

Mayor and Council Work Session and Executive Session October 6, 2020 Agenda

"The City of Hagerstown will promote a diverse, business-friendly, and sustainable community with clean, safe, and strong neighborhoods."

"The City of Hagerstown shall be the model provider of the most efficient and highest quality customer services to be known as the municipal location of choice for all"

"Productivity is never an accident. It is always the result of a commitment to excellence, intelligent planning, and focused effort." Paul J. Meyer

In accordance with CDC guidelines, attendees are required to wear face coverings, and seating is limited to provide social distancing.

2:00 PM Dedication of Mural on Basketball Court at Wheaton Park

3:00 PM Executive Session

4:00 PM WORK SESSION

1. Proclamation: Fire Prevention Month
- 4:05 PM** 2. Community Coalition Legislative Priorities - *Paul Frey, CEO/President of Washington County Chamber of Commerce, and James Kercheval, Executive Director Greater Hagerstown Committee*
- 4:25 PM** 3. Request for Demolition Assistance Grant for 341 Jonathan Street - *Pastor Pamela Parson - Scott Nicewarner, City Administrator*
- 4:40 PM** 4. FY 2021 Community Legacy and Strategic Demolition Fund Applications - *Megan Flick, Planner*
- 4:55 PM** 5. Renewal of Rental Contract with NIST for Use of Space in Elizabeth Hager Center - *Jonathan Kerns, Community Development Manager*
- 5:05 PM** 6. Additional Community Development Block Grant CARES Act Funding Allocation (CDBG-CV) - *Jonathan Kerns, Community Development Manager*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

In accordance with CDC guidelines, attendees are required to wear face coverings, and seating is limited to provide social distancing.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Dedication of Mural on Basketball Court at Wheaton Park

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Executive Session

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

October_6__2020_Executive_Session.pdf

Description

Executive Session Agenda



EXECUTIVE SESSION

MAYOR & CITY COUNCIL

OCTOBER 6, 2020

AGENDA

3:00 p.m. EXECUTIVE SESSION

1. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State; #4
**Business proposal*
2. To consult with counsel to obtain legal advice, #7
**Legal advice and negotiation of an agreement – 4 items*

***AUTHORITY: Annotated Code of Maryland, General Provisions Article: Section 3-305(b)**
(Subsection is noted in parentheses)

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council **DATE:** October 6, 2020 .

PLACE: Council Chamber, 2nd floor, City Hall **TIME:** 3:00 pm .

AUTHORITY: ANNOTATED CODE OF MARYLAND, GENERAL PROVISIONS ARTICLE: Section 3-305(b) :

1. To discuss:
 - ☐ (i) the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; or
 - ☐ (ii) any other personnel matter that affects 1 or more specific individuals;
- ☐ 2. To protect the privacy or reputation of individuals with respect to a matter that is not related to public business;
- ☐ 3. To consider the acquisition of real property for a public purpose and matters directly related thereto;
- ☒ 4. To consider a matter that concerns the proposal for a business or industrial organization to locate, expand, or remain in the State;
- ☐ 5. To consider the investment of public funds;
- ☐ 6. To consider the marketing of public securities;
- ☒ 7. To consult with counsel to obtain legal advice;
- ☐ 8. To consult with staff, consultants, or other individuals about pending or potential litigation;
- ☐ 9. To conduct collective bargaining negotiations or consider matters that relate to the negotiations;
- ☐ 10. To discuss public security, if the public body determines that public discussions would constitute a risk to the public or public security, including:
 - (i) the deployment of fire and police services and staff; and
 - (ii) the development and implementation of emergency plans;
- ☐ 11. To prepare, administer or grade a scholastic, licensing, or qualifying examination;
- ☐ 12. To conduct or discuss an investigative proceeding on actual or possible criminal conduct; or
- ☐ 13. To comply with a specific constitutional, statutory, or judicially imposed requirement that prevents public disclosures about a particular proceeding or matter; or
- ☐ 14. Before a contract is awarded or bids are opened, discuss a matter directly related to a negotiation strategy or the contents of a bid or proposal, if public discussion or disclosure would adversely impact the ability of the public body to participate in the competitive bidding or proposal process.
- ☐ 15. Administrative Function

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Proclamation: Fire Prevention Month

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Community Coalition Legislative Priorities - *Paul Frey, CEO/President of Washington County Chamber of Commerce, and James Kercheval, Executive Director Greater Hagerstown Committee*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

memo_-_Community_Coalition_-_2021_Legislative_Priorities.pdf	2021 Legislative Priorities
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CITY OF HAGERSTOWN, MARYLAND

Donna K. Spickler

City Clerk

One East Franklin Street • Hagerstown, MD 21740

E-mail: dspickler@hagerstownmd.org

Telephone: 301.766.4183 • TDD: 301.797.6617

TO: Mayor and City Council Members
Scott Nicewarner, City Administrator

FROM: Donna K. Spickler, City Clerk

SUBJECT: Community Coalition Legislative Priorities

DATE: October 1, 2020

Paul Frey, CEO/President of the Washington County Chamber of Commerce, and Jim Kercheval, Executive Director of Greater Hagerstown Committee, will be present during the October 6, 2020 Work Session to discuss the Coalition's 2021 Draft Legislative Priorities.

Please let me know if you have any questions.

Thank you.



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

Request for Demolition Assistance Grant for 341 Jonathan Street - Pastor Pamela Parson
- *Scott Nicewarner, City Administrator*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

Request_for_Demolition_Assistance_Grant_for_341_Jonathan_Street.pdf	Memo - Request for Demolition Grant
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CITY OF HAGERSTOWN, MARYLAND

Scott A. Nicewarner

City Administrator

One East Franklin Street • Hagerstown, MD 21740

E-mail: snicewarner@hagerstownmd.org

Telephone: 301.766.4168 • TDD: 301.797.6617

TO: Mayor and Council

FROM: Scott Nicewarner, City Administrator 

RE: Request for Demolition Assistance Grant for 341 Jonathan Street – Pastor Pamela Parson

DATE: October 6, 2020

The City has received a request for assistance from Pastor Pamela Parson of the Jonathan Street House of Prayer to provide a \$5,000 grant to aid in the costs for demolition of their building at 341 Jonathan Street.

This request is an unusual one in that the City does not generally provide demo assistance if the owner is looking to maintain ownership of their land for re-use. Pastor Parson is planning to demo the structure, purchase the adjoining land, and build a new facility that will act as more a social center than just a church. This use would require a zoning change that could be dealt with after demolition, as the building is in a shape that requires a demolition vs. a rehabilitation.

The normal procedure for demolition is for funds being provided in the form of (1) loan with payback parameters over a negotiated number of years, (2) a grant that would have a tax lien placed on the parcel, or (3) City would abate the demo cost and place that cost as a tax lien on the parcel. This request is for a grant of \$5,000 with no payback and no lien.

COUNCIL ACTION REQUESTED: Staff is looking for approval to provide Pastor Parson with \$5,000 for demolition of 341 Jonathan Street. Total cost to demo is \$17,000. Grant money would come from the PCAD Demolition line item in the FY21 budget. A formal motion for approval/denial would occur during the Special Session on October 13.



**REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND**

Topic:

FY 2021 Community Legacy and Strategic Demolition Fund Applications - *Megan Flick, Planner*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

UPDATED_MCC_Community_Legacy_FY21.docx

Description

DHCD Grant Requests
FY21



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Megan Flick, Planner

DATE: October 1, 2020

SUBJECT: FY 2021 Community Legacy and Strategic Demolition Fund Applications

Mayor and Council Action Requested

Mayor and Council authorization is needed to begin the process to submit FY 2021 applications to the State's Community Legacy Program and Strategic Demolition Fund as well as adoption of a resolution in support of the City's applications. The deadline for grant applications is October 15. Staff is bringing the grant requests for Mayor & Council support at the October work session and approval of resolutions on October 27.

DHCD's Community Revitalization Assistance Program – Community Legacy & SDF

The goal of the programs are to provide funding to local governments and community development organizations for essential projects aimed at strengthening declining urban areas through a comprehensive approach that includes activities such as business retention and attraction, encouraging home-ownership and rehabilitation, and commercial revitalization. Projects must be consistent with the goals and strategies outlined in the City's Sustainable Community Plan and the projects must be located in the City's Sustainable Community Area.

Community Legacy funds may be used only for capital projects - bricks and mortar projects or loan/grant programs for brick and mortar projects. Our Community Legacy representative at the State has indicated that projects must be ready to go and be completed within two years. While there is no matching requirement, the application needs to show that the project will leverage other funds. The Strategic Demolition Fund may be used for pre-construction costs of a project – acquisition, demolition, architectural and engineering services, etc. and the matching requirement is 25%.

Proposed FY 2021 Applications

The proposal for applications to Community Legacy this year is to request funding for: an Upper Floor Market Rate Housing Development Fund, 12-40 unit projects; a CDC Acquisition/Rehab of Vacant, Blighted Buildings Fund, and a Broadband Fit-Out to facilitate Distance Learning and Job Development at community accessible non-profit facilities. The proposal for applications to the Strategic Demolition Fund this year is to re-apply as a pass-through for the Doleman Black Heritage Museum. The projects are consistent with the City's Sustainable Community Plan.

Project	Program	Grant Request	Local Match
Upper Floor Market Rate Housing Development Fund	Community Legacy	\$750,000-\$1,500,000	Developer
CDC Acquisition/Rehab of Vacant, Blighted Buildings Fund	Community Legacy	\$200,000	CDBG
Broadband Fit-Out Fund to facilitate Distance Learning & Job Development	Community Legacy	\$100,000	No match
Doleman Black Heritage Museum (acquisition & architectural services)	Strategic Demolition	\$250,000	DBHM (25%)
	Total	\$1,300,000-\$2,050,000	

If funded, the match for the Upper Floor Market Rate Housing Development Fund will be provided by the developer.

The plan for the CDC Acquisition/Rehab of Blighted Buildings request is to apply for funding for the work of a land bank. The funding would be matched by the CDBG fund.

The request for the Broadband Fit-Out would not be matched if funded.

The Doleman Museum plan for a Strategic Demolition Fund program request is \$250,000. This would cover the \$120,000 acquisition cost of 465 Pennsylvania Avenue and the projected need of \$130,000 for architectural services. The last two years, the SDF application for this project was not successful and the museum has requested we apply again this year.

Preservation Maryland and the Western Maryland Community Development Corporation are requesting that the City of Hagerstown be a “co-applicant” for Strategic Demolition Funding, a program of Maryland’s Department of Housing and Community Development (DHCD), to support pre-development and development activities in the Jonathan Street neighborhood. The grant will request up to \$500,000 in funding to support redevelopment activities including acquisition, architectural and engineering, feasibility studies, stabilization and rehabilitation for up to four structures which may include the Caretakers Cottage in Wheaton Park. If the grant application is successful, the applicant partners will work with the community on priorities for investment. Identifying the community's assets and building a consensus about appropriate actions to preserve the community will be done through a process known as Community Asset Mapping. This community engagement strategy will lead to an appreciation of the community's historic significance which, in turn, will foster a sense of community pride and civic engagement. Preservation Maryland has secured private funding for this community engagement strategy that will be used as match funding for the application.

Attachments:

Hagerstown's Past Community Legacy and SDF Awards

C: Michelle Hepburn, Finance Director

Rodney Tissue, City Engineer

Jill Thompson, Director DCED

Jonathan Kerns, Community Development Manager

Hagerstown's Past Community Legacy Awards

Year	Project	Award	Status
FY 2002	Home Pride Housing Improvement Program	\$500,000	Completed
FY 2002	Home Pride Parking Grant Program	\$110,000	Completed
FY 2002	S. Potomac/Antietam Street Intersection Improvement	\$26,000	Completed
FY 2003	University Plaza	\$750,000	Completed
FY 2004	BISFA Feasibility Study	\$20,000	Completed
FY 2004	Performing and Visual Arts Center	\$50,000	Relinquished (<i>Situation Changed</i>)
FY 2005	Massey Redevelopment Loan	\$50,000	Relinquished (<i>MHT Demo Issues</i>)
FY 2006	Alms House Acquisition and Stabilization	\$85,000	Completed
FY 2007	Meda's Adaptive Re-Use	\$115,000	Relinquished (<i>Situation Changed</i>)
FY 2007	BISFA Facade Improvement	\$115,000	Completed
FY 2008	Upper Floors Renovation RLF	\$100,000	Completed
FY 2008	S. Potomac Street Housing Project	\$150,000	Relinquished (<i>Impact of Down Economy</i>)
FY 2009	Hagerstown Neighborhood Development Partnership, Inc Project at 25-29 S. Potomac Street	\$150,000	Relinquished (<i>Situation Changed</i>)
FY 2011	Business Incubator, 60-64 W. Washington Street	\$150,000	Completed
FY 2012	Artist Lofts, 36-40 N. Potomac Street	\$80,000	Completed
FY 2013	43-53 W Washington Street Acquisition	\$100,000	Completed
FY 2014	43-53 W Washington Street Rehabilitation	\$100,000	Completed

FY 2014	170 W Washington Street Rehabilitation	\$50,000	Completed
FY 2015	USMH Student Housing Project (<i>grant award transferred to 170 W Washington St Rehabilitation Project due to complications with Maryland Historical Trust (MHT)</i>)	\$100,000	Completed
FY 2015	Acquisition/Rehabilitation of 278 South Prospect Street for Homeownership	\$100,000	Completed
FY 2016	Acquisition/Rehabilitation of Dwelling for Homeownership	\$150,000	Nearly Complete
FY 2016	Renovation of storefronts in Main Street Area (for City Center Retail/Restaurant Incentive Program)	\$50,000	Complete
FY 2017	Student Housing Project	\$200,000	Complete
FY 2017	Down Payment Assistance Program	\$50,000	Complete
FY 2017	Façade Grant Program for Commercial & Mixed-Use Buildings	\$25,000	Complete
FY2019	UIP – the Plaza construction and First Hose Historic Rehab	\$420,000	Planning in process
FY2020	Student Housing Project	\$200,000	RFP in process
	TOTAL	\$3,996,000	

Hagerstown's Past Strategic Demolition Fund Awards

Year	Project	Award	Status
FY 2018	UIP – Maryland Theatre Expansion (pre-construction)	\$300,000	Complete
FY 2018	UIP – BOE Expansion (pre-construction)	\$300,000	Complete
FY 2018	UIP – the Plaza (underground wiring)	\$300,000	Complete
FY 2019	UIP –the Maryland Theatre Expansion	\$500,000	Complete
FY2020	Life Safety Infrastructure Grant Program (Sprinkler Vaults)	\$125,000	In process
	TOTAL	\$1,525,000	

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Renewal of Rental Contract with NIST for Use of Space in Elizabeth Hager Center - *Jonathan Kerns, Community Development Manager*

Mayor and City Council Action Required:

Staff request Mayor & Council approval to renew a rental contract agreement with the National Institute of Standards and Technology (NIST) for use of space in the Elizabeth Hager Center. The term of the proposed rental contract is for one year with renewal options for up to four additional years.

Discussion:

Background and New Agreement Terms

For several years, NIST has been utilizing space in the Elizabeth Hager Center to serve as a continuity of operations site (commonly referred to as a COOP). The new rental contract allows for NIST staff to conduct emergency drills in the Elizabeth Hager Center up to four times a year. NIST staff may also use the Elizabeth Hager Center if an actual emergency event would prevent use of NIST offices in Gaithersburg, MD.

The previous rental contract agreement with NIST was approved by the Mayor & City Council in December of 2016 and the contract included one year renewal options through December of 2021. The contract required NIST to pay the City an annual rent payment of \$13,848 and the annual payment amount would increase to \$14,476 in 2020 and 2021. Due to an administrative error with NIST's internal staff process for extending this contract, the contract has now expired and a new contract must be executed.

Key terms and conditions of the proposed rental contract include the following:

- Contract to be effective from October 2020 through October 2021
- Annual rent charge of \$15,344
- One year renewal options that could extend the contract through October 2025
- Annual rent charge would increase in option year 3 and option year 4 to \$16,264

Staff have worked with the City Attorney and NIST representatives to review all terms of the proposed rental contract. If City staff are directed to move forward with the NIST contract, a resolution approving the contract will be scheduled for approval during an October special session.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

100620_NIST_Lease_Renewal.pdf

Description

NIST Rental Contract
Renewal



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

To: Scott Nicewarner, City Administrator

From: Jonathan Kerns, Community Development Manager

Date: September 30, 2020

RE: Renewal of Rental Contract with NIST for use of space in the Elizabeth Hager Center

Mayor & Council Action Requested

Staff request Mayor & Council approval to renew a rental contract agreement with the National Institute of Standards and Technology (NIST) for use of space in the Elizabeth Hager Center. The term of the proposed rental contract is for one year with renewal options for up to four additional years.

Background and New Agreement Terms

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Staff have worked with the City Attorney and NIST representatives to review all terms of the proposed rental contract. If City staff are directed to move forward with the NIST contract, a resolution approving the contract will be scheduled for approval during an October special session.

Attachments: NIST Statement of Work for COOP Facility Requirements

- c. Jill Thompson, Director DCED
Eric Deike, Director of Public Works
Michelle Hepburn, Director of Finance

Statement of Work For Continuity Facility Services

General Information and Background

NIST's Emergency Services Office (ESO) plans, organizes, directs, and controls all NIST's emergency services: emergency management and preparedness, fire services, security services, and physical security activities. ESO manages the NIST Continuity of Operations (COOP) program, to include coordinating the efforts of NIST's Emergency Planners/ Coordinators, maintaining the NIST COOP Plan, and conducting training and emergency preparedness exercises.

By law and Executive Order (EO 13242), the Department of Commerce (DoC), which includes all subordinate components, is required to have the capability to maintain continuous operations of its identified essential functions. NIST must be prepared during an emergency or threat of an emergency, all hazards, to efficiently and effectively continue and/or resume critical operations if interrupted.

Objective

To establish a Continuity of Operations (COOP) site for NIST at least fifty (50) miles from the National Capital Area, preferably North or Northwest of the District of Columbia, that can provide access to facilities, equipment and IT support. These services are in support of National Security Presidential Directive 51/Homeland Security Presidential Directive 20 (NSPD-51/HSPD-20), National Continuity Policy, May 2007. Upon a triggering event, designated NIST personnel shall have immediate access to the facility/services in support of NIST's mission

Scope

The contractor shall provide services and support on a 24 x 7 x 365-day basis for NIST's emergency management operations/functions during a threat of an emergency, a Continuity activation and during the resumption stage of the NIST continuity process.

Tasks - Requirements

The desired location must be at least fifty (50) miles from the National Capital Area, preferable North or Northwest of the District of Columbia. Upon a triggering event, designated NIST personnel shall have immediate access to the facility/services in support of NIST's mission.

Two separate spaces on the same floor, contiguous where possible. One space to accommodate up to 20 individuals, the other space to accommodate up to 15 individuals. The following is a list of services and support necessary to the contract:

Tables and chairs for occupants within each space (desks or cubicles not required), additional seating may be necessary during certain triggering events;

- Access to power outlets to connect computer, printer and facsimile machines;
- Data, network and internet access for up to 40 users;
- IT/ Telecom Security/ access technical support during and after business hours to ensure uninterrupted service (support for NIST applications and hardware excluded);
- Cable TV connection in each space with access to television news stations;
- Telephone service for 5 hard wired phones (4 may be digital, 1 must be analog for facsimile machine);

After-hours support services for infrastructure and facility services; i.e. electric, plumbing, HVAC, etc.;

- Access to facility during business and after-hours;
- Training on the security system to NIST designated personnel;
- Provide for storage of NIST equipment /supplies (2 tall locked and 2 small locked cabinets).

NIST Gaithersburg, MD employees shall adhere to all policies and procedures in effect for the facility and services. Said policies and procedures shall be communicated prior to execution of this contract and all future amendments/ changes to be communicated in writing.

NIST, Gaithersburg, MD shall provide appropriate points-of-contact to the offeror, including but not limited to the NIST Emergency Services Office, Contracting Officer, and Technical Support Personnel contact information.

The offeror will prepare and convert the facility for use by NIST personnel to include ensuring tables and chairs are in place, power and data access is accessible and functional, and that telephone lines are connected and working. The offeror will ensure that all requirements are available and functional.

Government - Furnished Property (GFP)

Two (2) tall locked cabinets to include:

- 2 SIIG Model W-5400122-52 video splitters
- 3 Linksys Model SR2024C 24-port switches
- 1 Linksys Model EA4500 Cisco router
- 1 Linksys Model WRT 1900AC Wi-Fi router
- 2 Epson Model HV406A Projectors

- 2 Dell laser printers (Model 2335dn and 2330dn)
- 1 Dell OptiPlex 9010 computer
- 8 Dell laptop computers various models
- 2 Dell monitors model E3013H
- 2 keyboards
- 4 Dell mice

2 small locked cabinets to include:

- 4 APC various models Backup UPS
- 2 Epson Model ELPLP64 replacement lamps for projectors
- 10 GETS/WPS cards
- 3 Post-It Flip charts
- Various documents relevant to COOP
- Couple of Boxes of various office supplies
- Several patch cables
- 7 surge suppressors
- 3 extension cords

Responsibilities

NIST will be solely responsible for any cost of modifications needed to the existing hardware, software and infrastructure to activate COOP plans which exceeds the requirements. NIST Point-of-Contact (POC) or Alternate Point-of-Contact (APOC) will provide the offeror at least one (1) hour notification to prepare the facility for operations under this contract.

Place of Performance

City of Hagerstown
14 N. Potomac Street, 2nd floor
Hagerstown MD 21740

Other Unique Requirements and Considerations

- Executive Order 13242, Providing an Order of Succession Within the Department of Commerce, December 2001
- The Homeland Security Act of 2002 (Public Law 107-296), November 2002
- Homeland Security Presidential Directive 5, Management of Domestic Incidents, 2003
- National Security Presidential Directive 51/Homeland Security Presidential Directive 20 (NSPD-51/HSPD-20), National Continuity Policy, May 2007
- Federal Continuity Directive (FCD 1), Federal Executive Branch National Continuity Program and Requirements, January 17, 2017

Period of Performance

This contract is for a one (1) base period with four (4) one (1) year option periods.

10/2020-10/2021	Base
10/2021-10/2022	Option One
10/2022-10/2023	Option Two
10/2023-10/2024	Option Three
10/2024-10/2025	Option Four

NIST anticipates utilizing the space at least quarterly during the year for communication checks and equipment testing and updating. At least once during the year, NIST anticipates utilization of the space for anywhere between 1-4 days.

Utilization Fee

Invoice for services rendered shall be submitted quarterly for the year at the beginning of the contract year.

October 2020 – October 2021 - \$15,344 annual with quarterly payments of \$3,836
October 2021 – October 2022 - \$15,344 annual with quarterly payments of \$3,836
October 2022 – October 2023 - \$15,344 annual with quarterly payments of \$3,836
October 2023 – October 2024 - \$16,264 annual with quarterly payments of \$4,066
October 2024 – October 2025 - \$16,264 annual with quarterly payments of \$4,066

In the event of an emergency, should the NIST operation exceed a 30-day period in any calendar year, NIST will pay to the offeror a sum of \$400.00 per day for each day over 30 that NIST continues to use these services. The invoice for the additional utilization fee must be provided within 30 days after the event to ensure prompt payment.

Points-of-Contact(POC)

Primary POC

Jeffrey Campbell
Phone: (202) 236-7961
jeffrey.campbell@nist.gov

Alternate POC

Melanie Robinson
Phone: (240) 578-0719
melanie.robinson@nist.gov

ESO Director

C.J. Couch
Phone: (240) 618-5533
charles.couch@nist.gov

IT Support Staff

Primary

Romain Tweedy

Phone: (301) 975-8824

r.tweedy@nist.gov

Alternate

Daniel L. Diamond

Phone: (301) 975-4382

daniel.diamond@nist.gov

NIST Payment

Kim White

100 Bureau Drive MS1370

Building 318 / AI 13

Gaithersburg, MD 20899-1370

Phone: (301) 975-5618

Fax: (301) 975-6923

kim.white@nist.gov

REQUIRED MOTION MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Topic:

Additional Community Development Block Grant CARES Act Funding Allocation (CDBG-CV)
- *Jonathan Kerns, Community Development Manager*

Mayor and City Council Action Required:

Staff request Mayor & City Council feedback on proposed next steps for a *second* allocation of CDBG-CV funding being awarded to the City through the Federal CARES Act legislation.

Discussion:

Background on CDBG-CV Funding

In early April, the City received written correspondence from the U.S. Department of Housing and Urban Development (HUD) regarding a special allocation of “CDBG-CV” funding being awarded to the City in the amount of \$472,845. This CDBG-CV funding was a result of the Federal CARES Act legislation in response to the COVID-19 pandemic. A second allocation of CDBG-CV funding was to be announced at a later date.

Staff recently received formal HUD notification that the City will be awarded a second allocation of CDBG-CV funding in the amount of \$274,365. Like the first CDBG-CV allocation, the second allocation of CDBG-CV funding must be used via standard CDBG activities that also prevent, prepare for, or respond to the COVID-19 pandemic. These activities still must meet CDBG national objective requirements with the primary national objective being a benefit to low/moderate income citizens.

Initial CDBG-CV For Local Non-Profit Service Providers

For the City’s first allocation of CDBG-CV funding, non-profit service providers were given the opportunity to submit applications to seek CDBG-CV funding for public service activities that provide assistance to COVID-19 impacted, CDBG eligible clientele. After an application period and review process, the City Council approved CDBG-CV funding awards to local non-profit organizations as follows:

- Washington County Community Action Council Housing Stability Program (mortgage payment assistance and/or rent payment assistance) - \$350,245
- Washington County Community Action Council and Horizon Goodwill Housing Short-Term Housing Stability Funding and Food Resource Funding - \$58,900 (this funding is administered in partnership with Horizon Goodwill and the Washington County Community Action Council is the lead agency)
- Washington County Community Action Council Food Resources for Food Pantry Program - \$25,300
- Washington County Commission on Aging Food Resources for Seniors - \$17,300
- Girls Inc. Food Resources for Girls Inc. Members - \$21,100

During the initial application process for local non-profit organizations, total CDBG-CV funding requests exceeded available CDBG-CV funding. The initial CDBG-CV award amounts were based on an across the board reduction proportional to the requested

amount of funding for each service.

Proposed Next Steps for Second CDBG-CV Allocation

CDBG-CV funding has been allocated to states and cities nationwide. After researching a random sample of CDBG-CV funded cities throughout the county, the majority of CDBG-CV funded programming is targeted for public service assistance programs (housing subsistence payments, homelessness services, food resource services) and business assistance programs. Hagerstown's initial CDBG-CV allocations for housing stability services and food resource services appear to be in line with many CDBG-CV funded activities nationwide.

Based on the common practice for CDBG-CV programming noted above and based on guidance from the HUD Baltimore Field Office, the recommended next steps for allocating the recently awarded CDBG-CV funding are:

- Review progress of current CDBG-CV recipients (Girls Inc, Washington County Commission on Aging, Washington County Community Action Council) to discuss their demand for CDBG-CV funded services thus far after initial CDBG-CV award from July 2020
- If deemed appropriate by Mayor & City Council, the second allocation of CDBG-CV funding can be distributed to each non-profit recipient that received initial allocation of CDBG-CV funding without the need for a new application process
- If distributed to initial CDBG-CV non-profit recipients, newly available CDBG-CV funding could be distributed in amounts proportional to the first awards OR funding could be awarded based on most critical need
- After Mayor & City Council decision on second CDBG-CV allocation, a CDBG-CV amendment reflecting planned expenditures for the new CDBG-CV funding must be advertised— 5 day public comment period required
- After required comment period, CDBG-CV amendment will be submitted to HUD for approval

Staff is currently in the process of retrieving information from existing non-profit service providers that received the initial CDBG-CV awards. Information on their demand for CDBG-CV funded services and CDBG-CV expenditures thus far will be discussed in more detail during the October 6th work session. Staff will also be available to discuss other CDBG-CV program options and/or answer any questions on all of the above during the work session.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description



CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

To: Scott Nicewarner, City Administrator

From: Jonathan Kerns, Community Development Manager

Date: September 30, 2020

RE: **Additional Community Development Block Grant CARES Act Funding Allocation (CDBG-CV)**

Mayor & Council Action Requested:

Staff request Mayor & City Council feedback on proposed next steps for a *second* allocation of CDBG-CV funding being awarded to the City through the Federal CARES Act legislation.

Background on CDBG-CV Funding

In early April, the City received written correspondence from the U.S. Department of Housing and Urban Development (HUD) regarding a special allocation of “CDBG-CV” funding being awarded to the City in the amount of \$472,845. This CDBG-CV funding was a result of the Federal CARES Act legislation in response to the COVID-19 pandemic. A second allocation of CDBG-CV funding was to be announced at a later date.

Staff recently received formal HUD notification that the City will be awarded a second allocation of CDBG-CV funding in the amount of \$274,365. Like the first CDBG-CV allocation, the second allocation of CDBG-CV funding must be used via standard CDBG activities that also prevent, prepare for, or respond to the COVID-19 pandemic. These activities still must meet CDBG national objective requirements with the primary national objective being a benefit to low/moderate income citizens.

Initial CDBG-CV For Local Non-Profit Service Providers

For the City’s first allocation of CDBG-CV funding, non-profit service providers were given the opportunity to submit applications to seek CDBG-CV funding for public service activities that provide assistance to COVID-19 impacted, CDBG eligible clientele. After an application period and review process, the City Council approved CDBG-CV funding awards to local non-profit organizations as follows:

- Washington County Community Action Council Housing Stability Program (mortgage payment assistance and/or rent payment assistance) - \$350,245
- Washington County Community Action Council and Horizon Goodwill Housing Short-Term Housing Stability Funding and Food Resource Funding - \$58,900 (this funding is administered in partnership with Horizon Goodwill and the Washington County Community Action Council is the lead agency)
- Washington County Community Action Council Food Resources for Food Pantry Program - \$25,300

- Washington County Commission on Aging Food Resources for Seniors - \$17,300
- Girls Inc. Food Resources for Girls Inc. Members - \$21,100

During the initial application process for local non-profit organizations, total CDBG-CV funding requests exceeded available CDBG-CV funding. The initial CDBG-CV award amounts were based on an across the board reduction proportional to the requested amount of funding for each service.

Proposed Next Steps for Second CDBG-CV Allocation

CDBG-CV funding has been allocated to states and cities nationwide. After researching a random sample of CDBG-CV funded cities throughout the county, the majority of CDBG-CV funded programming is targeted for public service assistance programs (housing subsistence payments, homelessness services, food resource services) and business assistance programs. Hagerstown's initial CDBG-CV allocations for housing stability services and food resource services appear to be in line with many CDBG-CV funded activities nationwide.

Based on the common practice for CDBG-CV programming noted above and based on guidance from the HUD Baltimore Field Office, the recommended next steps for allocating the recently awarded CDBG-CV funding are:

- Review progress of current CDBG-CV recipients (Girls Inc, Washington County Commission on Aging, Washington County Community Action Council) to discuss their demand for CDBG-CV funded services thus far after initial CDBG-CV award from July 2020
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Staff is currently in the process of retrieving information from existing non-profit service providers that received the initial CDBG-CV awards. Information on their demand for CDBG-CV funded services and CDBG-CV expenditures thus far will be discussed in more detail during the October 6th work session. Staff will also be available to discuss other CDBG-CV program options and/or answer any questions on all of the above during the work session.

Attachments: HUD CDBG-CV Notification
HUD CDBG-CV Quick Guide

- c. Jill Thompson, Director of Community and Economic Development
Michelle Hepburn, Director of Finance



ASSISTANT SECRETARY FOR
COMMUNITY PLANNING AND DEVELOPMENT

U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT
WASHINGTON, DC 20410-7000

September 11, 2020

The Honorable Robert Bruchey
Mayor of Hagerstown
1 E Franklin Street
Hagerstown, MD 21740-4859

Dear Mayor Bruchey:

I am pleased to inform you of a special allocation to your jurisdiction of Community Development Block Grant funds to be used to prevent, prepare for, and respond to the coronavirus (COVID-19). This allocation was authorized by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Public Law 116-136, which was signed by President Trump on March 27, 2020, to respond to the growing effects of this historic public health crisis.

The CARES Act made available \$5 billion in Community Development Block Grant Coronavirus (CDBG-CV) funds. Of this amount, the Department immediately allocated \$2 billion on March 27, 2020, the same day President Trump signed the Act, based on the fiscal year 2020 CDBG formula; this constituted the first round of CDBG-CV funds. Next, \$1 billion was required by the Act to be allocated to States and insular areas within 45 days of enactment of the Act; HUD accomplished this on May 11, 2020, and this constituted the second round of CDBG-CV funds. Finally, the remaining \$2 billion in CDBG-CV funds was required by the Act to be allocated to states and local governments at the discretion of the Secretary on a rolling basis; HUD accomplished this on September 11, 2020, and this constituted the third round of CDBG-CV funds. Additionally, up to \$10 million will be set aside for technical assistance.

Accordingly, this letter informs you that your jurisdiction's allocation for the third round is \$274,365. Your cumulative amount for all allocation rounds is \$747,210.

The CARES Act adds additional flexibility for both the CDBG-CV grant and, in some cases, for the annual FY2019 and FY2020 CDBG grants in these unprecedented times. The public comment period is reduced to not less than 5 days, grantees may use virtual public hearings when necessary for public health reasons, the public services cap is suspended during the emergency, and States and local governments may reimburse costs of eligible activities incurred for pandemic response regardless of the date.

In addition, the CARES Act authorizes the HUD Secretary to grant waivers and alternative requirements of statutes and regulations the HUD Secretary administers in connection with the use of CDBG-CV funds and fiscal year 2019 and 2020 CDBG funds (except for requirements related to fair housing, nondiscrimination, labor standards, and the environment). Waivers and alternative requirements can be granted when necessary to expedite and facilitate the use of funds to prevent,

prepare for, and respond to coronavirus.

The CDBG CARES Act Federal Register Notice (FR-6218-N-01) was released on August 10, 2020. The notice describes the allocations and grant procedures applicable to the CDBG-CV grants. It also describes the program flexibilities, waivers, and alternative requirements that apply to the CDBG-CV grants as well as the fiscal year 2019 and 2020 CDBG grants. As further such flexibilities become available, they will be posted on HUD's website and distributed to grantees. The Department will also support grantees with technical assistance.

As you develop your plan for the use of these grant funds, we encourage you to consider approaches that prioritize the unique needs of low- and moderate-income persons and the development of partnerships between all levels of government and the private for-profit and non-profit sectors. You should coordinate with state and local health authorities before undertaking any activity to support state or local pandemic response. CDBG-CV grants will be subject to oversight, reporting, and the requirement that each grantee have adequate procedures to prevent the duplication of benefits (DOB). HUD will provide guidance and technical assistance on DOB, the prevention of fraud, waste, and abuse, and on documenting the impact of this program for beneficiaries.

Reminder, all CPD Grantees must ensure they maintain active Dun and Bradstreet Numbering System (DUNS) numbers in the System for Award Management (SAM) system. Entities must have an active and unexpired DUNS before execution of grant agreements to avoid delays in the obligation of funds- which will delay your ability to drawdown funds in the Integrated Disbursement & Information System (IDIS). Grantees are required to maintain an active SAMs registration by re-activating their DUNS number annually in the SAM system for the entire drawdown period of their grants. DUNS numbers can be registered and renewed each year at the following website: <https://www.sam.gov/SAM/>.

The Office of Community Planning and Development (CPD) is looking forward to working with you to successfully meet the urgent and complex challenges faced by our communities. If you or any member of your staff has questions, please contact your local CPD Field Office Director or CPDQuestionsAnswered@hud.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "John Gibbs", written in a cursive style.

John Gibbs
Acting Assistant Secretary
for Community Planning and Development
U.S. Department of Housing and Urban Development

Quick Guide to CDBG Eligible Activities to Support Coronavirus and Other Infectious Disease Response

REVISED April 6, 2020

Grantees should coordinate with local health authorities before undertaking any activity to support state or local pandemic response. Grantees may use Community Development Block Grant (CDBG) funds for a range of eligible activities that prevent and respond to the spread of infectious diseases such as the coronavirus.

Examples of Eligible Activities to Support Coronavirus and Other Infectious Disease Response

<i>For more information, refer to applicable sections of the Housing and Community Development Act of 1974 (for State CDBG Grantees) and CDBG regulations (for Entitlement CDBG grantees).</i>	
Buildings and Improvements, Including Public Facilities	
Acquisition, construction, reconstruction, or installation of public works, facilities, and site or other improvements. <i>See section 105(a)(2) (42 U.S.C. 5305(a)(2)); 24 CFR 570.201(c).</i>	Construct a facility for testing, diagnosis, or treatment.
	Rehabilitate a community facility to establish an infectious disease treatment clinic.
	Acquire and rehabilitate, or construct, a group living facility that may be used to centralize patients undergoing treatment.
Rehabilitation of buildings and improvements (including interim assistance). <i>See section 105(a)(4) (42 U.S.C. 5305(a)(4)); 24 CFR 570.201(f); 570.202(b).</i>	Rehabilitate a commercial building or closed school building to establish an infectious disease treatment clinic, e.g., by replacing the HVAC system.
	Acquire, and quickly rehabilitate (if necessary) a motel or hotel building to expand capacity of hospitals to accommodate isolation of patients during recovery.
	Make interim improvements to private properties to enable an individual patient to remain quarantined on a temporary basis.
Assistance to Businesses, including Special Economic Development Assistance	
Provision of assistance to private, for-profit entities, when appropriate to carry out an economic development project. <i>See section 105(a)(17) (42 U.S.C. 5305(a)(17)); 24 CFR 570.203(b).</i>	Provide grants or loans to support new businesses or business expansion to create jobs and manufacture medical supplies necessary to respond to infectious disease.
	Avoid job loss caused by business closures related to social distancing by providing short-term working capital assistance to small businesses to enable retention of jobs held by low- and moderate-income persons.
Provision of assistance to microenterprises. <i>See section 105(a)(22) (42 U.S.C. 5305(a)(22)); 24 CFR 570.201(o).</i>	Provide technical assistance, grants, loans, and other financial assistance to establish, stabilize, and expand microenterprises that provide medical, food delivery, cleaning, and other services to support home health and quarantine.

Provision of New or Quantifiably Increased Public Services	
Following enactment of the CARES Act¹, the public services cap² has no effect on CDBG-CV grants and no effect on FY 2019 and 2020 CDBG grant funds used for coronavirus efforts. <i>See section 105(a)(8) (42 U.S.C. 5305(a)(8)); 24 CFR 570.201(e).</i>	Carry out job training to expand the pool of health care workers and technicians that are available to treat disease within a community.
	Provide testing, diagnosis or other services at a fixed or mobile location.
	Increase the capacity and availability of targeted health services for infectious disease response within existing health facilities.
	Provide equipment, supplies, and materials necessary to carry-out a public service.
	Deliver meals on wheels to quarantined individuals or individuals that need to maintain social distancing due to medical vulnerabilities.
Planning, Capacity Building, and Technical Assistance	
States only: planning grants and planning only grants. <i>See section 105(a)(12).</i>	Grant funds to units of general local government may be used for planning activities in conjunction with an activity, they may also be used for planning only as an activity. These activities must meet or demonstrate that they would meet a national objective. These activities are subject to the State's 20 percent administration, planning and technical assistance cap.
States only: use a part of to support TA and capacity building. <i>See section 106(d)(5) (42 U.S.C. 5306(d)(5)).</i>	Grant funds to units of general local government to hire technical assistance providers to deliver CDBG training to new subrecipients and local government departments that are administering CDBG funds for the first time to assist with infectious disease response. This activity is subject to the State's 3 percent administration, planning and technical assistance cap.
Entitlement only: data gathering, studies, analysis, and preparation of plans and the identification of actions that will implement such plans. <i>See 24 CFR 570.205.</i>	Gather data and develop non-project specific emergency infectious disease response plans.

Planning Considerations

Infectious disease response conditions rapidly evolve and may require changes to the planned use of funds:

- CDBG grantees must amend their Consolidated Annual Action Plan (Con Plan) when there is a change to the allocation priorities or method of distribution of funds; an addition of an activity not described in the plan; or a change to the purpose, scope, location, or beneficiaries of an activity (24 CFR 91.505).
- If the changes meet the criteria for a "substantial amendment" in the grantee's citizen participation plan, the grantee must follow its citizen participation process for amendments (24 CFR 91.105 and 91.115).
- Under the CARES Act, CDBG grantees may amend citizen participation and Con Plans concurrently in order to establish and implement expedited procedures with a comment period of no less than 5-days.

Resources

The Department has technical assistance providers that may be available to assist grantees in their implementation of CDBG funds for activities to prevent or respond to the spread of infectious disease. Please contact your local CPD Field Office Director to request technical assistance from HUD staff or a TA provider.

- Submit your questions to: CPDQuestionsAnswered@hud.gov
- Coronavirus (COVID-19) Information and Resources: <https://www.hud.gov/coronavirus>
- CPD Program Guidance and Training: <https://www.hudexchange.info/program-support/>

¹ On March 27, 2020, President Trump approved the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116-136) (CARES Act). The CARES Act makes available \$5 billion in CDBG coronavirus response (CDBG-CV) funds to prevent, prepare for, and respond to coronavirus.

² Section 105(a)(8) of the HCD Act caps public service activities at 15 percent of most CDBG grants. Some grantees have a different percentage cap.