



Mayor and City Council of Cumberland

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

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

AGENDA

Regular Meeting

City Hall Council Chambers, 57 N. Liberty St., Cumberland

DATE: November 19, 2019

CLOSED SESSION

1. 5:45 p.m. - Convene in Open Session for the purpose of closing the meeting for an Executive Session pursuant to Section 3-305 (b) (7) of the General Provisions Article of the Annotated Code of Maryland to receive legal advice regarding obtaining an easement and the retention of outside counsel for a particular matter.
2. Executive Session

OPEN SESSION

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

Pledge of Allegiance

Roll Call

Statement of Closed Meeting

1. Summary Statement of the Closed Meeting held November 19, 2019

Director's Reports

(A) Administrative Services

[Administrative](#) Services monthly report for September, 2019

(B) Engineering

[Engineering](#) Division monthly report for October, 2019

(C) Public Works

[Maintenance](#) Division monthly report for October, 2019

(D) Fire

[Fire](#) Department monthly report for October, 2019

(E) Police

[Police](#) Department monthly report for October, 2019

(F) Utilities - Treatment Plants

[Utilities](#) Division - Treatment Plants monthly report for October, 2019

(G) Utilities - Flood, Water, Sewer

[Utilities](#) Division-Flood/Water/Sewer monthly report for October, 2019

Approval of Minutes

- [1.](#) Approval of the Work and Regular Session Minutes of September 17, 2019, and the Regular Session Minutes of October 1, 2019

Unfinished Business

(A) Ordinances

Ordinance 3861 (*2nd & 3rd Readings*) - to enact Article V of Chapter 15 of the Code to set forth protocols and procedures relative to parades and special events

Ordinance 3862 (*2nd & 3rd Readings*) – authorizing the terms for conveyance of 301-303,305,and 307-309 Arch Street to the Cumberland Housing Alliance, Inc. and authorizing execution of a deed to effect the transfer

New Business

(A) Orders (Consent Agenda)

[Order](#) 26,561 - accepting the "Alternate Bid I" of Excavating Associates for City Project "Bellevue Street Sidewalk Upgrades" (27-19-M) in the estimated total cost of \$81,250

[Order](#) 26,562 - accepting the sole source proposal of Shaffer Construction to perform paving work, with a cost share between the City and Columbia Gas, on Bedford Street from Shlundh to Lowell Streets, and various streets on the West Side including Allegany, Fayette, and Cumberland Streets in the estimated unit price of \$98,000

[Order](#) 26,563 - authorizing the execution of Change Order 1 to the current contract with Safe Slide Restoration, Project 33-19-RE "Constitution Park Pool Slide Restoration" in the increased amount of \$11,200 for repairing 17 seams in the slide to provide a safer and smoother surface, bringing the new contract total to \$36,600

[Order](#) 26,564 - authorizing the execution of Change Order No. 1 to the current contract with Service Pro for the City Project "2019 Residential Grass Mowing" (10-19-M) in the

increased amount of \$975.00 to add City properties 101 N. Cedar St. and 400 N. Mechanic St. and allow mowing through the end of FY20

[Order](#) No. 26,565 - authorizing execution of Change Order No. 1 to the current contract with Hoyman Painting for City Project 21-18-WWTP "Repaint Primary Clarifiers" in the increased amount of \$25,305.26, bringing the new contract total to \$142,033.26, for emergency concrete repairs to cracks found during painting

[Order](#) 26,566 - approving program amendments to the Community Development Block Grant Program (CDBG) effective November 20, 2019

[Order](#) 26,567 - declaring 6 copiers and 40 Smartphones to be surplus equipment and authorizing them for sale or trade-in

[Order](#) 26,568 - authorizing execution of a Settlement Agreement and Roadway Easement Agreement with Michael E. Taccino regarding a City easement running through his property on Knobley Mountain, West Virginia, and addressing matters involving a suit filed by Taccino in District Court seeking damages for the City's alleged unauthorized use of the easement; and authorizing payment of \$5,000 for a one-year easement period and the option to extend the easement for unlimited duration for the sum of \$7,800

[Order](#) 26,569 – authorizing execution of Amendment No. 1 to Use of Public Ways Agreement with Level 3 Communications, LLC to extend the term of the original Use Agreement dated November 9, 1999 granting Level 3 the non-exclusive right to lay telecommunications cables and associated facilities under and over the City roads, for an additional 60-day period to allow for negotiations for a new agreement

[Order](#) 26,570 - appointing Dan Bowser and Rhiannon Morgret to the Downtown Development Commission for the term of 7/31/19 - 7/31/22; and Cindi Bolyard to the Human Relations Commission for a term of 11/15/19 - 11/15/22

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

Item Attachment Documents:

Administrative Services monthly report for September, 2019

Administrative Services Monthly Report for September, 2019

November 19, 2019

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

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

Management Information Systems (MIS) Department

September 2019

Statistics

127 completed help desk requests
251 open help desk requests

Activities

Major department initiatives in the past month include:

- Continued working with Community Development on new software deployment project
- Continue making network changes to update our environment and improve security
- Coordinate with county on replacing police incident reporting system with newer hardware in different location
- Work with AT&T on migrating phones to FirstNET
- Work with Tyler Technologies on upgrading Finance/HR software and resolving issues after upgrade

Parks and Recreation

September 2019

Pavilion Reservations and usage for the month of September: 29 reservations utilized pavilions, 9 new reservations were made in September

Sunday in the Park Concert series: The final concert of the season was scheduled at the Park Amphitheater. Rain forced it to be moved indoors to St. Paul's Lutheran Church on Washington Street. The Potomac Concert Band performed Sunday September 1.

Baseball/ Softball League

Soccer/Football League play and practices for September:

The City of Cumberland provides fields for the following leagues:

JCP Soccer League – Washington Middle and Braddock Middle Schools

Fort Hill Girls Soccer Team

Cumberland Renegades Pee Wee Football

Adult flag football league

Fall Softball League Cumberland Girls League – Cavanaugh Field

Fall Baseball League Dapper Dan – Long Field and Al Abrams

Patriots Football – Activities building on Fridays after school

Constitution Park Pool

2 Days of operation for the Park Pool (concludes the 2019 season)

Total Paid Attendance - 85

Total income for the Month of September \$ 172.50

YMCA members - 36

Attendance from pool passes – 13

Other Services available: Amusement park ticket sales (final sales of the season) and games equipment rental.

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

Back to School Bash – Family fun and education with “Partners for Success” BOE Allegany Co. Parks & Recreation participated in the event with Outdoor games and activities

Fall Program Planning for upcoming fall events

Baby Sitter Training Class – Saturday October 5, 2019 – P&R and UM Extension

Halloween Party at Constitution Park – Sunday October 27, 2019; 2-5 p.m.

Organizational meeting for the Co-ed Volleyball League – Play begins in November

Holiday Events

Meetings attended:

Annual Review with MSDE Food Service – Summer Lunch Program, September 4

Recreation Advisory Board Meeting – September 9 (Sound Garden Dedication prior to Meeting

Bi Weekly Staff meetings
 Meetings with seasonal employees- Pool manager, Day camp Director, Concession Stand operator, etc. (wrap up)
 Holiday Event – Annual Tree Lighting, September 19
 Allegany County Extension Advisory Council – September 3
 Talked to Dr. Buta’s Program Planning Class at FSU, September 19

Community Development Report

September 2019

CODE COMPLIANCE

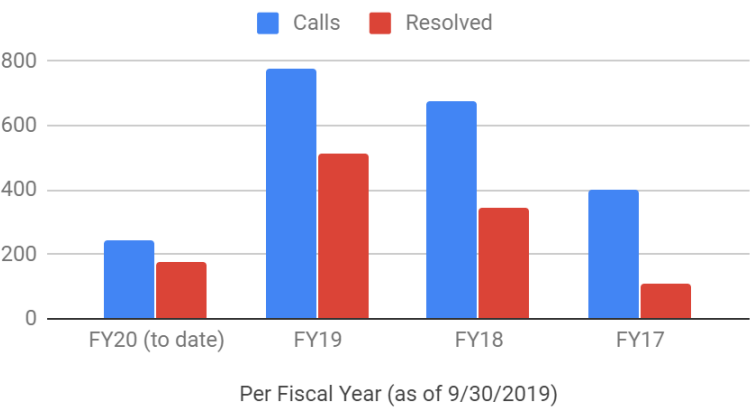
Code Enforcement Activity:

70 reports with 32 closed.
 Closed 18 add'l cases from previous months.

<u>Nuisance & Junk Vehicle</u>		<u>Property Maintenance</u>		<u>Building Code</u>	
Reported	58	Reported	14	Reported	0
Resolved	0	Resolved	0	Resolved	0

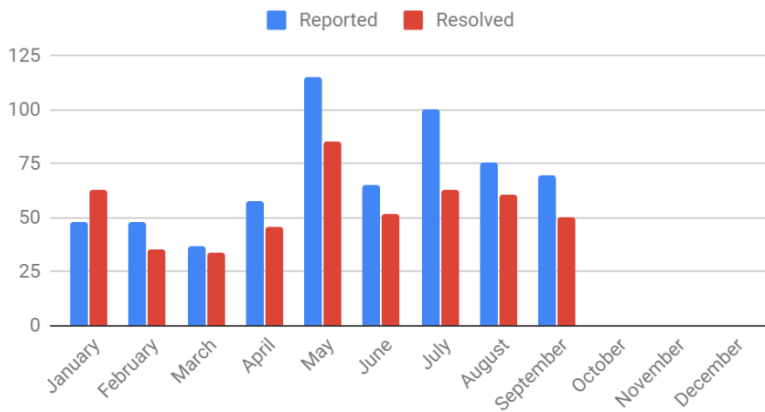
<u>Housing Code</u>		<u>Zoning</u>	
Reported	8	Reported	1
Resolved	0	Resolved	0

Calls vs. Resolved per FY

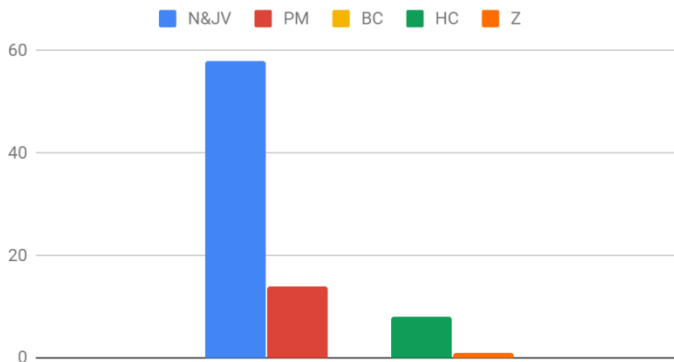


Note: CD is up 8% for FY20 on resolving reports vs. FY19; with a 39% increase from FY18.

Calls vs. Resolved per Month per calendar year



Types of Code Violations Reported September 2019



Permits, Applications, and Licenses

Building Permits

Received: 4
Issued: 2

Occupancy Permits

Received: 5
Issued: 1

Plan reviews, etc.

Received: 1
Issued: 0

COA Permits

Received: 2
Issued: 2

Rental Licenses

Issued/Renewed: 137

Housing Inspections

Conducted: 42
Passed: 42

Demolitions

Received: 2
Issued: 8

Revenue

Building Permits.....\$330.00
Bldg. Permits, Miscellaneous.....139.00
Occupancy Permits120.00
Utility Permits4,824.00
Plan Reviews, Amendments & Appeals.....60.00
Municipal Infractions/Citations.....300.00

Rental Licenses (new & renewals)6,850.00
 Inspection Requests (paid).....0.00
 Certificates of Appropriateness0.00

TOTAL.....\$12,623.50

Demolition Permit - Bonds3,000.00

Code Compliance Manager Report – Noted Activity

- Review portion of Citizen Serve complete.
- Over 75% of Residential Rentals are paid. Fees double Sept. 1.
- New Code Enforcement Officer hired and training continues.
- Permits for New Animal Shelter completed, est. cost \$500,000.
- Wrapped permits for completion of Dig Deep Brewery, 2 Howard St.
- Taco Bell \$325,000 project approved and completed, reopen 9/15.

Community Services Specialist Activity *(notable from norm):*

- Attended 3 of 4 Citizen Software meetings re: new data entry system.
- National Night Out wrap -up meeting held 9/5.
- Assisted CEDC and DDC re: former LOIS Property Inventory program.
- South Cumberland Business & Civic Association (SCBCA) met 9/10, 47 attended.
 - Annual Newsletter and request for sponsorship mailed to 594 addresses of past/current attendees.
 - 70th Annual Halloween Parade planning, to be held 10/30.

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant (CDBG) Monthly Activity	September	2019				
Activity	Year	Initial Fund	ERR	Contract	Spent	Remain
ADA Sidewalk Imps (Cumberland St.)	2015	\$110,000.00	x		\$ 20,517.54	\$ 89,482.46
CB Sidewalk funds Bellevue decreased funds	2017	\$23,192.54			\$ -	\$ 23,192.54
Amtrak Infrastructure Improvements Phase 4/Mechanic St.	2017	\$50,489.21	x	x	\$ 50,081.35	\$ -
YMCA Lower Level Rehab Ph. 4	2018	\$94,122.00	x	x	\$ 27,671.91	\$ 66,450.09
CHNS Closing Cost Grant	2018	\$13,403.00	x	x	\$ 3,000.00	\$ 10,403.00
Friends Aware, Inc. Facility Rehab Ph. 4	2018	\$79,913.00	x	x	\$ 71,921.70	\$ 7,991.30
Central Bus District Commercial Accessibility Design	2018	\$13,403.00			\$ -	\$ 13,403.00

Family Crisis Resource Center Operations	2018	\$10,903.00	x	x	\$ 10,902.50	\$ 0.50
Housing Authority JFV Sidewalk Repl. Project Ph. 3	2018	\$187,143.42	x	x	\$ 123,740.42	\$ 63,403.00
Incredible Years Parenting Program (The Family Junction)	2018	\$16,403.00	x	x	\$ 10,493.80	\$ 5,909.20
HRDC Emergency Assistance Program	2018	\$21,653.00	x	x	\$ 21,652.00	\$ 0.50
Amtrak Ph. 4 Infrastructure : Mechanic St. phase	2018	\$136,923.00	x	x	\$ 75,767.98	\$ 81,155.02
Program Income	2017 year	\$16,224.73				\$16,224.73
correct on 9/23/19	PRE-	Sept 19 dr	POST	August	19 Draw	
		Orig.			Spent	Remain
2017 Admin	2017	120806.21			91767.17	29039.04
2017 Indirect Cost	2017	9683			9683	0
2017 Fair Housing	2017	10489.21			9390.45	1098.76
2018 Admin	2018	125322			64261.38	64966.41
2018 Indirect Cost	2018	10081			9280.54	799.46
2018 Fair Housing	2018	13403			8263.78	5139.22
Post August 2019 Draw 9/23/2019						

Community Development Programs Manager Report

- Prepared, distributed, and provided public/media notification the Historic Preservation Commission meeting agenda and packets for the September 11th meeting.
- Worked with the Department of Engineering staff to prepare a plan of action to complete the remaining Community Parks and Playgrounds-funded marbles facility projects
- Prepared, distributed, and provided public/media notification the Historic Preservation Commission meeting agenda and packets for the September 11th meeting.
- Issued all letters related to the reviews of Certificates of Appropriateness
- Forwarded the Historic District Tax Incentive Recommendation by the HPC re: 45 North Centre Street to the Mayor and City Council's September 17th public meeting agenda for approval
- Issued the announcement for the availability of the Central Business District Commercial Accessibility Improvement Program
- Identified the potential sources of the financial discrepancy within the Community Legacy records and discussed this with finance department staff Completed the Certified Local Government Sub-grant progress report
- Completed the Certified Local Government Sub-grant progress report
- Prepared and assisted in the presentation the 2019 Historic Preservation award to the owners of 169-171 North Centre Street during the September 17th meeting of the Mayor and City Council
- Met with Ed Taylor to discuss the options of historic designations
- Met with Erik Wishneff and Michael Joy regarding their concerns regarding applicability of several financial incentive programs related to 2 Howard Street.
- Completed three Certificate of Appropriateness administrative reviews

- Processed all previously received requests for payment from the Leasehold Improvement current projects
- Worked with Emily at MuniCode to enable the Historic Preservation Commission meeting agenda and documents to be incorporated into MuniAgenda.

Comptroller's Office

September 2019

Cash Flow:

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

On September 1, 2019 the City had a cash balance of \$1.3 million. Receipts exceeded disbursements by \$5.1 million resulting in a cash balance of \$6.4 million at September 30, 2019.

As of September 30, 2019, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)					\$ 4,782,936
	Beg Balance	New Billing	Collections	Bad Debt	Ending Balance
FY 2020	\$ 7,030,258	\$ 9,632,548	\$ 13,135,356	\$ -	\$ 3,527,450
FY 2019	815,832		76,261		\$ 739,571
FY 2018	393,269	-	16,352	-	376,917
FY 2017	43,407	-	1,185	-	42,222
FY 2016	30,635	-	-	-	30,635
FY 2015	26,695	-	-	-	26,695
FY 2014	16,108	-	-	-	16,108
FY 2013	12,101	-	-	-	12,101
FY 2012	5,760	-	537	-	5,223
FY 2011	3,282	-	-	-	3,282
Prior FY's	3,315	-	583	-	2,732
	<u>\$ 8,380,662</u>	<u>\$ 9,632,548</u>	<u>\$ 13,230,274</u>	<u>\$ -</u>	<u>\$ 4,782,936</u>

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

Real property (non-owner occupied)	\$ 1,369,100
Non-Corp Personal Property	5,279
Corporate Personal Property	598,363
Real Property (semiannual payments)	1,554,708
Real Property (Half Year)	-
	<u>\$ 3,527,450</u>

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

Cash and Investment Summary

September 30, 2019

	Cash	Investments
Beginning Balance	\$ 1,275,226	\$ 15,356,885
Add:		
Cash Receipts	15,335,340	-
Investment Transfer	-	-
Less:		
Disbursements	10,252,170	-
Investment Transfer	-	-
Ending Balance	\$ 6,358,396	\$ 15,356,885
Restricted	\$ 321,770	\$ 6,891

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

Restricted Cash

	9/1/2019	Increase	Utilization	9/30/2019
Police Seizures	\$ 87,105	\$ 42	\$ -	\$ 87,147
Bowers Trust	92,798	-	16,357	76,441
Restricted Lenders	106,341	-	-	106,341
Other	51,841	-	-	51,841
	\$ 338,085	\$ 42	\$ 16,357	\$ 321,770

Restricted Investments

	9/1/2019	Increase	Utilization	9/30/2019
DDC	\$ 6,891	\$ -	\$ -	\$ 6,891
	\$ 6,891	\$ -	\$ -	\$ 6,891

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

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

Capital Projects and Associated Debt:

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

Available Bond Proceeds

	9/1/2019	Utilization	9/30/2019
CDA 2014	✓ \$ 575,642	\$ (40,154)	535,488
CDA 2015	✓ 1,762,737	\$ (313,115)	1,449,622
CDA 2017	✓ 121,752	\$ -	121,752
CDA 2018	✓ 2,055,693	-	2,055,693
	\$ 4,515,824	\$ (353,269)	\$ 4,162,555

CSO Projects Debt Draws

	9/1/2019	Utilization	9/30/2019
Evitts Creek Debt	\$ 143,260	\$ -	\$ 143,260
Evitts Creek Grant	-	-	-
WWTP Debt	2,692,146	115,765	2,807,911
WWTP Grant	18,845,012	1,043,451	19,888,463
	\$ 21,680,418	\$ 1,159,216	\$ 22,839,634

The \$40K draw from the CDA 2014 proceeds was to cover EADS design fees on the Baltimore St Access project. The CDA 2015 draws were for the following projects: \$260K for the Mechanic Street paving, \$24K for the Smouse Mill pumping station, \$25K for misc. WWTP projects and \$5K for Flood Control manual gate refurbishment.

The Wastewater Treatment Plant (WWTP) CSO project is over 80% complete. The WWTP CSO July draw requests were \$1.04 million in BRF grants and \$116K in new debt. The WWTP CSO project is now expected to be substantially complete in January 2020.

The Evitts Creek CSO project is temporarily on hold as we are seeking funding to expand the project.

General Fund Quarterly Budget Review

The table below depicts the general fund FY 2020 budget status through Sept 30, 2019.

City of Cumberland FY 2020 Comparison to FY 2019 General Fund							
	FY 2020			FY 2019			
	YTD Expenses Thru Sep 30	Budget	%age	YTD Expenses Thru Sep 30	Actual Total	%age	Adopted Budget
Revenues							
Taxes	\$ 10,129,837	\$ 12,691,001	79.8%	\$ 10,510,229	\$12,105,265	86.8%	\$ 12,209,440
Licenses & Permits	14,422	127,600	11.3%	10,567	82,830	12.8%	141,500
Intergovernmental	397,223	3,643,261	10.9%	1,102,369	3,343,015	33.0%	3,096,050
Charges for Services	313,429	1,579,425	19.8%	304,528	1,624,314	18.7%	1,456,700
Fines, Forfeitures & Interest	24,795	66,100	37.5%	19,900	104,820	19.0%	35,700
Miscellaneous	87,628	618,800	14.2%	72,350	932,128	7.8%	916,300
Financing Proceeds	-	3,207,500	0.0%	574,454	573,320	100.2%	552,000
Interfund Transfers	1,770,567	1,976,352	89.6%	747	1,789,211	0.0%	1,796,963
Total Revenue and other financing sources	12,737,902	23,910,039	53.3%	12,595,144	20,554,902	61.3%	20,204,653
Expenditures							
General Government	350,376	1,850,672	18.9%	308,311	1,823,931	16.9%	1,767,771
Public Safety	2,446,391	12,717,910	19.2%	2,355,629	10,739,877	21.9%	10,934,399
Public Works	620,993	2,925,181	21.2%	487,354	2,486,455	19.6%	2,630,767
Recreation	315,384	986,579	32.0%	308,632	832,009	37.1%	999,638
Community Dev & Housing	343,964	1,372,088	25.1%	228,101	1,086,336	21.0%	1,249,668
Debt Service	75,345	2,801,865	2.7%	52,800	2,149,568	2.5%	2,087,537
Operating Transfers	300,721	1,065,431	28.2%	10,189	1,953,717	0.5%	2,648,760
Total Expenditures and other financing uses	4,453,175	23,719,726	18.8%	3,751,016	21,071,894	17.8%	22,318,540
Surplus (Deficit)	\$ 8,284,727	\$ 190,313		\$ 8,844,129	\$ (516,992)		\$ (2,113,887)
Creation (utilization) Restricted/nonspendable fund balance		(96,186)			1,208,185		2,125,651
Increase in unassigned Fund balance	\$ 8,284,727	\$ 94,127		\$ 8,844,129	\$ 691,193		\$ 11,764

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

Revenue

- Taxes are down \$380K compared to the same period last year. This is a function of the timing of the personal property tax billing information that we receive from the State. Real estate tax revenue is up year-over-year by \$132K.
- Intergovernmental revenue is down \$705K but it is due to the timing of the State Highway User Revenue.
- Financing proceeds – the new FY 20 debt issuance is expected to close in November.
- Interfund transfers – we made the utility transfer earlier in FY 20 compared to FY 19.

Expenditures

- General government expenditures are higher in FY 20 than during the same period last year due to MIS security related capital purchases.
- Public safety expenditures are up due to police training costs and fire department's workers compensation expenses.
- Community and economic development expenditures are up due to timing differences on economic development fund transfers and increased community development nuisance abatement activity.

- Operating transfer expenditures are higher in the first quarter of FY 20 compared to FY 19 due to the general fund capital project activity level.

Health Care Claims Analysis

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

- Through Sept 30 we have a \$78K surplus compared to \$67K last year.
- A key figure to watch is our performance ratio. The annual rates are established by estimating claims and adding a 15% “corridor” as a cushion for overages. A performance ratio of 100% indicates that we are at the expected claims rate.
- Members of the group pledge a “cross-share” that can be used to cover deficits of other members.
- Our “potential refund” represents a surplus less any anticipated cross-share.
- Health costs are generally expected to increase 8% per year. That is what we should expect if we have a performance ration of 100%. If the ratio is higher, we are likely looking a larger rate increase.
- The claims status can fluctuate wilding from month to month. It is something we monitor closely, but the early in the year the less concerned we are about variances.

Month	Total Deposits	Reinsurance Reimbursement		Net Monthly Claims Paid	CIGNA Refunds	Surplus (Deficit)	Performance Ratio	Pledged Cross Share		Anticipated Cross Share Needed	Potential Refund
		Received	Pending					%age	Dollars		
Sep-19	996,882	-	73,301	1,033,192	29,804	66,795	107.29%	22.5%	(15,029)	(9,821)	56,974
Sep-18	941,564		20,930	931,795	47,679	78,378	105.43%	22.5%	(17,635)	(10,911)	67,468

Respectfully submitted,

Jeff Rhodes
City Administrator

Item Attachment Documents:

Engineering Division monthly report for October, 2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2008	05-08-S	Evitts Creek CSO Upgrades Phase III (gravity sewer under railroad)	Replacement of CSO line connecting Evitts Creek Pump Station effluent with gravity line that parallels the Canal Towpath. Said gravity line is being replaced under project 17-03-S(1).	Design	NO CHANGE This project has been complicated because of location of the sewer lines deep under the CSX Yards. The project has not been funded through MDE which will prevent us from moving forward. Engineering will continue to apply for funds and present this project at PACE until it is funded.	RLS	5/15/2019
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Construction	UPDATE Contractor continues to backfill the storage structure and work on the pump house. Mechanical and electrical systems inside the tank are ramping up. Substantial completion is projected for mid-February 2020.	RLS	10/9/2019
2013	1-13-FPM	Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	NO CHANGE - Project is still on hold pending MDE review of EAP for Dry Run. A grant application was submitted for the project through MDE will hear results in May 2020. Additionally, started USACE Section 408 request for floodwall extensions.	MDI	10/1/2019
2013	12-13-FPM	Flood Control Encroachment Tree Project	Removal of Trees along Flood Wall and Levees per requirements of US Army Corps of Engineers specifications (See also Project 2-17-FPM)	Construction	UPDATE Will be closing contract out because shipping container is blocking access to trees to be removed to complete project.	PTE	8/2/2019
2014	04-14-WWTP	Sludge Screening Study/Design	Study to select the best alternative to keep rags out of the recently cleaned and modified digester because the modifications will make it impossible to revive rags in the future.	Design	NO CHANGE Need/Benefit of the project is being reevaluated, and for now the project is on hold. Design is complete and the project will remain on this report for the time being.	RLS	4/2/2018
2014	13-14-M	Mechanic Street Access Road Improvement Project	Repaving and ADA ramp improvements to the section Mechanic Street from I-68 to Bedford Street. Includes improvements to the block of Bedford Street from N. Centre to N. Mechanic Street and Baltimore Street to the Bridge.	Construction	UPDATE Paving is complete. Awaiting ADA field inspection by SHA consultant.	JRD	11/5/2019
2014	19-14-M	Greene Street Complete Street Plan	Planning Study for Greene Street	Planning	NO CHANGE - The Design Report from Alta Planning + Design was submitted and presented to the Mayor and City Council. The plan to start work on Construction Funding Applications has been delayed because of the Baltimore Street Project, which would have been competing for the same funds. This project still needs to be done and should be a priority in the future.	RLS	6/1/2017
2015	9-15-M	Potomac River Walk	The Study Phase of this project is being done through the Cumberland MPO and consists of a Walk / Trail for pedestrians and bikes along the Potomac River between Wills Creek and the YMCA	Study	NO CHANGE -This project has been turned over to Canal Place. Engineering Services for Design were received. Recommendation from the committee was to award to CEC.	KAR	8/9/2019
2015	18-15-S	CSO Water Quality Analysis	Base line data collection for analysis of future CSO needs after CSO Storage is on line.	Planning	NO CHANGE Project continues. Stream sampling ongoing on a monthly basis pre storage and post storage. Three staff were certified for sampling in April.	RJK	11/4/2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	UPDATE Asset Management Program/Capital Improvement implementation. Dashboard development and Workforce app beginning to be used. Working on Survey 123 and Collector.	RJK	11/4/2019
2015	21-15-M	Washington Street Lighting	Install decorative lighting along Washington Street	Complete	First Phase of project complete. Electric Conduit has been installed. Street has been milled and paved. Reimbursement was submitted to MD for the release of State Bind Funds.	KAR	4/11/2018
2015	23-15-M	Flood Insurance Rate Map (FIRM) Modernization and Implementation	Update FIRMs and the Floodplain Ordinance, and conduct an outreach to the community to apprise landowners of the impact of those changes.	Planning	NO CHANGE - The Letter of Final Determination date is now October, 2018, with a projected effective date of April, 2019.	PJD	1/3/2019
2016	12-16-M	Baltimore Street Access Improvement - Final Design	The purpose of the New Baltimore Street Town Center project is to reopen and improve Baltimore Street, which is currently configured as a pedestrian mall, to vehicular traffic while maintaining elements of the mall.	Design	UPDATE EADS has submitted their 30% design to MDOT SHA for review. EADS has resumed working on the utility design as they wait for SHA comments of first submission. The next drawing submission is scheduled for late February.	RLS	10/9/2019
2016	17-16-M	Stage Renovations at Liberty Street Stage	Replace wood stage with Concrete	Design	NO CHANGE - This project would be unnecessary if the Baltimore Street Access project is executed. The project will remain on this list until the Baltimore Street project moves to construction.	RLS	5/15/2019
2016	18-16-BR	John J. McMullen, Bridge No. A-C-01 Repairs	Bridge Repair	Design	UPDATE - This project is being placed on hold due to needs at other bridges. This project is expected to move forward in FY21 with State Aid Funds.	RLS	10/9/2019
2016	19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	UPDATE - NEPA work continues. WRA has provided their final design proposal and schedule for the project. The proposal is on the 10/15 M&CC agenda for approval, pending MDE approval.	RLS	10/9/2019
2017	2-17-FPM	Flood Control Encroachment removal Project	The City as the Local Sponsor of the Flood Control Project is expected to maintain the easements along the Flood Control Project, however the area along Wills Creek and other areas were never given any comments until the Corps of Engineers standards changed. Completion of this project is necessary to allow the City to get a Satisfactory rating on its annual Flood Control Inspections.	Planning	NO CHANGE - This project has been delayed because of other work, but must be done. A tree removal project has been bid out and a contractor selected to do the work of removing trees in the encroachment area.	RLS	7/11/2018
2017	3-17-M	Route 51 Bridge 12" Waterline Replacement	Replace water line on bridge as part of SHA Bridge Deck Project	Construction	NO CHANGE - The contract for the bridge replacement has been awarded but the water line is not expected to be replaced until FY21 due to construction phasing.	RLS	5/15/2019
2017	8-17-M	Baseline Water Quality Sampling Evitts Creek Water Company	Western Pennsylvania Conservancy to provide detailed technical and scientific consulting to the ECWC including: Habitat Characterization and Baseline Water Quality Sampling.	Construction	NO CHANGE Fall sampling took place 10/24.	RJK	1/4/2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2017	18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	NO CHANGE - The department is supporting Cumberland Gateway LLC with historical records and will review stormwater design in the future.	RLS	5/15/2019
2017	19-17-M	Recycle Coach App	Smart phone app for recycling schedules	Planning	NO CHANGE	RJK	8/9/2019
2017	20-17-WFP	Return on Environment Plan	Bedford County Comp Plan - Optional localized study	Study	NO CHANGE	RJK	8/9/2019
2017	21-17-PSB	Public Safety Building Underground Storage Tank Removal	Heating Oil Underground Storage Tank (UST) - Not in use/reviewing removal option	Planning	UPDATE Tank abandoned 10/17/2019 by TRIAD.	RJK	11/4/2019
2017	24-17-S	Investigation of Floodwall Underdrain Leak at Valley Street Bridge	Ascertain the source of the sewage that is leaking into the floodwall under drain noted at an under drain box about 90 feet upstream of the Valley Street Bridge, and develop a plan and cost estimate to effect repairs.	Planning	NO CHANGE - No flow has been seen in manhole, waiting for Will's Creek water level to lower to reinspect. Leak appears to have been addressed by removing Burgmeier Septic. The underdrain pump has been removed and no odor is being detected. The situation will continue to be evaluated.	RLS	5/15/2019
2017	29-17-UTIL	VOID See 19-15-M	VOID				
2017	30-17-WWTP	40 CFR 441 Compliance - Dental Dischargers	Collection of 1-time compliance reports from dental offices that remove amalgam.	Planning	UPDATE Eighteen (18) dental offices have returned their 1-time compliance report to date. Dental offices have until July 2020 to comply with this new Federal regulation.	RJK	11/4/2019
2017	31-17-W	Decatur Street 24" Crosstown Water Main Replacement	Prior to designing the water main replacement a more detailed Water Model analysis of the City's system will be done to make sure the issues are being properly addressed. Design will follow.	Design	UPDATE Bennett Brewer and Associates are at 30% completion. Contract documents are scheduled to be ready for MDE review in March 2020.	RLS	8/30/2019
2018	04-18-SWM	Grand Avenue Gas Line	Columbia Gas project on Grand Avenue	Planning	Columbia Gas project	KAR	12/12/2018
2018	08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - MDOT issued Notice to Proceed to Jacobs/EBA on 10/4/19 for preliminary engineering work. A design kickoff meeting has been held and the consultant is working on organizing their subcontractors for data collection.	RLS	10/9/2019
2018	09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - Temporary bridge repair work is complete. WTB will be submitting their next report in November as they continue through the federal process. The Design is expected to be completed in Fall of 2020	RLS	10/9/2019
2018	21-18-WWTP	Repaint Primary Clarifier Equipment	This project includes the repainting of the primary clarifier equipment at the WWTP. The steel equipment will be prepared and painted, as well as the effluent channels. Two primary clarifiers and two thickener stations will be repaired	Complete	COMPLETE - All equipment has been painted and repaired	MDI	11/4/2019
2018	22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	NO CHANGE New schedule in effect! Staff met with Burgmeier's Hauling on 9/18 for continued satisfactory services. Press Release planned for getting trash out early and how to contact City/Burgmeiers.	RJK	9/30/2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2018	23-18-WWTP	FY 2019 MDE Energy Grant Optimization of the Aeration System at the WRF	Application through MDE for energy grants for WWTP or WFPs	Construction	UPDATE Blowers 3 and 4 have been demoed and all three new blowers have arrived. Underground conduit has been run from blower building to admin building.	MDI	11/4/2019
2018	24-18-M	Cumberland Street Retaining Wall	This project includes the installation of a retaining wall and the replace of the closed portion of sidewalk along Cumberland Street at Market Street. Also included is the installation of ADA compliant curb/sidewalk ramps.	Construction Bidding	UPDATE Base bid was awarded to First Fruits Excavating. Additional CDBG funds were transferred to the project so some of the Add. Alt work could be completed. A preconstruction meeting was held on October 22nd, and notice to proceed was issued with construction starting on October 28th	JAT	11/4/2019
2018	25-18-BR	SHA Project: Replacement of MD 51 Bridge Deck	Replace the water line under the industrial blvd bridge under a MDOT bridge rehabilitation project	Construction	Refer to project 3-17-W	RLS	10/11/2018
2018	26-18-M	Ridgeley Levee System Certification					
2018	28-18-BR	Koon Dam Sidewalk Repairs Phase 2	Second in a series of repairs, following project 17-18-BR. Elevated sidewalk slabs needed to be replaced.	Complete	COMPLETE Completed Phase 2. Currently gathering information to estimate and plan for Phase 3.	MDI	10/1/2019
2018	29-18-W	Smouses Mill Pumping Station Upgrades	Replace existing pumps and VFD's, install a back-up generator, remove hydro-pneumatic tanks	Construction	UPDATE - C&T has demoed existing tanks and is planning pipe install while awaiting new pump system to arrive. Generator has arrived and is being installed this week (11/4).	MDI	11/4/2019
2018	30-18-SWM	WMHS Crisis Resource Center	Project involving SWM review. Replaces an existing building with a new facility.	Design	NO CHANGE - Pre-construction meeting was held on 9/23. Belt has demoed existing structure and will be working on this project for next 6 months. City only assisting with SWM.	MDI	11/4/2019
2018	31-18-WFP	Pine Ridge Water & PUC Rate Issues					
2018	32-18-FPM	Rehabilitation Assistance for Flood Damages to Flood Risk Management Projects	Request USACE to make repairs or provide funding to address flood control issues		NO CHANGE - The USACE has denied financial support due to the flood control being in an unacceptable condition. The City is looking to enter the SWIF program to receive aid to get financial support for construction.	RLS	10/12/2018
2018	33-18-RE	Constitution Park Marble Courts	Installation of marble courts, adjoining pavilion, and upgrades to nearby comfort station in Constitution Park	Design	UPDATE - Construction drawings and specifications are almost complete. An Engineer's Estimate has been created. Location of adjacent playground has been coordinated with Parks & Rec to allow for additional ADA work at marble courts. Should be going out to bid in early November.	JAT	11/4/2019
2018	37-18-SWM	Columbia Gas Line - Walnut Street					
2018	38-18-BR	Lake Gordon Road Bridge Replacement	PennDOT project	Construction	NO CHANGE - Project has been award and notice to proceed issued. Construction slated for June-October. Not a City Project.	RLS	5/15/2019
2018	40-18-WWTP	Dry Run Detention Dam and Culvert Emergency Action Plan	Engineering Services to perform Dam Breach Analysis for EAP Execution	Study	NO CHANGE - Breach analysis is complete and awaiting approval from MDE before submitting the full EAP to MDE.	RLS	8/5/2019
2018	43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Complete	NO CHANGE - Studies have been returned and submitted to CSX negotiations.	RLS	8/5/2019
2018	44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Complete	NO CHANGE - Studies have been returned and submitted to CSX negotiations.	RLS	8/5/2019
2019	5-19-M	Virginia Ave Lot Demolition	Remove two structures and retaining walls at 6, 8 and 10 Virginia Ave.	Complete	NO CHANGE - The grading plan has been approved by ASCD and the project has been turned over to Code Enforcement for demolition	RLS	8/5/2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2019	6-19-M	City Hall HVAC Piping Repair	Replace the HVAC piping in the basement of City Hall that have corroded.	Construction	COMPLETE - C&T has completed replacement of HVAC piping.	MDI	11/4/2019
2019	7-19-WFP	Filter Building Pilot Study	Perform a study to evaluate the potential to replace current filter building with a new membrane/GAC building in the future. The City is required to perform a pilot study to validate the technology we are proposing to use.	Study	NO CHANGE - The permit to perform the study has been submitted to PADEP. Awaiting approval before starting the study.	RLS	8/5/2019
2019	8-19-WFP	New Inlet Screens for Gate House		Design	UPDATE Public Water Supply Minor Permit Amendment application submitted to the PA DEP 7/26/19. Awaiting approval. Detailed specifications have been inserted into the City's specification package (awaiting project information to complete the specifications (contract durations, etc.))	JRD	11/5/2019
2019	10-19-M	Residential Grass Mowing	Contract for mowing the residential properties within the City Limits which include blighted properties and recent demos.	Construction Bidding	UPDATE - Contract underway	KAR	11/4/2019
2019	11-19-M	Non Residential Grass Mowing	Contract for mowing the Commercial and Public Owned Properties within the City Limits. To include water tanks, City Hall, Public Safety and several others.	Construction Bidding	UPDATE -Contract Underway	KAR	11/4/2019
2019	13-19-M	Center City Parking Garage Improvements	Various improvements to the Center City Parking Garage including ADA improvements, wayfinding and signage upgrades, and painting	Design	UPDATE - Interior and exterior signage in the garage has been installed by Street Dept with consultation from Julie and Kim. Kiosks have been ordered, gates and security cameras are still in progress. DDC/Arts Council have shared a final proposal for paint colors and for the artwork for the elevators and stairwells. Central Services is painting columns within garage to cover up old colors.	JAT	11/4/2019
2019	14-19-M	WWTP RMP Compliance Services	RMP Compliance for OSHA 29 CFR 1910	Planning	UPDATE RMP program updated to comply with OSHA 29 CFR 1910 for chlorine and sulfur dioxide storage on site. New (RED) Binder at WWTP and my office. Training and LEPC coordination still needs completed.	RJK	11/4/2019
2019	18-19-M	Nemacolin Avenue Survey	Survey of Nemacolin Avenue between Longwood Avenue and Richwood Avenue	Planning	UPDATE The final Plat and CAD drawings have been received by the City.	JRD	11/5/2019
2019	19-19-M	Dry Run Gabion Wall Failure	This project repaired a gabion wall that failed along Valley Road in the Dry Run stream channel. This was an emergency repair.	Complete	COMPLETE - Phases 1 and 2 of gabion wall repairs along Dry Run and completed.	MDI	10/1/2019
2019	27-19-M	Bellevue Street Sidewalk Upgrades	Removal and installation of new concrete sidewalks from Baltimore Ave to Fulton St. This will include the installation of ADA Accessible ramps.	Construction Bidding	UPDATE - Bids were received on Oct 29. 4 bids were received. The bids are currently under review and recommendation will be made to M&CC for the Nov 19 meeting.	KAR	11/4/2019
2019	32-19-M	Brownfields Application 2019	Information Regarding Brownfields and potential projects within the city.	Study	UPDATE -Staff attended Brownfields Boot-Camp held by MDP 9/24	MEA	9/30/2018

City of Cumberland, Maryland
Engineering Division - Monthly Report

Capital Projects						November 1, 2019	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
2019	35-19-WWTP	Denite Filters Mudwell Mixing System	This project will evaluate and design a system for the mudwell tanks at the ENR to maintain solid suspense, prior to pumping the filtrate back to the head of the treatment plant.	Design	UPDATE- Design bid was awarded to GD&F on 10/11/19. Kickoff meeting was held at WWTP on 10/15/19.	MDI	11/4/2019
2019	38-19-BR	Koon Dam Sidewalk Repairs Phase 3	Third phase of repairs, following 28-18-BR and 17-18-BR. Elevated sidewalk slabs need to be replaced.	Planning	UPDATE- Currently working on developing a scope of work for this phase of sidewalk repairs.	MDI	11/4/2019

City of Cumberland, Maryland

Engineering Division - Monthly Report

Program Projects Update							August 31, 2019	
Order	Department	Program/Project Name	Description	Phase	Comments	Updated By	Date of Update	
	PUBLIC WORKS	Curbside Recycling	Curbside recycling program started in the City of Cumberland July 1, 2014	Ongoing	UPDATE Shred event and recycling Q&A at Allegany County Recycling Center Kelly Rd - Nov 15. America Recycles Day. Event for County and City recycling info.	RJK	4-Oct-19	
	PUBLIC WORKS	Solid Waste Management Board	County Board for planning and discussion of County-wide recycling and solid waste issues	Ongoing	UPDATE Shred event and recycling Q&A at Allegany County Recycling Center Kelly Rd - Nov 15. America Recycles Day. Event for County and City recycling info.	RJK	4-Nov-19	
	WWTP	Cumberland Pretreatment Program	City Ordinance No. 3251 regulates industrial and significant dischargers to Cumberland's sewer and POTW. There are 4 Significant Industrial Users (SIUs) permitted under this Ordinance. Program may also regulate non-significant users that pose a threat or cause problems to the system or POTW.	Regulatory	UPDATE Compliance sample taken at CSX. Inspection scheduled for Novv 19.	RJK	4-Nov-19	
	WWTP	POTW NPDES Permit	Requirements for compliance	Annual/As Needed	NO CHANGE - Renewal application mailed June 1, 2018. Awaiting MDE communication/site visits.	RJK	4-Nov-19	
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	UPDATE City conversed with MDE in regards of: MDE meeting on Sept 20 recommend that City contact Enforcement Division in regards to extending the Consent Decree for CSO Compliance to cover the duration of the 78" Pipeline Project. Currently the Consent Decree expires April 2023.	RJK	4-Nov-19	
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.		UPDATE Next meeting to take place on October 17.	RJK	4-Nov-19	
	STC	Shade Tree Commission	Care of trees along city rights of way and in parks.	NA	UPDATE Doing routine summer tree care (removal and pruning)	PTE	2-Aug-19	
	Evitts Creek Water Company	Forest Stewardship Plan (aka Resource Management Plan)	Management of the forested property around Lakes Gordon and Koon	NA	UPDATE - Evitts Creek Steering Committee voted to recommend approval for plan. Plan will then go to Mayor and City Council for approval and then to PA DCNR for approval.	PTE	2-Aug-19	

Item Attachment Documents:

Maintenance Division monthly report for October, 2019

MAINTENANCE DIVISION REPORT

October 2019

Street Maintenance Report

Parks & Recreation Maintenance Report

Fleet Maintenance Report

**PUBLIC WORKS/MAINTENANCE
STREET BRANCH
MONTHLY REPORT
OCTOBER 2019**

- POTHoles AND COMPLAINTS
 - Potholed 23 Streets and 2 alleys using 23 tons of hot mix asphalt
- PERMANENT PATCHING
 - Patched 1 alley using 16.5 tons of hot mix asphalt
- UTILITY HOLES
 - Repaired 21 water utility holes using 111 tons of hot mix asphalt
 - Repaired 1 sewer utility hole using 4 tons of hot mix asphalt
- TRAFFIC CONTROL SIGNS/STREET NAME SIGNS
 - Installed 3 Handicap Parking signs/painted curbs blue
 - Removed 4 Handicap Parking signs/painted curbs black
 - Installed 18 traffic control signs
 - Installed 2 street name signs
- STREET SWEEPING
 - 649 miles
 - 68 loads
- MISCELLANEOUS
 - Completed 54 Work Orders
 - Set up traffic control, No Parking signs for multiple events
 - Removed old meter poles in George St Parking Garage on rainy days
 - Installed signs & painted columns in George St Parking Garage
 - Cleaned Underpass, McMullen Bridge, Washington St Bridge, Fayette St Bridge, Cumberland St Bridge & Welch Ave. drainage ditch 4 times.
 - Picked up 4 dead animals
 - Picked up trash/discarded items on 4 occasions
 - Cleaned Municipal Center shop twice

STREET MAINTENANCE - OCTOBER 2019		10/1-10/4	10/7-10/11	10/15-10/18	10/21-10/25	10/28-10/31	TOTAL
SERVICE REQUEST COMPLETED		9	18	5	10	12	54
PAVING PERFORMED	TONS						
CONCRETE WORK	CY						0
UTILITY HOLES REPAIRED	WATER	6	8	2	4	1	21
	SEWER					1	1
	CY						
	TONS	15t	18.5t	13.5t	46t	22t	115t
POTHOLES FILLED	STREETS		5	6	7	5	23
	ALLEYS			1		1	2
	DAYS		2	1	2	2	7
	Cold Mix						0
	TONS		7.5t	5t	5t	5.5t	23t
PERMANENT PATCH	CY						0
	TONS					16.5t	16.5t
COMPLAINTS COMPLETED							0
	CY						0
	TONS						0
TRAFFIC CONTROL SIGNS REPAIRED/INSTALLED			15			3	18
STREET NAME SIGNS REPAIRED/INSTALLED			2			1	3
HANDICAPPED SIGNS REPAIRED/INSTALLED/REMOVED			2			1	3
			2			2	4
			2			1	3
PAINTING PERFORMED	BLUE		2			1	3
	YELLOW		2				2
	RED		2			1	3
PAVEMENT MARKINGS INSTALLED	No.		5				5
STREET CLEANING	LOADS	11	17	6	16	18	68
	Miles	133	186	64	147	119	649
SWEEPER DUMPS HAULED TO LANDFILL	TONS	.22t	8.8t	2.3t		12t	23.3t
SALT BARRELS - PICK UP, FILL	DAYS						0
CLEANED BALTIMORE ST. UNDERPASS	Days	1	1	1	1		4
CLEAN SNOW EQUIPMENT	Days						0
BRUSH REMOVAL/TREE WORK	Areas		3	3			6
CHECK DRAINS/CLEAN DEBRIS	DAYS						0
LEAF PICK UP	Loads						0

Set up traffic control, no parking signs for multiple events
Picked up trash/discarded furniture on 4 different occasions
Removed old meter poles @ George St Parking Garage on rainy days
Installed signs & painted columns in George St Parking Garage
Picked up 4 dead animals
Cleaned Municipal Center shop twice

**PUBLIC WORKS/MAINTENANCE
PARKS & RECREATION
MONTHLY REPORT
OCTOBER 2019**

- Constitution Park , Mason's Complex and Area Parklets
 - Cleaned up garbage 3 times a week
 - Prepared pavilions & Activities Building for rentals
 - Mowed & trimmed @ Constitution Park 6 days
 - Mowed & trimmed @ Mason's Complex 4 days
 - Mowed & trimmed parklets 5 days

- Ball Fields
 - Flynn Field
 - Lined 1 time
 - Nonneman Field
 - Mowed 1 time
 - Northcraft Field
 - Lined 1 time
 - Mowed 4 times
 - Long Field
 - Lined 1 time
 - Mowed 2 times
 - Abrams Field
 - Lined 1 time
 - Galaxy Soccer Field
 - Lined 3 times
 - Mowed 1 time
 - Northcraft Soccer Field
 - Lined 3 times
 - Nonneman Soccer Field
 - Lined 3 times
 - Nonneman Jr Soccer Field
 - Lined 3 times

- Bowers Football Field
 - Lined 3 times
 - Mowed 1 time
- Galaxy Flag Football Field
 - Lined 3 times
- Pistol Range
 - Lined 2 times
 - Mowed 2 times
- Miscellaneous Work
 - Performed basic housekeeping @ Municipal Building
 - Cleaned the Craft House & Activities Building
 - Performed preventative maintenance on mowers, trimmers & blowers
 - Prepared feed & bedding for ducks & geese @ the Duck Pond
 - Cleaned & performed preventative maintenance on Park & Rec vehicles
 - Made repairs to bathrooms @ Mason's Complex & Constitution Park
 - Worked OT on weekends to pick up trash @ all parks & parklets
 - Turned off water @ bathrooms in parks
 - Worked OT for Haunted Hay Ride @ Constitution Park

**Fleet Maintenance
October 2019**

Total Fleet Maintenance Projects	192
Central Services	0
Code Enforcement	4
DDC	0
Engineering	1
Fire	18
Flood	2
Municipal Parking	1
P & R Maintenance	5
Police	47
Public Works	1
Sewer	8
Snow Removal	10
Street Maintenance	46
Vehicle Maintenance	18
Water Distribution	11
Water Filtration	0
WWTP	0
Scheduled Preventive Maintenance	14
Field Service Calls	6
Total Work Orders Submitted	44
Risk Management Claims	0
Fork Lift Inspections	0

Item Attachment Documents:

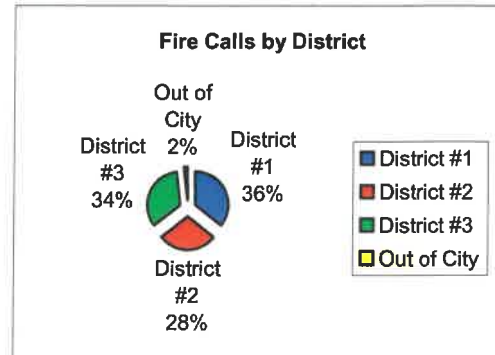
Fire Department monthly report for October, 2019

REPORT OF THE FIRE CHIEF FOR THE MONTH OF OCTOBER, 2019
Prepared for the Honorable Mayor and City Council and City Administrator

Cumberland Fire Department Responded to 117 Fire Alarms:

Responses by District:

District #1	42
District #2	33
District #3	40
Out of City	2
	<u>117</u>



Number of Alarms:

First Alarms Answered 117

Calls Listed Below:

Property Use:

Public Assembly	2
Educational	2
Institutional	2
Residential	62
Stores and Offices	5
Undetermined	6
Special Properties	38
	<u>117</u>

Type of Situation:

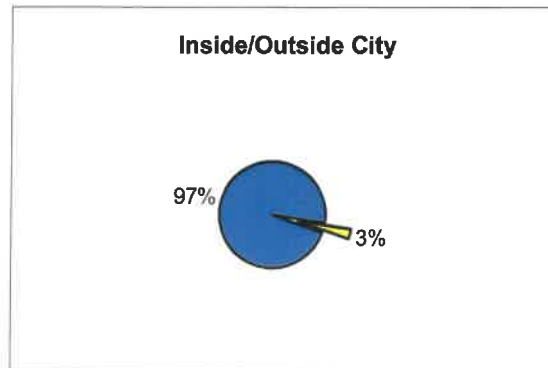
Fire	4
Overpressure	2
Rescue Calls	55
Hazardous Conditions	6
Service Calls	8
Good Intent Calls	13
False Calls	29
	<u>117</u>

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in October:	\$1,040.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$7,000.00
Fire Service Fees for Fire Calls Paid in October:	\$470.00
FY2020 Fire Service Fees Paid in FY2020:	\$1,360.00
All Fire Service Fees Paid in FY2020:	\$6,315.00

Fire Service Fees for Inspections and Permits Billed in October:	\$150.00
Fire Service Fees for Inspections and Permits Paid in October:	\$0.00
Total Fire Service Fees for Inspections and Permits Paid Fiscal Year to Date:	\$200.00

Cumberland Fire Department Responded to 469 Emergency Medical Calls:

In City Calls	455
Out of City Calls	14
Total	<u>469</u>



Total Ambulance Fees Billed by Medical Claim-Aid for October:	\$136,277.50
Ambulance Fees Billed Fiscal Year to Date:	\$456,158.50

Ambulance Fees Paid:	
Revenue Received in October:	\$149,103.77

FY2020 Ambulance Fees Paid in FY2020:	\$235,791.74
Total Ambulance Fees Paid on FY2020:	\$370,414.31
(Includes all ambulance fees, previous and current fiscal years paid in FY2020.)	

Cumberland Fire Department provided 5 Paramedic Assist Calls:

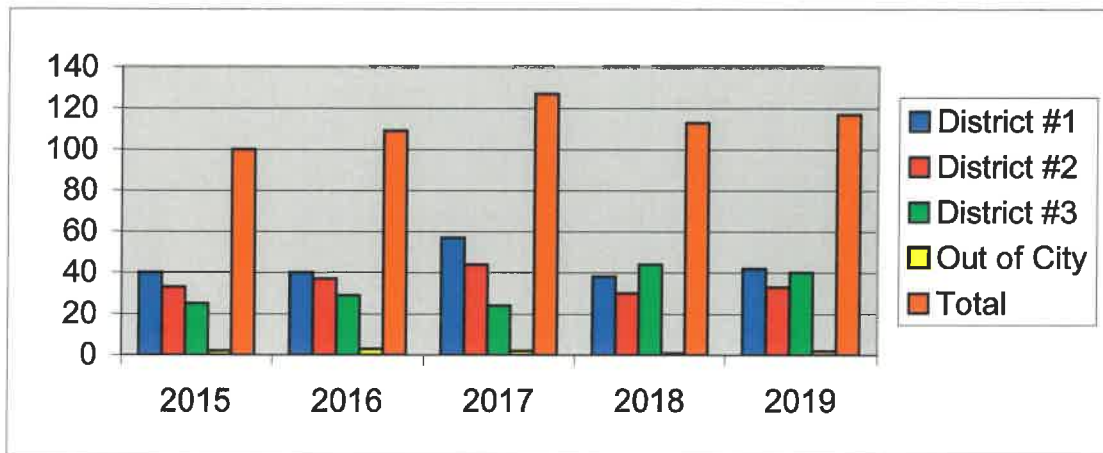
1 Paramedic Assist Call within Allegany County	
4 Paramedic Assist Calls outside of Allegany County	
<u>5</u>	
Cresaptown VFD	1
Ridgeley, WV VFD	2
Short Gap, WV VFD	1
Wiley Ford, WV VFD	1
	<u>4</u>

Cumberland Fire Department provided 9 Mutual Aid Calls:

7 Mutual Aid Calls within Allegany County	
2 Mutual Aid Calls outside of Allegany County	
<u>9</u>	
Bowman's Addition VFD	5
Cresaptown VFD	2
	<u>7</u>
Ridgeley, WV VFD	1
Wiley Ford, WV VFD	1
	<u>2</u>

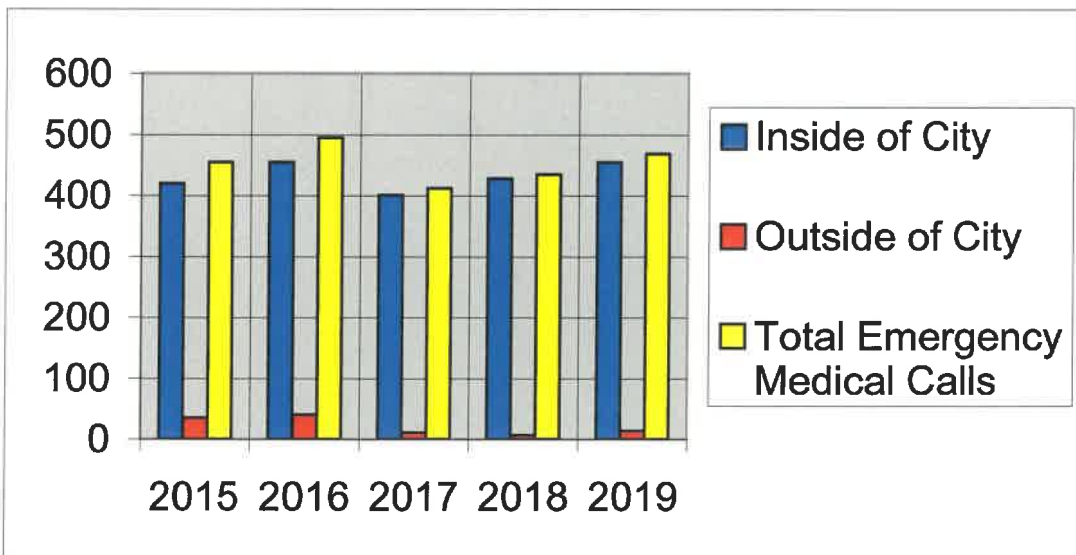
Fire Calls in the Month of October for a Five-Year Period

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
District #1	40	40	57	38	42
District #2	33	37	44	30	33
District #3	25	29	24	44	40
Out of City	<u>2</u>	<u>3</u>	<u>2</u>	<u>1</u>	<u>2</u>
Total	100	109	127	113	117



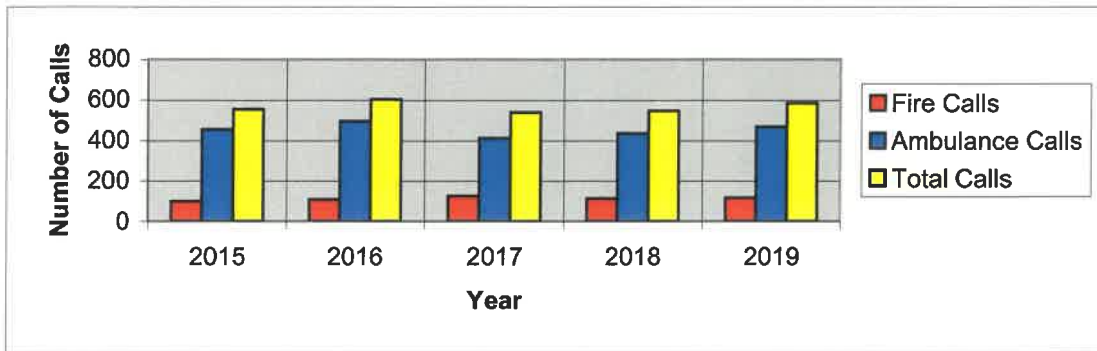
Ambulance Calls in the Month of October for a Five-Year Period

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Inside of City	420	455	401	428	455
Outside of City	<u>35</u>	<u>40</u>	<u>11</u>	<u>7</u>	<u>14</u>
Total Emergency Medical Calls	455	495	412	435	469



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

	<u>2015</u>	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
Fire Calls	100	109	127	113	117
Ambulance Calls	<u>455</u>	<u>495</u>	<u>412</u>	<u>435</u>	<u>469</u>
Total Calls	555	604	539	548	586



Training

Training Man Hours: 197.50 Man Hours

Apparatus Check Procedures	64.00
Inservice Inspections	29.50
EMT Recertification	56.00
Strategic & Tactical Operations	3.00
Fire Protection Systems	12.00
Physical Fitness	15.00
Injury Prevention Training	7.00
May Day Procedure	11.00
	<hr/> 197.50

Fire Prevention Bureau

Complaints Received	2
Conferences Held	40
Correspondence	5
Inspections Performed	10
Investigations Conducted	2
Plan Reviews	3

Personnel

Nothing to report.

Statistics Compiled by Julie Davis, Fire Administrative Officer

Item Attachment Documents:

Police Department monthly report for October, 2019



City of Cumberland Department of Police

Monthly Report
October 2019



City of Cumberland Department of Police

Monthly Report

October 2019

Part 1 Crimes for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
Aggravated Assaults	6	18	B & E (All)	18	23	Murder	0	0	Rape	1	2
Robbery	0	2	Theft - Felony	0	1	Theft - Vehicle	1	1			

Selected Criminal Complaints for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
Theft - Misdemeanor	20	23	Theft - Petty	28	22	Domestic Assaults	28	29	CDS	50	53
Disturbances	152	161	DOP/Vandalism	34	23	Indecent Exposure	2	3	Sex Off - Other	3	5
Suicide	1	0	Suicide - Attmpt.	0	0	Tampering M/V	0	0	Abuse - Child	2	3
Trespassing	14	20	Assault on Police	4	7	Assault Other	45	53			

Selected Miscellaneous Incidents for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
Alcohol Violations	2	15	Juvenile Compl.	15	32	Missing Persons	10	9	School Resource	96	129
School Threat	2	1	Sex Off. Regist.	15	17	Truancy	7	4	Death Investigation	6	3

Selected Traffic Incidents for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
DWI	11	7	Hit & Run	22	25	M/V Crash	75	81	Traffic Stop	470	362

Selected Service Calls for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
Alarms	49	64	Assist Motorist	47	37	Check Well-Being	115	129	Foot Patrol	22	75
Assist Other Agency	60	75	Bike Patrol	0	1	Special Events	22	20	Suspicious Activity	92	72

Arrests Totals for the Month

	2018	2019		2018	2019		2018	2019		2018	2019
M/V Citations	57	48	M/V Warnings	392	309	Adult Criminal	138	192	Juvenile Criminal	14	23

Total Incidents Reported :

2018	2019
2,368	2,430


Charles Hinnant, Chief of Police

CUMBERLAND POLICE DEPARTMENT

MONTHLY REPORT

OCTOBER 2019

SWORN PERSONNEL: 49 SWORN OFFICERS

Administration	6 officers
Squad D1	8 officers
Squad N1	8 officers
Squad D2	8 officers
Squad N2	8 officers
C3I/C3IN	5 officers
School Resource	2 officers
Academy	2 officers
Military leave	2 officers

CIVILIAN EMPLOYEES: 6 full time, 11 part time

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

* = Grant funded

** = Shared costs with other agencies

LEAVE REPORT

VACATION TAKEN: 873 HOURS

COMP TIME USED: 383 HOURS

SICK TIME USED: 148 HOURS

YEAR TO DATE (beginning 7/1/19): 3658 HOURS

YEAR TO DATE (beginning 7/1/19): 968 HOURS

YEAR TO DATE (beginning 7/1/19): 491 HOURS

OVERTIME REPORT

OVERTIME WORKED: 217 HOURS

HOSPITAL SECURITY: 76 HOURS

COURT TIME WORKED: 240 HOURS

YEAR TO DATE (beginning 7/1/19): 991 HOURS

YEAR TO DATE (beginning 7/1/19): 521 HOURS

YEAR TO DATE (beginning 7/1/19): 240 HOURS

Item Attachment Documents:

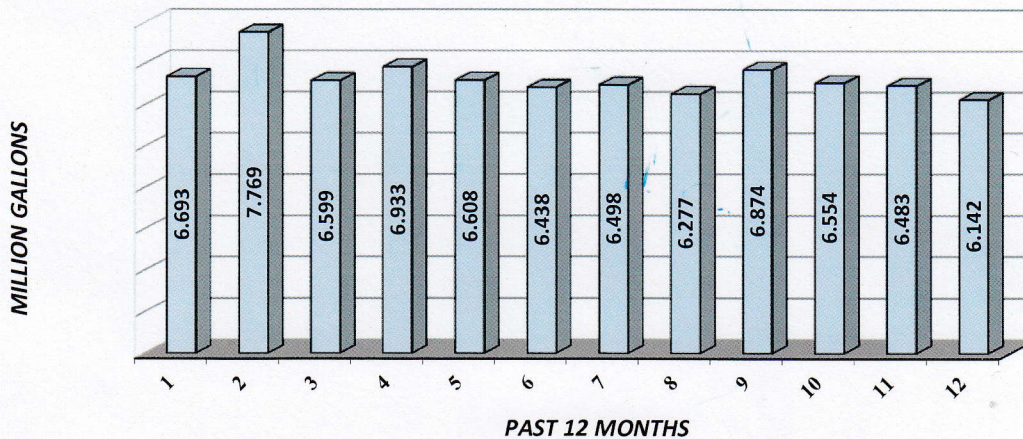
Utilities Division - Treatment Plants monthly report for October, 2019

TREATMENT PLANTS

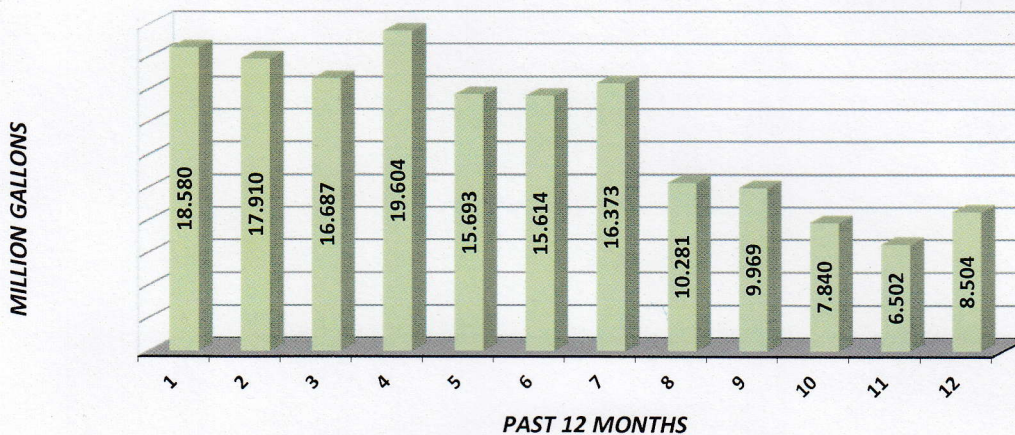
MONTHLY UTILITY REPORT

OCTOBER 2019

AVERAGE DAILY PRODUCTION - WFP



AVERAGE DAILY PRODUCTION - WRF



BRIEF LIST of EVENTS

100% COMPLIANCE WITH ALL FEDERAL & STATE REGULATIONS

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

WFP REPORTED LEAD & COPPER RESULTS TO ALL PARTICIPATING PENNSYLVANIA CUSTOMERS

WFP SUBMITTED QUARTERLY DISINFECTION BYPRODUCT RESULTS TO MARYLAND DEPARTMENT of ENVIRONMENT

WFP PERFORMED EMERGENCY REPAIRS TO SMOUSSE MILL PUMPING STATION

WRF ALL LABORATORY PROCEDURES & PLANS ARE IN THE PROCESS OF BEING UPDATED OR REVISED

WRF PRIMARY CLARIFIER #1 REPAIRS WERE FINISHED AND CLARIFIER WAS PLACED BACK INTO SERVICE

WRF NEW HIGH SPEED TURBO AND CONTROLS PROJECT STARTED by CONTRACTORS

Item Attachment Documents:

Utilities Division-Flood/Water/Sewer monthly report for October, 2019

Utilities Division Activity Report for Oct 19 WATER

REQUEST	W/E 10/11/19	W/E 10/18/19	W/E 10/25/19	W/E 10/31/19	MONTHLY TOTALS
Service Technicians					
NON READS/Go backs	99	62	95	56	312
FINAL READS/TURN ONS/SHUT OFFS & DEMOS	5	9	5	5	24
LEAK INVESTIGATIONS/ <i>turn off-on</i>	11	3	4	1	19
METER/STOP INVESTIGATIONS	16	3	12	3	34
REPAIR WIRING/GET READING	3	1	5	1	10
ORANGE TAG FOR REPAIRS	27		10	32	69
YELLOW TAG FOR H/L USAGE/APPT	7				7
RED/PINK TAG FOR SHUT OFF					0
TURN WATER ON	110	59	46	10	225
TURN WATER OFF			1		1
NONPMT/BAD CK/AGREE SHUT OFFS	111	56	43	3	213
SHUT OFF RECHECKS	128	52	23		203
REPLACE/REPAIR METER/LID/VALVE					0
DIRTY WATER/ODOR					0
SVC SEPARATIONS/INVESTIGATIONS				1	1
INSTALL COUPLERS/PLUGS/LOCK	36	19	18	3	76
NEW METER	28	11	5	9	53
METER FIELD TESTS-Residential	3				3
METER TESTS - Industrial					0
Ind - Register/Chamber Chg Out					0
Industrial - Chamber Cleaning					0
Industrial - Strainer Cleaning					0
HYDRANTS FLUSHED	55				55
PRESSURE CHECK/NO WATER	2	1			3
MOVE METERS OUTSIDE/READINGS	19	6	8	13	46
SP Change Outs/Repairs/Reactivates/Move	53	19	20	30	122
<i>Replace/Reattach smartpoint antenna</i>		1	1		2
INSULATE METER BOXES					0
FREEZE UPS/METERS & LINES					0
CCP - BACKFLOW/RETRO	18	6	8	13	45
HYDRANT/IRRIGATION METER					0
Total					1523

Pipe Technicians

LINE LOCATOR	121	79	84	56	340
TAPS SERVICED	18	6	9	11	44
LEAKS REPAIRED	1	2			3
REPLACED LID - 824 BISHOP WALSH DR	3				3
REPLACED CONCRETE BX-126 N SMALLWOOD	3				3
ASSIST 308 WITH STOP - 412 PULASKI	3				3
HYD #607T - PAINTED HYDRANT & CAP	4				4
HYD #87 & 535 - PAINTED HYDRANTS & CAPS	3				3
LOCATED STOP - 810 GREENE - TURNED OFF	3				3
FLOW TESTED HYDRANTS FOR J DEVAULT	7				7
FLUSHED HYD @501 BALT-DIRTY COMPLAINT	7				7
SHOWED CREW LOCATIONS OF VALVES	4				4
TOPSOIL/SEED/STRAW AROUND 13 METERS	3				3
CLEANED 313/HAULED TRASH/CLEANED FLOOR	2				2
CLEANED & NUMBERED HYDRANTS	3				3
BACKFILLED ELDER ST	3				3
CHECKED 16" VALVE - I68 @ WILLOWBROOK	3				3
ASSISTED 313 ON ROBERTS ST/VA AVE LEAK	4				4
REPLACED VALVE - LOWE'S ST		4			4
COLD MIXED LOWE'S ST		3			3
ABANDONED SERVICE - 1016 ELLA AVE		3			3
ATTEMPTED VALVE SHUTDOWN - I68		4			4
939 BEDFORD ST - ABANDONED SERVICE			4		4
REPLACED 8" VALVE - I68			4		4
TOPSOILED/SEEDED/STRAW AREAS			3		3
ATTEMPT TO LOCATE STOP BUTLER ALLEY			4		4
COLD MIXED 809 CATSKILL				3	3
BACKFILLED 810 GREENE				3	3
133/135 HUMBIRD - LOCATE FOR GAS CO				4	4
CUT IN VALVE - 118 BALTIMORE ST				4	4

[illegible]

October 2019 Monthly Report

FLOOD MAINTENANCE

Test run pumps and run gates

Mowed 30 acres

Check sewage regulators

Flush siphons

Safety meeting

Put gate operator back in service at K of C

SEWER BRANCH

Calls answered	10
Service lines opened	2
Owner's trouble	8
Traced lines/main	0
Mains Repairs/ Replace	1
Sewer taps installed/replaced	0
Cleaned catch basins	16
Cleanouts installed	3
Televised sewer mains	0
Televised sewer lines	0
Call outs/ overtime	9 callouts/ 13.5 hours overtime
Weekly check of overflows, pits	5
Catch basin repair/rebuild	3
Flushed sewer mains	2,871 feet
Gallons of water used	16,000 Gals.
608 Flush truck	9,000 Gals.

605 Vac-con 7,000 Gals.

Nemacolin @ Richwood. Installed storm drain

EdgeVale Ave. Repair two catch basins

112,115,117 Elder St. repair sewer main

Cleaned storm drains at service center

Hydro 20 sites (water)

Hydro 4 sites (sewer)

Safety meeting

Item Attachment Documents:

1. Approval of the Work and Regular Session Minutes of September 17, 2019, and the Regular Session Minutes of October 1, 2019

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, September 17, 2019
4:30 p.m.

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Paul Kelly, Executive Director-CEDC; Matt Miller, Economic Development Specialist

I. DESTINATION BY DESIGN PLAN

Mayor Morriss advised that the Destination by Design (DbD) plan was on the Consent Agenda for tonight's public meeting, and Mr. Kelly advised that there were no amendments to the plan, nor any discussion. He stated that the plan was presented to the CEDC Board last Tuesday and they are formally asking M&CC to adopt it as an Aspirational Plan. Mayor Morriss stated that the plan has not specific time frame, and he sees it as a very good plan that they can take to developers.

There was discussion on taking another look at the plan moving forward, and Mayor Morriss advised that the plan has a lot of flexibility for the future, and noted that the whole community was brought together in the development of this plan, with a wide variety of businesses, organizations and citizens.

Mr. Kelly noted that all of the plans were given to DbD to review, and with the CEDC asking the M&CC to do something formal, it sends a clear message for all involved that we can start doing project-based implementation plans, which includes Baltimore St., the boutique hotel, and Mr. Kelly added that the housing study can be incorporated into this plan as well. He said it can be looked at as a project-based plan.

II. BLIGHT REMOVAL AND FUTURE DEVELOPMENT

Mayor Morriss discussed blighted properties within the City, as opposed to blighted properties in this the DbD area specifically, and mentioned a discussion he had with Mr. Rhodes about possibly funding two different "buckets", for general blight removal, and for the DbD plan area. He also brought up maybe taking some land bank opportunities, and discussed strategic

acquisition of blighted properties within the DbD plan area, and ultimately demolition, when opportunities present themselves.

There was discussion about if eminent domain would be used if a property won't sell. Mayor Morris stated there had been no discussion about that, and Mr. Cohen advised that only government has the power to acquire by eminent domain – the CEDC doesn't have the authority. He further advised that M&CC has said in the past that they will not use eminent domain, and that's where it stands right now.

In answer to a question regarding land banks, Mr. Kelly explained his reasoning for putting the blight removal topic on the agenda was solely for discussion, and stated that there won't necessarily be any answers given today. He discussed the aspirational plan, saying to look at the things the City wants, and determine how to get to their goals, and discussed the option of pooling resources to achieve certain projects. He added that this wouldn't be to the exclusion of other improvement programs, but wanted the M&CC to think about policy proposals. In answer to a question, Mr. Kelly confirmed that if the aspirational plan was adopted formally, it would make the City more likely to acquire funds for acquisitions, demos, etc. He mentioned Secretary Holt, MD DHCD, saying that's what they paid for and that's what they want to see downstate.

III. HOUSING STUDY

Mr. Kelly provided an update on the most recent scope of work for a housing analysis for consideration, which included some work specific for CDBG, and advised that the CEDC has applied for a Technical Assistance grant in the amount of \$50K to cover the cost of the analysis, and has also applied for ARC funds in the amount of \$50K, which requires a match, and added that they will use the state money as the match.

Mr. Kelly explained that the housing study was being done because the CEDC hears from manufacturers that they have trouble attracting employees to the area due to housing issues. He added they have vetted two consulting firms; RKG Associates, and LSA (acquired through MD Economic Development Association). Mr. Kelly said the housing study needs to be started as soon as possible to meet CDBG requirements, with the goal being to have the data up front, and finish up over the next 4-5 months.

IV. SITE SELECTOR

Mr. Kelly went over what a Site Selector is and how they are more advanced than a realtor, as they look at demographics, areas of growth, labor force, etc. He added that there are multiple platforms used by them to get the data. He stated that they wanted to get the insiders' grasp of industry to tell them what they're looking for, with the goal being to use the Site Selector as a consultant to advise the CEDC, then to begin tailoring what we do, how we talk, what we address, etc.

V. 400 N. MECHANIC ST. INCUBATOR SPACE

Mr. Kelly advised on 400 N. Mechanic St. and provided a background for the building that is being proposed as a Business Incubator space. He stated the building is owned by M&CC, has been vacant for approximately 2 years, and said the CEDC has fielded numerous calls from people looking for this type of space. He added that he has pitched this suggestion to the CEDC Board, to have an entrepreneur come in that needs the space, negotiate a lease, pass along costs, and help them grow their business, with the Board wanting preliminary research. He stated that alternately maybe it would be just the right home for a business and the City could allow them to obtain the building and put it back on the tax roll. He added that the CEDC is doing their due-diligence now, and will come back with a specific proposal, and stated that they do have a candidate that is ready to get in as soon as possible.

There was discussion on the building itself, and taxes. Mayor Morriss agreed it would be a good use of the building, and Mr. Kelly discussed variations on incentives that could be offered.

VI. CEDC CONSOLIDATION WITH COUNTY

Mr. Kelly advised that the CEDC Board voted on August 20, 2019 to pursue an MOU, or contract, with the County, whereby the CEDC would become the County's Economic Development Implementation Agent, which is akin to what they do for the City. He added that the CEDC met with the Commissioners in closed session on September 12, 2019 and discussed the idea, with the Commissioners agreeing to pursue it. Mr. Kelly stated that after the meeting all agreed that there were lots of benefits to consolidation – cost saving measures, reduction of redundancies, integration and cohesion as a county, etc. He added that it promotes a modern economic entity with appropriate duties for personnel, focus, and funding.

Mr. Kelly said the goal will be to move toward negotiations, and ensure M&CC that the CEDC is not seeking to minimize what they do for the City. Mayor Morriss stated that these negotiations are moving toward the original RKG goals of a consolidated City/County Economic Development. He added it's a natural step headed in the right direction, and stated that this would be creating an entity that's beyond the politics of the day.

Mr. Rhodes noted that the City has been through this with the County before, and agreed it's the direction to be heading, but cautioned that it does have to be done right, or it will go away in another 30 years if not structured correctly.

Mr. Kelly suggested using an objective outsider with expertise in structure, duties, personnel, etc. Mr. Rhodes added that Al Delea of FSU could also be a good resource. Mr. Kelly advised that he has spoken with Mr. Delea, and he has agreed to help out.

VII. GLENWOOD ST.

Mayor Morriss said that although it's called a "parking issue" on Glenwood, in review he thinks it's more of an issue between 2 neighbors, which has reached the point of them looking to the M&CC to fix their situation. He added that he doesn't know if whatever the City does will fix it for both sides, because it's not just about a curb cut and parking – it's in some ways about courtesy and respect for one another. He noted that's been lost in the parties involved.

There was discussion with staff and council about the first day the issue was brought to City Hall, with Mr. Rhodes going over what happened that day regarding the curb cut that was asked for, which all agreed seemed reasonable at the time, but subsequently became unreasonable when another property owner didn't want the curb cut due to parking issues.

There was more discussion at length on the topic of curb cuts and property, and whether or not they are kept or moved. It was agreed that this entire issue was really about something else; more of a neighborhood issue than parking, and that maybe there was never going to be a happy solution. Mayor Morriss stated that the solution that was originally proposed can be continued, and the job can be completed.

There was a suggestion of creating policy or code as to what the City can or can't do in terms of solving neighborhood quarrels that stem from curb cut/parking issues, but it was noted that no matter what is written, there can always be an exception. Mayor Morriss stated that the policy should be set by the Traffic Group, with there being a consensus to have them look at the issue.

VIII. ADJOURNMENT

With nothing further, the meeting adjourned at 5:46 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____



Mayor and City Council of Cumberland

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

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

MINUTES

Regular Meeting
57 North Liberty Street, City Hall Council Chambers

DATE: September 17, 2019

I. 6:15 p.m. – Convene in Open Session

II. Pledge of Allegiance

III. Roll Call

PRESENT

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor;
Marjorie Woodring, City Clerk; Police Captain Chuck Ternent; Fire Chief Donald Dunn

IV. Presentations

1. Presentation of the 2019 Historic Preservation Award to HRB Ventures, LLC by Suzanne Wright, Chairperson of the Historic Preservation Commission

Suzanne Wright, HPC Committee Chair, gave a background on the history of the award and details on qualifications. She spoke about the award recipient, The Corner Tavern, owned by HRB Ventures, LLC, noted its improvements, and stated that not only was this a façade project, this is a successful business and is a revitalization of a corner of our community. Mayor Morriss presented the award plaque to owners Wes and Greg (proprietor) Bender of HRB Ventures, LLC, who thanked the M&CC for their support.

V. Director's Reports

(A) Administrative Services

1. Administrative Services monthly report for August, 2019

(B) Public Works

1. Maintenance Division monthly report for August, 2019

(C) Fire

1. Fire Department monthly report for August, 2019

(D) Utilities - Flood, Water, Sewer

1. Utilities Division Flood/Water/Sewer monthly report for August, 2019

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

VI. Approval of Minutes

1. Approval of the Closed Session Minutes of June 11, 2019, and the Regular Session Minutes of July 2 & 16, 2019

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

VII Public Hearings

1. Public Hearing - to receive comment on a proposed Zoning Text Amendment (ZTA #12-08) to add Sections 25-501 through 25-512 to the current Zoning Code for the purpose of regulating Small Cell Technology in public rights-of-way.

Mayor Morriss convened the Public Hearing at 6:26 p.m.

Mr. Cohen advised that this Amendment is now under consideration because of FCC legislation relative to small cell structure, which is a piece of equipment that can attach to street lights or other utility poles that enable wireless communications as part of the 5G network. He added that once the Ordinance is passed, the City will have complied with the FCC order.

There being no public comments, Mayor Morriss adjourned the Public Hearing at 6:29 p.m.

2. Public Hearing - to receive comment on the 2018-2019 Consolidated Annual Performance and Evaluation Report (CAPER) for the City's Community Development Block Grant Program

Mayor Morriss convened the Public Hearing at 6:29 p.m.

Lee Borrer, Community Development Specialist, provided background on the CAPER Report for CDBG funds, and reviewed 2018 accomplishments, which totaled \$774,663, with a Program income of \$16,224. She added that 1,740 people were directly served by various CDBG funded programs. Mayor Morriss and Councilwoman Marchini both commented on the quality and benefits of these programs.

There being no public comments, Mayor Morriss adjourned the Public Hearing at 6:36 p.m.

VIII. New Business

(A) Ordinances

1. Ordinance No. 3859 (*1st Reading*) - authorizing terms for the conveyance of 349 Davidson Street to Venus Starr and to authorize execution of a deed to effect the conveyance.

Mr. Rhodes reviewed the proposed Ordinance that would convey 349 Davidson Street to Venus Starr, and added that it was a former blighted property that Ms. Starr helps to maintain.

FIRST READING: The Ordinance was presented in title only for its first reading. Motion to approve the first reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Mr. Rhodes reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments, which are noted below.

Motion to approve Orders 26,524 – 26,531 was made by Councilwoman Marchini, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Order No. 26,524 - approving the award of Historic District Tax Incentives to Daniel and James Rhee and Sam J. Lee, owners of 45 North Centre Street equaling a property tax credit of \$15,206.08 to be used within 5 years and a property tax assessment freeze for 4 years

Order No. 26,525 - authorizing the execution of a 3-year Small Enterprise License Agreement with ESRI (Environmental Systems Research Institute, Inc.) for sufficient seats within the system for water, sewer, and engineering departments at a cost of \$25,000 each for years 2 & 3, and \$19,301.63 for year 1 due to a credit in the annual maintenance already being paid for that year

Order No. 26,526 - authorizing the execution of an Employee Assistance Program Service Agreement with the Western Maryland Health System Corp. to provide

assistance to City employees, their spouses, and dependents for a term of 3 years at a rate of \$27 per employee per year

Order No. 26,527 - Authorizing acceptance of a Certified Local Government Sub-grant from the MD Historical Trust in the amount of \$23,846 to be used for the purpose of evaluating the economic impacts of Historic Preservation in Cumberland

Order No. 26,528 authorizing the City Engineer to execute a letter of interest to the U.S. Army Corps of Engineers (USACE) to allow a Decision Document to be generated for the Canal Re-watering Project (28-19-FPM), which will in turn allow federal funds to be allocated for this project.

Order No. 26,529 - authorizing payment to Allegany County for invoices pertaining to the Replacement of Bridge No. A-C-09 on Cumberland Street over CSXT Railway Project, as Allegany County will be paying the MD Department of Transportation directly and seeking reimbursement from the City for its cost share portion estimated at \$98,970, which is 20% of the total estimated project cost of \$494,854

Order No. 26,530 - declaring City-owned property at 307-309 Arch Street to be surplus and stating the City's intent to donate the property to the Cumberland Housing Alliance, Inc.

Order No. 26,531 - adopting the 2019 Destination by Design Civic Master Plan for the City of Cumberland

Mayor Morriss commented that this plan is an aspirational design for the City, going forward, and noted that many members of the community were involved in vetting this plan. He added that although it's a very comprehensive plan, it's flexible as well, and modifications can be made along the way of this 10-15 year plan.

IX. Letters / Petitions

X. Public Comments

Paul Natoriani, 819 Fayette Street, questioned if there were any plans to sell the City's water to a private company. Mayor Morriss advised that Council recently had a meeting with American Water and said the City is still looking at it. He added there's a lot of work that would have to go into it to make it a viable consideration. He stated that because of the law being changed in Maryland, it was something the City wanted to explore and discuss, but it may only ever be a discussion. The Mayor further advised that if the discussion ever progressed, there would definitely be Public Hearings.

Nick Gelles, 217 Pearl Street, inquired when something was going to be done on Pine Avenue. Mayor Morriss advised that the Traffic Group has come up with a report, but said it probably didn't address Mr. Gelles's concern. He added that the M&CC will discuss it and let him know what they decide to do.

Paul Mullen, WCBC Operations Manager, asked to poll Mayor and Council separately as to whether or not eminent domain, with regard to the Rolling Mill area, had been taken off the table, or whether it still remained a consideration.

Mayor Morriss stated that it had not been taken off the table and would be considered if necessary. Councilmen Bernard and Cioni, along with Councilwoman Marchini, agreed with the

Mayor. Councilman Frazier did not agree, saying he does not believe in using eminent domain for commercial purposes, but definitely wants to see development happen in that area. Mr. Mullen asked if the CEDC or Cumberland Gateway had asked Council for consideration or use of eminent domain to this point. Mayor Morriss stated that they have not, with Councilman Frazier saying that Mr. Kelly had mentioned eminent domain to him on one occasion.

Mr. Mullen then asked Mayor and Council if they all felt the same way about doing a full-build as opposed to a build-around. Mayor Morriss stated he is in favor of a full-build, to best increase the tax base for the City, but advised that if a build-around is possible, it would be considered. Councilman Frazier agreed that a full-build would be better, but stated the developer has said that he can do a build-around.

Mr. Mullen inquired if there have been any substantial negotiations with property owners. Mayor Morriss advised that the negotiations are now between the property owners and the developer, and stated that the developer had indicated to him that he had acquired some of the properties. He said he would encourage both sides to be open-minded, look at the options, and act in the best manner for the community.

All public comments are limited to 5 minutes per person

XII. Adjournment

With no further business at hand, Mayor Morriss adjourned the meeting at 7:12 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____



Mayor and City Council of Cumberland

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

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

MINUTES

Regular Meeting
City Hall Council Chambers

DATE: October 01, 2019

I. 6:15 p.m. – Convene in Open Session

II. Pledge of Allegiance

III. Roll Call

PRESENT

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

ALSO PRESENT: Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Police Captain Chuck Ternent

IV. Mayor and Council Update

1. Update from Mayor Morriss on the status of the West Side Bridges

Mayor Morriss gave an update on the West Side Bridges. He advised that a CSX meeting had been held recently, and there is some good news. CSX has agreed to put the Fayette Street Bridge back in service as a one-lane bridge, on the South side of the bridge, and work should begin in 2-3 weeks. He advised that it should be back as one-lane by Christmas or the first part of 2020, and stated that this is Phase I for the Fayette Street Bridge. The Mayor also advised that it will have a weight restriction but will be able to handle ambulance service.

The Mayor advised that they are in the final stages of preparing paperwork for the Cumberland Street Bridge, and said there should be a final agreement with CSX very soon. He added that the notice to proceed from the state should be ready in 7-10 days, which will start the Federal process. Mayor Morriss went over the timeline for

investigation, engineering, and bid processes, and advised that construction should begin fall of 2020, with a summer/fall of 2022 completion, meeting full Federal standards.

The Mayor then advised regarding the Fayette Street Bridge's Phase II, saying that CSX will put in a bridge on Fayette, and the details are still being worked out. He added that the City won't be going through the Federal process to get this bridge completed, although it will meet most of the Federal standards. The Mayor stated that the construction process will be around 4 months, beginning immediately upon completion of the Cumberland Street Bridge, and said if everything works out, by the end of 2022 both sides of the Fayette Street Bridge will be totally back in service.

The Mayor then moved on to the Washington Street Bridge, and advised that the City is still thoroughly committed to getting a bridge there. He added that the City is still in negotiations with CSX, there is no agreement yet, but they are looking at all the options. The Mayor advised on CSX's height requirement of 21 ft. 9 in. for that bridge, and said the City is going to work on all design options pertaining to the height requirement.

Mayor Morris provided some news on the Baltimore Street Bridge, saying it was going through the Federal process. He added that drawings on that bridge should be completed by September of 2020, construction beginning spring of 2021, with completion in the fall of 2021.

The Mayor agreed that the time frames for completion are long due to working through the Federal requirements, and advised on the details of the CSX agreement and Federal funding for the Cumberland Street Bridge. He added that the process gets a bridge of the highest standards built at little cost to the City, and upon completion the City will take ownership. He also added that at any time he is willing to sit down and speak with citizens regarding this issue.

Kenneth Wilmot, 513 Fort Ave., voiced his opinion on the damage to the bridges by CSX.

In answer to questions from Greg Larry, Cumberland Times-News, Mayor Morris advised that the repairs in Phase I of the Fayette Street Bridge will be done to the existing structure with CSX taking care of the bulk of that cost, and added the City doesn't own that bridge at this time. The Mayor further advised that all bridges will be at the 21 ft. 9 in. height.

V. Director's Reports

(A) Public Works

1. Central Services monthly report for August, 2019

(B) Police

1. Police Department monthly report for August, 2019

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

VI. Approval of Minutes

1. Approval of the Work Session and Executive Session Minutes of July 9, 2019

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

VII. Unfinished Business

(A) Ordinances

1. **Ordinance 3859** (*2nd and 3rd readings*) - authorizing terms for the conveyance of 349 Davidson Street to Venus Starr and authorizing execution of a deed to effect the transfer

Ms. Woodring reviewed the proposed Ordinance that will transfer the prior surplus property of 349 Davidson Street to Ms. Starr for \$500.

SECOND READING: The Ordinance was presented in title only for its second reading. The reading was interrupted and motion to suspend the second reading and move to the third after comment was made by Councilman Frazier, seconded by Councilman Bernard, and was passed on a vote of 5-0.

The Mayor opened the floor for comments. Being none, the Ordinance moved to its third reading.

THIRD READING: The Ordinance was presented in title only for its third reading and was passed on a vote of 5-0

VIII. New Business

(A) Ordinances

1. **Ordinance 3860** (*1st reading*) - to amend Chapter 25 of the City Code to include regulations pertaining to small cell technology in public rights-of-way and to amend the Use Regulations Table accordingly

Ms. Woodring reviewed the proposed Ordinance that is now a requirement of local governments pertaining to FCC regulations, and advised that a public hearing on this issue was held recently.

FIRST READING: The Ordinance was presented in title only for its first reading. Motion to approve the reading and table until next meeting was made by Councilwoman Marchini, seconded by Councilman Bernard, and was passed on a vote of 5-0.

(B) Orders (Consent Agenda)

Ms. Woodring reviewed each item on the Consent Agenda, and Mayor Morriss called for questions or comments. Motion to approve Consent Agenda items Order 26,532 through Order 26,540 was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 5-0.

Order 26,532 - authorizing the Chief of Police to accept a FY20 MCSS School Safety Traffic Safety Grant in the amount of \$10,640 to support police overtime in monitoring school bus routes and deterring unsafe traffic behavior

Order 26,533 - authorizing the Chief of Police to accept a FY20 Maryland Highway Safety Office (MHSO) Traffic Safety Grant in the amount of \$3000 for police overtime support concentrating on distracted driving and DUI enforcement for the project period 10/1/19 - 9/30/20

Order 26,534 - accepting the proposal of FESCO Emergency Sales, provided through the H-GAC Cooperative Purchasing Program (Bid No. AM10-18), to remount the 2011 Horton Model 603 Ambulance on a 2020 Ford F-550 4x4 Cab and Chassis per Selected Feature List 15174 dated September 23, 2019, for a total delivered price of \$178,375

Order 26,535 - authorizing the execution of a Certificate of Satisfaction acknowledging that the indebtedness secured by a Deed of Trust made by Ruth Clark pertaining to 308 Woodside Drive has been fully paid and satisfied

Order 26,536 - authorizing Special Taxing District residential exemptions for the 2019/2020 tax year for properties 49-59 North Centre Street (\$964.33) and 101 South Centre Street (\$171.34)

Order 26,537 - accepting the proposal from McNees Wallace & Nurick LLC to provide legal services to the City to address matters before the PA Public Utility Commission and the PA Department of Environmental Protection, and authorizing execution of documentation to formalize acceptance of the proposal

In response to a question regarding this proposed Order, Mr. Cohen advised that there is a gentleman that wants the Evitts Creek Water Co. to supply water off a 36" transmission main but it would be tapping into it indirectly, which would be creating a public water system at that vicinity, and would impose certain PA requirements. He also stated that there are approximately 50 homeowners in the Pine Ridge area, and the Public Utility Commission is deeming what the Evitts Creek Water Co. is doing in that area constitutes a water company, and the City doesn't want to be considered a water company at that location because of a number of costs and obligations. Mr. Cohen added further that there is a matter of rate setting that extends to all Evitts Creek Water Co. PA customers. He stated that the City would like to increase water rates, but there are procedures and protocols that need to be followed.

Order 26,538 - amending Order No. 26,425 to increase the time frame and designated area to be subject to Section 11-113 of the City Code, entitled "Open Containers of Alcohol," to accommodate events in the downtown, notwithstanding that open glass containers shall not be permitted; the extended area shall include an additional portion of Baltimore Street and an additional portion of Centre Street, and the time frame shall be from 11:00 AM through 9:00 PM

Order 26,539 - lifting the provisions of Section 11-113 of the Code, entitled "Open Containers of Alcohol," on Saturday, October 5, 2019, from 4 PM until 2 AM, on Pershing Street from Mechanic Street to the parking lot at Merchants Alley, to

accommodate the 10th year anniversary celebration for Niner's Canal Pub, notwithstanding that open glass containers shall not be permitted

Order 26,540 - accepting the sole source proposal from Safe Slide Restoration to resurface the large blue slide at Constitution Park with Gel Coat in the amount not to exceed \$25,400

Order 26,541 - accepting the sole source proposal from Flowbird Urban Intelligence to provide four (4) parking kiosks for the Center City and Frederick St. Parking Garages and one (1) "Pay & Display" parking meter for Lot No. 1 in the amount not to exceed \$35,351.60

IX. Public Comments

Kenneth Wilmot, 513 Fort Avenue, voiced his opinion on the condition of Fort Avenue after trucks had been hauling dirt on that street. He also spoke about the bird population and voiced his opinion on feral cats and on the Allegany County Animal Shelter.

John Taube, 31 Washington Street, of the Allegany County Library System, advised Mayor and Council on the start of the South Cumberland Library After-School Program, 3pm – 5pm Monday through Saturday, said they are looking for partnerships with other agencies, and invited M&CC to stop by.

Jim Crowder, 295 Thornton Drive, of Potomac Edison advised Mayor and Council about the Cumberland Regional Airport expansion work that will be going on and provided details on where they will be working close to on the MD side and a timeline of the work being done. Mayor Morris referred Mr. Crowder to City Engineer Robert Smith to review the documents he brought.

Paul Notarianni, 817 Fayette Street, inquired if there was any update as to the meeting that was held with American Water. Councilman Bernard advised that their lobbyist had reached out to him to see if the City had any further questions, and Mayor Morris said there has been no change since the last meeting. Councilman Cioni stated that he had emailed the mayor of McKeesport, PA, where the water is privatized to get their take on it, but has not gotten any specifics.

All public comments are limited to 5 minutes per person

X. Adjournment

With no further business at hand, Mayor Morris adjourned the meeting at 7:01 p.m.

Minutes approved on _____

Raymond M. Morris, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

Item Attachment Documents:

1. Ordinance 3861 (*2nd & 3rd Readings*) - to enact Article V of Chapter 15 of the Code to set forth protocols and procedures relative to parades and special events

ORDINANCE NO. 3861

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, ENTITLED "AN ORDINANCE TO ENACT ARTICLE V OF CHAPTER 15 OF THE CITY CODE (TO-WIT: SECTIONS 15-80 TO 15-90, INCLUSIVE) PERTAINING TO PARADES AND SPECIAL EVENTS."

WHEREAS, the City's protocols and procedure relative to parades and special events have not been set forth in writing, nor have they been adequately defined; and

WHEREAS, the enactment of this Ordinance established defined protocols and procedures.

NOW THEREFORE:

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that Sections 15-80 to 15-90 of the Code of the City of Cumberland (1991 Edition) are hereby enacted and shall read as set forth in the attachment to this ordinance.

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

Passed this ____ day of _____, 2019.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

CHAPTER 15 , ARTICLE V

Sec. 15-80. Applicability; Short Title.

The terms of this article shall apply to parades and special events, as indicated hereinafter. The short title of this article shall be the Parades and Special Events Ordinance.

Sec. 15-81. Definitions.

As used in this Article, the following definitions apply:

Parade. "Parade" means any parade, march, race or procession upon any street, excluding.

- (i) Funeral processions;
- (ii) Students going to and from school classes or participating in educational activities, providing such conduct is under the immediate direction and supervision of the proper school authorities; or
- (iii) Governmental agencies acting within the scope of their functions.

Permit. "Permit" means a permit for a parade or special event

Special event. "Special event" means any activity held on city property which is expected to draw a crowd in excess of fifty (50) people or which involves the sale of food, alcohol, or merchandize or which involves the erection or placement of a stand, tent, platform or other structure. Activities organized by the Downtown Development Commission within its special taxing district are excluded from this definition.

Sec. 15-82. Permit required.

No person shall organize, hold or start a parade or special event without a permit. A violation of this provision shall constitute a municipal infraction, punishable by a fine of \$500.00. Each day a violation occurs shall constitute a separate offense.

Sec. 15-83. Compliance with laws and regulations.

A permit applicant shall be responsible for ensuring that the parade or special event is conducted in compliance with all permit requirements and conditions and with all applicable laws, ordinances, rules and regulations. The applicant shall also be responsible for securing any permits which may be required by other governmental agencies for the conduct of the parade or special event and the activities associated therewith.

Sec. 15-84. Application.

- (a) A person desiring a parade/special event permit shall file an application with the city clerk on forms provided by such officer. Such application shall be filed not less than thirty (30) days before the date proposed for the parade or special event.
- (b) The application for a permit shall include the following information:
 - (1) The name, address, telephone number and e-mail address of the person organizing the parade or special event and who will be responsible for its conduct;
 - (2) If the parade or special event is proposed to be conducted for, on behalf of, or by an organization, the name, address, telephone number and e-mail addresses, as applicable, of the headquarters of the organization and the same information for the individual officer who will be responsible for its conduct;
 - (3) The date the parade or special event will be conducted;
 - (4) As to a parade, the route to be traveled, the starting point and the termination point, the location of any assembly area, and whether the parade will occupy all or only a portion of the width of the streets proposed to be traversed;
 - (5) As to a special event, the boundaries of the location where the special event will be held and a sketch showing the location of the stand, tent, platform and other structures that will be erected or placed on site;
 - (6) As applicable, the approximate number of persons and vehicles that are expected to be present and, as to vehicles, the number and types thereof;
 - (7) The hours the parade or special event will start and terminate;
 - (8) The time at which the units/facilities of the parade or special event will begin to be assembled and when their disassembly will be completed;
 - (9) Any additional information which the city clerk shall find reasonably necessary for the city administrator to make a fair decision regarding whether a permit should be issued; and
 - (10) Whether a waiver of the insurance requirements set forth in section 15-88 is being requested and, if so, a statement describing which those requirements should be waived and the good cause which serves as the basis for the request

- (c) For good cause shown and to the extent practicable, the city administrator, may waive the thirty (30) day requirement of subsection (a).

Sec. 15-85. Fees.

(a) A nonrefundable permit fee of \$150.00 shall be paid upon submission of a permit application.

(b) Upon consultation with the police and fire departments, the city administrator shall estimate the overtime/compensatory time and other costs the city is likely to incur as a result of the conduct of the parade or special event and, unless waived by city council, those estimated costs shall be paid before a permit is issued. Unless the aforesaid waiver is granted, the permit applicant shall be liable for the actual costs of the parade or special event which exceed the estimated costs and shall pay those costs within fifteen (15) days of the date of the submission of an invoice therefor.

Sec. 15-86. Standards for permit issuance.

A permit shall be issued when, upon consideration of the application and such information as may otherwise be obtained, and after consultation with the police, fire and street departments, the city administrator finds it is likely that:

- (a) The conduct of the parade or special event will not substantially interrupt the safe and orderly movement of other traffic contiguous to the parade route or the location of the special event;
- (b) The set up for and conduct of the parade or special event will not require the diversion of so great a number of police officers or fire department personnel as to impair the city's ability to provide adequate police and fire protection elsewhere in the city;
- (c) The set up for and conduct of the parade or special event will not require the diversion of so great a number of street department staff that they shall be precluded from performing their normally assigned duties;
- (d) The conduct of such parade or special event will not interfere with the movement of firefighting and emergency medical services equipment in route to or from a fire or emergency; and
- (e) As to a parade, it is scheduled to move from its point of origin to its point of termination expeditiously and without unreasonable delays.

Sec. 15-87. Permit conditions.

- (a) *Standard conditions.* All permits are subject to the following standard conditions with or without further notification:

- (1) If vehicles will be loading, unloading or parking on the pedestrian mall, the applicant must obtain permission and a sign from the Downtown Development Commission at least ten (10) days in advance of the parade or special event.
 - (2) Compliance with the insurance requirements set forth in this article is mandatory.
 - (3) At events where the consumption of alcohol is permitted, no glass beverage containers shall be permitted unless approved by the city council.
 - (4) The applicant shall indemnify and hold the city harmless from any and all claims, actions, suits, procedures, costs, fines expenses, damages and liabilities, including, but not limited to, attorneys' fees, court costs and litigation expenses arising out of, as an incident to or as a result of the conduct of a parade or special event except for those caused by the grossly negligent or intentionally harmful acts of the city's representatives or employees.
 - (5) Applicants must comply with all city, county, state and federal laws, rules, regulations and ordinances, including, but not limited to, obtaining all required permits. The issuance of a parade and special events permit is not a substitute for or evidence of compliance with the foregoing.
- (b) *Optional conditions.*
- (1) If deemed necessary because of the nature of a parade or special event or because of a failure on the part of organizers to restore or clean up after the conduct of a previously conducted parade or special event, the city administrator may require the applicant to post a bond to cover the projected costs of restoration and cleanup.
 - (2) Upon the advice of department heads and the Downtown Development Commission, if the parade or special event travels through or is within its special taxing district, the city administrator may impose such other conditions as are reasonably necessary for the safety, health and general welfare of the public.

Sec. 15-88. Insurance requirements.

The applicant shall be responsible for obtaining and maintaining comprehensive general public liability insurance covering personal injury and property damage in the amount of One Million Dollars (\$1,000,000.00) per occurrence and Two Million Dollars (\$2,000,000.00) in the aggregate and shall furnish the City with a certificate of insurance evidencing the procurement of

the coverage required hereunder and proof that the premium has been paid no later than ten (10) days prior to the date of the parade or special event. Each policy shall provide that it shall not be subject to cancellation, material change, or non-renewal without at least fifteen (15) days' prior written notice to the city. Each policy shall name "Mayor and City Council of Cumberland" as an additional insured. The city administrator may waive or modify these requirements on a case-by-case basis for good cause shown. In general, I think the city administrator is given too much latitude in dealing with these issues.

Sec. 15-89. Notice of denial.

If an application for a permit is denied, the city administrator shall send written notice of the denial to the applicant by mail or e-mail no later than fourteen (14) days after the date of the filing of the application and the production of all of the information required by section 15-84.

Sec. 15-90. Revocation.

The city administrator may revoke a permit issued in accordance with this article for good cause shown, including, but not limited to, the applicant's failure to comply with the requirements of this article.

CPD IR # _____

DATE _____



CUMBERLAND POLICE DEPARTMENT APPLICATION FOR SPECIAL PERMIT

Request permission for: *(Circle one)***Firearms Discharge****Special Event****Parade****Special Parking**

EVENT: _____

Start Date _____ Start Time _____ End Date _____ End Time _____

Organizing Agency: _____

Contact Person: _____

Phone 1: _____

Address: _____

Phone 2: _____

Email: _____

REQUEST: *(describe routes, street closures, number of volleys to be fired, or other needs, attach map or drawing if applicable)*

LIST OTHER AGENCIES INVOLVED: _____

ACKNOWLEDGEMENTS

The organizer hereby affirms that the event and all participants will comply with all applicable city, county, state and federal government laws and that the issuance of this permit does not constitute evidence of such compliance. Furthermore, the organizer and participants agree to hold harmless from any liability, the various government agencies providing assistance for this event.

The Cumberland Police Department has the authority to require the stoppage of such events in the event of any unsafe or malicious activities associated with the event. It may also require the organizer to alter the manner in which the permitted activity is being conducted for the purpose of ensuring public safety and traffic flow and reducing inconvenience to the neighborhood.

If a firearm is to be discharged, the applicant agrees to not fire a projectile and will give every consideration to safe firearm operation. The applicant will also only be allowed to shoot the number of times to achieve their purpose as specified by the Chief of Police.

I acknowledge and agree to abide by the above.

SIGNED _____

ADMINISTRATION USE

REVIEWED BY _____

APPLICATION: *(CIRCLE)* DENIED GRANTED PERMIT VALID FROM: _____ UNTIL _____

NOTES/STIPULATIONS: _____

Item Attachment Documents:

2. Ordinance 3862 (*2nd & 3rd Readings*) – authorizing the terms for conveyance of 301-303,305,and 307-309 Arch Street to the Cumberland Housing Alliance, Inc. and authorizing execution of a deed to effect the transfer

ORDINANCE NO. 3862

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED "AN ORDINANCE TO AUTHORIZE THE TERMS FOR THE CONVEYANCE OF 301-303-305-307-309 ARCH STREET, CUMBERLAND, MARYLAND TO CUMBERLAND HOUSING ALLIANCE, INC. AND TO AUTHORIZE THE EXECUTION OF A DEED TO EFFECT THAT CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of certain parcels of real property located at 301-303-305-307-309 Arch Street, Cumberland, Maryland (collectively referred to as the "Property");

WHEREAS, the Property was declared surplus under the terms of Order Nos. 26,520 and 26,530, respectively passed by the Mayor and City Council on September 3, 2019 and September 19, 2019;

WHEREAS, Cumberland Housing Alliance, Inc. ("CHA") requested that the City donate the Property to it on the condition that it construct a single-family dwelling on it; and

WHEREAS, subject to the hereinafter set forth terms, the Mayor and City Council deem the donation of the Property to CHA to be in the City's best interests.

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council shall donate the Property to CHA on the following terms and conditions:

- A. CHA shall pay all recordation and transfer taxes required to record the deed effecting the conveyance of the Property to it;

- B. It will pay the deed recordation fee charged by the court;
- C. It will be responsible for the payment of any City and County real estate taxes which may be due from the date of the deed through the remainder of the tax year and it will assume responsibility for the payment of those taxes thereafter;
- D. The Property will be transferred to it by means of a quitclaim deed containing no warranties or covenants of any kind;
- E. It shall pay the City's \$100.00 deed recordation fee unless it records the deed on its own; and
- F. The conveyance shall be made by means of the deed attached hereto which includes the terms and conditions set forth hereinbefore as well as those set forth therein.

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed conveying the Property to CHA subject to the aforesaid terms and conditions;

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

Passed this ____ day of _____, 2019.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

NO TITLE SEARCH PERFORMED

THIS QUITCLAIM DEED, made this ____ day of November, 2019, by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation, party of the first part, and **CUMBERLAND HOUSING ALLIANCE, INC.**, a Maryland corporation, party of the second part.

WITNESSETH:

That for and in consideration of the sum of Ten Dollars (\$10.00) cash in hand paid and for other good and valuable considerations, the receipt of all of which is hereby acknowledged, the party of the first part does hereby quitclaim unto the party of the second part, its successors and assigns, all of the party of the first part's right, title, interest and estate in and to the following-described parcels of real property lying and being in the City of Cumberland, Allegany County, Maryland which are listed below and described as follows, to wit:

Map	Parcel	Tax ID #	Liber / Folio	Description
111	1842	04-028872	2406/ 227	301-303 Arch Street
111	1841	04-038495	2367/423	305 Arch Street
111	1840	04-007441	2050/077	307 Arch Street
111	1839	04- 006755	2426/ 96	309 Arch Street

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

TO HAVE AND TO HOLD the above-described property unto the party of the second part, its successors and assigns, in fee simple forever.

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

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

Marjorie A. Woodring, City Clerk

By: _____ (SEAL)
**Raymond M. Morriss,
City Administrator**

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

I HEREBY CERTIFY, that on this ____ day of _____, 2015, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, the Mayor of Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland, and acknowledged the foregoing to be the act and deed of the said Mayor and City Council of Cumberland; and at the same time made oath he is duly authorized by it to make this acknowledgment; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$0.00. He further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident entity of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

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

MICHAEL SCOTT COHEN

Item Attachment Documents:

Order 26,561 - accepting the "Alternate Bid I" of Excavating Associates for City Project
"Bellevue Street Sidewalk Upgrades" (27-19-M) in the estimated total cost of \$81,250

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

ORDER NO. 26,561

DATE: November 19, 2019

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

THAT, the Alternate Bid I of Excavating Associates, Inc., P. O. Box 434, Ellerslie, MD 21529, for the Bellevue Street Sidewalk Upgrades (Project No. 27-19-M) in the estimated total price of Eighty-one Thousand, Two Hundred Fifty Dollars and No Cents (\$81,250.00), be and is hereby accepted; and

BE IT FURTHER ORDERED, that all other bids are hereby rejected.

Raymond M. Morriss, Mayor

Bids:

Company	Alternate Bid I
Excavating Associates	\$81,250.00
ECM Corporation	\$119,937.50
Carl Belt, Inc. (<i>rejected due to miscalculation in bid form</i>)	\$88,790.00
Dotson's Contracting, LLC (<i>rejected due to absence of Bid Bond</i>)	\$58,195.00

Budget: CDBG Grant Funds

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number: 27-19-M

Key Staff Contact: Kim Root

Item Title:

Bellevue Street Sidewalk Upgrades (27-19-M)

Summary:

The Engineering Department's recommendation is to award the contract to Excavating Associates, Ellerslie, MD 21529. Excavating Associates was the lowest responsive Bidder of the 4 bids received.

After review the Engineering Department recommends to award the Alternate Bid 1 in the amount of \$81,250.00.

This project includes the installation of concrete sidewalks along Bellevue Street from Baltimore Avenue to Fulton Street, to include ADA-accessible ramps.

Issues and Considerations:

Dotson's Contracting, Incorporated's bid was rejected for not providing a bid bond. Carl Belt, Incorporated's bid was rejected due to a miscalculation in the bid form.

This award is contingent upon Release of Funds (ROF) from HUD.

<i>Fiscal Impact:</i>	
Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Budget:	CDBG Grant Funds
Value of award:	\$81,250.00
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	

Match provisions:	
Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	


PROJECT INFORMATION			
Project Title:	Bellevue Street Sidewalk Upgrades		
Project Description:	Baltimore Ave to Fulton Street Sidewalk Replacement		
City Project No.:	27-19-M		
BID OPENING			
Date & Time:	October 29, 2019 2:30 PM EDT		
Location:	Council Chambers, City Hall Cumberland, MD 21502		

CERTIFIED BID TABULATION			UNITS	QTY.	Carl Belt, Inc 11521 Milnor Ave Cumberland, MD 21502		ECM CORP. 12317 Riverview Road Fort Washington, MD 20744		Excavating Associates, INC P.O. Box 434 Ellerslie MD 21529		Dotson's Contracting, LLC 13102 Winchester RD SW Cresaptown, MD 21502	
ITEM NO.	CATEGORY CODE	DESCRIPTION OF ITEM			UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
1001	130850	Mobilization	LS	1	\$ 6,750.00	\$ 6,750.00	\$ 12,500.00	\$ 12,500.00	\$ 3,806.00	\$ 3,806.00	\$ 500.00	\$ 500.00
1002	130840	Construction Stakeout	LS	1	\$ 1,500.00	\$ 1,500.00	\$ 400.00	\$ 4,000.00	\$ 3,636.00	\$ 3,636.00	\$ 500.00	\$ 500.00
1003	120500	Maintenance of Traffic (MOT)	LS	1	\$ 1,750.00	\$ 1,750.00	\$ 800.00	\$ 8,000.00	\$ 4,314.00	\$ 4,314.00	\$ 2,500.00	\$ 2,500.00
3001	388066	Inlet Protection Devices	EACH	1	\$ 280.00	\$ 280.00	\$ 400.00	\$ 400.00	\$ 385.00	\$ 385.00	\$ 150.00	\$ 150.00
5001		Patch Existing Street (contingent)	SY	200	\$ 6.30	\$ 1,260.00	\$ 12.50	\$ 2,500.00	\$ 14.58	\$ 2,916.00	\$ 10.00	\$ 2,000.00
5002		Portland Cement Concrete Patch Existing Street (contingent)	SY	200	\$ 23.50	\$ 4,700.00	\$ 18.00	\$ 3,600.00	\$ 24.40	\$ 4,880.00	\$ 11.00	\$ 2,200.00
6001	634110	Modified Type D Concrete Curb 6 Inch x 18 Inch	LF	350	\$ 63.40	\$ 22,190.00	\$ 60.00	\$ 21,000.00	\$ 64.80	\$ 22,680.00	\$ 35.00	\$ 12,250.00
6002	655115	5 Inch Reinforced Concrete Sidewalk	SF	2275	\$ 17.15	\$ 39,016.25	\$ 19.50	\$ 44,362.50	\$ 15.40	\$ 35,035.00	\$ 18.00	\$ 40,950.00
6003	655120	Detectable Warning Surfaces for Curb Ramps	SF	20	\$ 35.00	\$ 700.00	\$ 100.00	\$ 2,000.00	\$ 21.00	\$ 420.00	\$ 38.00	\$ 760.00
6004	500000	8 Inch Portland Cement Concrete Pavement For Driveway - Mix 3	SF	360	\$ 25.00	\$ 9,000.00	\$ 25.00	\$ 9,000.00	\$ 11.50	\$ 4,140.00	\$ 11.00	\$ 3,960.00
8002		Replace Wooden Stairs	EACH	2	\$ 1,500.00	\$ 3,000.00	\$ 5,500.00	\$ 11,000.00	\$ 2,389.00	\$ 4,778.00	\$ 500.00	\$ 1,000.00
						\$ 90,146.25		\$ 118,362.50		\$ 86,990.00		\$ 66,770.00

Alternate Bid												
ITEM NO.	CATEGORY CODE	DESCRIPTION OF ITEM	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
		Total of items 1001-5002 + Items 6003-8001				\$ 28,940.00		\$ 53,000.00		\$ 29,275.00		\$ 13,570.00
6005		Monothilic Curb & Sidewalk with asphalt road repairs	SF	2625	\$ 22.80	\$ 59,850.00	\$ 25.50	\$ 66,937.50	\$ 19.80	\$ 51,975.00	\$ 17.00	\$ 44,625.00
Estimate Construction Total						\$ 88,790.00		\$ 119,937.50		\$ 81,250.00		\$ 58,195.00

Alternate Bid 2 (Alternate Limits)												
ITEM NO.	CATEGORY CODE	DESCRIPTION OF ITEM	UNITS	QTY.	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT	UNIT PRICE	AMOUNT
		Total of items 1001-5002 + Items 6003-8001				\$ 28,940.00		\$ 53,000.00		\$ 29,275.00		\$ 13,570.00
6005		Monothilic Curb & Sidewalk with asphalt road repairs	SF	1875	\$ 21.75	\$ 40,781.25	\$ 26.00	\$ 48,750.00	\$ 19.80	\$ 37,125.00	\$ 17.00	\$ 31,875.00
Estimate Construction Total						\$ 69,721.25		\$ 101,750.00		\$ 66,400.00		\$ 45,445.00

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


Kim Root

Item Attachment Documents:

Order 26,562 - accepting the sole source proposal of Shaffer Construction to perform paving work, with a cost share between the City and Columbia Gas, on Bedford Street from Shlundh to Lowell Streets, and various streets on the West Side including Allegany, Fayette, and Cumberland Streets in the estimated unit price of \$98,000

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

ORDER NO. 26,562

DATE: November 19, 2019

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

THAT the Sole Source proposal of Shaffer Construction Company, Inc., P.O. Box 231, Ellerslie, MD, 21529, be and is hereby accepted in the estimated unit price of Ninety-eight Thousand Dollars and No Cents (\$98,000.00) for paving work on Bedford Street from Shlundh to Lowell Streets, and various streets on the City's West Side, to include Allegany, Fayette, and Cumberland Streets; and

BE IT FURTHER ORDERED, that this work will be taking place with a cost share between the City of Cumberland and Columbia Gas of Maryland.

Raymond M. Morriss, Mayor

Source of Funding: 127.99XB.63000

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number:

Key Staff Contact: Kim Root

Item Title:

Sole Source Approval for Shaffer Construction to perform paving work

Summary:

Request for sole source approval for paving work that is taking place with a cost share between the City of Cumberland and Columbia Gas of MD. This work would be on Bedford Street from Shlundh Street to Lowell Street, and various streets on the West Side to include Allegany Street, Fayette Street and Cumberland Street. The total sole source request is for an estimated unit cost of \$98,000.00.

Issues and Considerations:

Sole Source Approval

<i>Fiscal Impact:</i>	
Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Budget:	127.99XB.63000
Value of award:	\$98,000.00
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Match provisions:	Enter Text Here
Is this a sole source purchase? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	



Kim Root <kim.root@cumberlandmd.gov>

Re: Sole Source Approval

1 message

Jeff Rhodes <jeff.rhodes@cumberlandmd.gov>
To: Kim Root <kim.root@cumberlandmd.gov>
Cc: Margie Woodring <margie.woodring@cumberlandmd.gov>

Tue, Nov 12, 2019 at 12:13 PM

Approved

Sent from my iPhone

On Nov 6, 2019, at 12:14 PM, Kim Root <kim.root@cumberlandmd.gov> wrote:

Jeff,

I am requesting sole source approval for paving work that is taking place with a cost share between the City of Cumberland and Columbia Gas of MD. The reason for this request is because while Shaffer Construction is completing work for Columbia Gas the City can have additional paving completed while there is a paving crew in the area. This allows the City to have complete streets paved at a reduced cost (not having to pay full mobilization and maintenance of traffic). This work would be on Bedford Street from Shlundh Street to Lowell Street. and Various Streets on the West Side to include Allegany Street, Fayette Street and Cumberland Street. The total sole source request is for an estimate unit cost of \$98,000.00.

Kim Root**Contract Labor Compliance Specialist**

City of Cumberland, MD

W: (301) 759-6600 | F:(301) 759-6608

[57 N. Liberty Street, Cumberland, MD 21502](#)**Cumberland**
Maryland

Item Attachment Documents:

Order 26,563 - authorizing the execution of Change Order 1 to the current contract with Safe Slide Restoration, Project 33-19-RE "Constitution Park Pool Slide Restoration" in the increased amount of \$11,200 for repairing 17 seams in the slide to provide a safer and smoother surface, bringing the new contract total to \$36,600

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

ORDER NO. 26,563

DATE: November 19, 2019

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

THAT, the City Administrator be and is hereby authorized to execute Change Order No. 1. to the current contract with Safe Slide Restoration, PO Box 186, Frederickstown, MO, 63645, for City Project "Constitution Park Pool Slide Restoration" in the increased amount of Eleven Thousand, Two Hundred Dollars and No Cents (\$11,200.00) to repair seventeen (17) seams on the slide to provide a safer and smoother surface.

Mayor Raymond M. Morriss

Safe Slide Restoration (33-19-RE)	Amount
Original Contract Amount	\$25,400.00
Change Order No. 1	\$11,200.00
New Contract Amount	\$36,600.00

Source of Funding: Bowers Funds
Budget: 001.080P.010B.64000

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number: 33-19-RE

Key Staff Contact: Kim Root

Item Title:

Constitution Park Pool Slide Restoration

Summary:

It is the Engineering Department's recommendation to execute Change Order No. 1 to the current contract with Safe Slide Restoration for City Project 33-19-RE "Constitution Park Pool Slide Restoration" in the increased value of \$11,200.00. This change order is needed to repair the 17 seams in the belly of the slide to provide a safer and smooth surface.

Issues and Considerations:

This project is being funded with Bowers Funds

<i>Fiscal Impact:</i>	
Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Budget:	001.080P.010B.64000
Value of award:	\$11,200.00
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
Match provisions:	
Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	

CHANGE ORDER: Safe Slide Restoration

PROJECT NAME	Constitution Park Pool		
LOCATION OF WORK	450 Reservoir, Cumberland, MD 21502		
PROJECT MANAGER	Benjamin Martin	CUSTOMER	Kim Root
REQUESTING PARTY	Safe Slide Restoration	DATE OF REQUEST	10.19.19

CHANGE REQUEST	
DESCRIPTION OF CHANGES NEEDED	Permanently fiberglass 17 seams
REASON FOR CHANGE	The last company attempted to repair the seams. Unfortunately, they did more damage than good, and should be addressed for guest safety.
ADDITIONAL INFORMATION (Additional lift charges or other rental charges?)	

CHANGE IN CONTRACT AMOUNT		ADDITIONAL INFORMATION	
ORIGINAL CONTRACT AMOUNT	\$25,400.00	ORIGINAL JOB NUMBER	0919.198
CHANGE ORDER AMOUNT	\$11,200.00	NEW JOB NUMBER (If Needed?)	
NEW TOTAL	\$36,600.00	ORIGINAL PURCHASE ORDER	2020-407

Signatures:

Constitution Park Pool: _____ Date: _____

Print: _____

Safe Slide Restoration: _____ Date: _____

Print: _____

Item Attachment Documents:

Order 26,564 - authorizing the execution of Change Order No. 1 to the current contract with Service Pro for the City Project "2019 Residential Grass Mowing" (10-19-M) in the increased amount of \$975.00 to add City properties 101 N. Cedar St. and 400 N. Mechanic St. and allow mowing through the end of FY20

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

ORDER NO. 26,564

DATE: November 19, 2019

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

THAT, the City Administrator be and is hereby authorized to execute Change Order No. 1 to the current contract with Casey Smith LLC dba ServicePro, 15707 Saint Patrick's Church Road, NW, Mount Savage, MD, 21545, for City Project "2019 Residential Grass Mowing" (10-19-M), in the increased amount of Nine Hundred Seventy-five Dollars and No Cents (\$975.00) to add City properties 101 N. Cedar Street and 400 N. Mechanic Street and allow mowing through the end of FY20.

Raymond M. Morriss, Mayor

Casey Smith LLC dba ServicePro	Amount
Original Contract Amount	\$45,460.00
Change Order No. 1	\$ 975.00
New Contract Amount	\$46,435.00

Budget - artment 001.078.20100

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number: 10-19-M

Key Staff Contact: Kim Root

Item Title:

Change Order No. 1 to 2019 Residential Grass Cutting Contract

Summary:

This Change Order No. 1 is to add properties owned by the City at 101 N. Cedar Street and 400 N. Mechanic Street. These will be added to the contract to allow mowing through the end of the FY. This will add an additional \$975.00 to the current contract. The new contract value will be \$46,435.00. Original contract was approved with M&CC Order No. 26,462.

Issues and Considerations:

<i>Fiscal Impact:</i>	
Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Budget:	001.078.20100
Value of award:	\$975 for project total \$46,435.00
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Match provisions:	Enter Text Here
Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	

Change Order Number: 1

Project:	Residential Grass Mowing Contract	
City Project No.:		10-19-M
Purchase Order No.:		2020-17
Contractor:		Service Pro
Vendor No.:		239

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

[illegible]

The Original Contract Sum was:

The Original Contract Sum was:	\$45,460.00
Previous Change Orders:	\$0.00
Contract Sum as a result of Previous Change Orders:	\$45,460.00
The Contract Sum increased/decreased by this Change Order:	\$975.00
The New Contract Sum as a result of this Change Order is:	\$46,435.00

Contract Time Change:

No time added

Recommended by:

Kimi Root
Contract Labor Compliance Specialist

11/6/19
Date

Contractor: Service Pro

Service Pro
by CSM

11/10/19
Date

Accepted by:

Robert J. Smith
Director of Engineering

11/12/19
Date

Approved By:

City Administrator

Date _____

Mayor and City Council Order Number Authorizing this Change Order: _____

Item Attachment Documents:

Order No. 26,565 - authorizing execution of Change Order No. 1 to the current contract with Hoyman Painting for City Project 21-18-WWTP "Repaint Primary Clarifiers" in the increased amount of \$25,305.26, bringing the new contract total to \$142,033.26, for emergency concrete repairs to cracks found during painting

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

ORDER NO. 26,565

DATE: November 19, 2019

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

THAT the City Administrator be and is hereby authorized to execute Change Order No. 1 to the current contract with Hoyman Painting, a division of Glass Service of Cumberland, Inc., 813 Lafayette Avenue, Cumberland, MD 21502 for the "Repaint Primary Clarifier Equipment Project" (21-18-WWTP) in the increased amount of Twenty-five Thousand, Three Hundred Five Dollars and Twenty-six Cents (\$25,305.26) for emergency concrete repairs to cracks found during painting.

Raymond M. Morriss, Mayor

Hoyman Painting	Amount
Original Contract Price	\$116,728.00
Change Order No. 1	\$25,305.26
New Contract Total	\$142,033.26

Budget: 003.310.63000

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number: 21-18-WWTP

Key Staff Contact: Robert Smith

Item Title:

Change Order No. 1 to current contract with Hoyman Painting - City Project 21-18-WWTP

Summary:

This Change Order No. 1 will include additional work found during the repainting of the primary clarifiers. There were cracks found in the concrete tanks by the painting contractor, and the repairs required an emergency effort by RPG Surface Prep to inject grout into the tanks on a time and material basis to address the issue. This is an added cost of \$25,305.26 bringing the new contract value to \$142,033.26.

Issues and Considerations:

<i>Fiscal Impact:</i>	
Is this item budgeted? <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	
Budget:	003.310.63000
Value of award:	\$25,305.26, total contract value \$142,033.26
If item is not budgeted, does the budget need to be appropriated? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Is there grant funding being used? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
If grant funding is being used, does it require a City match? <input type="checkbox"/> Yes <input type="checkbox"/> No	
Match provisions:	Enter Text Here
Is this a sole source purchase? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (If so, attach department recommendation and approval from City Administrator.)	

City of Cumberland

Change Order Number: 1

Project: Repaint Primary Clarifier

City Project No.:

21-18-WWTP

Purchase Order No.:

2019-169

Contractor:

Hoyman Painting, INC

Vendor No.:

303871

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

[illegible]

The Original Contract Sum was:

The Original Contract Sum was:

\$116.728.00

Previous Change Orders:

\$0.00

Contract Sum as a result of Previous Change Orders:

\$116,728.00

The Contract Sum increased/decreased by this Change Order:

\$25,305.26

The New Contract Sum as a result of this Change Order is:

\$142,033.26

Contract Time Change:

No time added

Recommended by:

Robt. J. [Signature]
City Engineer

11/13/14
Date

Contractor: Hoyman Painting, INC.

Hoyman Painting, INC.
Dustin Hoyman

11/12/10
Date

Accepted by:

Robert J. Smith
Director of Engineering

11 / 13 / 16
Date

Approved By:

City Administrator

Date _____

Mayor and City Council Order Number Authorizing this Change Order:

Item Attachment Documents:

Order 26,566 - approving program amendments to the Community Development Block Grant Program (CDBG) effective November 20, 2019

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

ORDER NO. 26,566

DATE: November 19, 2019

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

THAT, the following programs amendments to the Community Development Block Grant
Program be and are hereby approved effective November 20, 2019:

Program	Current	Amendment	New Total
2018 Administration/Planning (QQ18016)	\$63,051.43	(\$63,051.43)	0
2015 ADA Sidewalk Improvements Downtown- Cumberland Street (NN15007)	\$91,882.46	\$63,051.43	\$154,933.89

Raymond M. Morriss, Mayor

Public Notice of Intent to Reprogram Community Development Block Grant Funds

Amendment #510162019

City of Cumberland

The City of Cumberland is notifying the public regarding proposals to reprogram funds from activities affecting the 2015 and 2018 Annual Action Plans. Reprogramming funds in a timely manner enables the City to comply with HUD "Timeliness" standards and allows the funds to be used on "shovel ready" activities.

\$63,051.43 remains unspent of the 2018 Administration project (QQ18016) which was originally funded at \$152,710.79. The funds were allocated for general program administration, indirect cost and fair housing efforts for the CDBG program. Due to the implementation of cost saving measures, the 2018 Administration project will be completed with \$89,659.36 having been expended. All \$63,051.43 remaining will be re-allocated to the existing 2015 ADA Sidewalk Improvements Downtown-Cumberland Street (NN15007) project which came in over budget.

As a result of the aforementioned proposed Amendments to the 2015 and 2018 Annual Action Plans, the 2015 ADA Sidewalk Improvements Downtown-Cumberland Street project (NN15007) will be increased by a total of \$63,051.43. Including the original \$91,882.46, the total available for Cumberland Street sidewalks to \$154,933.89. This activity requires additional funding in order to remove accessibility barriers, repair sidewalk and retaining walls at the intersection of Cumberland and Johnson Streets, Cumberland, Maryland.

Written comments concerning this change may be provided effective Sunday, October 20, 2019 through 4 PM Tuesday, November 19, 2019. Provide written comments to the City of Cumberland, Department of Community Development by mail to 57 N. Liberty Street, Cumberland, Maryland or email at lee.borror@cumberlandmd.gov. This Amendment to the Community Development Block Grant Annual Plans will be considered by Mayor and City Council at the regular meeting on Tuesday, November 19, 2019 in Council Chambers at City Hall at 6:15 PM.

ADV: Sunday, October 20, 2019

Item Attachment Documents:

Order 26,567 - declaring 6 copiers and 40 Smartphones to be surplus equipment and authorizing them for sale or trade-in

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

ORDER NO. 26,567

DATE: November 19, 2019

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

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

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

Copiers:

FRU37407	Canon Tax - Utility Copier	Canon iR2525
DFR05434	Finance	Canon iR3230
FRU38885	Fire Dept Chief's office	Canon iR2525
GNG53470	Police Central Records	Canon iRC5030
GNG53474	Engineering	Canon iRC5030
EZS10308	Public Works	Canon iRC2030

Smartphones:

33 Samsung Galaxy S7
1 Samsung Galaxy S8
2 Samsung Galaxy S6
1 iPhone 8
1 iPhone 6s
2 iPhone 6s Plus

Raymond M. Morriss, Mayor



Margie Woodring <margie.woodring@cumberlandmd.gov>

Surplus copiers and phones

1 message

Johnna Byers <johnna.byers@cumberlandmd.gov>

Thu, Nov 14, 2019 at 12:05 PM

To: Margie Woodring <margie.woodring@cumberlandmd.gov>

MIS would like to declare the below surplus so that they can be sold/returned to AT&T for credit:

Six Canon copiers:

FRU37407	Canon Tax - Utility Copier		Canon iR2525
DFR05434	Finance		Canon iR3230
FRU38885	Fire Dept Chief's office		Canon iR2525
GNG53470	Police Central Records		Canon iRC5030
GNG53474	Engineering		Canon iRC5030
EZS10308	Public Works		Canon iRC2030

Smartphones:

33 Samsung Galaxy S7

1 Samsung Galaxy S8

2 Samsung Galaxy S6

1 iPhone 8

1 iPhone 6s

2 iPhone 6s Plus

Can these be declared surplus on the November 19 M&CC meeting?

Thanks!

Johnna

Item Attachment Documents:

Order 26,568 - authorizing execution of a Settlement Agreement and Roadway Easement Agreement with Michael E. Taccino regarding a City easement running through his property on Knobley Mountain, West Virginia, and addressing matters involving a suit filed by Taccino in District Court seeking damages for the City's alleged unauthorized use of the easement; and authorizing payment of \$5,000 for a one-year easement period and the option to extend the easement for unlimited duration for the sum of \$7,800

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

ORDER NO. 26,568

DATE: November 19, 2019

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

THAT, the Mayor be and is hereby authorized to execute a Settlement Agreement and Roadway Easement Agreement by and between the Mayor and City Council of Cumberland and Michael E. Taccino, Sr. regarding a City of Cumberland easement running through property owned by Taccino on the north side of Knobley Mountain, West Virginia (Mineral County Records Deed Book 383, page 19) and addressing matters involving a suit filed by Taccino (*Michael E. Taccino, Sr. v. City of Cumberland, et al*) in District Court seeking damages for the City's alleged unauthorized use of the Easement; and

BE IT FURTHER ORDERED, that the sum of Five Thousand Dollars (\$5,000) shall be paid to Taccino for said easement for a period of one (1) year, with the right to extend the easement for unlimited duration, per terms of the agreement, for the sum of Seven Thousand Eight Hundred Dollars (\$7,800).

Raymond M. Morriss, Mayor

ROADWAY EASEMENT AGREEMENT

THIS ROADWAY EASEMENT AGREEMENT (“Agreement”), made and executed this ____ day of _____, 2019, by and between Michael E. Taccino, Sr., of Mineral County, West Virginia (“Grantor”) and Mayor and City Council of Cumberland (“Grantee”), a Maryland municipal corporation.

WITNESSETH:

That for and in consideration of these premises and the sum of Five Thousand Dollars (\$5,000.00) paid by Grantee unto Grantor, the receipt and sufficiency of which is hereby acknowledged, Grantor hereby grants, gives, bargains, sells and conveys unto Grantor, its successors and assigns, an easement (the “Easement”) for purposes of ingress, egress and regress over, upon, in and through that parcel of real property described in the West Virginia Quit Claim Deed from Michael E. Taccino, Jr. to Grantor, dated April 26, 2019 and recorded among the records of the Office of the Clerk of the County Commission of Mineral County, West Virginia in Deed Book 383, Page 19. The location of said Easement (at the location of an existing road/drive) is shown on the drawing attached hereto and incorporated by reference herein as Exhibit A.

The rights herein granted shall expire one (1) year from the date of this Agreement. Grantee shall have the exclusive right to extend the rights herein granted to an easement of unlimited duration upon providing Grantee with written notice of its intent to do so no later than thirty (30) days prior to the expiration of this Agreement. The consideration for that conveyance shall be Seven Thousand Eight Hundred Dollars (\$7,800.00).

Any maintenance or repair of the aforementioned road/drive required solely as a result of Grantee’s use thereof shall be performed at Grantee’s expense, except that Grantee shall not be obligated to perform or bear the costs of routine maintenance, drainage alteration, roadway

leveling, stone replacement or like maintenance, repairs or improvements. Notwithstanding the foregoing, Grantee shall be permitted to repair or maintain the roadway.

Grantor reserves the right to use said road/drive in common with Grantee, provided however, such use shall not interfere with Grantee's use thereof and provided further that any maintenance or repair of said road/drive required as a result of Grantor's use thereof shall be at Grantor's expense.

Grantor, for himself, his personal representatives, heirs and assigns, covenants that he is the true and lawful owner of the lands described in the hereinbefore referenced West Virginia Quit Claim Deed and has the full right and power to grant and convey the Easement.

Grantor, for himself, his personal representatives, heirs and assigns, covenants that he shall execute such other and further documents as may be required to effect the conveyance of the Easement to Grantee.

IN WITNESS WHEREOF, the parties to this Agreement have set forth their respective hands and seals the date and year first above written.

WITNESS:

_____(SEAL)
Michael E. Taccino, Sr.

MAYOR AND CITY COUNCIL
OF CUMBERLAND

By:_____(SEAL)
Raymond M. Morriss

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

I HEREBY CERTIFY, that on this _____ day of _____, 2019, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Michael E. Taccino, Sr.**, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that he executed the same for the purposes therein contained

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires:_____

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

I HEREBY CERTIFY, that on this _____ day of _____, 2019, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, known and/or satisfactorily identified to me, the Mayor of Mayor and City Council of Cumberland, and acknowledged the foregoing instrument to be the act and deed of Mayor and City Council of Cumberland and made oath that he is duly authorized by it to make this acknowledgment.

WITNESS my hand and Notarial Seal.

Notary Public

My commission expires:_____

Establishment of fences, garages, buildings, or other existing or future lines. Property corners have not been set nor a true report provided. This survey is for above-ground improvements only and not intended to find underground utilities or other installations.

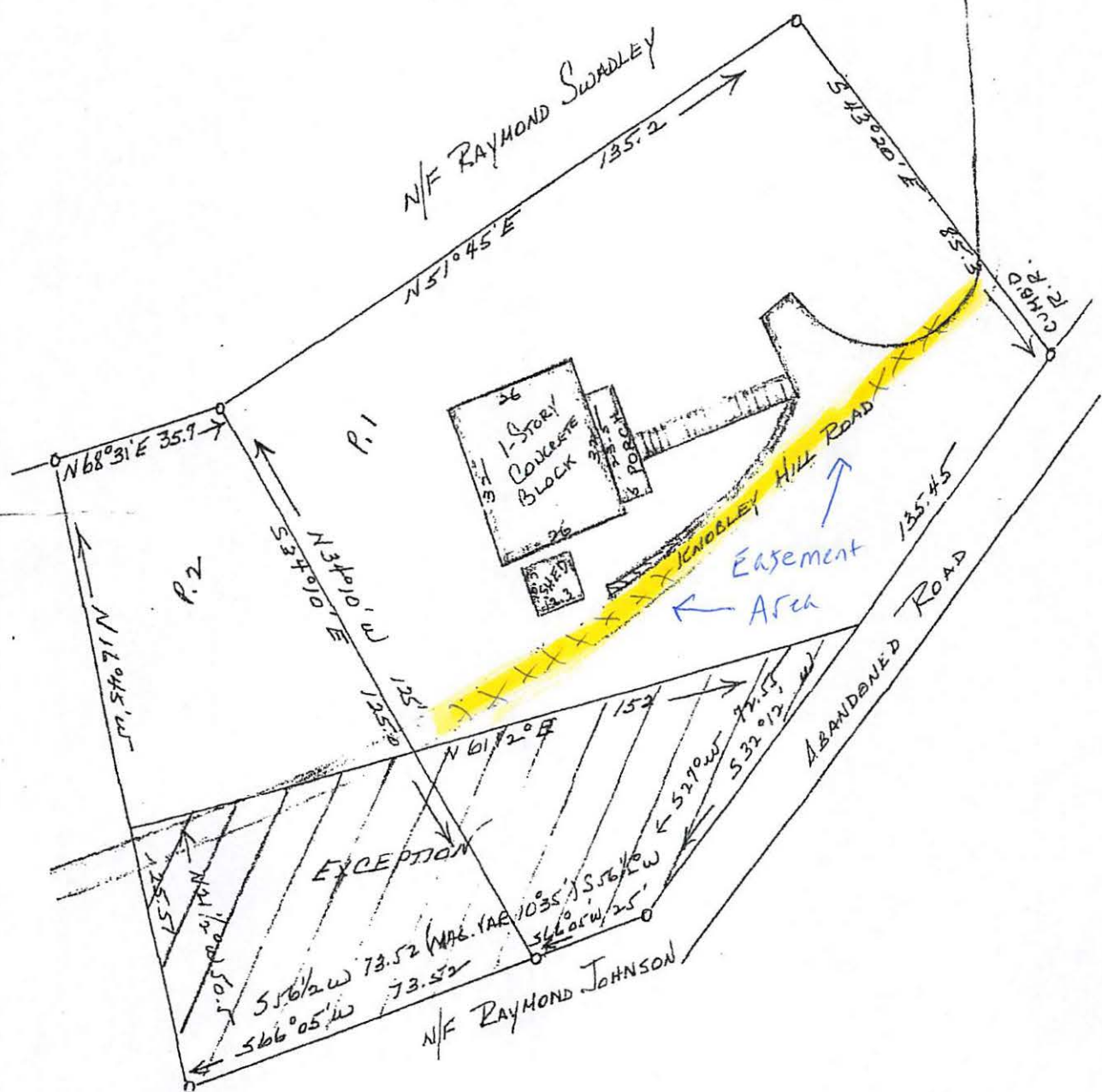
M. Virginia Rosenbaum, Md. Property Line Survey #564

EXHIBIT A

EXH. A

N

SCALE: 1" = 30'



NOT IN 100-YEAR FLOODPLAIN 540129 0070A ZONE X 9/27/91



TOLERANCES UNLESS OTHERWISE SPECIFIED		
FRACTIONS	DEC	ANGLES
±	±	±
APPROVALS	DATE	

HOUSE LOCATION SURVEY
RAYMOND G. SWADLEY & F. JOSEPHINE SWADLEY
122-1/2 KNOBLEY HILL ROAD, RIDGELEY, W.VA.
26757

SETTLEMENT AGREEMENT

THIS SETTLEMENT AGREEMENT (“Agreement”) is made this _____ day of _____, 2019 by and between **MAYOR AND CITY COUNCIL OF CUMBERLAND**, a Maryland municipal corporation (hereinafter referred to as the “City”), and **MICHAEL E. TACCINO, SR.** (hereinafter referred to as the “Taccino”).

RECITALS

WHEREAS, Taccino owns the real property and the improvements thereon located at 198 Hill School Road, Ridgeley, WV 26753 (the “Property”).

WHEREAS, the Property is located on the northeast side of Knobley Mountain.

WHEREAS, Taccino acquired title to the Property by a West Virginia Quit Claim Deed from Michael E. Taccino, Jr., dated April 26, 2019 and recorded in the Office of the Clerk of the County Commission of Mineral County, West Virginia on May 1, 2019 in Deed Book 383, page 19.

WHEREAS, an easement (the “Easement”) running through the Property has been used by the City and others to access equipment they own at the top of Knobley Mountain. It has also been used by Jason L. Shook and Teresa L. Shook (the “Shooks”) to access their property which is adjacent to the Property. The approximate location of the Easement is shown on the plat attached to the hereinafter-identified REA which is attached hereto and incorporated by reference herein as Exhibit 1.

WHEREAS, Taccino improved the surface of the Easement and placed a gate across it which he locked in order to prevent others from utilizing it.

WHEREAS, the gating of the Easement prevented the Shooks from accessing their property.

WHEREAS, in order secure access to their property, the Shooks filed suit against Taccino in *Jason L. Shook, et ux. v. Michael E. Taccino, Sr.*, in the Circuit Court of Mineral County, West Virginia, Civil Action No. 18-C-57 (the “State Case”).

WHEREAS, Taccino filed suit against the City and others in *Michael E. Taccino, Sr. v. City of Cumberland, et al.*, United States District Court for the Northern District of West Virginia, Case No. 3:19-CV-00091 (the “Federal Case”). He sought damages for the defendants’ alleged unauthorized use of the Easement.

WHEREAS, the State Case was removed from the Circuit Court of Mineral County, West Virginia and joined into the Federal Case.

WHEREAS, the City and Taccino enter into this Agreement for the purpose of resolving all matters at issue regarding the Easement, including, but not limited to, the City’s use of the Easement, the payment of consideration therefor, the dismissal of the Federal Case insofar as the City is a party therein and Taccino’s release of any claims he may have against the City, all as are more fully set forth hereinafter.

WITNESSETH

NOW THEREFORE, in consideration of the City's payment of the sum of \$5,000.00 to Taccino and for other good and valuable consideration, the sufficiency of which is acknowledged by the City and Taccino, they hereby agree as follows:

1. **Recitals.** The recitals set forth above are not merely prefatory. They are incorporated by reference herein and form a part of this Agreement.

2. **Temporary Use of Easement.** Taccino grants the City the right to utilize the Easement for a term of one (1) year pursuant to the terms and upon the conditions set forth in the Roadway Easement Agreement ("REA") attached hereto and incorporated by reference herein as Exhibit 2. The consideration for the use of the Easement as provided for in this Section 2 is Five Thousand Dollars (\$5,000.00) which the City shall pay Taccino upon the execution of this Agreement. The parties hereto shall execute the REA contemporaneously with the execution of this Agreement.

3. **Permanent Use of Easement.** Taccino shall grant the City the right to use the Easement indefinitely along the same terms and conditions set forth in the REA for and in consideration of the sum of Seven Thousand Eight Hundred Dollars (\$7,800.00). This consideration is in addition to that set forth in the preceding section of this Agreement.

4. **Dismissal of Federal Case.** Taccino shall file a notice of dismissal or such other pleadings as are necessary to dismiss the Complaint he filed in the Federal Case insofar as it states claims against the City. The notice of dismissal or other pleading(s) shall specifically state that the dismissal is "with prejudice." Those pleadings shall be filed contemporaneously with the execution of this Agreement or as soon as possible thereafter.

5. **Release.** Taccino, for himself, his personal representatives, heirs, administrators, executors, and assigns, hereby releases, acquits and forever discharges the City, its officers, officials, employees, representatives, contractors, subcontractors and agents (all of which are hereinafter referred to as the "Released Parties") of any kind of and from any claims, demands, damages, actions, causes of action, suits at law or in equity, of whatsoever kind or nature arising out of, as an incident to, or in any way related to (i) the City, (ii) any issues, matters, facts or allegations addressed in any of the pleadings filed in the State Case, the Federal Case or both of them or which could have been addressed therein, regardless of whether those allegations were made by Taccino or other parties in the State Case or Federal Case, or (iii) any matter whatsoever arising prior to the date of the execution of this Agreement, all of which are hereinafter referred to as the "Taccino Claims." Further, Taccino, himself, his personal representatives, heirs, administrators, executors, and assigns, agrees to refrain from instituting, prosecuting, filing or processing, or assisting with the institution, prosecution, filing or processing of any lawsuits, claims, charges or grievances against the Released Parties in any way arising out of, as an incident to, or in any way related to the Taccino Claims, the facts and circumstances concerning the Taccino Claims, or any matters arising prior to the date of the execution of this Agreement.

6. **Joint Tortfeasors.**

6.1. Taccino agrees that all damages recoverable by him against any person or entity other than the Released Parties are hereby reduced under the provisions of the

Uniform Contribution Among Tortfeasors Act or otherwise to the extent of the *pro rata* share of each of the Released Parties, and agree that each of the Released Parties is to be considered a joint tortfeasor with any other tortfeasors liable to Taccino for damages arising out of the Taccino Claims to the same extent as if each of the Released Parties were adjudicated to be a joint tortfeasor by a final judgment of a court of record after trial on the merits.

6.2. Taccino agrees that as to the State Case, Federal Case or any other lawsuits he files against someone other than the Released Parties seeking recovery for damages arising out of the Taccino Claims and if, in that lawsuit, a cross claim or third party claim is brought against one or all of the Released Parties, then this Agreement is to be filed with a court of competent jurisdiction as irrevocable evidence of Taccino's consent to have any verdict or judgment in his favor reduced by the *pro rata* share of each of the Released Parties.

6.3. Taccino covenants and agrees, for himself, his personal representatives, heirs, administrators, executors, and assigns, with the Released Parties to reduce in a lawsuit arising out of the Taccino Claims any verdict or judgment said person or entity obtains against the Released Parties or any one of them.

7. **Additional Instruments/Acts.** Taccino and the City agree that each of them shall execute such other and further instruments and perform such acts as may be reasonably required to effectuate the purposes of this Agreement.

8. **Governing Law.** This Agreement, having been executed in Allegany County, Maryland shall be governed by and construed in accordance with the laws of the State of Maryland, except that matters pertaining directly to the Easement shall be governed by the laws of the State of West Virginia. This Agreement is and shall be exclusively enforceable with an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and Taccino agrees to be subject to the jurisdiction of such courts and further waives any claim that any action or proceeding arising out of or relating to this Agreement and commenced in either of such courts is commenced in an inconvenient forum or one that lacks proper venue. This provision shall not, however, be construed to proscribe any action or remedy being brought or asserted by the City against Taccino in a state or local court located in Mineral County, West Virginia or in the United States District Court for the Northern District of West Virginia.

9. **Entire Agreement.** This Agreement contains the entire agreement of the parties and may not be amended, waived, changed modified, extended or rescinded except by writing signed by Taccino and the City.

10. **Jury Trial Waiver.** **TACCINO HEREBY WAIVES TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH HE AND THE CITY MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS AGREEMENT OR MATTERS ADDRESSED HEREIN. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PERSONS OR ENTITIES WHO ARE NOT PARTIES TO THIS AGREEMENT.**

11. **Severability.** If any term, provision, sentence or clause of this Agreement or the application thereof to any person, property or circumstance shall to any extent be invalid or unenforceable as to the remainder of this Agreement, then the application of such term or provision to persons, properties and circumstances other than those as to which it is invalid or unenforceable, shall not be affected thereby, and each term and provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law. Notwithstanding the foregoing, a court of competent jurisdiction may reform this Agreement by replacing the invalid or unenforceable term, provision, sentence or clause with another that appears to reflect the intent of the parties and is as close as possible to the one that was determined to be invalid or unenforceable.

12. **Gender/Tense/Conjugation.** The use of any gender, tense, or conjugation herein shall be applicable to all genders, tenses and conjugations. The use of the singular shall include the plural and the plural shall include the singular.

13. **Joint Drafting.** No provision of this Agreement shall be interpreted for or against any party hereto by reason that said party or his or her legal representative drafted all or any part hereof.

14. **Captions/Headings.** Any captions or headings preceding the text of any of the provisions in this Agreement are inserted solely for convenience of reference and do not constitute a part of the Agreement, nor shall they affect the meaning, construction or effect of any of the provisions of this Agreement.

IN WITNESS WHEREOF, the parties hereto set forth their hands and seals as set that date first written above.

WITNESS/ATTEST:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

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

_____(SEAL)
Michael E. Taccino, Sr.

Item Attachment Documents:

Order 26,569 – authorizing execution of Amendment No. 1 to Use of Public Ways Agreement with Level 3 Communications, LLC to extend the term of the original Use Agreement dated November 9, 1999 granting Level 3 the non-exclusive right to lay telecommunications cables and associated facilities under and over the City roads, for an additional 60-day period to allow for negotiations for a new agreement

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

ORDER NO. 26,569

DATE: November 19, 2019

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

THAT, the Mayor be and is hereby authorized to execute Amendment No. 1 to Use of Public Ways Agreement by and between the Mayor and City Council of Cumberland and Level 3 Communications, LLC, to extend the term of the original Use of Public Ways Agreement dated November 9, 1999, granting Level 3 Communications the non-exclusive right to lay telecommunications cables and associated facilities under and over the City roads, for an additional period of 60 days to allow for negotiations for a new agreement.

Raymond M. Morriss, Mayor

Council Agenda Summary

Meeting Date: November 19, 2019

Agenda Item Number: Order 26,569

Key Staff Contact: Michael Cohen

Item Title:

Order 26,569 – authorizing execution of Amendment No. 1 to Use of Public Ways Agreement with Level 3 Communications, LLC to extend the term of the original Use Agreement dated November 9, 1999 granting Level 3 the non-exclusive right to lay telecommunications cables and associated facilities under and over the City roads, for an additional 60-day period to allow for negotiations for a new agreement

Summary:

Twenty (20) years ago, Level 3 Communications, LLC entered into an Use of Public Ways Agreement with the City wherein the City granted Level 3 the non-exclusive right to lay telecommunications cables and associated facilities under and over City roads. The Agreement will expire November 22. Level 3 has requested that it be granted a new agreement. Negotiations for the Agreement have recently begun but will not be concluded by the expiration date. The Amendment will keep the terms of the Agreement in force and effect for a period of 60 days so that the parties may continue negotiations and draft a new agreement.

Issues and Considerations:

**AMENDMENT NO. #1 TO
USE OF PUBLIC WAYS AGREEMENT**

This Amendment No. #1 to the Use of Public Ways Agreement (this “Amendment”) is made and entered into by and between The Mayor and City Council of Cumberland, incorporated under the laws of the State of Maryland (“City”) and Level 3 Communications, LLC (“Licensee”). City and Licensee hereinafter may be referred to individually as a “Party” and collectively as the “Parties.” This Amendment shall become effective on the date it is signed by both Parties (the “Effective Date”).

RECITALS

WHEREAS, City and Licensee have entered into that certain Use of Public Ways Agreement, dated as of November 9, 1999 (the “Agreement”);

WHEREAS, the Parties agree to amend the Agreement to extend the term of the for an additional 60 days in order to negotiate an extension to the Agreement; and

WHEREAS, the Agreement shall remain in full force and effect except as amended herein.

NOW, THEREFORE, in consideration of the mutual benefits and promises contained herein and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties, intending to be bound hereby, agree as follows:

1. **Defined Terms.** Unless otherwise set forth below or defined in this Amendment, the words used herein shall have the definitions provided in the Agreement.
2. **Extension.** The Parties desire to extend the initial Term of the Agreement for an additional 60 days (“Extension Term”), or until a new Agreement is agreed upon by both parties.
3. Except as contained herein, the terms and conditions of the Agreement are hereby reaffirmed and remain in full force and effect as if set forth herein anew, and each of the undersigned does hereby ratify and reaffirm such terms and conditions, as amended herein.
4. This Amendment constitutes the entire agreement of the Parties with respect to the subject matter herein. In the event of any inconsistency between the terms and conditions of this Amendment and the other terms and conditions of the Agreement, the terms and conditions of this Amendment shall be controlling for all purposes and in all respects.
5. This Amendment may be executed in several counterparts and all so executed shall constitute an agreement binding on the Parties.

IN CONFIRMATION of their consent and agreement to the terms and conditions contained in this Amendment and intending to be legally bound hereby, authorized representatives of the Parties have executed this Amendment as of the dates set forth below:

MAYOR AND CITY COUNCIL OF CUMBERLAND

LEVEL 3 COMMUNICATIONS, LLC

Authorized Signature

Authorized Signature

Raymond M. Morris

Danett Kennedy

Name Typed or Printed

Name Typed or Printed

Mayor

Senior Manager

Title

Title

November 19, 2019

November 12, 2019

Date

Date

Item Attachment Documents:

Order 26,570 - appointing Dan Bowser and Rhiannon Morgret to the Downtown Development Commission for the term of 7/31/19 - 7/31/22; and Cindi Bolyard to the Human Relations Commission for a term of 11/15/19 - 11/15/22

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

ORDER NO. 26,570

DATE: November 19, 2019

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

THAT the following board and commission appointments be and are hereby
approved:

Board / Commission	Member	Term
Downtown Development Comm. – Secondary Seat 2	Dan Bowser	7/31/19 – 7/31/22
Downtown Development Comm. – Secondary Seat 3	Rhiannon Morgret	7/31/19 – 7/31/22
Human Relations Commission – Seat 7	Cindi Bolyard	11/15/19 – 11/15/22

Raymond M. Morriss, Mayor