



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

M&CC Regular Meeting
Video-conference

DATE: January 05, 2021

OPEN SESSION - 6:15 PM

To view this meeting live, go to the City's website at www.ci.cumberland.md.us and access the public meetings link under the Government tab, or go to Facebook and access the page: Cumberland City Hall Livestream.

To provide public comment during this video conference, go to <https://zoom.us> and enter the following:

Use Meeting ID (828 5397 4113) Passcode (584213)

To join by phone dial: (+1 301 715 8592); Meeting ID (828 5397 4113) Passcode (584213)

Citizens wishing to speak will be placed in a waiting room and will be called upon at the appropriate time.

Roll Call

Director's Reports

(A) Administrative Services

- [1.](#) Administrative Services monthly report for November, 2020

(B) Engineering

- [1.](#) Engineering Division monthly report for December, 2020

(C) Fire

- [1.](#) Fire Department monthly report for November, 2020

Approval of Minutes

- [1.](#) Approval of the Work and Closed Session Minutes of October 27, 2020, and the Work, Closed, and Regular Session Minutes of November 4, 2020

Unfinished Business

(A) Ordinances

1. Ordinance 3881 (*2nd and 3rd readings*) - authorizing the issuance and sale of general obligation bonds and bond anticipation notes each in an aggregate principal amount not to exceed \$4,525,000, and general obligation refunding bonds to finance or refinance costs of projects authorized for debt funding in the FY2021 budget
2. Ordinance No. 3882 (*2nd and 3rd readings*) - authorizing the issuance and sale of (1) general obligation refunding bonds in an aggregate principal amount not to exceed \$42,260,000 to refund in whole or in part (A) the City's outstanding 2011 through 2019 Community Development Administration (CDA) loans, and (B) certain other outstanding general obligation bonds, and (2) general obligation bonds to subsequently refund any general obligation refunding bonds identified in (1) that are actually issued

New Business

(A) Resolutions

1. Resolution R2021-01 (*1 reading*)- declaring the official intent of the Mayor and City Council to reimburse expenditures paid with respect to police vehicles budgeted in FY21 from proceeds of "Reimbursement Bonds"

(B) Ordinances

1. Ordinance No. 3883 (*1st reading*) - authorizing the execution of a Contract of Sale and deed to convey 884 Sperry Terrace to Harold P. and Ann V. Atkins for \$9,200

(C) Orders (Consent Agenda)

1. Order 26,748 - authorizing the Chief of Police to accept the 2020 Coronavirus Emergency Supplemental Funding Grant (2020 CESF) in the amount of \$58,983.00. The Cumberland Police Department will use the funds to protect the public and employees from coronavirus contamination by purchasing resources to protect the police facility and vehicles as well as promote safe communication via virtual media.
2. Order 26,749 - accepting the bid of Denali Water Solutions for the "WFP Residuals Management Transportation, Storage, Beneficial Use and/or Disposal" Project (33-20-WFP) in variable amounts based on material generated
3. Order 26,750 - authorizing the Mayor's execution, on behalf of the Downtown Development Commission (DDC), of a Professional Services Agreement by and between the DDC, the Cumberland Economic Development Corporation and Cochran Studio, Inc. regarding services provided by Cochran Studio for the Baltimore Street Redevelopment Project for a term effective December 15, 2020, and extending through completion of 100% construction drawings being submitted to SHA, for an amount not to exceed \$25,250 to be funded by Lenders Loan Pool unrestricted funds

Letters / Petitions

1. Letter from the City Clerk advising that the MD State Board of Canvassers certified the 2020 General Election results on December 8, 2020, and that Eugene T. Frazier and Laurie P.

Marchini, having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 4, 2020

Public Comments

All public comments are limited to 5 minutes per person

Adjournment

File Attachments for Item:

. Administrative Services monthly report for November, 2020

Administrative Services Monthly Report for November 2020

January 5, 2021

Honorable Mayor and City Council
City Hall
Cumberland, Maryland 21502

Dear Mayor and City Council Members:

The following report is submitted by the Department of Administrative Services for the month of November, 2020:

Management Information Systems (MIS) Department

November 2020

Statistics

171 completed help desk requests

199 open help desk requests

Activities

Major department initiatives in the past month include:

- Continue troubleshooting/refining mobile data terminal setup in police cars
- Installed mobile data terminals in new police cars
- Continue making changes to update our network environment and improve security
- Performed network maintenance and upgrades
- Continue to assist with virtual meetings and teleworking
- Worked with vendor on Cisco phone operating system upgrade

Parks and Recreation

November 2020

Annual Tree Lighting Ceremony for the City of Cumberland – Downtown Cumberland Mall – The Program was coordinated by Allegany Media – Ryan Breneman and staff, and was held Friday November 27, 2020, beginning at 5:45 p.m. Due to the continued COVID 19 pandemic the event was held Virtual and staged next to the Downtown Mall tree. The program included greetings from the Mayor, a message from Santa and the reading of the Christmas Story, musical performances and the reading of “Twas the Night Before Christmas”. The event was received well by the community.

Fall Sports:

The Mayor and City Council, City Administrator, and City Staff continue to follow the established field usage policy during the continued COVID 19 period, “The City will maintain athletic fields at a basic level for the availability of those choosing to use them. There will be no scheduling or lining of fields. Field lighting will not be available for use.” Organizations utilizing City Fields include:

Pee Wee League Football (Travel Teams)
AVID Soccer Club (Travel Teams)
Adult Flag Football

Seasonal Ballfield supervisor employee Chuck Lowery concluded duties. - Facilities winterized for the season

Meetings Attended:

Willowbrook Outdoor Wellness Center – County information meeting
Tree lighting meeting - Zoom
Staff meetings - Zoom
November Rec. Board meeting (cancelled due to low attendance)

Upcoming:

- Fireworks quotes for July 4th 2021
- Responding to Letters to Santa.
- Planning for 2021 Spring/Summer seasonal programs and programs/seasonal employees

Community Development Report

November 2020

CODE COMPLIANCE

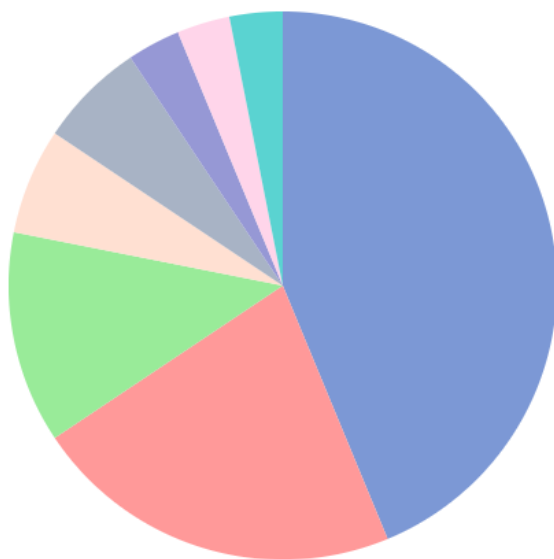
Code Enforcement Activity:

84 online complaints received this month - 54 new cases

57 complaints have been resolved - 27 cases are currently open

32 code violations were assigned

Open Date From: 11/01/2020
Open Date To: 11/30/2020



Violations by Violation Type		
Dwellings, yards and lots to be kept clean	14	43.8%
Cutting of weeds	7	21.9%
Standards for good repair and safe condition	4	12.5%
Requirements for unsafe buildings	2	6.3%
Licensing of rental dwelling units	2	6.3%
Prohibited occupancy	1	3.1%
Purpose of article	1	3.1%
Severability	1	3.1%

Issued - Permits, Reviews, and Licenses

Building

Residential..... 0
Commercial..... 1

Demolition

Residential 0
Commercial 0

Electrical

Residential 5
Commercial 1

Miscellaneous

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

Occupancy

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

Plumbing

Residential 1
Commercial 1

Commercial Signage

Total..... 0

Use Public ROW

Total issued..... 3

Utility

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

Rental Licenses

Issued 51
(New and Renewal)

Rental Inspections.

Conducted: 39
Passed..... 27
Failed..... 0

COA

Total issued..... 2

Plans, Reviews, Amendments and Appeals

(ZA, SPR, SR, ZMA, ZTA, SRA) Issued.....0

Revenue from Issued Permits/Reviews

Building Permits..... \$90.00
Miscellaneous Permits..... 30.00
Occupancy Permits 60.00
Sign Permits 0
Utility Permits 0
Plan Reviews, Amendments & Appeals 0
Zoning Classification Determination. (info request)..... 0
Municipal Infractions/Citations 0
Rental Licenses (new & renewals) 3,110.00

Paid Rental Inspection Requests	0.00
Certificates of Appropriateness	<u>30.00</u>
TOTAL	\$3,320.0

Demolition Permit – Bonds (partial)	\$0.00
Nuisance Abatement	0.00

COMMUNITY DEVELOPMENT PROGRAMS

Community Development Block Grant Program

No draws for November.

Historic Planner/Preservation Coordinator

November 2020

- Submitted an emergency capital grant application to the Maryland Heritage Areas Authority for the George Washington's headquarters stabilization project
- Resolved invoice inconsistencies related to the ongoing Community Legacy-funded project at the Allegany Museum; obtained revised invoice and submitted it for payment
- Researched, prepared, and provided the A&E annual report data to the Allegany County Arts Council
- Met with Robert Adams, Jr. and Bonnie Austin for signatures on Carver documents
- Input assigned user roles as defined by Mark Gandolfi into the new federal ASAP.gov system
- Finished the HPC agenda and meeting packets for the 11/18/20 public meeting, distributed to HPC members & applicants, issued public notices; provided staff support at the November 18th HPC meeting, including managing the Zoom meeting and streaming to Facebook; provided determination letters to all applicants whose projects were reviewed at the meeting or administratively - 61 Baltimore Street (administrative review), 19 South Liberty Street (Administrative review), 3 Pershing Street (After the Fact HPC review of a Change/Amendment request); 515 Greene Street (Administrative Review)
- Attended the virtual review of Cumberland Community Legacy and Strategic Demolition Fund applications with four members of the State of Maryland's review team. Due to the pandemic, this took the place of the usual site visits to review our requests
- Attended the Maryland Association of Historic District Commission's (MAHDC) Annual Meeting, held virtually on the evening of 11/12/20
- Attended the Maryland Association of Historic District Commission's Board meeting on 11/18/20
- Completed the final report and submitted the request for reimbursement for the Certified Local Government subgrant for the Economic Impacts of Historic Preservation in Cumberland project and submitted it through the Maryland Historical Trust's online portal.

- Met virtually with Taylor Vega of Citizenserve about the Certificate of Appropriateness migration to the new system; Reviewed Citizenserve test site for COA/RCA migration and provided edits to Taylor Vega; a successful migration is still pending
- Attended Maryland Historical Trust's virtual capital grant application training on November 13th

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

Cash Flow:

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

On November 1, 2020, the City had a cash balance of \$5.1 million. Receipts exceeded disbursements by \$304 thousand resulting in a cash balance of \$5.4 million at November 30, 2020.

As of November 30, 2020, the significant tax receivable balances were as reflected in the table below.

Taxes receivable (General Fund)						\$ 4,335,549
	Beg Balance	New Billings	Adjustments/ Abatements	Collections	Bad Debt	Ending Balance
FY 2021	\$3,503,474	\$ 73,816	\$ -	775,234	\$ -	\$ 2,802,056
FY 2020	864,265	-	-	21,681	-	842,584
FY 2019	412,759	-	-	895	-	411,864
FY 2018	158,230	-	-	2,882	-	155,348
FY 2017	34,556	-	-	413	-	34,143
FY 2016	28,047	-	-	195	-	27,852
FY 2015	24,635	-	-	-	-	24,635
FY 2014	15,146	-	-	-	-	15,146
FY 2013	10,101	-	-	-	-	10,101
FY 2012	5,658	-	-	-	-	5,658
FY 2011	3,172	-	-	-	-	3,172
Prior FY's	2,990	-	-	-	-	2,990
	<u>\$ 5,063,033</u>	<u>\$ 73,816</u>	<u>\$ -</u>	<u>\$ 801,300</u>	<u>\$ -</u>	<u>\$ 4,335,549</u>

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

Real property (non-owner occupied)	\$1,148,375
Non-Corp Personal Property	17,099
Corporate Personal Property	368,296
Real Property (semiannual payments)	1,268,286
Real Property (Half Year)	-
	<u>\$2,802,056</u>

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

**Cash and Investment Summary
November 30, 2020**

	Cash	Investments
Beginning Balance	\$ 5,170,520	\$ 15,922,062
Add:		
Cash Receipts	12,733,610	3,537
Investment Transfer	-	-
Less:		
Disbursements	12,429,607	-
Investment Transfer	-	-
Ending Balance	\$ 5,474,523	\$ 15,925,599
Restricted	\$ 230,858	\$ 6,981

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

Restricted Cash

	11/1/2020	Increase	Utilization	11/30/2020
Police Seizures	\$ 74,741	\$ -	\$ -	\$ 74,741
Bowers Trust	58,436	-	-	58,436
Street Improvement	44,581	-	-	44,581
Other	53,020	80	-	53,100
	<u>\$ 230,778</u>	<u>\$ 80</u>	<u>\$ -</u>	<u>\$ 230,858</u>

Restricted Investments

	11/1/2020	Increase	Utilization	11/30/2020
DDC	\$ 6,981	\$ -	\$ -	\$ 6,981
	<u>\$ 6,981</u>	<u>\$ -</u>	<u>\$ -</u>	<u>\$ 6,981</u>

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 Combined Sewer Overflow (CSO) projects.

Available Bond Proceeds					
	11/1/2020	Issue	Utilization	11/30/2020	
CDA 2014	\$ 13,342	\$ -	\$ -	\$	13,342
CDA 2015	267,907	-	-		267,907
CDA 2017	1,843	-	1,843		0
CDA 2018	577,344	-	447,994		129,350
CDA 2019	3,039,362	-	196,606		2,842,756
	\$ 3,899,797	\$ -	\$ 646,443	\$	3,253,354

CSO Projects Debt Draws					
	11/1/2020	Issue	Utilization	11/30/2020	
Evitts Creek Debt	\$ 143,260	\$ -	\$ -	\$	143,260
Evitts Creek Grant	-	-	-		-
WWTP Debt	2,833,866	-	-		2,833,866
WWTP Grant	22,972,562	-	-		22,972,562
	\$ 25,949,688	\$ -	\$ -	\$	25,949,688

The CDA 2017 debt draw of \$2K was applied toward a portion of the purchase of a Caterpillar 918M wheel loader. Of the \$448K drawn from CDA 2018, \$27K was applied toward the purchase of four SUVs for the police department, \$20K was applied toward a portion of the purchase of a Caterpillar 918M wheel loader, \$15K toward the expenditures for the South Street waterline, \$249K toward the expenditures for the plant intake screening, and \$137K applied toward the expenditures for the Smouses Mill pumping station. The CDA 2019 debt draw of \$197K includes the remaining \$95K toward the four SUVs for the police department (\$122K total cost), the remaining \$86K toward the Caterpillar 918M wheel loader (\$108K total cost), and \$16K toward the cost of a portable electric drive and safety clutch.

The Wastewater Treatment Plant (WWTP) CSO project is complete with only system testing and closeout items required for project closeout. The debt and grant draws were held at the completion stage of 95%, therefore there will be one (1) final grant and debt draw upon project closeout. The WWTP did not have any CSO draws in BRF grants and there was no new debt. The CSO project was capitalized in fiscal year 2020 at a value of \$29.1 million.

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

COVID-19:

Funding

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

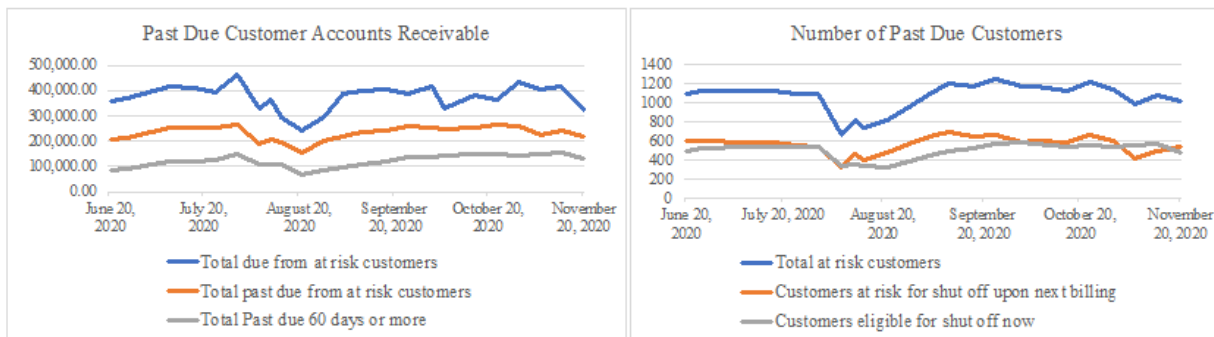
Funding Source	Amount	Utilization	Purpose	Available
Department of Justice	\$ 39,559	\$ 39,559	Hazard Pay	\$ -
Allegany County Health Department	19,030	19,030	PPE	-
US Stimulus Care Act Relief	54,801	37,350	Lost Revenue	17,451
Allegany County CARES Act Passthrough	583,176	312,438	Hazard Pay, PPE, Small Business Loan Program	270,738
Total:	\$696,566	\$ 408,377		\$ 288,189

- As of November 30, 2020, the remaining Allegany County CARES Act passthrough funding is \$270,738. Expenses include hazard pay through 7/5, personal protective equipment, City Hall rotunda monitoring staff, improvements for telework capabilities, and COVID-19 loans.
- \$54,801 received from the US Stimulus Cares Act Relief in April 2020 is allocable for COVID-19 relief to prevent, prepare for, and respond to coronavirus, and that the payment shall reimburse the City only for health care related expenses or lost revenues that are attributable to coronavirus.

Utility Collections:

The Governor's moratorium on service terminations expired September 1st, 2020. Penalties on past due balances resumed September 2nd and service terminations resumed November 16th. At the end of November, 2020, the total customers at risk for service termination is 1,132 and the total dollar amount past due 60 days or more is \$117,983. The amount past due has decreased since the resumption of service terminations.

At November 25, 2020, the total past due is \$220K and there are 478 customers eligible for service termination. This is a decrease of eight (8) customers over the prior week. Of those accounts past due, 81% or 918 of the 1,132 customers each have a total balance due less than \$400. This represents a 4% decrease in customers from the prior week who owe a balance greater than \$400.



*Amounts do not include suspended or inactive accounts

Respectfully submitted,

Jeff Rhodes
City Administrator

sln

File Attachments for Item:

. Engineering Division monthly report for December, 2020

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						December 31, 2020	
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 - WRA has developed a preliminary schedule for the project and is working with CSX to obtain ROE permit.	MDI	10/16/2020
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Construction	UPDATE Contractor is working on final punchlist items. Expecting final completion in February	RLS	12/21/2020
2013	1-13-FPM	Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	UPDATE - Dam Safety Permit Application submitted to MDE on 10/8. Application was approved by MDE on 12/10 and Permit should be processed by the end of the year. Once received, P&S packet will be ready for final review prior to advertisement for bid.	MDI	12/21/2020
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	NO CHANGE - Final reimbursement request was submitted to SHA District #6 for review.	JRD	10/30/2020
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.	RLS	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. Health Department Lab is back up to full hours and coverage, so we are taking regular scheduled stream samples for analysis at this time. Rainy days are the target for sampling at this time.	RJK	10/9/2020
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	NO CHANGE Asset Management Program/Capital Improvement implementation. Working on Survey 123 and Collector with Sewer & Water Staff. Work is ongoing.	RJK	11/6/2020

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						December 31, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
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	UPDATED - EADS is preparing the 99% Invitation for Bid documents for review by the City and MDOT SHA, Cochrane Studios is working on the plan for the plantings within the project area, and the City's Engineering Dept. is working on reducing the number of proprietary items listed in the project specifications (by preparing generic specification for the items, or by listing at least 3 compatible items in the specification). The Engineering Dept. continues to coordinate the flow of information between all parties involved in the project, and to ensure that changes to the project comply with State and Federal funding requirements.	JRD	12/21/2020
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	Planning	NO CHANGE - This project is expected to move forward in FY21 with State Aid Funds.	RLS	1/28/2020
2016	19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	UPDATE - Design work is nearly complete, as City staff works on property acquisition. The consultant is acquiring the final permits to allow the project to bid in the Spring	RLS	12/21/2020
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	18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	UPDATE - Phase 1 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	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	NO CHANGE Twenty nine (29) dental offices have returned their 1-time compliance report to date. Dental offices had until July 14, 2020 to comply with this new Federal regulation. EPA meeting to be held Sept 24 (revealed certifications had until October 2020 to be received). All All Co dental offices in compliance at this time.	RJK	11/6/2020

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						December 31, 2020	
Order	Project No.	Project Name	Description	Phase	Comments	Updated By	Date of Update
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 The project is currently being reviewed by MDE for a construction permit. Bidding expected to occur in February 2021.	RLS	12/21/2020
2018	08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - EBA and the City presented the TS&L package to MDOT. Waiting on environmental clearance prior to getting permission to move forward with Final Engineering.	RLS	12/21/2020
2018	09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - Project has been approved to begin Final Engineering. Expecting the project to be bid in March 2021.	RLS	4/29/2020
2018	19-18-M	ADA Improvements at 218 Washington Street	Construct an ADA compliant parking space in the 200 block of Washington Street, and reset the brick sidewalk adjacent to parking area.	Complete	NO CHANGE - The final inspection was held, and the final invoices have been submitted to the Finance Department for payment. The final cost is under budget.	JAT	10/30/2020
2018	22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	NO CHANGE Burgmeier's sent out annual recycling info flyer to all City residents in Aug/September. Generating calls and new recyclers.	RJK	11/6/2020
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	31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	NO CHANGE - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
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	Planning	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	Complete	UPDATE - This project is now complete, and final invoices have been submitted to Finance for payment. The final cost was slightly under budget.	JAT	12/18/2020
2018	37-18-SWM	Columbia Gas Line - Walnut Street					
2018	43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - The bridge has been opened for one lane of traffic. The bridge will be replaced in the future.	RLS	2/26/2020
2018	44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Studies have been returned and subject 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.	Construction Bidding	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
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	UPDATE - The pilot study continues with only a few more weeks remaining in the Study. The final report will be provided in early spring which will outline the City's options for future filtering operations.	RLS	12/21/2020

City of Cumberland, Maryland

Engineering Division - Monthly Report

Capital Projects						December 31, 2020	
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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 - WRA has developed a preliminary schedule for the project and is working with CSX to obtain ROE permit.	MDI	10/16/2020
2010	01-10-WWTP	CSO Storage Facility At WWTP	CSO storage and handling facility in accordance with LTCP	Construction	UPDATE Contractor is working on final punchlist items. Expecting final completion in February	RLS	12/21/2020
2013	1-13-FPM	Flood Control System Concrete Repairs	Repairs to various points of FCS system per USACOE inspection	Design	UPDATE - Dam Safety Permit Application submitted to MDE on 10/8. Application was approved by MDE on 12/10 and Permit should be processed by the end of the year. Once received, P&S packet will be ready for final review prior to advertisement for bid.	MDI	12/21/2020
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	NO CHANGE - Final reimbursement request was submitted to SHA District #6 for review.	JRD	10/30/2020
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.	RLS	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. Health Department Lab is back up to full hours and coverage, so we are taking regular scheduled stream samples for analysis at this time. Rainy days are the target for sampling at this time.	RJK	10/9/2020
2015	19-15-M	WWTP & Collection System Asset Management Plan	Development of an Asset Management Plan	Planning	NO CHANGE Asset Management Program/Capital Improvement implementation. Working on Survey 123 and Collector with Sewer & Water Staff. Work is ongoing.	RJK	11/6/2020

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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	UPDATED - EADS is preparing the 99% Invitation for Bid documents for review by the City and MDOT SHA, Cochrane Studios is working on the plan for the plantings within the project area, and the City's Engineering Dept. is working on reducing the number of proprietary items listed in the project specifications (by preparing generic specification for the items, or by listing at least 3 compatible items in the specification). The Engineering Dept. continues to coordinate the flow of information between all parties involved in the project, and to ensure that changes to the project comply with State and Federal funding requirements.	JRD	12/21/2020
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	Planning	NO CHANGE - This project is expected to move forward in FY21 with State Aid Funds.	RLS	1/28/2020
2016	19-16-S	78" Parallel Pipeline from Mill Race to CSO	78" Pipeline to CSO tank in accordance with Consent Decree	Design	UPDATE - Design work is nearly complete, as City staff works on property acquisition. The consultant is acquiring the final permits to allow the project to bid in the Spring	RLS	12/21/2020
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	18-17-M	Maryland Avenue Development	This is not an Engineering Project, but included here to cover future department work with the development.	Design	UPDATE - Phase 1 of the Cumberland Gateway project has moved into construction. The Department will support future phases for stormwater management reviews and traffic design support.	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	NO CHANGE Twenty nine (29) dental offices have returned their 1-time compliance report to date. Dental offices had until July 14, 2020 to comply with this new Federal regulation. EPA meeting to be held Sept 24 (revealed certifications had until October 2020 to be received). All All Co dental offices in compliance at this time.	RJK	11/6/2020

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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 The project is currently being reviewed by MDE for a construction permit. Bidding expected to occur in February 2021.	RLS	12/21/2020
2018	08-18-BR	Cumberland Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - EBA and the City presented the TS&L package to MDOT. Waiting on environmental clearance prior to getting permission to move forward with Final Engineering.	RLS	12/21/2020
2018	09-18-BR	Baltimore Street Bridge Replacement	This project will replace the bridge structure.	Design	UPDATE - Project has been approved to begin Final Engineering. Expecting the project to be bid in March 2021.	RLS	4/29/2020
2018	19-18-M	ADA Improvements at 218 Washington Street	Construct an ADA compliant parking space in the 200 block of Washington Street, and reset the brick sidewalk adjacent to parking area.	Complete	NO CHANGE - The final inspection was held, and the final invoices have been submitted to the Finance Department for payment. The final cost is under budget.	JAT	10/30/2020
2018	22-18-M	Solid Waste and Recycling Collection	Contract documents for the FY20 garbage and recycling collection bid process	Planning	NO CHANGE Burgmeier's sent out annual recycling info flyer to all City residents in Aug/September. Generating calls and new recyclers.	RJK	11/6/2020
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	31-18-WFP	Pine Ridge Water & PUC Rate Issues	Project involves determining a path forward regarding the supplying of PA residents with water	N/A	NO CHANGE - City staff continues to work through issues with PA regulators about water issues	RLS	1/28/2020
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	Planning	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	Complete	UPDATE - This project is now complete, and final invoices have been submitted to Finance for payment. The final cost was slightly under budget.	JAT	12/18/2020
2018	37-18-SWM	Columbia Gas Line - Walnut Street					
2018	43-18-BR	Fayette Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - The bridge has been opened for one lane of traffic. The bridge will be replaced in the future.	RLS	2/26/2020
2018	44-18-BR	Washington Street Bridge Replacement	This project will replace the bridge structure.	Planning	NO CHANGE - Studies have been returned and subject 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.	Construction Bidding	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
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	UPDATE - The pilot study continues with only a few more weeks remaining in the Study. The final report will be provided in early spring which will outline the City's options for future filtering operations.	RLS	12/21/2020

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Program Projects Update							December 31, 2020
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	PUBLIC WORKS	Curbside Recycling	Curbside recycling program started in the City of Cumberland July 1, 2014	Ongoing	NO CHANGE Outreach to residents in regards to the program. Recycling articles being forwarded (monthly) to Times News for monthly info to the public. Facebook page being utilized for FAQs. Burgmeier's Recycling Flyers sent City-wide Aug/Sept.	RJK	6-Nov-20
	PUBLIC WORKS	Solid Waste Management Board	County Board for planning and discussion of County-wide recycling and solid waste issues	Ongoing	UPDATE Merger of Waste Management with Advanced Disposal was announced on Friday October 30. GFL now owns Mountainview Landfill as part of the merger divestiture. <i>The County assigns disposal options in the County, as part of this Waste Management and GFL have committed to honoring the City's current tipping rate contracts though the contract end date. Waste will be disposed at Mountainview LF until it's closure (est. Feb 2022), then waste will be disposed at the Transfer Station on Hazmat Dr at the current contract rates.</i>	RJK	6-Nov-20
	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 2020 sampling and inspections taking place. Industrial inspections occurred at FCI and AMM in October and City staff was accompanied by MDE (Compliance Inspection). Other inspections are scheduled for Nov and Dec.	RJK	6-Nov-20
	WWTP	POTW NPDES Permit	Requirements for compliance	Annual/As Needed	NO CHANGE - Renewal application mailed June 1, 2018. Permit expires April 2020. MDE conference call took place on July 7, 2020. Draft permit received July 27th. Second DRAFT received on September 1st, with conference call taken place September 21 in regards to finalized language. Draft to be sent to EPA and to be published for public comment in coming weeks/months (following EPA review). Anticipated issue date Dec 20/Jan 21.	RJK	6-Nov-20
	WWTP/CSO	CSO Consent Decree Compliance Reporting	Reporting/Inspections	Semi-Annual/As Needed	NO CHANGE 2020 Semi-annual report submitted by July 10. Currently the Consent Decree expires April 2023.	RJK	6-Nov-20
	Watershed	Evitts Creek Steering Committee	Cross-jurisdictional committee working on source water protection efforts.		UPDATE Meeting took place October 15. Updates on the City's logging project and Bedford County's WIP development.	RJK	6-Nov-20

City of Cumberland, Maryland
Engineering Division - Monthly Report

Program Projects Update						December 31, 2020	
Order	Department	Program/Project Name	Description	Phase	Comments	Updated By	Date of Update
	STC	Shade Tree Commission	Care of trees along city rights of way and in parks.	NA			
	Evitts Creek Water Company	Forest Stewardship Plan (aka Resource Management Plan)	Management of the forested property around Lakes Gordon and Koon	NA			

Complete
Construction
Construction Bidding
Construction Closeout
Design
Inspection
N/A
Planning
RFP
Study

File Attachments for Item:

. Fire Department monthly report for November, 2020

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

Cumberland Fire Department Responded to 118 Fire Alarms:

Responses by District:

District #1	45
District #2	31
District #3	40
Out of City	2
	<u>118</u>

Fire Calls by District



Number of Alarms:

First Alarms Answered	115
Working Alarms Answered	3
	<u>118</u>

Calls Listed Below:

Property Use:

Public Assembly	2
Educational	0
Institutional	4
Residential	64
Stores and Offices	7
Industrial, Utility	1
Manufacturing	0
Storage	1
Special Properties	32
Undetermined	7
	<u>118</u>

Type of Situation:

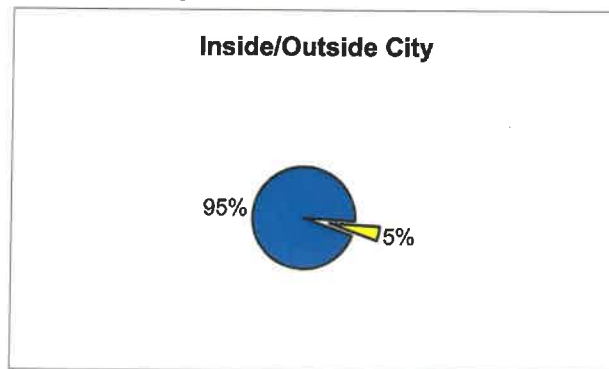
Fire or Explosion	12
Overpressure	1
Rescue Calls	62
Hazardous Conditions	9
Service Calls	7
Good Intent Calls	17
False Calls	10
	<u>118</u>

Total Fire Service Fees for Fire Calls Billed by Medical Claim-Aid in November:	\$5,970.00
Total Fire Service Fees for Fire Calls Billed by MCA Fiscal Year to Date:	\$13,670.00
Fire Service Fees for Fire Calls Paid in November:	\$610.00
Total Fire Service Fees for Fire Calls Paid Fiscal Year to Date:	\$1,880.00
Total Fire Service Fees Paid in FY2021:	\$2,940.00

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

Cumberland Fire Department Responded to 453 Emergency Medical Calls:

In City Calls	432
Out of City Calls	<u>21</u>
Total	453



Total Ambulance Fees Billed by Medical Claim-Aid for November:	\$115,251.00
Ambulance Fees Billed Fiscal Year to Date:	\$577,027.50
Ambulance Fees Paid:	
Revenue Received in November:	\$109,345.95
FY2021 Ambulance Fees Paid in FY2021:	\$339,319.98
All Ambulance Fees Paid in FY2021:	\$482,493.81
(Includes all ambulance fees, paid in current and previous fiscal years.)	

Cumberland Fire Department provided 2 Paramedic Assist Calls:

0 Paramedic Assist Calls within Allegany County	
2 Paramedic Assist Calls outside of Allegany County	
<u>2</u>	

Fort Ashby, WV VFD	1
Ridgeley, WV VFD	<u>1</u>
	2

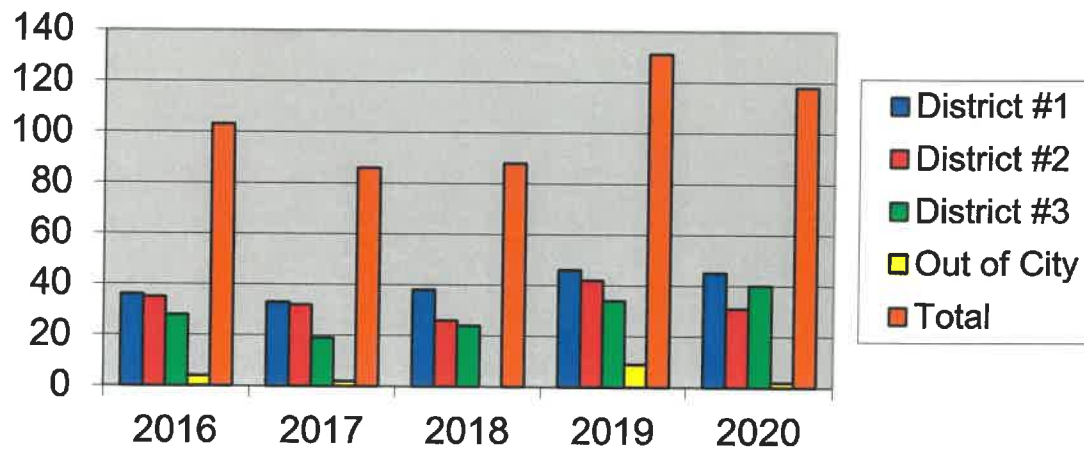
Cumberland Fire Department provided 19 Mutual Aid Calls:

18 Mutual Aid Calls within Allegany County	
1 Mutual Aid Calls outside of Allegany County	
<u>19</u>	

Bowman's Addition VFD	2
Cresaptown VFD	12
District #16 VFD	3
LaVale Vol. Rescue Squad	<u>1</u>
	18
Ridgeley, WV VFD	<u>1</u>
	19

Fire Calls for the Month of November for a Five-Year Period:

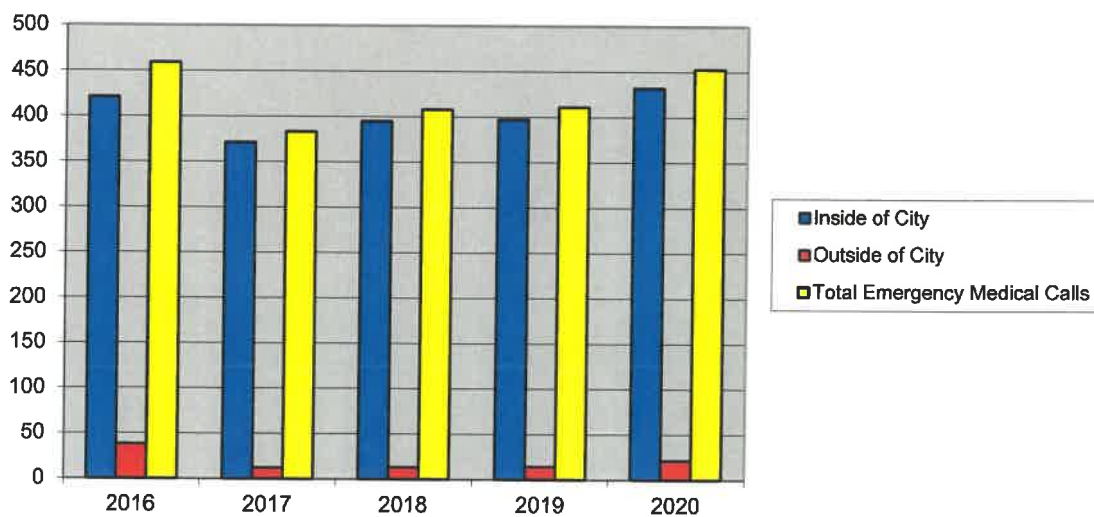
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
District #1	36	33	38	46	45
District #2	35	32	26	42	31
District #3	28	19	24	34	40
Out of City	4	2	0	9	2
Total	103	86	88	131	118



Ambulance Calls for the Month of November for a Five-Year Period:

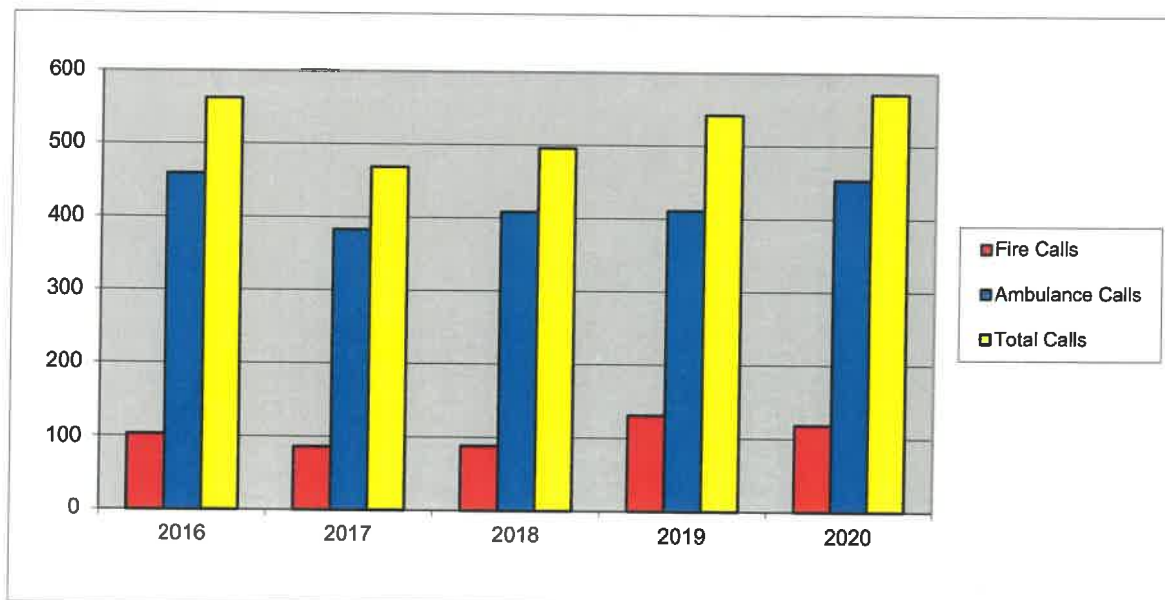
	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Inside of City	421	371	395	397	432
Outside of City	38	12	13	14	21
Total Emergency Medical Calls	459	383	408	411	453

Ambulance Calls in November



Fire and Ambulance Calls for the Month of November for a Five-Year Period:

	<u>2016</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>
Fire Calls	103	86	88	131	118
Ambulance Calls	459	383	408	411	453
Total Calls	562	469	496	542	571



Training

Training Man Hours:	248.00
Administrative Policies & Procedures	4.50
Safety Issues	5.50
Duties & Responsibilities	15.50
Pump Operations	10.00
Aerial Operations	11.00
Apparatus Check Procedures	22.00
SCBA Inspection & Care	8.00
COVID-19 Protocols & Updates	5.00
General Driver Training	3.00
Drug Box Inventory	12.00
Standard Operating Procedures	5.50
Emergency Medical Services	5.50
CPR Recertification	46.00
EMT Recertification	17.50
Paramedic Refresher	26.00
Strategic & Tactical Operations	10.00
Post Incident Review	9.00
Crew Goals	11.00
Physical Fitness	21.00
	<u>248.00</u>

Fire Prevention Bureau

Complaints Received	3
Conferences Held	43
Correspondence	5
Inspections Performed	5
Investigations Conducted	10
Plan Reviews	4

Personnel

Lieutenant Cody Pearce was promoted to Captain on November 29, 2020.

Statistics Compiled by Julie A. Davis, Fire Administrative Officer

File Attachments for Item:

1. Approval of the Work and Closed Session Minutes of October 27, 2020, and the Work, Closed, and Regular Session Minutes of November 4, 2020

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, October 27, 2020
4:10 p.m.

This meeting was held via Video-Conference

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Robert Smith, City Engineer

I. PUBLIC MEETING AGENDA REVIEW FOR NOVEMBER 4, 2020

Mr. Rhodes reviewed the agenda for the upcoming M&CC meeting on November 4th. He advised there was a Proclamation recognizing the month of December as Red Kettle Days, in support of the Salvation Army's annual charitable fundraising campaign. Mr. Rhodes also reviewed the Directors reports and Approval of Minutes, and talked about **Ordinance No. 3877**, up for its 2nd and 3rd readings, which will accept bids for nine parcels of real property, and authorizing conveyance of same to successful bidders.

Mr. Rhodes reviewed the two Orders on the Consent Agenda:

Order 26,727, accepting the bid from S&S Electric, Inc. for the Blower Building Switchgear Replacement Project (36-19-WWTP) in the unit price amount of not-to-exceed \$399,500.

Mr. Rhodes advised that this switchgear replacement is for the electrical aeration system, and said they received two bids, with the losing bid being about \$13K higher than S&S Electric's. Mr. Smith advised that Senior Engineer Matt Idleman will be the lead on this project, and stated that the aeration system is supported by the turbo blowers, and is essentially the life-blood of the WWTP. He explained that as the plant is configured now, if they lose power in the main feed, the aeration system will not function. He said now the switchgear is supported by the secondary feed, so if the main feed were to go offline, the switchgear would move power to the secondary feed, and operations would continue.

Order 26,728, accepting the Sole Source proposal obtained through CoStars purchasing consortium from Keystone Ford and Stephenson Equipment to provide two new Ford F-250 Service Body trucks and uplift equipment in the amount not-to-exceed \$43,570 for each truck, for a total not-to-exceed amount of \$87,140.

Mr. Rhodes advised that the chassis of the trucks will come from Keystone, with the build-outs coming from Stephenson. He added that this bid was awarded in April of 2019 when they tried to buy locally and work with a company on an ongoing basis, but as they were unable to provide the vehicles in the end, the City went back to the purchasing co-op.

Mr. Cohen advised on the Purchase Agreement with Allegany Junction that was not listed on the draft agenda, but will be added to the Consent Agenda for the next meeting. He explained that the agreement is for the property that used to be East Side School, and said there were a number of extension terms in the agreement. He advised that the road transfer extension was done, and needs recorded, but said now there is an issue with the terms of the PILOT (payment in lieu of taxes) that should have been worked out some time ago. He stated that the City should not proceed to closing without the agreement regarding the PILOT, and discussion is ongoing to figure out what the dollar amount will be.

Ms. Woodring advised on an Ordinance to approve a zoning map amendment that did not make it on the draft agenda, but will be added to the meeting. She stated that M&CC has already had a meeting on this topic, and there was a public hearing in September. She explained that an unintentional error was made in the zoning map in the Canal Parkway area.

II. MAYOR AND COUNCIL BOARDS AND COMMISSIONS UPDATES

Mayor Morris advised on the nine properties sold as surplus regarding the Blighted Property Committee and Neighborhood Revitalization, and said they are continuing to work with Kevin Thacker, Code Compliance Manager, on Phase II, and are also strategizing on which properties to do next. The Mayor also advised that due to the pandemic, PACE is cancelled for January 2021, so CACIF is pretty inactive at this time.

Council Member Laurie Marchini advised on updates with the DDC, and stated that in conjunction with Parks and Recreation, regular trick-or-treating is cancelled this year due to the pandemic, as well as the Halloween Parade, but there will be Trunk-or-Treating at Constitution Park, and a virtual Costume Contest.

The Councilwoman also advised that six grant applications had been submitted to CDBG and said the priority zones this year have to do with the Baltimore Street redesign, including roofing, second story redevelopment, and help with fiber optic connections. She advised that a sub-group of the DDC is a work group for the Baltimore Street redesign, and said they are working on renderings for promotional purposes of the project and are looking at grant opportunities to fund that. She stated that Mr. Smith had informed her of a \$20K matching grant from the MD Heritage Fund that can be used for planters downtown. She also advised that most of last week's meeting was spent designating roles and responsibilities on the committee. Councilwoman Marchini also advised on another subgroup of the DDC that was formed to help business owners and building owners understand the redesign, the offer of

fiber access and the sprinkler system. She said there will be a meeting in November for the building and business owners where they will advise them on those topics.

Mayor Morriss noted that Councilwoman Marchini and Mr. Smith have been doing a great job working through this process and stated that the promotional piece will be critical to show the public what the redesign is going to be.

The Councilwoman advised that there was nothing important to report on HPC (Historic Preservation Commission) – business as usual - and stated that Kathy McKenney is doing a great job.

Mayor Morriss also advised that Councilman Frazier had a meeting yesterday with the HRC (Human Relations Commission), but couldn't offer any details on that meeting.

Councilman Cioni advised that LBC (Let's Beautify Cumberland) still has not been able to meet as a group, but said Ed Mullaney and a few other people have been going out to do projects around town. He also advised on P&R, saying they need all the help they can get at Constitution Park for the Halloween events, with Mayor Morriss advising that will be done with social distancing restrictions and PPE in place. The Mayor said yesterday he, Kevin Thacker, Ed Mullaney and Ginny Decker met with Chris Hendershot at the Liberty St. Parklet on Maryland Avenue to discuss putting in a grant request for a Welcome to Cumberland sign along I-68 Westbound at the Maryland Avenue exit.

Councilmen Bernard and Cioni advised that no meetings have taken place. Mayor Morriss encouraged neighborhood groups to come forward, and Councilman Bernard stated that the only neighborhood that seemed interested in having meetings was East Side. Councilman Cioni stated that it's been a year or more since there's not been meetings. The Mayor advised that the Decatur Street area had sent him a message several months ago that everything was on hold due to Covid-19. Councilman Cioni stated that even groups that have had some active leadership are still struggling to get their own neighbors to attend meetings. Councilman Bernard advised that in prior meetings people just seemed to complain, and the meetings were unproductive, while Councilman Cioni stated that they had some limited success at one time when Lt. Burt attended to listen to complaints, but even that died out.

The Mayor said one positive thing they can mention is that the Centre Street Park had its grand opening, due to the good work from David Smith and Cityreach Church, with new equipment, painting, community involvement and lots of donations.

For the Planning and Zoning Commission, Councilman Bernard advised that there hasn't been a meeting in a long while.

With no further business at hand, the meeting adjourned at 4:37 p.m.

Prior to going into the Closed Session, Councilwoman Marchini motioned to close the meeting, Councilman Bernard seconded, and the motion passed on a vote of 4-0.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

Mayor and City Council of Cumberland

Closed Session Minutes

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

Second Floor Conference Room

Tuesday, October 27, 2020, 4:40 p.m.

The Mayor and City Council convened in open session at 4:40 p.m. 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 a Board of Zoning Appeals decision.

MOTION: Motion to enter into Closed Session was made by Council Member Marchini, seconded by Council Member Bernard, and was passed on a vote of 4-0, with Council Member Frazier being absent at the time of the vote.

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 A. Woodring, City Clerk; Morgan Alban, Engineering Consultant

Mayor and City Council of Cumberland

WORK SESSION

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

Tuesday, November 4, 2020
5:00 p.m.

This meeting was held via Video-Conference

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

ALSO PRESENT: Jeffrey D. Rhodes, City Administrator; Michael S. Cohen, City Solicitor; Marjorie Woodring, City Clerk; Robert Smith, City Engineer; Anthony Fotopoulos and Bill Rivell, Keystone Power Holdings, LLC

I. KEYSTONE SOLAR PRESENTATION

Mr. Anthony Fotopoulos from Keystone Power Holdings, LLC gave a brief background on their company, and provided a presentation on a concept plan for a solar farm at the John D. DiFonzo Water Reclamation Facility. Mr. Fotopoulos advised that the market is starting up again for solar in Maryland and provided information on renewable energy compliance in the state. He reviewed the benefits of their offer:

BENEFITS

- Savings – Keystone builds and operates their solar plants, with no maintenance necessary from the City
- City only pays for power produced, and that power is at a discount in relation to what would be bought from a utility
- Long-term 30-year contract
- System is built to last for over 25 years, and up to 40 years
- Environmental and educational benefits – preserve natural resources; educate customers and employees

Mr. Fotopoulos quickly went over the components of a solar system. He explained the “behind the meter” system that reduces the power that a plant would use. He advised that this is not selling it to grid, and then virtually buying it, it’s only for the solar plant’s use.

He explained “Net Metering” which is a law in MD which allows up to a certain amount of megawatts. He said this makes it so you don’t have to use power in any given second, hour, or day. He added that if there is over-production on solar, it’s kind of like spinning the

meter backwards, as you get credit for that. He said you do have to use it, however, just not right away.

Mr. Fotopoulos reviewed the Power Purchase Agreement, which he advised was a pretty standard agreement for large power projects, and stated that the forms they use are from the Department of Energy. He also advised that they are able to take advantage of investment tax credit, and can pass those savings along as lower energy costs:

POWER PURCHASE AGREEMENT

- A ~2.3 MW DC system installed on-site
- No investment or operational responsibility
- 30-year agreement to generate and purchase electricity at fixed rates
- Starting rate of \$0.0575/kilowatt hour “kWh” (~7% below utility rate)
- Annual escalator of 2.00% (Historical utility rate increases average is 4%)
- 25-year cumulative savings over \$3.2 million
- PPA buyout/system purchase options at years 10, 15, 20, 25 & 30

He stated that the rub is the length of the contract, and said they are literally building a solar plant just for the sewer treatment plant. He advised that the panels themselves are warrantied for 25 years, though it works for 40 years. He said the key is the shorter the term, the higher the rate, and the longer the term, the more they can spread out the cost of the system and provide more savings. He stated that they are flexible on the timeline, and it can be worked out with the City. Mr. Fotopoulos stated that the length of the contract is usually the only push-back they get. He stated that the City’s only cost is time and the attorney to review the contracts – everything else is their responsibility. He added that when the City commits to purchase power at the rate agreed, it only pays if they produce.

Mr. Fotopoulos provided diagrams of a location at the WWTP that would work, and advised that the area is not considered wetlands. He said there is a bit of a flood risk, so they would have to lift up the array a bit, but stated that there would probably be no other use for the land, and said it could be a great option for solar. He went over the plants usage, referring to a diagram showing the array. He said they are limited as to megawatt size, and can’t go quite as high as they would like to go to give the plant the most benefit, but they think it can definitely work. Mr. Fotopoulos advised that they would have to remove some trees to the east and south because of shading. He added that to get to the size shown on the diagram they would also have to remove some trees at the southern edge. He said this is a very, very preliminary design, but they do think it would work.

Mr. Fotopoulos reviewed the slide with savings projections, and said power prices in MD are a little bit subject to political will, and stated they can be held down for a while, but not forever. He said prices have gone up over 4% since 1970, and they expect it to escalate at a 4% rate.

Mr. Fotopoulos stated in summary that he thinks they can fit about a 2.3 megawatt DC system on the site, and reviewed some important points from earlier in the presentation. He

added that the City could save about 7% off of what it's paying now. He touched on the buy-out options, if the City wanted to buy the system after the 30-year contract, and mentioned that buyouts are done by a certified appraiser, and at a fair market value.

Mr. Fotopoulos provided a slide showing a project his company completed last year in Illinois by a sewer plant, and said they are doing more like it this year. He then went over the bill components.

Mr. Tressler inquired if the system has battery storage capabilities. Mr. Fotopoulos replied no, that there isn't a good storage incentive and it doesn't make economic sense in MD right now. He advised that the "battery" is the grid itself through Net Meter, and said if the plant overproduces, it sort of spins the meter backwards. He said this has to be done through the utility company with an Interconnection Agreement, and the utility company has to approve and inspect their designs. Mr. Fotopoulos advised to think of the solar plant as a generator. He also advised that during the night, or on cloudy days, power would come from traditional means, and said that the plant is completely grid-interactive. He added that the solar plant could not operate if the grid went down.

In answer to a question, Mr. Fotopoulos stated that the proposed location being in a floodplain is not a problem, it just can't be in a flood way. He stated that they will have to raise the plant up for their insurance purposes, 1 foot above 100-year flood.

Mr. Rhodes asked if a smaller model would work. Mr. Fotopoulos advised that this model will work if it's smaller, but said there are some benefits to scale. Mr. Rhodes stated that as the treatment plant has grown into the area, and is regional and not just for the City, that it's possible that additional filters may have to be added in the future. He inquired if there would be enough area for growth, given the proposed site for the solar plant. Mr. Fotopoulos advised that they are happy to look at other locations if the treatment plant needs to expand, and said the solar plant does not have to be in that proposed location.

Mr. Fotopoulos reviewed the savings that could be expected, and provided a slide of an actual bill. He said from that they can estimate the City's kilowatt hours, and advised that given the site of the proposed plant, they can get to about 64% of plant usage. He then discussed savings over a 25-year period, and showed what would be paid as a utility rate, versus what would be paid by the power purchase agreement.

Mayor Morriss thanked Mr. Fotopoulos for the presentation, and said that the City wants to look at going green with utilities. He advised that M&CC will get with Mr. Smith and staff to learn more and go over the presentation, and will let him know. He added that it was very interesting and very educational.

Mr. Smith advised that if the City goes in this direction, it should be long term. He stated that he and Ms. Ketterman would most likely reach out to an organization called Tradition, to help procure the service that Keystone has presented. He stated that a number of firms do

the solar systems, and there could be a more competitive rate, so they want to reach out and get proposals for scope of work, let the rate be the determining factor, and then compare those to existing rates. He advised that rates have held steady, but it's hard to say what will happen long term. He also advised that they are not locked into one consultant, and said Keystone was just eager to talk about this opportunity. Mr. Smith agreed that it's important to go green where they can, but it's also important to be good stewards of the City's money

II. PUBLIC MEETING AGENDA REVIEW – NOVEMBER 4, 2020

Mr. Rhodes reviewed items that had been added to the draft agenda from last week's Work Session:

Ordinance No. 3878, (First Reading): to amend the official zoning map of the City to correct the map by removing 30 parcels of record from the Canal Place Historic Preservation District, located between Alley No. 224 and Canal Parkway.

Mr. Rhodes advised that along Canal Parkway there was some area that ended up in the Historic Preservation District overlay by mistake, and this Ordinance removes the overlay.

Order No. 26,729 – authorizing execution of a second Amendment to Purchase Agreement with Allegany Junction Limited Partnership regarding the sale of land located at 100 Reynolds Street, to allow for 2 additional 30-day Closing Extensions.

Mr. Rhodes advised that this location is the former East Side School site.

Order No. 26,730 – appointing Charles W. Taylor, Jr. to the Zoning Board of Appeals for a term effective November 4, 2020, through November 4, 2023.

III. PERFORMANCE EVALUATION TOOL

Councilwoman Marchini advised that ideally they would be doing goal-setting before evaluation, and inquired if anyone had had time to review the tools. She said there are lots of tools out there, and asked if what Ms. Woodring and Mr. Rhodes had used in the past was okay. Mr. Rhodes advised that he had given the Mayor some formats from ICMA, and the Administrative Employee form. Ms. Woodring advised that she had sent the previous evaluation that had been used, that was just a questionnaire. Mr. Rhodes and Mayor Morriss discussed the Administrative form, and feedback received in the past. Mr. Rhodes stated that he doesn't remember specifics, but said it's always good to sit down with the employee and have a conversation and some back and forth.

Mayor Morriss agreed, and said that refers to the Councilwoman's point that goal-setting is the most important step before doing evaluations. Mr. Rhodes advised that there is a sister process to the evaluation form he sent to the Mayor, that involves goal-setting and a good way to implement it. He said there are certain things about goals, in that you have to be able to track them, and they have to be clear and achievable. He stated that he would pass that along to M&CC.

Councilwoman Marchini said that she thinks step one would be to create a tool together, and to have it in front of them. She agreed with Mr. Rhodes that there needs to be measurables for it, and the establishment of goals in order to make a meaningful evaluation and to help set a track forward. She added that leads into some strategic planning, which she said would make sure they're all operating together. The Councilwoman said she can see this branching out into the CEDC and the DDC, and bringing everyone under one set of goals so everyone is working in a complimentary way.

Mayor Morriss agreed, saying that the M&CC also needs the cooperation of organizations that work alongside them, so everyone's going in the same direction.

Councilwoman Marchini advised that Councilman Cioni had sent her an evaluation that was used in 2016, and said it had more on it than the one she sent out, and stated it may be worth it to pause this discussion for today, and take time to go over the tools. Mayor Morriss agreed, saying this had been a good initial conversation, and asked everyone to review the documents that are available, and discuss at a later date.

IV. ADJOURNMENT

With no further business at hand, the meeting adjourned at 6:12 p.m.

Respectfully submitted,

Marjorie A. Woodring
City Clerk

Minutes approved _____

Mayor and City Council of Cumberland

Closed Session Minutes

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

Second Floor Conference Room

Wednesday, November 4, 2020, 4:00 p.m.

The Mayor and City Council convened in open session at 4:00 p.m. for the purpose of closing the meeting for an executive session pursuant to Section 3-305 (b)(1) of the General Provisions Article of the Annotated Code of Maryland to discuss a staff position.

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

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 A. Woodring, City Clerk; Ken Tressler, Director of Administrative Services



Mayor and City Council of Cumberland

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

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

MINUTES

M&CC Regular Meeting
Video Conference

DATE: November 04, 2020

I. CLOSED SESSION

1. 5:30 PM - Before adjournment of the November 4, 2020, open work session scheduled to begin at 4:15 PM, motion was made to close the work session for a closed meeting to discuss the City Solicitor's position, as provided for by the General Provisions Article of the Annotated Code of Maryland, Section 3-305 (b) (1)
2. Convene into closed meeting

II. OPEN SESSION

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

III. Roll Call

PRESENT:

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

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

IV. Statement of Closed Meeting

1. Summary Statements of closed meetings held October 27 and November 4, 2020.

Mayor Morriss announced that Closed Sessions had been held on October 27 and November 4, 2020, and read into the record summaries of those meetings which are

attached hereto and made a part of these minutes as required under Section 3-306 (c) (2) of the General Provisions Article of the Annotated Code of Maryland.

V. Proclamations

1. Proclamation recognizing the month of December as Red Kettle Days Cumberland in support of the Salvation Army's annual charitable fundraising campaign.

Mayor Morriss read the Proclamation and Captain Ronnette Smith from the Cumberland Salvation Army attended to accept. Ms. Smith advised that this year due to Covid-19 the Salvation Army is seeing many more families in need of various types of assistance, so they have asked the City of Cumberland to help out and proclaim December 4, 2020 as Red Kettle Day.

The Mayor stated that this is very important, and advised that he will be “ringing the bell” at Wal-Mart in LaVale on December 19th as a Rotary volunteer. Councilman Cioni advised that he will be at Big Lots volunteering on that same day.

VI. Director's Reports

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

(A) Engineering

1. Engineering Division monthly report for September, 2020

VII. Approval of Minutes

Motion to approve the minutes was made by Councilman Frazier, seconded by Councilman Cioni, and was passed on a vote of 4-0, with Councilwoman Marchini abstaining due to missing that meeting.

1. Approval of the Work and Regular Session Minutes of October 6, and the Work Session Minutes of October 13, 2020

VIII. Unfinished Business

(A) Ordinances

Mr. Rhodes provided background on the Ordinance and advised that the sale of these properties is part of the City's blight program.

Ordinance 3877 (*2nd and 3rd readings*) - accepting bids for the purchase of nine (9) parcels of real property and authorizing conveyance of those properties to the successful bidders, subject to certain terms for conveyance

SECOND READING: The Ordinance was submitted in title only for its 2nd Reading. Motion to accept the 2nd Reading and move to the 3rd after comment was made by Councilman Cioni, seconded by Councilwoman Marchini, and was passed on a vote of 5-0.

The Mayor called for questions or comments. Being none, the Ordinance moved to its 3rd Reading.

THIRD READING: The Ordinance was presented in title only for its 3rd Reading and was passed on a vote of 5-0

IX. New Business

(A) Ordinances

Mr. Rhodes reviewed the Ordinance which will correct an inadvertent error on the zoning map in the Canal Parkway area. Morgan Alban, City Engineering Consultant, advised that there are 30 parcels that follow Canal Parkway that were unintentionally included in the overlay zone, so the error needs to be corrected and the zoning map updated.

Ordinance 3878 (*1st reading*) - an ordinance to amend the official zoning map of the City of Cumberland to correct the map by removing thirty (30) parcels of record located between Alley No. 224 and Canal Parkway from the Canal Place Historic Preservation District.

FIRST READING: The Ordinance was submitted in title only for its 1st Reading. Motion to approve the 1st Reading and table until next meeting was made by Councilman Frazier, 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 Morris called for questions or comments. Motion to approve all items on the Consent Agenda was made by Councilwoman Marchini, seconded by Councilman Bernard, and was passed on a vote of 5-0.

Order 26,727 - accepting the bid from S&S Electric, Inc. for the Blower Building Switchgear Replacement Project (36-19-WWTP) in the lump sum not-to-exceed amount of \$399,500.

Order 26,728 - accepting the sole source proposal obtained through CoStars purchasing consortium from Keystone Ford and Stephenson Equipment to provide two (2) new Ford F-250 Service Body Trucks and uplift equipment in the amount not-to-exceed \$43,570.00 for each truck, for a total not-to-exceed amount of \$87,140.

Order 26,729 - authorizing execution of a second Amendment to Purchase Agreement with Allegany Junction Limited Partnership regarding the sale of land located at 100 Reynolds Street, to allow for two (2) additional 30-day Closing Extensions.

Mr. Cohen advised that this Amendment pertains to the former East Side School site, and said these extensions will enable the City to finalize the terms of the PILOT (Payment in Lieu of Taxes) agreement.

Order 26,730 - appointing Charles W. Taylor, Jr. to the Zoning Board of Appeals for a term effective November 4, 2020, through November 4, 2023.

X. Public Comments

No public comments

All public comments are limited to 5 minutes per person

Mr. Rhodes advised M&CC of his plans to retire from the City on June 1, 2021, and said he wanted to provide ample notice, as filling this type of position can take quite a while. He stated that obviously over the next six months there is a lot of work to do, and said he looks forward to working with them during that time. Mayor Morriss said he appreciates the many years of good service from Mr. Rhodes, who has been at the City for a total of 23 years, and said they will be working on finding a replacement. The Council Members thanked Mr. Rhodes for all his help during their time in office.

XI. Adjournment

With no further business at hand, the meeting adjourned at 6:37 p.m.

Minutes approved on _____

Raymond M. Morriss, Mayor _____

ATTEST: Marjorie A. Woodring, City Clerk _____

File Attachments for Item:

1. Ordinance 3881 (*2nd and 3rd readings*) - authorizing the issuance and sale of general obligation bonds and bond anticipation notes each in an aggregate principal amount not to exceed \$4,525,000, and general obligation refunding bonds to finance ore refinance costs of projects authorized for debt funding in the FY2021 budget

ORDINANCE NO. 3881

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED
AN ORDINANCE TO AUTHORIZE AND EMPOWER MAYOR AND CITY COUNCIL
OF CUMBERLAND (THE "CITY") TO ISSUE AND SELL FROM TIME TO TIME,
UPON ITS FULL FAITH AND CREDIT, ONE OR MORE SERIES OF (1)(A) GENERAL
OBLIGATION BONDS AND (B) GENERAL OBLIGATION BOND ANTICIPATION
NOTES, EACH IN AN ORIGINAL AGGREGATE PRINCIPAL AMOUNT NOT TO
EXCEED FOUR MILLION FIVE HUNDRED TWENTY-FIVE THOUSAND DOLLARS
(\$4,525,000), AND (2) GENERAL OBLIGATION REFUNDING BONDS, SUBJECT TO
THE LIMITATIONS PROVIDED FOR HEREIN, THE PROCEEDS OF THE SALE
THEREOF TO BE USED AND APPLIED FOR THE PUBLIC PURPOSE OF
FINANCING, REIMBURSING OR REFINANCING COSTS OF THE PROJECTS
IDENTIFIED HEREIN AND RELATED COSTS; PROVIDING THAT THE MAYOR
AND CITY COUNCIL, THE GOVERNING BODY OF THE CITY, BY RESOLUTION
SHALL DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS
RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY,
PAYMENT AND PREPAYMENT OR REDEMPTION OF AND FOR EACH SERIES OF
THE BONDS, THE BOND ANTICIPATION NOTES OR THE REFUNDING BONDS
(COLLECTIVELY, THE "OBLIGATIONS"); PROVIDING FOR THE IMPOSITION OF
AD VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL FAITH AND
CREDIT AND UNLIMITED TAXING POWER OF THE CITY TO, THE PAYMENT OF
DEBT SERVICE ON THE OBLIGATIONS; PROVIDING THAT DEBT SERVICE ON
THE OBLIGATIONS ALSO MAY BE PAID FROM OTHER LAWFULLY AVAILABLE

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REVENUE SOURCES; PROVIDING THAT CERTAIN ACTIONS MAY BE TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH THE REISSUANCE OR MODIFICATION OF ANY OF THE OBLIGATIONS; PROVIDING THAT ANY OF THE OBLIGATIONS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY AND ISSUED AS A SINGLE SERIES; AUTHORIZING, DIRECTING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE OBLIGATIONS; AUTHORIZING MODIFICATIONS OF THE OBLIGATIONS TO BE MADE BY RESOLUTION UNLESS ANOTHER ACTION IS REQUIRED; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF AND FOR THE OBLIGATIONS.

RECITALS

1. Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland and a municipality within the meaning of the Enabling Act, the Bond Anticipation Note Act and the Refunding Act identified herein (the “City”), is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Enabling Act”), and Sections 81 and 82A of the Charter of the City, as replaced, supplemented or amended (the “Charter”), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds.

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2. The City has determined to undertake the public purpose projects described in Section 2(a) of this Ordinance.

3. The City has determined to authorize the issuance from time to time of one or more series of its general obligation bonds in order to finance, reimburse or refinance all or a portion of the costs of any of the public purpose projects described in Section 2(a) of this Ordinance and related costs, including costs of issuance.

4. Prior to issuing one or more series of the bonds authorized hereby, the City may need to obtain interim financing in order to finance, reimburse or refinance applicable project costs on a timely basis through the issuance from time to time of its general obligation bond anticipation notes in one or more series pursuant to the authority of Sections 19-211 to 19-223, inclusive, of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Bond Anticipation Note Act”).

5. Subsequent to the issuance of any bonds provided for herein, the City may desire to currently refund or advance refund all or a portion of such bonds through the issuance from time to time of one or more series of its general obligation refunding bonds pursuant to the authority of Section 19-207 of the Local Government Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “Refunding Act”), and any other applicable law.

6. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on the bonds, the bond anticipation notes and the refunding bonds authorized hereby.

7. The method of sale of any bonds, bond anticipation notes or refunding bonds authorized hereby will be determined by the Mayor and City Council of the City, the governing body

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of the City (the “Mayor and City Council”), by resolution pursuant to the authority of the Enabling Act, the Bond Anticipation Note Act, the Refunding Act, Section 82A of the Charter, any other applicable law, and this Ordinance, as applicable.

8. As provided in the Charter, the City shall issue any bonds, bond anticipation notes or refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council pursuant to the authority of the Enabling Act, the Bond Anticipation Note Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance, as applicable.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in the Sections of this Ordinance that are not otherwise defined herein shall have the meanings given to such terms in the Recitals to this Ordinance.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other applicable law or authority to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a “deputy,” “associate,” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title

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not provided for in the Charter, the City Code or other applicable law or authority, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Ordinance to the “principal amount” of any of the Bonds, the BANs, the Refunding Bonds or the Obligations (each as defined herein) shall be construed to mean the par amount of such Bonds, BANs, Refunding Bonds or Obligations, as applicable.

SECTION 2. (a) Pursuant to the authority of the Enabling Act and Sections 81 and 82A of the Charter, the City hereby determines to borrow money and incur indebtedness from time to time for the public purpose of financing, reimbursing or refinancing costs of certain projects identified as follows: (A) new and/or replacement vehicles and heavy duty equipment (including, without limitation, patrol vehicles, utility vehicles, light and heavy duty trucks, sport utility vehicles, backhoes and mower equipment attachments), (B) facility and site improvements (including, without limitation, exterior and structural building improvements and renovations, sprinklers, fence repair and replacement, one or more pole buildings, and various field improvements), (C) bridge and access design, improvements, construction and repairs, (D) street improvements, (E) various water system equipment, improvements and repairs (including, without limitation, sludge thickener mixers, cross connections program upgrades, hydrant/valve replacement, water main replacement, valve equipment, waterlines, and filtration plant improvements, including but not limited to intake screening, concrete repairs and dam repairs), and/or (F) various sewer and flood system equipment, improvements and repairs (including, without limitation, SCADA system equipment and improvements, electrical switching gear, influent screen design and construction, ammonia-nitrogen and nitrate probes, and concrete repairs), all for use by various City

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departments, including, without limitation, the Police, Fire, Engineering, Public Works, Parks & Recreation, Water Distribution, Sanitary Sewer, and Flood Control Departments (the projects generally described in clauses (A) through (F) being referred to herein collectively as the “Projects” and, individually, as a “Project”), together with, in each such case as is applicable with respect to the respective Project components described in clauses (A) through (F), land and right-of-way acquisition and development; acquisition of other property rights; site and utility improvements, including, without limitation, grading, landscaping, paving and repaving, sidewalk, curb, gutter, storm water, water and sewer improvements, traffic control improvements, and related or similar activities and expenses; demolition, razing and removal; acquisition, construction, expansion, upgrading, reconstruction, replacement, renovation, rehabilitation, improvement, installation, furnishing and equipping activities and expenses and related or similar activities and expenses; planning, design, architectural, engineering, feasibility, testing, surveying, document development, bidding, permitting, inspection, construction management, financial and legal expenses and other related or similar activities and expenses; contingencies; costs of issuance (which may include costs of bond insurance or other credit or liquidity enhancement); capitalized interest (whether or not expressly so stated); and any such costs that may represent the City’s share or contribution to the financing or refinancing of any such Project (collectively, “Costs of the Projects”). It is the intention of the Mayor and City Council that proceeds of the Bonds (or of any of the BANs, as applicable) may be spent on any applicable Costs of the Projects, including costs related to changes in the scopes of and/or identifications of any of the Projects effected through applicable budgetary procedures or applicable law.

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(b) The City, without notice to or the consent of any registered owners of any issued Bonds (and of any issued BANs, as applicable), may allocate and reallocate the principal amount of any issued Bonds (and of any issued BANs, as applicable) (exclusive of any premium realized upon sale or investment earnings that may be applied for such purposes) to be spent on Costs of the Projects among any of the Projects in compliance with applicable budgetary procedures or applicable law.

SECTION 3. (a) To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act, Sections 81 and 82A of the Charter and this Ordinance, hereby determines to issue and sell from time to time, in one or more series, upon its full faith and credit, its general obligation bonds in an original aggregate principal amount not to exceed Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000) (each, a “series of the Bonds” and, collectively, the “Bonds”). Any series of the Bonds may consist of one or more bonds and any such bond may be issued in installment and/or draw-down form.

(b) In the event the City issues any series of the BANs pursuant to Section 6 of this Ordinance, proceeds of the Bonds of any series in anticipation of which such BANs were issued may be applied to prepay or pay principal, premium and/or interest on such series of the BANs in accordance with the provisions of the Bond Anticipation Note Act, and such application shall be deemed the payment of Costs of the Projects for purposes of this Ordinance.

(c) By resolution or as otherwise allowed by applicable law, the Mayor and City Council may determine or provide for the determination of how any unexpended proceeds of any series of the Bonds (or any series of the BANs, as applicable), premium realized upon sale and/or any

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investment earnings on proceeds of any such series of the Bonds or of the BANs shall be expended, which may include, without limitation, on Costs of the Projects, on costs of issuance of such series of the Bonds or of the BANs, or on debt service payable or prepayable on such series of the Bonds or of the BANs, as applicable, to the extent permitted by applicable law.

SECTION 4. The proceeds of the Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Sections 2 and 3 of this Ordinance, unless a supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the Enabling Act, the Charter or other applicable law; provided that, no such supplemental ordinance shall be required if changes in the scope of or description of any Project are otherwise made as contemplated in Section 2(a) of this Ordinance.

SECTION 5. Pursuant to the authority of the Enabling Act, Sections 81 and 82A of the Charter and this Ordinance, the Mayor and City Council, prior to the issuance, sale and delivery of each series of the Bonds, shall adopt a resolution or resolutions specifying, prescribing, determining, providing for or approving such matters, details, forms (including, without limitation, the form or substantially final form of the Bonds of such series), documents or procedures as may be required by the Enabling Act, Sections 81 and 82A of the Charter or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or redemption of or for such series of the Bonds. Any such resolution may, subject to the limitations of any applicable law, set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Bonds; the date of issue of such series of the Bonds; the original

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aggregate principal amount of such series of the Bonds; the denomination or denominations of such series of the Bonds; the maturity or maturities of such series of the Bonds; the principal installment or installments (including, without limitation, serial maturities and/or mandatory sinking fund installments) payable on such series of the Bonds; the rate or rates of interest, or the method of determining the rate or rates of interest, payable on such series of the Bonds, which may be fixed or variable; provisions for the payment of late fees, additional interest and/or penalties payable on the Bonds of such series and/or adjustments to interest rates in appropriate circumstances; the purchase price for such series of the Bonds; provisions relating to the prepayment or redemption of such series of the Bonds at the City's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Bonds to put or cause the prepayment or redemption of the same at their option; the manner of selling such series of the Bonds, which may be either at public or private sale, and all matters in connection therewith; the specific Projects the costs of which are to be financed, reimbursed or refinanced from proceeds of such series of the Bonds; any limitations on the Costs of the Projects on which the proceeds of such series of the Bonds may be expended; provisions for the appropriation, disposal and/or investment of proceeds of such series of the Bonds; the manner of executing such series of the Bonds; the selection of any bond registrar, paying agent, investment bidding agent or other appropriate service providers in connection with such series of the Bonds; certifications, representations, determinations, designations or elections relating to the tax-exempt or taxable status of interest payable on such series of the Bonds; and all other terms and conditions pursuant to which such series of the Bonds will be issued, sold and delivered, including, without limitation, any determinations to be made or provided for by resolution as contemplated by Section 82A(d) of the Charter to the extent not determined or provided for in this Ordinance. Among other

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matters, the Mayor and City Council by resolution may authorize, approve or otherwise provide for

- (i) payment of any commitment fee, breakage fee or similar fee and other costs payable in connection with any series of the Bonds (including, without limitation, other parties' legal costs and expenses),
- (ii) the obtaining of credit enhancement or liquidity enhancement for any series of the Bonds (and the negotiation, approval, execution and delivery of any agreements or documents relating thereto), and
- (iii) any other agreements, documents, instruments or determinations necessary or desirable to enhance the marketability of or as security for any series of the Bonds, including, without limitation, any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12.

By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to any series of the Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the matters identified in this Section 5 for more than one series of the Bonds.

SECTION 6. (a) Pursuant to the authority of the Enabling Act, the Bond Anticipation Note Act, Sections 81 and 82A of the Charter and this Ordinance, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation bond anticipation notes in an original aggregate principal amount not to exceed Four Million Five Hundred Twenty-Five Thousand Dollars (\$4,525,000.00) (each, a series of the "BANs" and, collectively, the "BANs") prior to and in anticipation of the sale of any series of the Bonds in order to finance, reimburse or refinance Costs of the Projects on an interim basis, and to finance or reimburse any costs of issuance of the BANs. Any such series of the BANs may consist

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of one or more notes and any such note may be issued in installment form and/or draw-down form. Prior to the issuance, sale and delivery of each series of the BANs, the Mayor and City Council shall adopt a resolution or resolutions pursuant to the authority of the Enabling Act, the Bond Anticipation Note Act, Sections 81 and 82A of the Charter and this Ordinance authorizing such series of the BANs and specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the BANs, the types of matters, details, forms, documents or procedures and determinations detailed in Section 5 hereof that may be made or addressed by resolution with respect to each series of the Bonds, to the extent applicable with respect to such series of the BANs, and as otherwise may be authorized or required by applicable law. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to any series of the BANs. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 6 for more than one series of the BANs.

(b) The City hereby covenants (i) to pay from the proceeds of one or more series of the Bonds the principal of any series of the BANs actually issued, (ii) to the extent that interest on any series of the BANs is not paid from proceeds of such BANs, to pay the interest on such series of the BANs from the proceeds of one or more series of the Bonds, and (iii) to issue the applicable series of the Bonds as soon as there is no longer a reason for deferring its issuance. This covenant shall not be construed to prevent the City from paying principal of and/or interest on any series of the BANs from sources of funds other than proceeds of the Bonds, to the extent such other proceeds are available for such purpose.

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(c) As authorized by the Bond Anticipation Note Act, by resolution the Mayor and City Council may provide for the renewal of any series of the BANs at maturity with or without resale, together with any amendments or modifications to or replacements of such series of the BANs and any related documentation.

SECTION 7. Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation refunding bonds (each, a “series of the Refunding Bonds” and, collectively, the “Refunding Bonds”) for the public purpose of currently refunding or advance refunding all or any portion of the then-outstanding Bonds, including paying or reimbursing all or any portion of the following: (i) outstanding principal, prepayment or redemption premium and/or interest accrued or to accrue to the date or dates of prepayment, redemption, purchase or maturity of the Bonds or portions thereof to be refunded, (ii) costs and expenses incurred in connection with the issuance, sale and delivery of such Refunding Bonds, including, without limitation, legal and financial costs and costs of any credit enhancement or liquidity enhancement, and (iii) to the extent determined by the Mayor and City Council by resolution, paying interest on such Refunding Bonds, in each such case (A) for the public purpose of (1) realizing savings in the total cost of debt service on a direct comparison or present value basis, (2) debt restructuring that reduces the total cost of debt service, or (3) debt restructuring that the City determines is in its best interests, is consistent with the City’s long-term financial plan, and realizes a financial objective of the City, including improving the relationship of debt service to any source of payment such as taxes, assessments or other charges, or (B) for any other purpose then authorized by the Refunding Act or other applicable

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law, as determined by the Mayor and City Council by resolution; provided that, the original aggregate principal amount of any such series of the Refunding Bonds shall not exceed one hundred thirty percent (130%) of the outstanding aggregate principal amount of the Bonds refunded therefrom. Any such series of the Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form. Prior to the sale, issuance and delivery of each series of the Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Refunding Bonds and specifying, prescribing, determining or providing for the determination of, providing for, or approving or providing for the approval of, with respect to such series of the Refunding Bonds, the same types of matters, details, forms, documents, procedures and determinations detailed to be made in Section 5 hereof with respect to each series of the Bonds, to the extent applicable to such series of the Refunding Bonds, and as otherwise may be authorized or required by applicable law, including, without limitation, the purposes of the Refunding Act to be achieved by the issuance of such series of the Refunding Bonds, the selection of any escrow agent, verification agent, investment bidding agent or other service provider, the determination of the Bonds to be refunded in whole or in part from such series of the Refunding Bonds, and any agreements, documents or instruments necessary or desirable in connection with the refunding. By resolution the Mayor and City Council may determine or provide for the determination of how any unexpended proceeds of any series of the Refunding Bonds, premium realized upon sale and/or investment earnings on proceeds of such series of the Refunding Bonds shall be expended, which may include, without limitation, on refunding the applicable Bonds, on costs of issuance of such series of the Refunding Bonds or on debt service payable or prepayable on such series of the Refunding Bonds, to the extent permitted

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by applicable law. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to any series of the Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 7 for more than one series of the Refunding Bonds.

SECTION 8. (a) The full faith and credit and unlimited taxing power of the City are hereby pledged to the payment of the principal of and interest on each series of the Bonds, the BANs or the Refunding Bonds actually issued, as applicable (each, a “series of the Obligations” and, collectively, the “Obligations”), when due and to the imposition of the taxes hereinbelow described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of each series of the Obligations. Subject to the further provisions of this Section 8, the City hereby covenants with the registered owners of the Obligations of each series to impose ad valorem taxes on all real and tangible personal property in the City that is subject to assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the principal of and the interest on the Obligations in each fiscal year in which any of the Obligations are outstanding and to take any further action that may be lawfully appropriate from time to time during the period that the Obligations of such series remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes shall be imposed in the succeeding fiscal year to make up such deficiency.

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(b) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on the Obligations of any series from the proceeds of the sale of any other obligations of the City or from any other funds legally available for that purpose (including, without limitation, with respect to any BANs, from the proceeds of any Bonds and, with respect to any Bonds, from the proceeds of any Refunding Bonds). Pursuant to the authority of Section 82A of the Charter, by resolution the Mayor and City Council may provide that all or a portion of the debt service on the allocable portion of any series of the Obligations shall be payable in the first instance from specified revenues or other moneys identified in such resolution, to the extent available for such purpose. Within the limitations of any applicable Maryland or federal law (including, without limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on the Obligations of any series any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for the purpose of assisting the City in accomplishing the components of Costs of the Projects which the Obligations of such series are issued to finance, reimburse or refinance or are otherwise available for such purpose, and to the extent of any such funds received or receivable as described in this subsection (b) in any fiscal year, the taxes hereby required to be imposed may be reduced proportionately.

SECTION 9. By resolution, the Mayor and City Council may make any appropriate arrangements (including, without limitation, by authorizing one or more appropriate officials to make any elections, designations, determinations or filings on the City's behalf) in the event the right of any registered owner of any Obligation to put or cause the prepayment or redemption of such Obligation

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at its option, or any change in the interest rate of an Obligation, or any other modification of an Obligation could lead to a reissuance of such Obligation for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder.

SECTION 10. By resolution the Mayor and City Council may determine that any of the Bonds, the BANs or the Refunding Bonds authorized hereby may be consolidated with any bonds, bond anticipation notes and/or refunding bonds authorized by the Mayor and City Council and issued as a single series of bonds, bond anticipation notes and/or refunding bonds.

SECTION 11. By resolution the Mayor and City Council may make or authorize any modifications to (i) any series of the Obligations once issued, and (ii) any related documentation, certificates or instruments, unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.

SECTION 12. With respect to any series of the Obligations, the Mayor and City Council by resolution may delegate to one or more specified officials or employees the authority to negotiate, approve, execute and deliver, as applicable, any documents, certificates or instruments relating to such Obligations or to take other actions with respect thereto. The following City officials and employees: the Mayor, the City Administrator, the Treasurer, the Director of Administrative Services, the Comptroller, the City Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered and directed to (i) take any and all action necessary to complete and close the sale, issuance and delivery of the Bonds, the BANs and the Refunding Bonds, (ii) negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection with any such sale, issuance and delivery, and (iii) carry out the transactions contemplated by this Ordinance, any ordinance amendatory of or supplemental to this Ordinance, any

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resolution adopted in furtherance of this Ordinance, and any documents, certificates or instruments executed and delivered in connection with any series of the Obligations, all to the extent any particular action is within the scope of such official's or employee's authority and such authorization has not been delegated to one or more specified City officials or employees by ordinance or resolution.

SECTION 13. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 14. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

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SECTION 15. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

Raymond M. Morriss
Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

Introduced: _____, 2020

Passed: _____, 202__

Votes for passage: _____

Votes against passage: _____

Effective: _____, 2021

#219821;10002.073

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File Attachments for Item:

2. Ordinance No. 3882 (*2nd and 3rd readings*) - authorizing the issuance and sale of (1) general obligation refunding bonds in an aggregate principal amount not to exceed \$42,260,000 to refund in whole or in part (A) the City's outstanding 2011 through 2019 Community Development Administration (CDA) loans, and (B) certain other outstanding general obligation bonds, and (2) general obligation bonds to subsequently refund any general obligation refunding bonds identified in (1) that are actually issued

ORDINANCE NO. 3882

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED
AN ORDINANCE TO AUTHORIZE AND EMPOWER MAYOR AND CITY COUNCIL
OF CUMBERLAND (THE “CITY”) TO ISSUE AND SELL FROM TIME TO TIME,
UPON ITS FULL FAITH AND CREDIT, GENERAL OBLIGATION REFUNDING
BONDS IN ONE OR MORE SERIES IN AN ORIGINAL AGGREGATE PRINCIPAL
AMOUNT NOT TO EXCEED FORTY-TWO MILLION TWO HUNDRED SIXTY
THOUSAND DOLLARS (\$42,260,000) (THE “ORIGINAL REFUNDING BONDS”), THE
PROCEEDS OF THE SALE THEREOF TO BE USED AND APPLIED FOR THE PUBLIC
PURPOSE OF CURRENTLY REFUNDING OR ADVANCE REFUNDING IN WHOLE
OR IN PART ALL OR ANY PORTION OF THE CITY’S THEN-OUTSTANDING 2011
INFRASTRUCTURE BOND, 2012 INFRASTRUCTURE BOND, 2014
INFRASTRUCTURE BONDS, 2015 INFRASTRUCTURE BONDS, 2017
INFRASTRUCTURE BONDS, 2018 INFRASTRUCTURE BONDS, 2019
INFRASTRUCTURE BONDS, 2017 TAXABLE BONDS AND/OR 2017 TAX-EXEMPT
BONDS IDENTIFIED HEREIN, INCLUDING PAYING ISSUANCE AND OTHER
RELATED COSTS; AUTHORIZING THE CITY TO ISSUE AND SELL FROM TIME TO
TIME, UPON ITS FULL FAITH AND CREDIT, GENERAL OBLIGATION REFUNDING
BONDS IN ONE OR MORE SERIES (THE “SUBSEQUENT REFUNDING BONDS”
AND, TOGETHER WITH THE ORIGINAL REFUNDING BONDS, THE “BONDS”) IN
ORDER TO CURRENTLY REFUND OR ADVANCE REFUND ANY OF THE
ORIGINAL REFUNDING BONDS ISSUED PURSUANT TO THIS ORDINANCE,

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INCLUDING PAYING ISSUANCE AND OTHER RELATED COSTS, PROVIDED THAT, THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF ANY SUCH SERIES OF SUBSEQUENT REFUNDING BONDS SHALL NOT EXCEED ONE HUNDRED THIRTY PERCENT (130%) OF THE AGGREGATE PRINCIPAL AMOUNT OF THE ORIGINAL REFUNDING BONDS REFUNDED THEREFROM; PROVIDING THAT THE MAYOR AND CITY COUNCIL OF THE CITY (THE "MAYOR AND CITY COUNCIL") BY RESOLUTION SHALL DETERMINE, APPROVE OR PROVIDE FOR VARIOUS MATTERS RELATING TO THE AUTHORIZATION, SALE, SECURITY, ISSUANCE, DELIVERY, PAYMENT, REDEMPTION OR PREPAYMENT OF AND FOR EACH SERIES OF THE BONDS; PROVIDING FOR THE IMPOSITION OF AD VALOREM TAXES SUFFICIENT FOR, AND PLEDGING THE FULL FAITH AND CREDIT AND UNLIMITED TAXING POWER OF THE CITY TO, THE PAYMENT OF DEBT SERVICE ON THE BONDS; PROVIDING THAT DEBT SERVICE ON THE BONDS MAY ALSO BE PAID FROM OTHER LAWFULLY AVAILABLE REVENUE SOURCES; PROVIDING THAT CERTAIN ACTIONS MAY BE TAKEN OR PROVIDED FOR BY RESOLUTION IN CONNECTION WITH THE REISSUANCE OR MODIFICATION OF ANY OF THE BONDS; AUTHORIZING ADDITIONAL DETAILS AND MATTERS RELATING TO ANY SERIES OF THE BONDS ISSUED TO THE COMMUNITY DEVELOPMENT ADMINISTRATION TO BE DETERMINED OR PROVIDED FOR BY RESOLUTION UNLESS A DETERMINATION BY ORDINANCE IS OTHERWISE REQUIRED; PROVIDING THAT ANY OF THE BONDS MAY BE CONSOLIDATED WITH OTHER OBLIGATIONS OF THE CITY AND ISSUED AS A

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SINGLE SERIES; AUTHORIZING, DIRECTING AND EMPOWERING CITY OFFICIALS AND EMPLOYEES TO TAKE CERTAIN ACTIONS IN CONNECTION WITH THE BONDS; AUTHORIZING MODIFICATIONS TO THE BONDS TO BE MADE BY RESOLUTION UNLESS ANOTHER ACTION IS REQUIRED; PROVIDING THAT THIS TITLE IS A FAIR SUMMARY OF THIS ORDINANCE; PROVIDING THAT THE PROVISIONS OF THIS ORDINANCE SHALL BE LIBERALLY CONSTRUED; AND OTHERWISE GENERALLY RELATING TO THE ISSUANCE, SALE, DELIVERY AND PAYMENT OF AND FOR THE BONDS.

RECITALS

1. Mayor and City Council of Cumberland, a municipal corporation of the State of Maryland (the "City"), and a municipality within the meaning of the Enabling Act and the Refunding Act identified below, is authorized and empowered by Sections 19-301 to 19-309, inclusive, of the Local Government Article of the Annotated Code of Maryland (previously codified as Sections 31 to 37, inclusive, of Article 23A of the Annotated Code of Maryland), as replaced, supplemented or amended (the "Enabling Act"), and Sections 81 and 82A of the Charter of the City, as replaced, supplemented or amended (the "Charter"), to borrow money for any proper public purpose and to evidence such borrowing by the issuance and sale of its general obligation bonds, notes or other evidences of indebtedness. Sections 81 and 82A of the Charter provide that any general obligation bonds, notes or other evidences of indebtedness may be sold at public sale or at private sale. Section 19-207 of the Local Government Article of the Annotated Code of Maryland (previously codified as Section 24 of Article 31 of the Annotated Code of Maryland), as replaced,

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supplemented or amended (the “Refunding Act”), authorizes the City to issue general obligation refunding bonds to refund any bonds, notes or other evidences of indebtedness. Pursuant to the Refunding Act, the procedures for the issuance of refunding bonds shall be the same as those applicable to the bonds being refunded, except that refunding bonds may be sold at a private sale, without soliciting bids, if the City determines in a public meeting that such procedure is in the public interest.

2. Sections 4-101 through 4-255 of the Housing and Community Development Article of the Annotated Code of Maryland, as replaced, supplemented or amended (the “CDA Act”), authorizes the Community Development Administration (the “Administration”), a governmental unit in the Division of Development Finance of the Department of Housing and Community Development, a principal department of the government of the State of Maryland, to provide financial assistance to political subdivisions and municipal corporations to finance or refinance, among other things, infrastructure projects and to establish a capital reserve fund in connection therewith.

3. Pursuant to the authority of the Enabling Act, the Refunding Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3693, passed by the Mayor and City Council, the governing body of the City (the “Mayor and City Council”), on June 7, 2011 and effective pursuant to the CDA Act on June 7, 2011 (“Ordinance No. 3693”), the City issued to the Administration on August 31, 2011 its Mayor and City Council of Cumberland Infrastructure Bond, 2011 Series A in the original aggregate principal amount of \$11,415,000 (the “2011 Infrastructure Bond”).

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4. Proceeds of the 2011 Infrastructure Bond, together with other funds, were applied to (i) refund the then-outstanding 1999 Bond, 2005 Bond, 2006 Bond and 2007 Bond identified in Ordinance No. 3693, and thereby refinance costs of the projects identified in Ordinance No. 3693 that were originally financed or refinanced from proceeds of the 1999 Bond, the 2005 Bond, the 2006 Bond and the 2007 Bond, and (ii) pay costs of issuance of the 2011 Infrastructure Bond.

5. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3723, passed by the Mayor and City Council on September 25, 2012 and effective pursuant to the CDA Act on September 25, 2012 (“Ordinance No. 3723”), the City issued to the Administration on December 19, 2012 its Mayor and City Council of Cumberland Infrastructure Bond, 2012 Series B in the original principal amount of \$1,515,491.29 (the “2012 Infrastructure Bond”).

6. Ordinance No. 3723 authorized proceeds of the 2012 Infrastructure Bond to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing, reimbursing or refinancing costs of certain projects identified as follows: (A) Water Main Replacements, which generally involves water main replacements for streets including, but not limited to, sections of Michigan Avenue, Kentucky Avenue, Centre Street, Lafayette Street and Virginia Avenue, (B) Replacement of Hydrants and Valves, which generally involves the replacement of hydrants and valves throughout the City of Cumberland, (C) East Side Station Roof Replacement, (D) Fort Hill Reservoir Valve Replacement, (E) Upgrade of Water System Cross Connection Program, (E) New Chlorine Feed and Storage Facility, which generally involves construction of such new facility, (F) Water Filtration Plant Outfall Relocation Project, and (G) Memorial Campus Facility Demolition, together with, in each such case as is applicable with

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respect to the projects described in clauses (i)(A) through (G), to acquire or pay for, as applicable, the acquisition of improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, installation, improving, furnishing and equipping expenses and other related expenses, paving, and functionally related renovation or rehabilitation activities necessary at the locations or facilities at which such undertakings occur, to the extent not explicitly identified in clauses (i)(A) through (G) (collectively, the “2012 Infrastructure Projects”), (ii) funding a portion of a capital reserve fund, and/or (iii) paying issuance and other costs related to the 2012 Infrastructure Bond. The clause (E) reference was inadvertently used to distinguish two different identifiers of the 2012 Infrastructure Projects in Ordinance No. 3723.

7. Pursuant to authority of the CDA Act, the Enabling Act, Sections 81 and 82A of the Charter, and Ordinance No. 3744, passed by the Mayor and City Council on May 21, 2013 and effective pursuant to the CDA Act on May 21, 2013 (“Ordinance No. 3744”), the City supplemented and amended Ordinance No. 3723 to modify the definition of the 2012 Infrastructure Projects and provide that proceeds of the 2012 Infrastructure Bond may be applied for (i) financing or refinancing costs of certain projects identified as follows: (A) Water Main Replacements, which generally involves water main replacements for streets including, but not limited to, sections of Michigan Avenue, Kentucky Avenue, Centre Street, Lafayette Street and Virginia Avenue, (B) Other Street Improvement Projects, (C) Replacement of Hydrants and Valves, which generally involves the replacement of hydrants and valves throughout the City of Cumberland, (D) East Side Station Roof Replacement, (E) Fort Hill Reservoir Valve Replacement, (F) Upgrade of Water

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System Cross Connection Program, (G) New Chlorine Feed and Storage Facility, which generally involves construction of such new facility, (H) Water Filtration Plant Outfall Relocation Project, (I) Memorial Campus Facility Demolition, (J) Wastewater Treatment Plant and System Improvements, and (K) Water Treatment Plant and System Improvements, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (K), to acquire or pay for, as applicable, the acquisition of improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, installation, improving, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, and functionally related renovation or rehabilitation activities necessary at the locations or facilities at which such undertakings occur, to the extent not explicitly identified in clauses (i)(A) through (K), (ii) funding a portion of a capital reserve fund and/or (iii) paying issuance and other costs related to the 2012 Infrastructure Bond.

8. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3757, passed by the Mayor and City Council on May 6, 2014 and effective pursuant to the CDA Act on May 6, 2014 (“Ordinance No. 3757”), the City issued to the Administration on August 28, 2014 its (i) Mayor and City Council of Cumberland Infrastructure Bond, 2014 Series A-1 in the original principal amount of \$1,461,417 (the “2014 Infrastructure A-1 Bond”), (ii) Mayor and City Council of Cumberland Infrastructure Bond, 2014 Series A-2 in the original principal amount of \$915,000 (the “2014 Infrastructure A-2 Bond”), and (iii) Mayor and City Council of Cumberland Infrastructure Bond, 2014 Series A-3 in the original

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principal amount of \$5,143,583 (the “2014 Infrastructure A-3 Bond” and, together with the 2014 Infrastructure A-1 Bond and the 2014 Infrastructure A-2 Bond, the “2014 Infrastructure Bonds”).

9. Ordinance No. 3757 authorized proceeds of the 2014 Infrastructure Bonds to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified as follows: (A) Improvements to the Water System and the Sewer System, including (without limitation) acquisition of vehicles, pump and motor upgrades, cross-connection program activities, detection improvements and upgrades, digester repairs, sewer replacements, flood control concrete repairs, pump station control upgrades, and improvement or replacement of water mains, hydrants and valves, (B) Facility and Property Improvements, including (without limitation) at City Hall, in the Municipal Services Center, at the Central Services building, at the Wastewater Treatment Plant, in Constitution Park, and at municipal pools, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, including (without limitation) bridge and intersection light improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, including (without limitation) for emergency services providers, for public works purposes, and for utility system purposes, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (E), the acquisition or payment for, as applicable, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, permitting, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, and functionally related activities necessary at the locations

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or facilities at which such undertakings occur, to the extent not explicitly identified in clauses (i)(A) through (E), (ii) funding a portion of a capital reserve fund, and/or (iii) paying issuance and other costs related to the 2014 Infrastructure Bonds.

10. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3777, passed by the Mayor and City Council on June 2, 2015 and effective pursuant to the CDA Act on June 2, 2015 (“Ordinance No. 3777”), the City issued to the Administration on August 27, 2015 its (i) Mayor and City Council of Cumberland Infrastructure Bond, 2015 Series A-1 in the original principal amount of \$601,970.08 (the “2015 Infrastructure A-1 Bond”) and (ii) Mayor and City Council of Cumberland Infrastructure Bond, 2015 Series A-2 in the original principal amount of \$2,559,520.56 (the “2015 Infrastructure A-2 Bond” and, together with the 2015 Infrastructure A-1 Bond, the “2015 Infrastructure Bonds”).

11. Ordinance No. 3777 authorized proceeds of the 2015 Infrastructure Bonds to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing costs of certain projects identified as follows: (A) Improvements to the Water System and the Sewer System, (B) Facility and Property Improvements, (C) Information Systems Improvements and Equipment, (D) Other Street Improvements, and (E) Acquisition of New and/or Replacement Vehicles and Equipment, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (E), the acquisition or payment for, as applicable, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, acquisition, demolition, construction, reconstruction, rehabilitation, renovation, repair, removal, construction management, permitting, installation, improvement, furnishing and equipping expenses and other

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related expenses, paving, repaving, sidewalk, curb, gutter and drain work, and functionally related activities necessary at the locations or facilities at which such undertakings occur, (ii) funding a portion of a capital reserve fund, and/or (iii) paying issuance and other costs related to the 2015 Infrastructure Bonds.

12. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3820, passed by the Mayor and City Council on June 6, 2017 and effective pursuant to the CDA Act on June 6, 2017 (“Ordinance No. 3820”), the City issued to the Administration on August 2, 2017 its (i) Mayor and City Council of Cumberland Infrastructure Bond, 2017 Series A-1 in the original principal amount of \$450,000 (the “2017 Infrastructure A-1 Bond”) and (ii) Mayor and City Council of Cumberland Infrastructure Bond, 2017 Series A-2 in the original principal amount of \$750,000 (the “2017 Infrastructure A-2 Bond” and, together with the 2017 Infrastructure A-2 Bond, the “2017 Infrastructure Bonds”).

13. Ordinance No. 3820 authorized proceeds of the 2017 Infrastructure Bonds to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing or refinancing of the costs of the purchase/acquisition of (A) information technology improvements, equipment and software, and (B) new and/or replacement vehicles and equipment (including heavy duty vehicles and equipment), (ii) funding a portion of a capital reserve fund, and/or (iii) paying issuance and other costs related to the 2017 Infrastructure Bonds.

14. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3840, passed by the Mayor and City Council on June 19, 2018 and effective pursuant to the CDA Act on June 19, 2018 (“Ordinance No. 3840”), the City issued to the Administration on August 30, 2018 its (i) Mayor and City Council of Cumberland

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Infrastructure Bond, 2018 Series A-1 in the original principal amount of \$525,894.43 (the “2018 Infrastructure A-1 Bond”), (ii) Mayor and City Council of Cumberland Infrastructure Bond, 2018 Series A-2 in the original principal amount of \$646,000 (the “2018 Infrastructure A-2 Bond”), and (iii) Mayor and City Council of Cumberland Infrastructure Bond, 2018 Series A-3 in the original principal amount of \$1,274,706.97 (the “2018 Infrastructure A-3 Bond” and, together with the 2018 Infrastructure A-1 Bond and the 2018 Infrastructure A-2 Bond, the “2018 Infrastructure Bonds”).

15. Ordinance No. 3840 authorized proceeds of the 2018 Infrastructure Bonds to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing and/or refinancing costs of certain projects identified as follows: (A) information technology improvements, equipment and software, (B) new and/or replacement vehicles and equipment (including heavy duty vehicles and equipment), (C) facility and property improvements (including, without limitation, HVAC units for the Municipal Service Center), (D) water and wastewater filtration plant improvements, and/or (E) water distribution infrastructure, waterline, valve, meter and dam design and improvement/replacement, together with, in each such case as is applicable with respect to the projects described in clauses (i)(A) through (E), the acquisition or payment for, as applicable, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, and related planning, design, architectural, engineering, bidding, permitting, acquisition, demolition, removal, construction, reconstruction, expansion, rehabilitation, renovation, repair, construction management, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, landscaping, and functionally related activities necessary at the locations or facilities

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at or near which such undertakings occur, (ii) funding a portion of a capital reserve fund, and/or (iii) paying issuance and other costs related to the 2018 Infrastructure Bonds.

16. Pursuant to the authority of the Enabling Act, the CDA Act, Sections 81 and 82A of the Charter, and Ordinance No. 3858, passed by the Mayor and City Council on September 3, 2019 and effective pursuant to the CDA Act on September 3, 2019 (“Ordinance No. 3858”), the City issued to the Administration on November 21, 2019 its (i) Mayor and City Council of Cumberland Infrastructure Bond, 2019 Series B-1 in the original principal amount of \$252,995.32 (the “2019 Infrastructure B-1 Bond”), (ii) Mayor and City Council of Cumberland Infrastructure Bond, 2019 Series B-2 in the original principal amount of \$805,076.43 (the “2019 Infrastructure B-2 Bond”), and (iii) Mayor and City Council of Cumberland Infrastructure Bond, 2019 Series B-3 in the original principal amount of \$2,219,695.07 (the “2019 Infrastructure B-3 Bond” and, together with the 2019 Infrastructure B-1 Bond and the 2019 Infrastructure B-2 Bond, the “2019 Infrastructure Bonds”).

17. Ordinance No. 3858 authorized proceeds of the 2019 Infrastructure Bonds to be applied for the purpose of providing all or a portion of the funds necessary for (i) financing and/or refinancing costs of certain projects identified as follows: (A) office equipment and information technology improvements, equipment and software (including replacement of copiers and firewalls and upgrading a SCADA system), (B) new and/or replacement vehicles (including regular duty vehicles, heavy duty vehicles and a ladder truck) and equipment for use by various City departments, including the Police, Fire, Public Works, Vehicle Maintenance, Street, Parks & Recreation, Water Distribution, Sanitary Sewer, and Flood Control Departments, (C) facility improvements (including HVAC improvements at City Hall, garage doors at the Public Safety

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Building, and garage door openers, doors and hardware for the Municipal Service Center), (D) street lighting and street improvements (including replacement of a traffic cabinet), and/or (E) parking garage gate and payment collection system improvements, together with, in each such case as is applicable with respect to the project components described in clauses (i)(A) through (E), the acquisition or payment for, improved or unimproved land, necessary property rights and equipment, related site and utility improvements, related planning, design, architectural, engineering, bidding, permitting, acquisition, demolition, removal, construction, reconstruction, expansion, rehabilitation, renovation, repair, construction management, inspection, installation, improvement, furnishing and equipping expenses and other related expenses, paving, repaving, sidewalk, curb, gutter and drain work, landscaping, and functionally related activities necessary at the locations or facilities at or near which such undertakings occur, administrative, financial and legal expenses, and related or similar costs, and any such costs that may represent the Issuer's share or contribution to such undertaking, (ii) funding a portion of a capital reserve fund and/or other reserves required by the Administration under the Program identified in subsection (b) below, and/or (iii) paying issuance and other costs related to the 2019 Infrastructure Bonds.

18. The 2011 Infrastructure Bond matures on May 1, 2032. At any time on or after June 1, 2021, the 2011 Infrastructure Bond is subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of August 1, 2011 between the City and the Administration relating to the 2011 Infrastructure Bond, as amended (including, without

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limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

19. The 2012 Infrastructure Bond matures on May 1, 2032. At any time on or after June 1, 2022, the 2012 Infrastructure Bond is subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of December 1, 2012 between the City and the Administration relating to the 2011 Infrastructure Bond (including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

20. The 2014 Infrastructure A-1 Bond matures on May 1, 2024. The 2014 Infrastructure A-2 Bond matures on May 1, 2029. The 2014 Infrastructure A-3 Bond matures on May 1, 2034. At any time on or after June 1, 2023, the 2014 Infrastructure Bonds are subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of August 1, 2014 between the City and the Administration relating to the 2014 Infrastructure Bonds (including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

21. The 2015 Infrastructure A-1 Bond matures on April 1, 2025. The 2015 Infrastructure A-2 Bond matures on April 1, 2035. At any time on or after June 1, 2024, the 2015 Infrastructure Bonds are subject to prepayment at the option of the City, in whole or in part, in an

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amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of August 1, 2015 between the City and the Administration relating to the 2015 Infrastructure Bonds (including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

22. The 2017 Infrastructure A-1 Bond matures on April 1, 2024. The 2017 Infrastructure A-2 Bond matures on April 1, 2027. At any time on or after June 1, 2026, the 2017 Infrastructure Bonds are subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of August 1, 2017 between the City and the Administration relating to the 2017 Infrastructure Bonds (including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

23. The 2018 Infrastructure A-1 Bond matures on April 1, 2025. The 2018 Infrastructure A-2 Bond matures on April 1, 2028. The 2018 Infrastructure A-3 Bond matures on April 1, 2048. At any time on or after June 1, 2028, the 2018 Infrastructure Bonds are subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of August 1, 2018 between the City and the Administration relating to the 2018 Infrastructure Bonds

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(including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

24. The 2019 Infrastructure B-1 Bond matures on April 1, 2026. The 2019 Infrastructure B-2 Bond matures on April 1, 2029. The 2019 Infrastructure B-3 Bond matures on April 1, 2039. At any time on or after June 1, 2029, the 2019 Infrastructure Bonds are subject to prepayment at the option of the City, in whole or in part, in an amount equal to the principal amount to be prepaid plus accrued interest to the date fixed for redemption of the Administration's corresponding bonds, in accordance with the terms of a Repayment Agreement dated as of November 1, 2019 between the City and the Administration relating to the 2019 Infrastructure Bonds (including, without limitation, the minimum authorized principal amount to be prepaid and requiring the payment of certain expenses relating to the prepayment).

25. Separate and apart from the Infrastructure Bonds the City has issued to the Administration as described in these Recitals, pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, Ordinance No. 3793, passed by the Mayor and City Council on December 15, 2015 and effective on January 14, 2016 ("Ordinance No. 3793"), as amended and supplemented by Ordinance No. 3795, passed by the Mayor and City Council on May 17, 2016 and effective on June 16, 2016 (together with Ordinance No. 3793, "Amended Ordinance No. 3793"), Ordinance No. 3624, passed on an emergency basis by the Mayor and City Council on August 12, 2008 and effective on September 11, 2008 ("Ordinance No. 3624"), as amended and supplemented by Ordinance No. 3634, passed on an emergency basis by the Mayor and City Council on March 3, 2009 and effective on April 2, 2009 (together with Ordinance No. 3624, "Amended Ordinance No. 3624"), and Resolution No. 2017-07, adopted by

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the Mayor and City Council on June 6, 2017 and effective on June 6, 2017 (“Resolution No. 2017-07”), as applicable, the City issued on July 11, 2017 its Mayor and City Council of Cumberland Taxable Redevelopment and Pension Refunding Bonds of 2017 in the original aggregate principal amount of \$8,900,000 (the “2017 Taxable Bonds”).

26. The portion of the 2017 Taxable Bonds issued pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, Amended Ordinance No. 3793 and Resolution No. 2017-07 was issued for the public purpose of refunding the then-outstanding Mayor and City Council of Cumberland Taxable Bond Anticipation Notes of 2016 (the “2016 Taxable BANs”), which had been issued by the City on June 29, 2016 pursuant to the authority of the Enabling Act, Amended Ordinance No. 3793, Sections 81 and 82A of the Charter, and Resolution No. 2016-04, adopted by the Mayor and City Council on June 7, 2016 and effective on June 7, 2016, in order to provide interim financing for a project identified in Amended Ordinance No. 3793 as the “Maryland Avenue Redevelopment Project” and more particularly described therein, and to pay costs of issuance of the 2016 Taxable BANs.

27. The portion of the 2017 Taxable Bonds issued pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, Amended Ordinance No. 3624, and Resolution No. 2017-07, was issued for the public purpose of refunding a portion of the then-outstanding Mayor and City Council of Cumberland Taxable Pension Contribution Bonds of 2009 (the “2009 Taxable Pension Bonds”), which had been issued by the City on May 21, 2009 pursuant to the authority of the Enabling Act, Sections 81 and 82A of the Charter, Amended Ordinance No. 3624 and Resolution No. R2009-05, adopted by the Mayor and City Council on April 28, 2009 and effective on April 28, 2009, in order to finance, reimburse or refinance costs

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identified in Amended Ordinance No. 3624 as the “Pension Project”, including costs of issuance of the 2009 Taxable Pension Bonds.

28. Concurrently with the issuance of the 2017 Taxable Bonds, pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, and Ordinance No. 3621, passed by the Mayor and City Council on July 29, 2008 and effective on August 28, 2008 (“Ordinance No. 3621”), and Resolution No. 2017-07, the City issued its Mayor and City Council of Cumberland Tax-Exempt Public Improvement Refunding Bonds of 2017 in the original aggregate principal amount of \$6,155,000 (the “2017 Tax-Exempt Bonds”).

29. The proceeds of the 2017 Tax-Exempt Bonds were applied to refund in part the then-outstanding Mayor and City Council of Cumberland General Obligation Public Improvement Bonds, 2008 Series (the “2008 Tax-Exempt Street Bonds”), which had been issued by the City on November 25, 2008 pursuant to the authority of the Enabling Act, Sections 81 and 82A of the Charter, Ordinance No. 3621, and a Resolution adopted by the Mayor and City Council on September 16, 2008 and effective on September 16, 2008, in order to finance or reimburse costs of certain City street, road and related improvement projects identified in Ordinance No. 3621 as the “Project”, including costs of issuance of the 2008 Tax-Exempt Street Bonds.

30. The 2017 Taxable Bonds mature on June 1, 2037. The 2017 Taxable Bonds that mature on or after June 1, 2028 are subject to redemption prior to their stated maturities at the option of the City, in whole or in part, on June 1, 2027 or on any date thereafter, in the order of maturity specified by the City, at a redemption price of 100% of the principal amount of the 2017 Taxable Bonds (or portions thereof) to be redeemed, plus interest accrued to the date fixed for redemption, without penalty or premium.

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31. The 2017 Tax-Exempt Bonds mature on June 1, 2029. The 2017 Tax-Exempt Bonds that mature on or after June 1, 2028 are subject to redemption prior to their stated maturities at the option of the City, in whole or in part, on June 1, 2027 or on any date thereafter, in the order of maturity specified by the City, at a redemption price of 100% of the principal amount of the 2017 Tax-Exempt Bonds (or portions thereof) to be redeemed, plus interest accrued to the date fixed for redemption, without penalty or premium.

32. Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter and any other applicable law, the City has determined to authorize the issuance from time to time of one or more series of its general obligation refunding bonds in order to currently refund or advance refund all or a portion of the then-outstanding and unpaid (1) (A) 2011 Infrastructure Bond, (B) 2012 Infrastructure Bond, (C) 2014 Infrastructure Bonds, (D) 2015 Infrastructure Bonds, (E) 2017 Infrastructure Bonds, (F) 2018 Infrastructure Bonds, and/or (G) 2019 Infrastructure Bonds (each series or subseries of the bonds listed in clauses (1)(A) through (G), individually, an “Infrastructure Bond” and, collectively, the “Infrastructure Bonds”), and/or (2) 2017 Taxable Bonds, and/or (3) 2017 Tax-Exempt Bonds. The Infrastructure Bonds, the 2017 Taxable Bonds and the 2017 Tax-Exempt Bonds are collectively referred to in this Ordinance as the “Prior Bonds”.

33. Subsequent to the issuance of any original refunding bonds authorized hereby to refund any of the Prior Bonds, the City may desire to currently refund or advance refund all or a portion of such original refunding bonds through the issuance from time to time of one or more series of its general obligation refunding bonds pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter and any other applicable law.

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34. The City has determined to pledge its full faith and credit and unlimited taxing power to the prompt payment of debt service on the original refunding bonds and the subsequent refunding bonds authorized hereby.

35. The City shall issue any original refunding bonds or subsequent refunding bonds authorized hereby in accordance with the terms and conditions provided for in a resolution or resolutions to be adopted by the Mayor and City Council. The method of sale of any such original refunding bonds or subsequent refunding bonds will be determined by the Mayor and City Council by resolution as authorized by the Refunding Act, any other applicable law, and Section 82A of the Charter.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND:

SECTION 1. (a) The Recitals to this Ordinance are deemed a substantive part of this Ordinance and incorporated by reference herein. Capitalized terms used in the Recitals to this Ordinance and not otherwise defined in the Sections of this Ordinance shall have the meanings given to such terms in the Recitals.

(b) References in this Ordinance to any official by title shall be deemed to refer (i) to any official authorized under the Charter, the code of ordinances of the City (the “City Code”) or other applicable law or authority to act in such titled official’s stead during the absence or disability of such titled official, (ii) to any person who has been elected, appointed or designated to fill such position in an acting or interim capacity under the Charter, the City Code or other applicable law or authority, (iii) to any person who serves in a “deputy,” “associate,” or “assistant” capacity as such an official, provided that the applicable responsibilities, rights or duties referred to herein have been delegated to such deputy, associate or assistant in accordance with the Charter, the City Code or other

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applicable law or authority, and/or (iv) to the extent an identified official commonly uses another title not provided for in the Charter or the City Code, the official, however known, who is charged under the Charter, the City Code or other applicable law or authority with the applicable responsibilities, rights or duties referred to herein.

(c) References in this Ordinance to the “principal amount” of any of the Original Refunding Bonds or the Subsequent Refunding Bonds (each as defined herein) shall be construed to mean the par amount of such Original Refunding Bonds or Subsequent Refunding Bonds, as applicable.

SECTION 2. Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter and any other applicable law, the City hereby determines to borrow money and incur indebtedness in the form of general obligation refunding bonds for the public purpose of currently refunding or advance refunding all or any portion of the then-outstanding and unpaid Prior Bonds, including paying or reimbursing all or any portion of the following: (i) outstanding principal, prepayment or redemption premium, and/or interest accrued or to accrue to the date or dates of prepayment, redemption, purchase or maturity of the Prior Bonds (or, with respect to the Infrastructure Bonds, the corresponding bonds of the Administration) to be refunded in whole or in part, (ii) costs and expenses incurred in connection with the sale, issuance and delivery of such original refunding bonds, including, without limitation, legal and financial costs and costs of any credit enhancement or liquidity enhancement, (iii) any costs required to be paid or provided for in connection with the refunding or prepayment of any of the Infrastructure Bonds pursuant to any applicable Repayment Agreements between the City and the Administration described in the Recitals to this Ordinance, as the same may be further amended and supplemented, and (iv) to the extent

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determined by the Mayor and City Council by resolution, paying interest on such original refunding bonds, in each such case, (A) for the public purpose of (1) realizing savings in the total cost of debt service on a direct comparison or present value basis, (2) debt restructuring that reduces the total cost of debt service, or (3) debt restructuring that the City determines is in its best interests, is consistent with the City's long-term financial plan, and realizes a financial objective of the City, including improving the relationship of debt service to any source of payment such as taxes, assessments or other charges, or (B) for any other purpose then authorized by the Refunding Act or other applicable law (collectively, the "Original Refunding Project"). The total cost of the portion of the Original Refunding Project to be paid from proceeds of the Original Refunding Bonds identified in Section 3 of this Ordinance will not exceed Forty-Two Million Two Hundred Sixty Thousand Dollars (\$42,260,000).

SECTION 3. To evidence the borrowing and indebtedness authorized in Section 2 of this Ordinance, the City, acting pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance, hereby determines to issue and sell from time to time, in one or more series, upon its full faith and credit, its general obligation refunding bonds in an original aggregate principal amount not to exceed Forty-Two Million Two Hundred Sixty Thousand Dollars (\$42,260,000) (each, a "series of the Original Refunding Bonds" and, collectively, the "Original Refunding Bonds"). Any series of the Original Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form.

SECTION 4. The proceeds of the Original Refunding Bonds shall be used and applied by the City exclusively and solely for the public purposes described in Section 2 of this Ordinance, unless a

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supplemental ordinance is enacted by the Mayor and City Council to provide for the use and application of such proceeds for some other proper public purpose authorized by the Enabling Act, the Refunding Act, the Charter and/or other applicable law.

SECTION 5. Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance, the Mayor and City Council, prior to the issuance, sale and delivery of each series of the Original Refunding Bonds, shall adopt a resolution or resolutions specifying, prescribing, determining, providing for or approving such matters, details, forms (including, without limitation, the form or substantially final form of the Original Refunding Bonds of such series), documents or procedures as may be required by the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law or this Ordinance or as the Mayor and City Council may deem appropriate for the authorization, sale, security, issuance, delivery, payment, prepayment or redemption of or for such series of the Original Refunding Bonds, including the purposes of the Refunding Act to be achieved by the issuance of such series of the Original Refunding Bonds. Any such resolution may, subject to the limitations of any applicable law, set forth, determine or provide for the determination of, provide for, or approve or provide for the approval of, among other matters, as applicable, the designation of such series of the Original Refunding Bonds; the date of issue of such series of the Original Refunding Bonds; the original aggregate principal amount of such series of the Original Refunding Bonds; the denomination or denominations of such series of the Original Refunding Bonds; the maturity or maturities of such series of the Original Refunding Bonds; the principal installment or installments (including, without limitation, serial maturities and/or mandatory sinking fund installments) payable on such series of the Original Refunding Bonds; the rate or rates of interest, or the method of determining the rate or rates

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of interest, payable on such series of the Original Refunding Bonds, which may be fixed or variable; provisions for the payment of late fees, additional interest and/or penalties payable with respect to such series of the Original Refunding Bonds and/or adjustments to interest rates in appropriate circumstances; the purchase price for such series of the Original Refunding Bonds; provisions relating to the prepayment or redemption of such series of the Original Refunding Bonds at the City's option or by mandatory sinking fund payments; provisions allowing the registered owners of such series of the Original Refunding Bonds to put or cause the prepayment or redemption of the same at their option; the manner of selling such series of the Original Refunding Bonds, which may be at a private sale, without soliciting bids, or at a public sale, and all matters in connection therewith, including any forms of documents, certificates, instruments or notices authorized or required by applicable law; provisions for the execution of such series of the Original Refunding Bonds; provisions for the appropriation, disposal and/or investment of the proceeds of such series of the Original Refunding Bonds; provisions for the application of unexpended proceeds, any premium paid upon sale and/or investment earnings on proceeds of such series of the Original Refunding Bonds, which may include, without limitation, on the refunding of the applicable Prior Bonds, on costs of issuance of such series of the Original Refunding Bonds, or on debt service payable or prepayable on such series of the Original Refunding Bonds, to the extent permitted by applicable law; the selection of any bond registrar, paying agent, escrow agent, verification consultant, escrow bidding agent or other appropriate service providers in connection with such series of the Original Refunding Bonds; the determination of the Prior Bonds to be refunded in whole or in part from such series of the Original Refunding Bonds; certifications, representations, determinations, designations or elections relating to the tax-exempt or taxable status of interest payable on such series of the Original Refunding Bonds;

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any agreements, documents or other instruments necessary or desirable in connection with the refunding; any replacements of or amendments, modifications or supplements to any agreements, documents, certificates or other instruments entered into between the City and the Administration or delivered by the City in connection with the Infrastructure Bonds; and all other terms and conditions pursuant to which such series of the Original Refunding Bonds will be issued, sold and delivered, including, without limitation, any determinations to be made or provided for by resolution as contemplated by Section 82A(d) of the Charter or other applicable law, to the extent not determined or provided for in this Ordinance. Among other matters, the Mayor and City Council by resolution may authorize, approve or otherwise provide for (i) payment of any commitment fee, breakage fee or similar fee and any other costs (including other parties' legal costs and expenses) payable in connection with any series of the Original Refunding Bonds, (ii) the obtaining of credit enhancement or liquidity enhancement for any series of the Original Refunding Bonds (and the negotiation, approval, execution and delivery of any agreements or documents relating thereto), and (iii) any other agreements, documents, instruments or determinations necessary or desirable to enhance the marketability of or as security for any series of the Original Refunding Bonds, including, without limitation, any ratings, any official statement or similar disclosure document or any continuing disclosure undertaking required to satisfy the requirements of Securities and Exchange Commission Rule 15c2-12. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to any series of the Original Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 5 for more than one series of the Original Refunding Bonds.

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SECTION 6. Pursuant to the authority of the Enabling Act, the Refunding Act, Sections 81 and 82A of the Charter, any other applicable law and this Ordinance, the City is hereby authorized and empowered to issue and sell from time to time, upon its full faith and credit, one or more series of its general obligation refunding bonds (each, a “series of the Subsequent Refunding Bonds” and, collectively, the “Subsequent Refunding Bonds”), for the public purpose of currently refunding or advance refunding all or any portion of the then-outstanding and unpaid Original Refunding Bonds, including paying or reimbursing all or any portion of the following: (i) outstanding principal, prepayment or redemption premium, and/or interest accrued or to accrue to the date or dates of prepayment, redemption, purchase or maturity of the Original Refunding Bonds (or, with respect to any Original Refunding Bonds that were issued to the Administration, the corresponding bonds of the Administration) to be refunded in whole or in part, (ii) costs and expenses incurred in connection with the sale, issuance and delivery of such Subsequent Refunding Bonds, including, without limitation, legal and financial costs and costs of any credit enhancement or liquidity enhancement, (iii) any costs required to be paid or provided for in connection with the refunding or prepayment of any of the Original Refunding Bonds that were issued to the Administration pursuant to any applicable repayment or other agreements entered into between the City and the Administration pursuant to the CDA Act, and (iv) to the extent determined by the Mayor and City Council by resolution, paying interest on such Subsequent Refunding Bonds, in order to realize an objective authorized by the Refunding Act or other applicable law, as determined by the Mayor and City Council by resolution; provided that, the original aggregate principal amount of any series of the Subsequent Refunding Bonds shall not exceed one hundred thirty percent (130%) of the outstanding aggregate principal amount of the Original Refunding Bonds refunded therefrom. Any

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such series of the Subsequent Refunding Bonds may consist of one or more bonds and any such bond may be issued in installment form and/or draw-down form. Prior to the sale, issuance and delivery of any series of the Subsequent Refunding Bonds, the Mayor and City Council shall adopt a resolution or resolutions authorizing such series of the Subsequent Refunding Bonds and specifying, prescribing, determining or providing for the determination of, providing for, or approving or approving or providing for the approval of, with respect to such series of the Subsequent Refunding Bonds, the same types of matters, details, forms, documents, procedures and determinations detailed to be made or provided for by resolution in Section 5 hereof with respect to each series of the Original Refunding Bonds, to the extent applicable to such series of the Subsequent Refunding Bonds (construing references in such Section 5 (i) to the Original Refunding Bonds to refer to the Subsequent Refunding Bonds, (ii) to the refunded Prior Bonds to refer to the refunded Original Refunding Bonds, and (iii) to the Infrastructure Bonds to refer to any Original Refunding Bonds issued to the Administration), and as otherwise may be authorized or required by applicable law. By resolution the Mayor and City Council may delegate to one or more City officials the authority to make any final determinations, approvals or decisions with respect to any series of the Subsequent Refunding Bonds. Any resolution may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, the details required or authorized by this Section 6 for more than one series of the Subsequent Refunding Bonds.

SECTION 7. (a) The full faith and credit and unlimited taxing power of the City are hereby pledged to the payment of the principal of and interest on each series of the Original Refunding Bonds and the Subsequent Refunding Bonds actually issued, as applicable (each, a

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“series of the Obligations” and, collectively, the “Obligations”), when due and to the imposition of the taxes hereinbelow described as and when such taxes may become necessary in order to provide sufficient funds to meet the debt service requirements of each series of the Obligations. Subject to the further provisions of this Section 7, the City hereby covenants with the registered owners of the Obligations of each series to impose ad valorem taxes on all real and tangible personal property in the City that is subject to assessment for unlimited municipal taxation at a rate and in an amount sufficient to pay the principal of and the interest on the Obligations in each fiscal year in which any of the Obligations are outstanding and to take any further action that may be lawfully appropriate from time to time during the period that the Obligations of such series remain outstanding and unpaid to provide the funds necessary to pay promptly the principal thereof and the interest due thereon. If the proceeds from the taxes so imposed in any such fiscal year are inadequate for such payment, additional taxes shall be imposed in the succeeding fiscal year to make up such deficiency.

(b) The foregoing provisions shall not be construed so as to prohibit the City from paying the principal of and interest on the Obligations of any series from the proceeds of the sale of any other obligations of the City or from any other funds legally available for that purpose (including, without limitation, with respect to any of the Original Refunding Bonds, from the proceeds of any of the Subsequent Refunding Bonds). Pursuant to the authority of Section 82A of the Charter, by resolution the Mayor and City Council may provide that all or a portion of the debt service on the allocable portion of any series of the Obligations shall be payable in the first instance from specified revenues or other moneys identified in such resolution, to the extent available for such purpose. Within the limitations of any applicable Maryland or federal law (including, without

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limitation, the Internal Revenue Code of 1986, as amended, and the regulations issued thereunder), the City may apply to the payment of the principal of or interest on the Obligations of any series any funds received by it from the State of Maryland or the United States of America, or any governmental agency or instrumentality, or from any other source, if the funds are granted or paid to the City for such purpose or are otherwise available for such purpose, and to the extent of any such funds received or receivable in any fiscal year, the taxes hereby required to be imposed may be reduced proportionately.

SECTION 8. By resolution, the Mayor and City Council may make any appropriate arrangements (including, without limitation, by authorizing one or more appropriate officials to make any elections, designations, determinations or filings on the City's behalf) in the event any right of the registered owner of an Obligation to put or cause the prepayment or redemption of such Obligation at its option, or any change in the interest rate of an Obligation, or any other modification to an Obligation could lead to a reissuance of such Obligation for purposes of the Internal Revenue Code of 1986, as amended, and the U.S. Treasury Regulations promulgated thereunder.

SECTION 9. In addition to the matters and details authorized to be determined or provided for by the Mayor and City Council by resolution with respect to any series of Original Refunding Bonds or Subsequent Refunding Bonds pursuant to Sections 5 and/or 6 of this Ordinance, and unless counsel to the City, counsel to the Administration or applicable law requires any of the following matters or determinations be made or provided for by ordinance, to the extent any series of Original Refunding Bonds or Subsequent Refunding Bonds is to be sold by the City to the Administration pursuant to the CDA Act, by resolution the Mayor and City Council may specify, prescribe, determine or provide for the determination of, provide for, or approve or provide for the approval of, any matters

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or details authorized or required by the CDA Act, including, without limitation, the pledge of any moneys authorized by Section 4-229(b) of the CDA Act; the establishment and funding of, or covenant to fund, any reserves authorized, required or contemplated by the CDA Act; the making of any other covenants required by the Administration or the CDA Act; and the negotiation, approval, execution and delivery of any agreements, documents, certificates or instruments required by the Administration or authorized by the CDA Act.

SECTION 10. By resolution, the Mayor and City Council may determine that any series of the Original Refunding Bonds or the Subsequent Refunding Bonds authorized hereby may be consolidated with any bonds and/or refunding bonds authorized by the Mayor and City Council and issued as a single series of obligations.

SECTION 11. By resolution the Mayor and City Council may make or authorize any modifications to (i) any series of the Obligations once issued, and (ii) any related documentation, certificates or instruments, unless under applicable law the proposed modifications require action by ordinance in addition to or in place of a resolution.

SECTION 12. With respect to any series of the Obligations, the Mayor and City Council by resolution may delegate to one or more specified officials or employees the authority to negotiate, approve, execute and deliver, as applicable, any documents, certificates or instruments relating to such Obligations or to take other actions with respect thereto. The following City officials and employees: the Mayor, the City Administrator, the Treasurer, the Director of Administrative Services, the Comptroller, the City Clerk and all other appropriate officials and employees of the City are hereby authorized, empowered and directed to (i) take any and all action necessary to complete and close the sale, issuance and delivery of the Original Refunding Bonds or the Subsequent

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Refunding Bonds, (ii) negotiate, approve, execute and deliver all documents, certificates and instruments necessary or appropriate in connection with any such sale, issuance and delivery, and (iii) carry out the transactions contemplated by this Ordinance, any ordinance amendatory of or supplemental to this Ordinance, any resolution adopted in furtherance of this Ordinance, and any documents, certificates or instruments executed and delivered in connection with any series of the Obligations, all to the extent any particular action is within the scope of such official's or employee's authority and such authorization has not been delegated to one or more specified City officials or employees by ordinance or resolution.

SECTION 13. The title of this Ordinance shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION 14. The provisions of this Ordinance shall be liberally construed in order to effectuate the transactions contemplated by this Ordinance.

SECTION 15. This Ordinance shall become effective thirty (30) days after its passage pursuant to the provisions of Section 82A of the Charter, subject to the petition-to-referendum provisions of Section 82A(c) of the Charter.

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MAYOR AND CITY COUNCIL OF
CUMBERLAND

(SEAL)

Raymond M. Morriss
Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

Introduced: _____, 2020

Passed: _____, 202__

Votes for passage: _____

Votes against passage: _____

Effective: _____, 2021

#219659;10002.072

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File Attachments for Item:

. Resolution R2021-01 (*1 reading*)- declaring the official intent of the Mayor and City Council to reimburse expenditures paid with respect to police vehicles budgeted in FY21 from proceeds of "Reimbursement Bonds"

RESOLUTION NO. R2021-01

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND ENTITLED
A RESOLUTION DECLARING THE OFFICIAL INTENT OF MAYOR AND CITY
COUNCIL OF CUMBERLAND TO REIMBURSE EXPENDITURES PAID WITH
RESPECT TO POLICE VEHICLES FROM PROCEEDS OF “REIMBURSEMENT
BONDS” IN ACCORDANCE WITH U.S. TREASURY REGULATION SECTION
1.150-2.

RECITALS

1. Pursuant to appropriations provided for in the fiscal year 2021 budget, Mayor and City Council of Cumberland, a Maryland municipal corporation (the “City”), has or will be acquiring and outfitting sport utility vehicles for use by the Police Department (the “Project”).
2. The City anticipates borrowing money for costs of the Project, such borrowing to be evidenced by one or more series of general obligation bonds or other evidences of indebtedness to be issued by the City (collectively, or individually by series, the “Bonds”).
3. The City reasonably expects to spend City funds on costs of the Project prior to issuance of the Bonds or any interim financing issued or incurred by the City in anticipation of the Bonds, and (i) to reimburse the City from proceeds of the Bonds for all or a portion of such previously paid costs of the Project, and/or (ii) to use Bonds proceeds to refinance all or a portion of any interim borrowing issued or incurred by the City that is applied to reimburse the City for prior Project expenditures.
4. Section 1.150-2 of the U.S. Treasury Regulations (the “Reimbursement Regulations”) provides that local governments funding “original expenditures” intended to be reimbursed from the proceeds of tax-exempt “obligations” must make a declaration of “official

intent” in order to qualify such original expenditures for reimbursement from a “reimbursement bond”, all within the meaning of the Reimbursement Regulations.

5. The City is an “issuer” for purposes of the Reimbursement Regulations and wishes to adopt this Resolution for the purpose of evidencing the clear and official intent of the City to reimburse from reimbursement bond proceeds (meaning the Bonds or any interim financing issued or incurred in anticipation of the Bonds) original expenditures made for Project costs.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, THAT:

SECTION 1. (a) The Recitals to this Resolution are deemed a substantive part of this Resolution and are incorporated by reference herein, and capitalized terms defined in the Recitals to this Resolution and not otherwise defined herein will have the meanings given to such terms in the Recitals hereto.

(b) References in this Resolution to the Project shall be deemed to include any changes in the scope of activities of the Project made by the City in accordance with applicable budgetary or other law, including (without limitation) in future fiscal years. References in this Resolution to costs of the Project shall be deemed to be to expenditures that constitute capital expenditures.

SECTION 2. In accordance with the Reimbursement Regulations, the Mayor and City Council of the City hereby makes this declaration of its reasonable expectation that the City will (i) expend money to pay costs of the Project prior to the issuance of the Bonds (or any interim financing issued or incurred in anticipation of the Bonds), and (ii) use proceeds of the Bonds (or such interim financing), which Bonds (or such interim financing) will qualify as a “reimbursement bond” for purposes of the Reimbursement Regulations, to reimburse all or a

portion of such original Project expenditures. This Resolution is intended to be a declaration of official intent within the meaning of the Reimbursement Regulations.

SECTION 3. The maximum principal amount of the Bonds expected to be issued for the Project (and the maximum principal amount of any interim financing to be issued or incurred in anticipation of the Bonds) is Two Hundred Thousand Dollars (\$200,000) *each*.

SECTION 4. This Resolution shall take effect from the date of its adoption.

MAYOR AND CITY COUNCIL
OF CUMBERLAND

(SEAL)

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring
City Clerk

Introduced: _____, 2021

Adopted: _____, 2021

Votes for adoption: _____

Votes against adoption: _____

Abstentions: _____

Effective: _____, 2021

#2200189;10002.073

File Attachments for Item:

. Ordinance No. 3883 (*1st reading*) - authorizing the execution of a Contract of Sale and deed to convey 884 Sperry Terrace to Harold P. and Ann V. Atkins for \$9,200

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND ENTITLED "AN ORDINANCE TO AUTHORIZE THE EXECUTION OF A CONTRACT OF SALE FOR THE CONVEYANCE OF 884 SPERRY TERRACE, CUMBERLAND, MARYLAND 21502 TO HAROLD P. ATKINS AND ANN V. ATKINS FOR \$9,200.00 AND TO AUTHORIZE THE EXECUTION OF A DEED EFFECTING THE SAID CONVEYANCE."

WHEREAS, Mayor and City Council of Cumberland is the fee simple owner of a certain parcel of real property located at 884 Sperry Terrace in the City of Cumberland, Allegany County, Maryland (the "Property");

WHEREAS, the Property was declared to be surplus property under the terms of Order No. 26,740, passed by the Mayor and City Council on December 15, 2020;

WHEREAS, Harold P. Atkins and Ann V Atkins ("Atkins") offered to purchase the Property for the sum of \$9,200.00; and

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

NOW, THEREFORE

SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF CUMBERLAND, MARYLAND, that the Mayor and City Council accept Atkins' offer to purchase the real property located at 884 Sperry Terrace, Cumberland, MD 21502 for the purchase price of \$9,200.00 and the Mayor and City Clerk are hereby authorized to execute the Contract of Sale attached hereto as Exhibit A;

SECTION 2: AND BE IT FURTHER ORDAINED, that the Mayor and City Clerk be and they are hereby authorized to execute a deed in the form attached hereto as Exhibit B or in a

similar form approved by the City Solicitor, conveying the aforesaid real property to Atkins in exchange for the payment of the aforesaid purchase price;

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

Passed this _____ day of _____, 2021.

Raymond M. Morriss, Mayor

ATTEST:

Marjorie A. Woodring, City Clerk

CONTRACT OF SALE

THIS CONTRACT OF SALE ("Contract") is made by and between Mayor and City Council of Cumberland ("Seller") and Reverend Harold P. Atkins and Reverend Ann V. Atkins ("Buyers") and is effective as of the date its execution is completed as shown in the signature provisions on the last page of this Contract.

1. Property Description. Seller does agree to sell to Buyers, and Buyers do agree to purchase from Seller, all of the following tract or parcel of land, owned by Seller which is identified as follows and referred to hereinafter as the "Property":

884 Sperry Terrace, Cumberland, MD 21502, Allegany County
Land Records Book 2476, Page 218, Tax Account No. 06-025692

2. Purchase Price. The purchase price for the Property (the "Purchase Price") is Nine Thousand Two Hundred Dollars (\$9,200.00).

3. Payment Terms. The Purchase Price shall be paid at settlement and it shall be paid by means of a cashier's check made payable to Seller. The amount of the cashier's check shall include the Purchase Price and in addition thereto, the \$100.00 recordation fee provided for in Section 13 hereinafter.

4. Estate. The Property is being conveyed in fee simple.

5. Contingencies. Closing shall be contingent upon Seller's demolition of the improvements on the Property and the remediation of the asbestos therefrom. Buyers' sole remedy in the event this contingency is not met shall be to cancel this Contract or to proceed to settlement notwithstanding Seller's failure to satisfy this contingency. There are no other contingencies for this Contract other than those expressly set forth herein.

6. Representations & Warranties. The Property is being sold in its as-is condition, without any express or implied warranties or representations made as to its condition or otherwise, and subject to all defects, if any, known and unknown.

7. Risk of Loss. The Property is to be held at the risk of Seller until legal title has passed or possession has been given to Buyers.

8. Adjustments. All general or special taxes, rents, ground rents, public, private or community water and/or sewer charges, including any deferred sewer and water tap fees, homeowners association charges and all other public, private or governmental charges or assessments, excluding liens which must be paid prior to deed recordation, which may exist, whether such have been levied or not, are to be adjusted and apportioned as of the date of settlement, and will be assumed and paid thereafter by Buyer.

9. **Deed and Title.** Upon payment of the Purchase Price, a quit claim deed for the Property containing no covenants, warranties or representations shall be executed by Seller at its expense, which shall convey the Property to Buyer. Title to the Property shall be good and merchantable, free of liens and encumbrances, except as specified herein and except use and occupancy restrictions of public record which are generally applicable to properties in the immediate neighborhood or the subdivision in which the Property is located and publicly recorded easements for public utilities and any other easements which may be observed by an inspection of the Property.

10. **Title Search.** Buyers may, but they are not required to, have a search of the title to the Property performed in advance of settlement. They acknowledge that a search of the title to the Property performed in accordance with generally accepted standards will disclose all matters of record affecting the title thereto. Seller will not procure a title search on behalf of Buyers. Any title search shall be performed at the cost and expense of Buyers.

11. **Agency.** Seller and Buyers agree that no real estate broker participated in the procurement or negotiation of this Contract.

12. **Settlement.** Settlement shall occur no later than thirty (30) days after Seller's passage of an Ordinance approving this Contract and the sale of the Property. Seller's City Solicitor shall have the right to extend the settlement date for good cause shown. The determination regarding what constitutes good cause shall be made in the City Solicitor's sole discretion.

13. **Recordation Fees.** The Circuit Court charges a \$60.00 fee to record a deed in the Land Records for Allegany County, Maryland. At settlement, Buyers shall provide Seller with a check for this amount made payable to the Circuit Court for Allegany County.

Persons not regularly engaged in the recordation of deeds are unlikely to be able to record the deed for the Property without expending a considerable amount of time in the process of doing so, provided they are even capable of doing so. In order to ensure that the deed effecting the conveyance of the Property from Seller to Buyers is recorded expeditiously, Seller shall record the deed and Buyers shall pay its \$100.00 fee for doing so. Said fee shall be paid as provided for in Section 3 hereinbefore.

14. **Assignability.** This Contract may not be assigned without the written consent of Seller, which consent may be withheld for any reason or no reason at all. If Seller agrees in writing to an assignment of this Contract, the original Buyers shall remain obligated hereunder until settlement with the Assignee is completed.

15. **Captions.** The marginal captions of this Contract are for convenience and in no way define or limit the intents, rights or obligations of the parties hereunder.

16. **Entire Agreement.** This Contract contains the final and entire agreement between the parties, and neither they nor their agents shall be bound by any terms, conditions, statements, warranties or representations, oral or written, not herein contained.

17. **Maryland Law Applies.** This Contract shall be governed and construed according to the laws of the State of Maryland without regard to principles of conflict of laws. It shall be enforceable exclusively by means of an action commenced in the Circuit Court for Allegany County, Maryland or the District Court of Maryland for Allegany County, and both parties waive the right to claim that such a proceeding is commenced in an inconvenient forum or one that lacks proper venue.

18. **Breach of Contract and Default.** Buyers and Seller are required and agree to make full settlement in accordance with the terms of this Contract and acknowledge that failure to do so constitutes a breach hereof. In the event of a breach, each of the parties hereto is entitled to pursue such rights and remedies as may be available, in law or in equity, including, without limitation, an action for specific performance of this Contract and/or monetary damages. If either party defaults, the party committing the default, whether Buyers or Seller, shall reimburse, and be liable to, the non-defaulting party for the court costs, litigation expenses, and reasonable attorneys' fees and costs that party incurs as a result of the default.

19. **Binding Effect.** This Contract shall be binding upon the parties hereto and each of their respective heirs, personal representatives, administrators, executors, successors, assigns, and guardians.

20. **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.

21. **Jury Trial Waiver.** **THE PARTIES HERETO WAIVE TRIAL BY JURY IN ANY ACTION OR PROCEEDING TO WHICH ANY OF THEM MAY BE PARTIES ARISING OUT OF OR IN ANY WAY PERTAINING TO THIS CONTRACT. IT IS AGREED AND UNDERSTOOD THAT THIS WAIVER CONSTITUTES A WAIVER OF TRIAL BY JURY OF ALL CLAIMS AGAINST ALL PARTIES TO SUCH ACTIONS OR PROCEEDINGS, INCLUDING CLAIMS AGAINST PARTIES WHO ARE NOT PARTIES TO THIS CONTRACT.**

22. **Counterparts.** This Contract may be executed in one or more counterparts, each of which shall be deemed an original, but all of which taken together shall constitute one and the same instrument. Counterparts transmitted by fax, email or other electronic means shall be effective as originals. Digital signatures are not permitted.

IN WITNESS WHEREOF, the parties hereto have affixed their signatures hereto as of the date written beneath those signatures.

WITNESS:

**MAYOR AND CITY COUNCIL OF
CUMBERLAND**

Marjorie A. Woodring,
City Clerk

By: _____
Raymond M. Morriss, Mayor

Date

Rev. Harold P. Atkins
Reverend Harold P. Atkins

November 18, 2020
Date

Rev. Ann V. Atkins
Reverend Ann V. Atkins

Nov. 18, 2020
Date

NO TITLE SEARCH PERFORMED

THIS DEED, made this ____ day of January, 2021, by and between **Mayor and City Council of Cumberland**, party of the first part, of Allegany County, Maryland, and **Harold P. Atkins and Ann V. Atkins**, husband and wife, of Allegany County, Maryland, parties of the second part.

NOW THEREFORE, in accordance with the foregoing and in consideration of the sum of Nine Thousand Two Hundred Dollars (\$9,200.00) 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 parties of the second part, their personal representatives, heirs and assigns, all of its right, title and interest in and to the following described property, to wit:

ALL that ground and premises situated in the City of Cumberland, Allegany County, State of Maryland, and described as follows:

Lot Number Ten (10) as shown on a plat by "Property of Kelly-Springfield Tire Company, Ridgedale Addition," dated September 22, 1923, and recorded among the Land Records of Allegany County, Maryland, in Plat Box Number 66, which said Plat is hereby referred to and made a part hereof.

IT BEING the same property which was conveyed from Jason M. Bennett, Director of Finance, Allegany County, Maryland to Mayor and City Council of Cumberland by deed dated June 17, 2019 and recorded among the Land Records of Allegany County, Maryland in Book 2476, folio 218.

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 parties of the second part, as tenants by the entirety, their personal representatives, heirs 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:

**MAYOR AND CITY COUNCIL
OF CUMBERLAND**

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

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

I HEREBY CERTIFY, that on this _____ day of _____, 2020, before me, the subscriber, a Notary Public of the State and County aforesaid, personally appeared **Raymond M. Morriss**, Mayor of Mayor and City Council of Cumberland, known to me or satisfactorily identified to be the person whose name is subscribed to the within instrument, and did acknowledge that he, being duly authorized to do so, executed the same for the purposes therein contained; and he further certified under the penalties of perjury that the actual consideration for the foregoing conveyance is \$1,500.00 and that the total payment made to the grantor was \$9,200.00 and he further made oath in due form of law that this transaction is not subject to the provisions of Section 10-912 of the Tax General Article of the Maryland Annotated Code as the grantor is a resident of the State of Maryland.

WITNESS my hand and Notarial Seal.

NOTARY PUBLIC

My Commission Expires: _____

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

MICHAEL SCOTT COHEN

File Attachments for Item:

. Order 26,748 - authorizing the Chief of Police to accept the 2020 Coronavirus Emergency Supplemental Funding Grant (2020 CESF) in the amount of \$58,983.00. The Cumberland Police Department will use the funds to protect the public and employees from coronavirus contamination by purchasing resources to protect the police facility and vehicles as well as promote safe communication via virtual media.

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

ORDER NO. 26,748

DATE: January 5, 2021

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

THAT, the Chief of Police be and is hereby authorized to accept a 2020 Coronavirus Emergency Supplemental Funding grant entitled "2020 CESF" in the amount of Fifty-eight Thousand, Nine Hundred Eighty-three Dollars and No Cents (\$58,983.00) to help provide resources to protect the police facility and vehicles, and promote safe communication via virtual media.

Raymond M. Morriss, Mayor

Funding: CESF-2020-0044



GOVERNOR'S COORDINATING OFFICES

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

December 14, 2020

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

RE: CESF-2020-0044

Dear Chief Ternent:

I am pleased to inform you that your grant application submitted by **Cumberland Police Department**, entitled "**2020 CESF**," in the amount of \$58,983.00 has received approval under the Coronavirus Emergency Supplemental Funding program. Enclosed is the grant award packet containing information and forms necessary to initiate the project.

The grant will fund the program described below:

The Cumberland Police Department 2020 CESF program helps to protect the public and employees from coronavirus contamination. The program will help provide resources to protect the police facility and vehicles and promote safe communication via virtual media. Program funds provide operating, equipment, and other.

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

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

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

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

Sincerely,

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

V. Glenn Fueston, Jr.
Executive Director

cc: Lieutenant John Yarnall



Regional Monitor:
Fiscal Specialist:

Adams, Jacqueline
Thomas, Courtney

Governor's Office of Crime Control and Prevention

Budget Notice

Grant Award Number: CESF-2020-0044
Sub-recipient: Cumberland Police Department
Project Title: 2020 CESF
Implementing Agency: Cumberland Police Department
Award Period: 11/01/2020 - 12/31/2021

CFDA: 16.034
Federal Grant #: 2020-VD-BX-0336

Funding Summary	Grant Funds	100.0 %	\$58,983.00
	Cash Match	0.0 %	\$0.00
	In-Kind Match	0.0 %	\$0.00
	Total Project Funds		\$58,983.00

Operating Expenses

Description	Funding	Quantity	Unit Cost	Total Budget
Facility cleaning services	Grant Funds	10	\$100.00	\$1,000.00
Vehicle cleaning services	Grant Funds	10	\$100.00	\$1,000.00
Operating Expenses Total:				\$2,000.00

Equipment

Description	Funding	Quantity	Unit Cost	Total Budget
Computer connection equipment	Grant Funds	1	\$3,000.00	\$3,000.00
Computers	Grant Funds	12	\$863.00	\$10,356.00
Prisoner transport cages	Grant Funds	8	\$2,570.00	\$20,560.00
Public lobby enhancement	Grant Funds	1	\$7,317.00	\$7,317.00
Safety Kiosks	Grant Funds	2	\$5,375.00	\$10,750.00
Equipment Total:				\$51,983.00

Other

Description	Funding	Quantity	Unit Cost	Total Budget
Personal protective equipment	Grant Funds	1	\$5,000.00	\$5,000.00
Other Total:				\$5,000.00

Approved:

Governor's Office of Crime Control and Prevention Authorized
Representative

Effective Date: 12/5/2020

Council Agenda Summary

Meeting Date: January 5, 2021

Key Staff Contact: Lt. J.W. Yarnall

Item Title: 2020 Coronavirus Emergency Supplemental Funding Grant (CESF Grant)

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

Authorize the Chief of Police to accept the 2020 Coronavirus Emergency Supplemental Funding Grant (2020 CESF) in the amount of \$58,983.00. The Cumberland Police Department will use the funds to protect the public and employees from coronavirus contamination by purchasing resources to protect the police facility and vehicles as well as promote safe communication via virtual media.

Amount of Award: \$58,983.00

Budget number:

Grant, bond, etc. reference: 2020 CESF Grant

File Attachments for Item:

. Order 26,749 - accepting the bid of Denali Water Solutions for the "WFP Residuals Management Transportation, Storage, Beneficial Use and/or Disposal" Project (33-20-WFP) in variable amounts based on material generated

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

ORDER NO. 26,749

DATE: January 5, 2021

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

THAT, the bid of Denali Water Solutions, 3308 Bernice Avenue, Russellville, Arkansas, 72802 for the “WFP Residuals Management-Transportation, Storage, Beneficial Use and/or Disposal” Project (33-20-WFP) be and is hereby accepted in the “per load” or “per ton” cost as follows:

Job Description	Amount
Per Load for Transportation	\$550.00
Per Ton Storage & Land Application	\$ 20.00
Per Load for Transportation	\$575.00
Per Ton to Landfill	\$ 90.00

Raymond M. Morriss, Mayor

Budget: 002.230.20100

City of Cumberland							
Bid Opening: December 16, 2020, 2:30 p.m., Cumberland City Hall Council Chambers							
WFP Residuals Management - Transportation, Storage, Beneficial Use and/or Disposal							
City Project No. 33-20-WFP							
Company	Per Load for Transportation	Per Ton Storage & Land Application	Per Load for Transportation	Per Ton to Landfill	Landfill	Bid Bond	Local Preference
Denali Water Solutions	\$ 550.00	\$ 20.00	\$ 575.00	\$ 90.00	Mountainview	Yes	N/A
3308 Bernice Ave							
Russellviller, Arkansas 72802							
The Department of Engineering will review all proposals and provide a recommendation to							
the Mayor and City Council for award based on the lowest and most responsive bid received.							

Council Agenda Summary

Meeting Date: January 5, 2021

Key Staff Contact: Raquel Ketterman, Engineering Division

Item Title: Water Filtration Plant Residuals Management Transportation, Storage, Beneficial Use and/or Disposal

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

Bids were received on December 16th for the Water Filtration Plant Residuals Management Transportation, Storage, Beneficial use and/or Disposal (City Project 33-20-WFP). The City received one bid, from Denali Water Solutions.

The Engineering Division recommends awarding Denali Water Solutions bid to provide services for water filtration plant residuals management. Solids produced from water treatment are placed in 30-yard containers and periodically hauled off for land application and/or landfill.

Amount of Award: Variable based on the material generated (see attached bid sheet).

Budget number: 002.230.20100

Grant, bond, etc. reference: N/A



Derrik Grimm <derrik.grimm@cumberlandmd.gov>

Fwd: [EXT]33-20-WFP Residuals Management Cumberland MD

1 message

Raquel Kettermann <raquel.kettermann@cumberlandmd.gov>
To: Derrik Grimm <derrik.grimm@cumberlandmd.gov>

Wed, Dec 23, 2020 at 10:20 AM

Please - include info in this email in the 33-20-WFP thanks!!

Raquel J. Kettermann
Environmental Specialist
City of Cumberland, MD
W: (301) 759-6604 | C: 240-580-0705
57 N. Liberty Street, Cumberland, MD 21502

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

From: **Gary Aldridge** <Gary.Aldridge@denaliwater.com>
Date: Tue, Dec 22, 2020 at 1:11 PM
Subject: RE: [EXT]33-20-WFP Residuals Management Cumberland MD
To: Raquel Kettermann <raquel.kettermann@cumberlandmd.gov>, Jeffrey LeBlanc <jeffrey.leblanc@denaliwater.com>
Cc: Laura Sheach <laura.sheach@denaliwater.com>

Hello Ms. Kettermann,

If, when the 33-20-WFP Residuals Management Cumberland MD Contract Documents are ready, you could send them to me at the address in my signature below, that will help expedite the process.

Thank you.

Gary Aldridge

Project Assistant

250-B Lucius Gordon Dr. Suite 8, West Henrietta, NY 14586

Ph (585) 358-4155

gary.aldridge@denaliwater.com



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From: Raquel Kettermann <raquel.kettermann@cumberlandmd.gov>
Sent: Tuesday, December 22, 2020 12:11 PM
To: jeffrey.lablanc@denaliwater.com
Cc: Anita Dean <anita.dean@denaliwater.com>; Gary Aldridge <Gary.Aldridge@denaliwater.com>; Charlie Golden <charlie.golden@denaliwater.com>; George Koenig <george.koenig@denaliwater.com>; Rodney Marvin <rodney.marvin@cumberlandmd.gov>; Zach Sloane <zach.sloane@cumberlandmd.gov>
Subject: [EXT]33-20-WFP Residuals Management Cumberland MD

Good Afternoon Mr. LaBlanc,

I wanted to reach out to you personally to thank you for your bid and let you know the City intends on awarding Denali the bid for 33-20-WFP Water Filtration Plant Residuals Management Transportation, Storage, Beneficial Use and/or Disposal on January 5, 2021.

It is the City's intention to/best interest to continue to primarily have the material land applied as it had been in the previous contract(s). If at any time throughout the contract the material should require landfill; the City asks that the plant be notified in advance.

Also, current circumstances in our region are leading to the closure of Mountainview Landfill in Frostburg Maryland. The exact closure date is unknown, but expected to be sometime in early 2022.

Please feel free to reach out to me with any questions that you may have.
Contract documents will be mailed out to Denali Water Solutions shortly after the January Mayor and City Council meeting.

Our Council Meetings are publicly broadcast (live and recorded) from <https://www.facebook.com/CityHallLiveStream>.

Sincerely,

Raquel J. Kettermann

Environmental Specialist

City of Cumberland, MD

W: (301) 759-6604 | C: 240-580-0705

57 N. Liberty Street, Cumberland, MD 21502

[EXTERNAL EMAIL] This email is not from a Denali Water employee using an @denaliwater.com email address. **DO NOT CLICK** links or open attachments unless you recognize the sender and email address and know the content is safe.

IMPORTANT NOTICE: This e-mail message is intended to be received only by persons entitled to receive the confidential information it may contain. E-mail messages to clients of Denali Water Solutions or any of its affiliates may contain information that is confidential and legally privileged. Please do not read, copy, forward, or store this message unless you are an intended recipient of it. If you have received this message in error, please forward it to the sender and delete it completely from your computer system. This email has been scanned for viruses and malware, and may have been automatically archived.

File Attachments for Item:

. Order 26,750 - authorizing the Mayor's execution, on behalf of the Downtown Development Commission (DDC), of a Professional Services Agreement by and between the DDC, the Cumberland Economic Development Corporation and Cochran Studio, Inc. regarding services provided by Cochran Studio for the Baltimore Street Redevelopment Project for a term effective December 15, 2020, and extending through completion of 100% construction drawings being submitted to SHA, for an amount not to exceed \$25,250 to be funded by Lenders Loan Pool unrestricted funds

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

ORDER NO. 26,750

DATE: January 5, 2021

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

THAT, the Mayor be and is hereby authorized to execute, on behalf of the Downtown Development Commission (DDC), a Professional Services Agreement by and between the Downtown Development Commission, the Cumberland Economic Development Corporation, and Cochran Studio, Inc. regarding services provided by Cochran Studio, Inc. for the Baltimore Street Redevelopment Project for a term effective December 15, 2020, and extending through completion of 100% construction drawings being submitted to MD State Highway Administration; and

BE IT FURTHER ORDERED, that compensation for the services provided shall be an amount not to exceed Twenty-five Thousand, Two Hundred and Fifty Dollars (\$25,250) funded by the Lender's Loan Pool unrestricted funds.

Raymond M. Morriss, Mayor

Funding source:
Lenders Loan Pool unrestricted funds
101.10LLP

PROFESSIONAL SERVICES AGREEMENT

THIS AGREEMENT (this “Agreement”), is hereby entered into by and between the **CUMBERLAND ECONOMIC DEVELOPMENT CORPORATION** (“CEDC”), a non-profit public benefit corporation organized and existing under the laws of the State of Maryland and the **DOWNTOWN DEVELOPMENT COMMISSION** (“DDC”), an agency of the Mayor and City Council of Cumberland, Maryland, parties of the first part (collectively referred to herein as the “Principal”); and **COCHRAN STUDIO, INC.** (“Contractor”), a corporation organized and existing under the laws of the State of Maryland, party of the second part.

1. DEFINITIONS. The following terms used in this Agreement shall have the following meanings unless expressly stated otherwise herein:

- a. “CEDC” shall mean the Cumberland Economic Development Corporation.
- b. “City” shall mean the Mayor and City Council of Cumberland, Maryland.
- c. “Coordinator” shall mean Matt Miller., Executive Director of CEDC, his designated agent or successor. It is understood that the Coordinator shall be the sole authorized representative of the Principal with respect to the Work, the implementation of the terms of this Agreement and the Project. The Coordinator shall be obligated to share information with the City and DDC regarding the Contractor’s performance of the Work, obtain input from the City and DDC, and administer the terms of this Agreement. The Coordinator shall be the sole point of contact for the Contractor. The Coordinator shall not have the authority to modify the terms of this Agreement without the advice and consent of the DDC and the City. Nothing contained in this paragraph shall, however, cause or require Coordinator to breach any fiduciary duty owed to the CEDC. Douglas Schwab and Sandi Saville shall serve as the Coordinator’s points of contact with the DDC.
- d. “Contractor” shall mean Cochran Studio, Inc.
- e. “DDC” shall mean the Downtown Development Commission.
- f. “EADS” shall mean the EADS Group, Inc.
- g. “Principal” shall mean the CEDC and DDC, jointly.
- h. “Project” shall mean the Baltimore Street Redevelopment Project, that is, the City’s effort to: (i) re-introduce automobile and bicycle traffic onto Baltimore Street which, in turn, will improve connectivity of the intermodal transportation system, e.g., Canal Place, the Western Maryland Scenic Railroad, the Great Allegheny Passage, the Amtrak station, the County bus transit system, I-68 ingress and egress, and bicycle trails throughout the City; (ii) introduce fiber optic cable to each building along Baltimore Street; thereby, completing the downtown fiber loop and creating a “giga-byte downtown”; (iii) install infrastructure to each building along Baltimore Street to accommodate fire suppression/sprinkler systems; thereby, promoting upper story redevelopment for residential purposes and lower story redevelopment for commercial

purposes; (iv) replace underground infrastructure that has not been materially improved since well before the 1978 installation of the pedestrian mall along Baltimore Street; and (v) install a new streetscape design along Baltimore Street and two adjoining parklets that incorporates modern principles of community development and smart growth, and which is intended to rival modern metropolitan tourist and downtown destinations.

i. “Conceptual Design” shall mean the Project’s conceptual design that was produced by Contractor pursuant to that certain Firm Fixed Price Contract entered by the parties hereto having an effective date of August 16, 2018. The Conceptual Design is discussed in and defined by that certain document titled “Reimagine Cumberland’s Historic City Center” which was produced by Contractor and approved by the City on or about April 2, 2019, as its aspirational, conceptual design for the Project.

2. CONTRACT TERM. This Agreement shall be effective on December 15, 2020 (the “Effective Date”), and shall continue through completion of 100% construction drawings being submitted to State Highway Administration. This Agreement is, however, expressly contingent on approval by the City and compliance with the City’s procurement policies.

3. TIME OF ESSENCE. Contractor acknowledges that time is of the essence in providing services under this Agreement and agrees to assign adequate personnel sufficient to respond to requests for service.

4. SCOPE OF WORK.

a. Contractor agrees to perform the work and provide the services described in Exhibit A (the “Work”), a copy of which is attached hereto and incorporated herein by reference. Contractor shall coordinate performance of the Work with Coordinator. Contractor shall perform the Work: (i) in a timely, diligent and professional manner in accordance with recognized standards of the applicable industry or profession; and (ii) in accordance with the time periods set forth in this Agreement. Contractor shall furnish efficient business administration and superintendence and shall use its best efforts to ensure that such services being performed under this Agreement are completed in the best way and in the most expeditious and economical manner consistent with the Principal’s best interests.

b. The parties have attempted to establish in Exhibit A the number of hours Contractor shall devote to each category of Work (the “Time Allotments”). The parties do, however, recognize that the Time Allotments may need to be adjusted as the Work progresses. A party shall provide the other party with reasonable, advance notice of any desired change to the Time Allotments and, in such event, the parties shall endeavor, in good faith, to mutually adjust the Time Allotments in Exhibit A. In no event shall Contractor be required to expend more than 168 hours in performance of this Agreement, and in no event shall Principal be required to compensate Contractor for its performance of work in excess of 168 hours.

5. COMPENSATION. The Contractor shall perform the Work and otherwise fulfill the terms, covenants and conditions of this Agreement in consideration of payment in an amount not to exceed **Twenty-five thousand, two hundred and fifty dollars (\$25,250)** the “Fee”).

Contractor shall supply the Coordinator with periodic invoices describing the Work performed and the number of hours expended in the performance of such Work. Specific reference shall be made in the invoice to Exhibit A, the category of Work described therein, and the corresponding Time Allotment. Contractor shall bill in increments of one-tenth (1/10) of an hour. Contractor shall be compensated at a rate of One Hundred Twenty-Five Dollars (\$125) per hour. Coordinator shall arrange for payment by DDC of an invoice within fifteen (15) days of its receipt.

6. OWNERSHIP RIGHTS. All documents, data, and other materials prepared by the Contractor pursuant to this Agreement, whether complete or incomplete, shall be the property of the Principal.

7. EQUAL EMPLOYMENT OPPORTUNITY. During the performance of this Agreement, the Contractor agrees that it will comply with all applicable Federal, State and local laws, rules and regulations of or relating to discrimination in employment.

8. INDEMNIFICATION.

a. Contractor agrees to indemnify and hold harmless Principal against any liability, claim, and demand for personal injury, property damage and other expenses or losses arising out of or caused by: (a) Contractor's breach of this Agreement; or (b) any negligent act or omission of Contractor, its subcontractors, agents or employees incurred in the performance of the Agreement.

b. Principal agrees to indemnify and hold harmless Contractor against any liability, claim, and demand for personal injury, property damage and other expenses or losses arising out of or caused by: (a) Principal's breach of this Agreement; or (b) any negligent act or omission of Principal, its subcontractors, agents or employees incurred in the performance of the Agreement.

9. INSURANCE. At all times during the term of this Agreement, Contractor shall procure and maintain, at its own expense, comprehensive general liability insurance (including bodily injury, property damage and contractual liability) with limits of at least One Million Dollars (\$1,000,000) per person and Two Million Dollars (\$2,000,000) per occurrence with deductibles not greater than One Thousand Dollars (\$1,000). Principal and "Mayor and City Council of Cumberland" must be named as additional insureds. Contractor shall give Principal at least thirty (30) days prior written notice of any cancellation of insurance coverage or any proposed reduction of insurance coverage below the limits set forth in this Section. Contractor shall provide Principal with a certificate of insurance for the required coverage upon the execution of this Agreement and promptly upon request.

10. TERMINATION FOR CONVENIENCE. At any time, Principal may terminate this Agreement for convenience by giving Contractor written notice of the same. If the Agreement is terminated by the Principal as provided in this Section, the Contractor shall be paid on a pro-rata basis for Work performed prior to the effective date of such termination.

11. TERMINATION FOR CAUSE. If, through any cause, the Contractor shall fail to fulfill in a timely and proper manner its obligation under this Agreement, or if the Contractor shall violate any of the covenants, agreements, or stipulations of this Agreement, the Principal shall thereupon have the right to terminate this Agreement by giving written notice to the Contractor of such termination and specifying the effective date thereof, with such written notice to be provided to Contractor at least ten (10) days before the effective date of such termination. If the Agreement is terminated by the Principal as provided in this Section, the Contractor will be paid an amount based on the number of hours actually worked at the hourly rate of One Hundred Twenty-Five Dollars (\$125). Notwithstanding the above, the Contractor shall not be relieved of liability to the Principal for damages sustained by the Principal by virtue of any breach of the Agreement by the Contractor, and the Principal may withhold any payments due the Contractor up to the full amount of the Fee, until such a time as the exact amount of damages due the Principal from the Contractor is determined by any Court of competent jurisdiction.

12. COMPLIANCE WITH LAWS. The Contractor shall observe and comply with Federal, State and local laws, ordinances and regulations that affect performance of the Work.

13. CONFLICTS OF INTEREST. The Contractor covenants that, as of the Effective Date, it has no interest and shall not acquire any interest, direct or indirect, which would conflict in any manner or degree with the performance or services required to be performed under this Agreement. The Contractor further covenants that in the performance of this Agreement no person having any such interest shall be employed or otherwise utilized by the Contractor.

14. INDEPENDENT CONTRACTOR. The Contractor shall perform this Agreement as an independent contractor and shall not be considered an agent of the Principal, nor shall any of the Contractor's employees or agents be considered subagents of the Principal.

15. THIRD-PARTY BENEFICIARY. The City is the only third-party beneficiary of this Agreement. Otherwise, nothing in this Agreement, express or implied, is intended to confer on any person other than the parties hereto and their respective successors and permitted assigns any rights, remedies, obligations or liabilities under or by reason of this Agreement.

16. PROHIBITION AGAINST CHANGE IN OWNERSHIP.

a. Except as otherwise provided in this Agreement, the Contractor shall not assign all or any part of this Agreement or any interest thereunder to a third party without the prior written approval of Principal, which approval may be withheld by Principal within its sole and absolute discretion. Any assignment of this Agreement without the prior written approval of the Principal shall be considered to be a breach of the Agreement and void.

b. The qualifications and identities of the persons comprising the Contractor are of particular concern and importance to Principal. It is because of these qualifications and identities that the Principal has entered into this Agreement. No voluntary or involuntary successor in interest of the Contractor shall acquire any rights or powers under this Agreement, except as expressly set forth herein. Any withdrawal or change (whether voluntary, involuntary or by operation of law) of an interest holder owning a controlling interest in the Contractor shall be

deemed to be an assignment of this Agreement to a third party and shall not be permitted except in conformance with the terms of this Agreement.

c. The withdrawal of William Cochran from Contractor, or his unwillingness or inability to perform by and on behalf of Contractor with respect to this Agreement, shall be deemed to be an assignment of this Agreement to a third party and shall not be permitted except in conformance with the terms of this Agreement.

d. The Contractor shall promptly notify Principal, in writing, of material change in (a) the identity of the holder of a controlling interest in Contractor; or (b) the operation, management, officers or members of the Contractor.

17. MODIFICATION. This Agreement may be modified only by a written instrument signed by the parties hereto.

18. ENTIRE AGREEMENT. This Agreement, including any exhibit(s) attached hereto, constitute the entire agreement between the Principal and the Contractor, and the parties shall not be bound by any prior negotiation, representations or promises not contained herein.

19. GOVERNING LAW. This Agreement shall be governed by and construed in all respects in accordance with the laws of the State of Maryland. This Section shall survive expiration or termination of this Agreement.

20. HEADINGS. The headings within this Agreement are inserted for convenience of reference only and not to define, describe or limit the scope or the intent of this Agreement or any term hereof.

21. SEVERABILITY. If any term or provision of this Agreement, or the application thereof to any person or circumstance, shall to any extent be found to be invalid, void, or unenforceable, the remaining provisions of this Agreement and any application thereof shall, nevertheless, continue in full force and effect without being impaired or invalidated in any way.

IN WITNESS WHEREOF, intending to be bound, the parties have caused this Agreement to be signed by their duly authorized representatives.

[SIGNATURES TO FOLLOW ON NEXT PAGE]

**CUMBERLAND ECONOMIC
DEVELOPMENT CORPORATION**

Date _____ By _____
Matt Miller
Executive Director

**DOWNTOWN DEVELOPMENT
COMMISSION**

Date _____ By _____
Mayor Raymond Morriss

COCHRAN STUDIO, INC.

Date _____ By _____
William Cochran
President

Exhibit A-Scope of Work

1. Contractor shall provide design oversight of the Project as the “Project Designer,” and shall be credited as such by all parties to this Agreement. The phrase “design oversight” shall be afforded the meaning recognized by the applicable industry or profession in the industry and shall include the following:

- a. **Work Group Meeting Attendance September 2 through November 12**

Ten meetings total, plus preparation of visual and presentation materials

Fee:

12 ours Project Designer @ \$125/hour \$1,500

- b. **City/Design Team Meeting Attendance September 2 through November 12**

Seven meetings total plus preparation of visual and presentation materials

9/18, 9/22, 9/29, 10/6, 10/22, 10/28, 11/5, 11/12 and coordination on construction and bidding documents through November 14, 2020.

Fee:

43 hours Project Designer @ \$125/hour \$5,375

- c. **Final Design Oversight Review**

Provide review and comment on EADS 95% construction documents and specifications

Assumes 4 meetings (virtual) with the City of Cumberland and Work Group to review
Includes research/selection assistance on approved equals for pavers, planters

Fee:

90 hours Project Designer &
Landscape Architect @ \$125/hour \$11,250

- d. **Planting Plan and Specifications**

Provide Planting plans and specifications, suitable for approval by the State Highway Administration for the following areas:

Baltimore Street In Ground Planters

Provide planting plans for the ground level planters to complement design of the corridor, to enhance the visual impact of the tree canopy design, to provide a low planting to maintain visibility throughout the corridor, and to minimize maintenance. These plantings will be perennial plants and shrubs.

Above Ground Planters and Dining Planters

Provide a seasonal planting schedule which details three plantings per growing season—spring, early summer and fall/winter to ensure that all planters are full and attractive with a year-long horticulture interest

Tree Cultivar Selection

Research and select optimal tree cultivars with characteristics that meet project design criteria

Assumes 2 meetings (virtual) with the City of Cumberland and others to review plantings

Fee:

43 hours Project Designer &
Landscape Architect

@\$125/hour \$5,375

e. Soil Specifications

Provide soil specifications for the Silva Cells, in grade planters and above ground planter to ensure optimal growing conditions for plants in different conditions, promoting healthy plants and reducing maintenance

Fee:

14 hours Project Designer &
Landscape Architect

@\$125/hour \$1,750

Not to Exceed Time and Materials Fee

168 hours Project Designer &
Landscape Architect

@\$125/hour \$21,000

TOTAL

\$25,250

File Attachments for Item:

1. Letter from the City Clerk advising that the MD State Board of Canvassers certified the 2020 General Election results on December 8, 2020, and that Eugene T. Frazier and Laurie P. Marchini, having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 4, 2020



CITY OF CUMBERLAND MARYLAND

December 21, 2020

Mayor and City Council
City Hall
Cumberland, MD 21502

Dear Mayor and Council Members,

In compliance with Section 10(h)(4) of the City Charter, attached are the results of the Cumberland Municipal General Election held November 3, 2020, as certified by the State Board of Canvassers on December 8, 2020.

According to the results, Eugene T. Frazier and Laurie P. Marchini, having received the two highest number of votes for the office of Council, are hereby declared nominated and will be sworn into office on January 4, 2020.

Sincerely,

Marjorie A. Woodring
City Clerk

MAYOR

RAYMOND M. MORRISS

COUNCIL

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

CITY ADMINISTRATOR

JEFFREY D. RHODES

CITY SOLICITOR

MICHAEL SCOTT COHEN

CITY CLERK

MARJORIE A. WOODRING



MEMBER MARYLAND
MUNICIPAL LEAGUE (MML)

57 N. LIBERTY STREET, CUMBERLAND, MD 21502 www.cumberlandmd.gov
VOICE (301)722-2000 • FAX (301)759-6438 • TDD (800)735-2258

GENERAL ELECTION RETURNS

RETURN OF THE ALLEGANY COUNTY BOARD OF ELECTIONS FOR THE CITY OF CUMBERLAND, MARYLAND

GENERAL ELECTION FOR CUMBERLAND HELD NOVEMBER 3, 2020

FOR COUNCIL

I HEREBY CERTIFY, that Allegany County Board of Elections, upon being duly organized, did conduct canvassing of mail-in ballots for the November 3, 2020, General Election beginning on Monday, October 12, 2020. The Allegany County Board of Elections did also witness and receipt the count of votes delivered or transmitted to them from each designated voting place for Early Voting on Tuesday, November 3, 2020, and for Provisional Ballots on Thursday, November 12, 2020, and did conduct the final tabulation and officially certify the results on Friday, November 13, 2020, which were reported to the Maryland State Board of Elections. The Maryland State Board of Elections did meet on Tuesday, December 08, 2020, to provide State Certification of all elections and did on that date certify and state that the whole number of votes cast in the City of Cumberland for the office of Council were as follows:

COUNCIL:

(Votes received)

Robin Hood Constitution	1,029 votes
Eugene Thomas Frazier	4,933 votes
Laurie Peskin Marchini	3,854 votes
Sylvester Young, III	1,179 votes
 TOTAL	 10,995 votes

PURSUANT to Section 11(e) of the City Charter, the two (2) candidates receiving the highest number of votes for Council shall be the successful candidates for the City Council.

ACCORDINGLY, it is declared that

EUGENE THOMAS FRAZIER

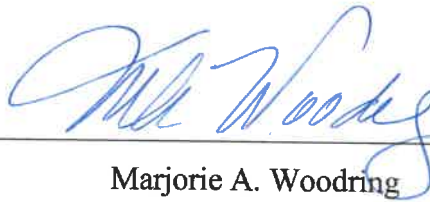
and

LAURIE PESKIN MARCHINI

having received the two (2) highest number of votes for the office of **COUNCIL**, are hereby declared nominated.

CITY CLERK

CITY OF CUMBERLAND, MD

A handwritten signature in blue ink, appearing to read "Marjorie A. Woodring", is written over a horizontal line.

Marjorie A. Woodring