Loan N Cromwell	12/19/1997	6,615.00	04 033221	740 Maryland Ave
Def Loan N Hymes	6/10/1998	3,237.82	22 008307	319 Emily Street
Properties that transferred		153,175.52		
Def Loan J Atkinson	6/8/1989	4,814.00	04 028996	508 Pennsylvania Ave
Def Loan F Soulsby	7/19/1989	6,824.00	04 041283	1017 Virginia Ave
Def Loan P MacDonald	3/17/1987	7,775.00	04 005554	216 Arch St
Def Loan M Gallagher	10/13/1992	25,007.00	22 006495	510 City View Terr
Def Loan P Stallings	3/1/1993	19,980.00	06 042082	815 Mount Royal Ave
Def Loan J Johnson	4/24/1995	5,181.93	05 009014	605 N Centre St
Def Loan P Connors	11/27/1995	10,136.53	04 038436	107 South St
Def Loan R Fisher	3/30/1995	5,692.50	05 005647	509 Dilley St
Def Loan R.Early	9/20/1996	14,595.00	06 017053	113 Spruce Place
Original Owners		100,005.96		
Total Deferred Loans		253,181.48		

File Attachments for Item:

. Order 27,155 – amending the ARPA funding allocation approved by Order 26,961, approving an increase of \$100,000 to Affordable Housing Assistance and a decrease of \$100,000 to Community Development Property Improvement

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

ORDER NO. 27,155

DATE: December 20, 2022

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

THAT, the amendment of Order No. 26,961, dated February 15, 2022,
approving an increase of ARPA funding allocation of \$100,000 to Affordable Housing
Assistance and a decrease of ARPA funding allocation of \$100,000 to Community
Development Property Improvement be and is hereby approved; and

BE IT FURTHER ORDERED, that this amendment be and is hereby effective
with the date of the passage of this order.

Purpose	Category	Amended Allocation
Affordable Housing Assistance	Investments in Housing and Neighborhoods	\$350,000
Community Development Property Improvement	Investments in Housing and Neighborhoods	\$264,960

Raymond M. Morriss, Mayor

Council Agenda Summary

Meeting Date: December 20, 2022

Key Staff Contact: Ken Tressler

Item Title:

American Rescue Plan Act (ARPA) –Approval of ARPA funding adjustment for two community programs.

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

Due to the level of activity in the Affordable Housing Assistance property rehabilitation program, this amendment increases funding to that program by \$100,000 to allow additional property rehabilitation grants. Due to a reduced level of activity in the Community Development Property Improvement program, this amendment decreases the funding to that program by \$100,000 to better align its funding with the level of activity.

An order approving an increase of ARPA funding of \$100,000 to Affordable Housing Assistance and a decrease of ARPA funding of \$100,000 to Community Development Property Improvement.

- Increase Affordable Housing Assistance from \$250,000 to \$350,000.
- Decrease Community Development Property Improvement from \$364,960 to \$264,960.

The table below illustrates the total ARPA funding after amendment.

Program Request	Category	Duration in Years	Total ARPA Funding
Affordable Housing Assistance	Investments in Housing and Neighborhoods	3	\$ 350,000
Community Development Property Improvement	Investments in Housing and Neighborhoods	3	\$ 264,960

Affordable Housing Assistance

A program to provide a matching grant up to \$25K for the rehab of the property. Bidder will be responsible for obtaining all required permits from the City and complete the work within the required time outlined by the City. This program is expected to increase the availability of affordable housing in the City while reducing or preventing blighted properties.

Community Development Property Improvement

Housing conditions in Cumberland need improvement and the pandemic accelerated this issue. Community Development staff created a work flow and timeline to address housing unit deficiencies during the next 3 years. The City will establish an efficient system to interview low-moderate income households who own their own homes, gather necessary documentation, conduct work-scope assessments, conduct environmental reviews, choose contractors, inspecting contractor work, and complete documentation for Federal funds using existing staff specialists and one new part-time member. The cost per year would be \$264,960 with \$238K for grants and \$24,960 for staff time. Once the program is developed with policy/procedure and proven efficiency, funds from Community Development Block Grant program will continue the grants according to the number possible each year

and funding availability. There has not been one minor housing rehab application to CDBG in about 10 years from an agency with the capacity or desire to provide this much needed service. Funds would be targeted to housing code violations (referrals by staff) but would not be limited to those cases. These 3 years will give the department time to adjust goal numbers by hours of staff time vs benefit. This will greatly improve the odds of being able to efficiently spend all CDBG funds each year and follow HUD spending requirements in a timely manner.

Amount of Award: \$0.00

Budget number: N/A

Grant, bond, etc. reference: ARPA

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

ORDER NO. 26,961

DATE: February 15, 2022

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

THAT, the expenditure of American Rescue Plan Act (ARPA) funding be and is hereby approved for use as follows:

<i>Purpose</i>	<i>Category</i>	<i>Allocation</i>
Janes Place for Abused Children	Drug Abuse, Domestic Violence and Mental Health	\$ 102,623
Union Rescue Mission Assistance	Investments in Housing and Neighborhoods	\$ 750,000
Community Development Property Improvement	Investments in Housing and Neighborhoods	\$ 364,960
Affordable Housing Assistance	Investments in Housing and Neighborhoods	\$ 250,000
YMCA Bus Replacement	Transportation	\$ 216,000
Revenue Loss	Revenue Loss	\$ 10,000,000
Water fund <ul style="list-style-type: none">• South End Water Main Replacement• Industrial Boulevard Water Main Replacement• Replacement of 4" Water Lines with 6" (City-wide program)	Water Infrastructure	\$ 5,073,452


Raymond M. Morriss, Mayor

File Attachments for Item:

. Order 27,156 - declaring certain City-owned properties to be surplus and authorizing them for public sale

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

ORDER NO. 27,156

DATE: December 20, 2022

WHEREAS, the Mayor and City Council of Cumberland is the record owner of certain parcels of property identified herein; and

WHEREAS, the Mayor and City Council have determined that these properties are no longer needed for any public use and will be offered for sale to the general public;

IT IS, THEREFORE, ORDERED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT:

1. The following properties are hereby declared to be surplus in accordance with the provisions of Section 1 of the Charter of the City of Cumberland:

Tax ID#	Address
Tax ID# 23-002353	220 Bellevue St.
Tax ID# 23-002310	218 Bellevue St.
Tax ID# 23-002272	216 Bellevue St.
Tax ID# 23-002221	214 Bellevue St.
Tax ID# 23-002183	212 Bellevue St.
Tax ID# 23-002140	210 Bellevue St.
Tax ID# 23-002108	208 Bellevue St.
Tax ID# 23-002051	206 Bellevue St.
Tax ID# 23-002019	204 Bellevue St.
Tax ID# 23-001977	202 Bellevue St.
Tax ID# 23-001934	200 Bellevue St.
Tax ID# 23-001756	201 Bellevue St.
Tax ID# 23-001799	203 Bellevue St.
Tax ID# 23-001837	205 Bellevue St.
Tax ID# 23-001888	207 Bellevue St.
Tax ID# 23-001594	209 Bellevue St.
Tax ID# 23-001632	211 Bellevue St.
Tax ID# 23-001675	213 Bellevue St.
Tax ID# 23-001713	215 Bellevue St.
Tax ID# 23-001802	217 Bellevue St.
Tax ID# 23-001845	219 Bellevue St.
Tax ID# 23-001896	221 Bellevue St.

2. After the passage of twenty (20) days from the date of this Order, the Mayor and City Council may pass an Ordinance authorizing the execution of a deed effecting the conveyance of any or all of the properties to a purchaser, and the City may proceed with the transfer of any or all of the properties in accordance with the terms of said Ordinance

Raymond M. Morriss, Mayor

File Attachments for Item:

1. Letter from the City Clerk advising that the MD State Board of Canvassers certified the 2022 General Election results on December 12 2020, and that the Mayor, Raymond M. Morriss, was re-elected and Rock Cioni and James Leo Furstenberg, III., having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 3, 2023

Run Date:12/12/22 02:30 PM

Report EL45A Page 001

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
PRECINCTS COUNTED (OF 37)	37	100.00					
REGISTERED VOTERS - TOTAL	43,616						
BALLOTS CAST - TOTAL	22,028		2,315	15,320	3,614	718	61
BALLOTS CAST - BLANK	271	1.23	18	190	53	8	2
VOTER TURNOUT - TOTAL		50.50					
VOTER TURNOUT - BLANK		.62					
Governor / Lt. Governor							
(VOTE FOR) 1							
Cox-Schifaneilli (REP)	14,145	65.19	1,463	11,024	1,346	280	32
Moore-Miller (DEM)	6,796	31.32	783	3,566	2,041	384	22
Lashar-Logansmith (LIB)	298	1.37	20	209	50	18	1
Wallace-Elder (GRN)	153	.71	11	101	31	10	0
Harding-White (WCP)	286	1.32	17	205	45	17	2
WRITE-IN.	19	.09	0	13	4	2	0
Total	21,697		2,294	15,118	3,517	711	57
Over Votes	90		2	57	27	4	0
Under Votes	241		19	145	70	3	4
Comptroller							
(VOTE FOR) 1							
Barry Glassman (REP)	14,867	69.50	1,527	11,500	1,502	307	31
Brooke Elizabeth Lierman (DEM)	6,509	30.43	728	3,400	1,965	391	25
WRITE-IN.	16	.07	0	7	6	3	0
Total	21,392		2,255	14,907	3,473	701	56
Over Votes	3		0	1	2	0	0
Under Votes	633		60	412	139	17	5
Attorney General							
(VOTE FOR) 1							
Michael Anthony Peroutka (REP)	14,382	67.23	1,480	11,184	1,397	292	29
Anthony G. Brown (DEM)	6,994	32.69	771	3,710	2,083	405	25
WRITE-IN.	16	.07	0	8	6	2	0
Total	21,392		2,251	14,902	3,486	699	54
Over Votes	2		0	1	1	0	0
Under Votes	634		64	417	127	19	7
U.S. Senator							
(VOTE FOR) 1							
Chris Chaffee (REP)	14,326	66.36	1,465	11,179	1,361	291	30
Chris Van Hollen (DEM)	7,244	33.56	804	3,836	2,163	412	29
WRITE-IN.	17	.08	0	9	5	3	0
Total	21,587		2,269	15,024	3,529	706	59
Over Votes	5		0	5	0	0	0
Under Votes	436		46	291	85	12	2
Representative in Congress (6) Congressional District 6							
(VOTE FOR) 1							
Neil C. Parrott (REP)	13,944	64.69	1,462	10,893	1,301	257	31
David J. Trone (DEM)	7,589	35.21	821	4,173	2,244	323	28
WRITE-IN.	23	.11	3	15	4	1	0
Total	21,556		2,286	15,081	3,549	581	59
Over Votes	2		0	1	1	0	0
Under Votes	470		29	238	64	137	2

Run Date:12/12/22 02:30 PM

Report EL45A Page 002

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
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State Senator (1) Legislative District 1

(VOTE FOR) 1

Mike McKay (REP)	15,250	71.20	1,539	11,699	1,676	304	32
Michael Dreisbach (DEM)	6,125	28.60	721	3,297	1,835	248	24
WRITE-IN	44	.21	5	23	12	4	0
Total	21,419		2,265	15,019	3,523	556	56
Over Votes	5		0	5	0	0	0
Under Votes	604		50	296	91	162	5

House of Delegates (1A) Legislative Districts 1A

(VOTE FOR) 1

Jim Hinebaugh, Jr. (REP)	3,103	73.57	180	2,534	338	40	11
Robert Spear (DEM)	994	23.57	84	552	310	40	8
Monique M. Mehring (LIB)	118	2.80	5	73	33	7	0
WRITE-IN	3	.07	1	2	0	0	0
Total	4,218		270	3,161	681	87	19
Over Votes	1		0	1	0	0	0
Under Votes	225		6	77	22	118	2

House of Delegates (1B) Legislative Districts 1B

(VOTE FOR) 1

Jason C. Buckel (REP)	11,209	96.40	1,268	8,201	1,462	257	21
WRITE-IN	419	3.60	50	246	103	18	2
Total	11,628		1,318	8,447	1,565	275	23
Over Votes	1		0	1	0	0	0
Under Votes	3,643		469	1,885	1,083	192	14

House of Delegates (1C) Legislative Districts 1C

(VOTE FOR) 1

Terry L. Baker (REP)	1,877	83.42	201	1,522	135	18	1
Carrie R. Hinton (DEM)	336	14.93	40	170	107	19	0
Charlotte McBrearty (GRN)	37	1.64	3	27	6	1	0
WRITE-IN	0		0	0	0	0	0
Total	2,250		244	1,719	248	38	1
Over Votes	1		0	0	1	0	0
Under Votes	61		8	29	14	8	2

County Commissioner

(VOTE FOR) 3

Bill Atkinson (REP)	13,724	28.03	1,476	10,302	1,636	276	34
Creade Brodie, Jr. (REP)	13,196	26.95	1,394	9,963	1,573	234	32
Dave Caporale (REP)	15,325	31.29	1,655	11,234	2,087	317	32
Anthony M. Joseph (DEM)	6,540	13.36	753	3,662	1,834	267	24
WRITE-IN	185	.38	18	109	41	13	4
Total	48,970		5,296	35,270	7,171	1,107	126
Over Votes	21		3	18	0	0	0
Under Votes	17,093		1,646	10,672	3,671	1,047	57

Run Date:12/12/22 02:30 PM

Report EL45A Page 003

	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
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Judge of the Circuit Court (4) Judicial Circuit 4

(VOTE FOR) 1

Michael O. Twigg (JUD)	17,656	99.39	1,868	12,682	2,629	436	41
WRITE-IN.	108	.61	17	66	20	5	0
Total	17,764		1,885	12,748	2,649	441	41
Over Votes	1		0	1	0	0	0
Under Votes	4,263		430	2,571	965	277	20

Judge, Court of Special Appeals At Large

(VOTE FOR) 1

Yes Stuart R. Berger (JUD)	15,335	87.84	1,637	10,941	2,250	473	34
No Stuart R. Berger (JUD)	2,122	12.16	235	1,500	272	108	7
Total	17,457		1,872	12,441	2,522	581	41
Over Votes	3		0	1	2	0	0
Under Votes	4,568		443	2,878	1,090	137	20

Judge, Court of Special Appeals At Large

(VOTE FOR) 1

Yes Terrence M. R. Zic (JUD)	14,755	86.44	1,575	10,535	2,146	468	31
No Terrence M. R. Zic (JUD)	2,314	13.56	239	1,635	328	106	6
Total	17,069		1,814	12,170	2,474	574	37
Over Votes	3		0	3	0	0	0
Under Votes	4,956		501	3,147	1,140	144	24

State's Attorney

(VOTE FOR) 1

James F. Elliott (REP)	17,420	98.76	1,812	12,907	2,258	408	35
WRITE-IN.	219	1.24	21	135	52	10	1
Total	17,639		1,833	13,042	2,310	418	36
Over Votes	0		0	0	0	0	0
Under Votes	4,389		482	2,278	1,304	300	25

Clerk of the Circuit Court

(VOTE FOR) 1

Dawne Lindsey (REP)	18,327	99.08	1,904	13,396	2,541	447	39
WRITE-IN.	171	.92	16	106	40	8	1
Total	18,498		1,920	13,502	2,581	455	40
Over Votes	2		0	1	1	0	0
Under Votes	3,528		395	1,817	1,032	263	21

Register of Wills

(VOTE FOR) 1

Mary Beth Pirolozzi (REP)	18,150	99.19	1,894	13,214	2,563	443	36
WRITE-IN.	149	.81	16	86	37	8	2
Total	18,299		1,910	13,300	2,600	451	38
Over Votes	2		0	2	0	0	0
Under Votes	3,727		405	2,018	1,014	267	23

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	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
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Judge of the Orphans' Court

(VOTE FOR) 3

Craig Alexander (REP)	14,264	34.37	1,484	10,627	1,824	300	29
Edward C. Crossland (REP)	13,363	32.20	1,455	9,856	1,738	287	27
Penny Lyn Walker (REP)	13,650	32.89	1,500	9,998	1,817	306	29
WRITE-IN.	224	.54	27	120	64	12	1
Total	41,501		4,466	30,601	5,443	905	86
Over Votes	33		6	27	0	0	0
Under Votes	24,550		2,473	15,332	5,399	1,249	97

Sheriff

(VOTE FOR) 1

Craig Robertson (REP)	18,528	98.85	1,944	13,516	2,588	442	38
WRITE-IN.	215	1.15	21	136	48	9	1
Total	18,743		1,965	13,652	2,636	451	39
Over Votes	0		0	0	0	0	0
Under Votes	3,285		350	1,668	978	267	22

Board of Education

(VOTE FOR) 3

David A. Bohn	9,678	20.25	979	7,363	1,109	202	25
Bob Farrell	9,230	19.31	985	6,909	1,128	184	24
Janet Heavner	7,488	15.67	864	4,754	1,611	247	12
Lori D. Lepley	8,569	17.93	892	6,062	1,383	215	17
Meggin Miller	4,874	10.20	535	3,103	1,064	161	11
Linda M. Widmyer	7,837	16.40	894	5,487	1,246	196	14
WRITE-IN.	123	.26	14	80	20	9	0
Total	47,799		5,163	33,758	7,561	1,214	103
Over Votes	57		0	30	27	0	0
Under Votes	18,210		1,782	12,163	3,245	940	80

Mayor - City of Cumberland Municipalities CU9

(VOTE FOR) 1

Raymond M. Morriss	4,250	100.00	638	2,678	806	121	7
Total	4,250		638	2,678	806	121	7
Over Votes	0		0	0	0	0	0
Under Votes	1,258		179	696	313	61	9

Council - City of Cumberland Municipalities CU9

(VOTE FOR) 2

Rock Cioni	2,844	33.96	430	1,773	558	75	8
Mary Conlon	1,746	20.85	276	929	471	65	5
James Leo Furstenberg, III.	2,087	24.92	281	1,477	273	55	1
Joseph Paul George	1,697	20.27	271	1,008	370	45	3
Total	8,374		1,258	5,187	1,672	240	17
Over Votes	86		8	42	36	0	0
Under Votes	2,556		368	1,519	530	124	15

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	TOTAL VOTES	%	EV	ED	MIB1	Prov	MIB2
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Question 1

(VOTE FOR) 1

For the Constitutional Amendment. . .	13,026	70.29	1,433	8,938	2,159	461	35
Against the Constitutional Amendme . .	5,506	29.71	568	4,073	695	158	12
Total	18,532		2,001	13,011	2,854	619	47
Over Votes	6		0	6	0	0	0
Under Votes	3,484		314	2,300	757	99	14

Question 2

(VOTE FOR) 1

For the Constitutional Amendment. . .	17,167	87.57	1,815	11,828	2,895	582	47
Against the Constitutional Amendme . .	2,436	12.43	303	1,824	240	67	2
Total	19,603		2,118	13,652	3,135	649	49
Over Votes	6		1	3	1	0	1
Under Votes	2,413		196	1,662	475	69	11

Question 3

(VOTE FOR) 1

For the Constitutional Amendment. . .	11,252	59.50	1,274	7,799	1,781	380	18
Against the Constitutional Amendme . .	7,659	40.50	772	5,437	1,174	249	27
Total	18,911		2,046	13,236	2,955	629	45
Over Votes	4		0	4	0	0	0
Under Votes	3,107		269	2,077	656	89	16

Question 4

(VOTE FOR) 1

For the Constitutional Amendment. . .	11,973	57.96	1,193	8,217	2,021	503	39
Against the Constitutional Amendme . .	8,683	42.04	1,018	6,198	1,265	188	14
Total	20,656		2,211	14,415	3,286	691	53
Over Votes	9		1	6	2	0	0
Under Votes	1,357		103	896	323	27	8

Question 5

(VOTE FOR) 1

For the Constitutional Amendment. . .	9,815	61.17	1,008	6,967	1,423	398	19
Against the Constitutional Amendme . .	6,231	38.83	716	4,598	727	174	16
Total	16,046		1,724	11,565	2,150	572	35
Over Votes	1		0	1	0	0	0
Under Votes	5,975		591	3,751	1,461	146	26



CITY OF CUMBERLAND MARYLAND

December 20, 2022

Mayor and City Council
City Hall
Cumberland, MD 21502

Dear Mayor and Council Members,

In compliance with Section 10(h)(4) of the City Charter, attached are the results of the Cumberland Municipal General Election held November 8, 2022, as certified by the State Board of Canvassers on December 12, 2022.

According to the results, Raymond M. Morriss, having received the highest number of votes for the office of Mayor, and Richard J. Cioni and James L. Furstenberg, having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 3, 2022.

Sincerely,

MAYOR

RAYMOND M. MORRISS

Allison Layton
City Clerk

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY F. SILKA, ICMA-CM

CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

ALLISON LAYTON



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

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