Mayor and Council
Work Session
November 10, 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"

"Growth is never by mere chance; it is the result of forces working together." James Cash Penney

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In accordance with CDC guidelines, attendees are required to wear face coverings, and seating is limited to provide social distancing.
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10:45 AM **Meeting with Washington County Delegation - Hagerstown Community College, 11400 Robinwood Drive, Hagerstown, Maryland**

4:00 PM WORK SESSION

4:00 PM 1. Proclamation: Municipal Government Works Month

4:05 PM 2. Events: Street Banner Permission - Maryland Theatre's Donut Drive-By Event and Noise Ordinance Exemption- Mulberry Lofts Jingle Mingle - *Kitty Clark, Community Events Coordinator, Jessica Green, Maryland Theatre Executive Director, and Marilisse Gonzalez, Patriot Eagle Services*

3. Preliminary Agenda Review

4:25 PM 4. Lobbyist Services for Maryland Renewable Portfolio Standard - Cap for Solar Requirements - *Nathan Fridinger, Electric Operations Manager, and Nancy Hausrath, Director of Utilities*

4:40 PM 5. Request to Fill Three Firefighter Positions and One Position Over Complement - *Chief Steven Lohr*

4:55 PM 6. Proposed "Holiday Cheer" Grant Program - *Kaitlin Bell, Economic Development Specialist, Kitty Clark, Community Events Coordinator, and Rachel Poffenberger, Economic Development Program Assistant*

5:10 PM 7. 36-40 N Potomac Street – Strategy for Filling Current and Future Vacancies - *Jonathan Kerns, Community Development Manager*

5:15 PM 8. CDBG Amendment for Capital Improvement Project Funding Transfers - *Jonathan Kerns, Community Development Manager, and Rodney Tissue, City Engineer*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

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

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Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Meeting with Washington County Delegation - Hagerstown Community College, 11400 Robinwood Drive, Hagerstown, Maryland

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Proclamation: Municipal Government Works Month

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Events: Street Banner Permission - Maryland Theatre's Donut Drive-By Event and Noise Ordinance Exemption- Mulberry Lofts Jingle Mingle - *Kitty Clark, Community Events Coordinator, Jessica Green, Maryland Theatre Executive Director, and Marilisse Gonzalez, Patriot Eagle Services*

Mayor and City Council Action Required:

Discussion:

he Maryland Theatre has requested permission to place a temporary banner above South Potomac Street near the intersection of Antietam Street on Thursday, December 31. Per Section 216-17 of the City Code, banners within the right-of-way of the City must be approved by the Mayor and Council. Maryland Theatre Executive Director Jessica Green will be present at the work session to answer any questions about the banner or the event for which it is being installed. The banner is part of the Donut Drive-By event taking place on December 31, 2020. The Donut Drive-By is a replacement event for the annual Donut Drop. Donuts and coffee will be given away between 7:00 am-10:00 am on New Year's Eve day, via the right lane of South Potomac Street. Event organizers have met with the City's logistics committee to review auxiliary police needs, the banner, traffic signage, and traffic flow.

The event organizer is in discussion with Bowman Development (for the Masonic Temple) and the Art Gastropub about the banner placement. The City's logistics team (Public Works, Parks & Engineering, Police, Fire, and Safety & Risk) have reviewed and approved the banner specs. A Certificate of Insurance has been provided by the Maryland Theatre. The banner will be installed on the evening of December 30 or early the morning of December 31 and removed by the evening of December 31.

Event organizer Marilisse Gonzalez from Patriot Eagle Services will be present at the November 10 work session to answer any questions about Jingle Mingle, an outdoor holiday marketplace taking place in the parking lot of Mulberry Lofts on December 12 and 13, 2020. This event is an initiative of Charlie & Sam's Bakeshop and River Bottom Roasters. The event organizer is planning on having a DJ play amplified music throughout the event, from 9:00 am to 4:00 pm each day. As planned, the event will require an exemption by the Mayor and City Council from Chapter 155-Noise, of the City Code. A copy of this section of the City Code is attached.

Financial Impact:

Recommendation:

Motion:

Action Dates:
If these exemptions are approved, formal action could be scheduled for the November 17, 2020 Regular Session.

ATTACHMENTS:

File Name	Description
Memo-Street_Banner_Request-Donut_Driveby.pdf	Donut Drive-By Event
Memo_-_Noise_Ordinance_Exemption_-_Mulberry_Lofts_Mingle_Jingle.pdf	Memo - Mingle Jingle

CITY OF HAGERSTOWN, MARYLAND

Department of Community & Economic Development

TO: Scott Nicewarner, City Administrator
FROM: Kitty Clark, Community Events Coordinator
DATE: October 29, 2020
SUBJECT: Street Banner Permission – Maryland Theatre's Donut Drive-By Event

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The Maryland Theatre has requested permission to place a temporary banner above South Potomac Street near the intersection of Antietam Street on Thursday, December 31. Per Section 216-17 of the City Code, banners within the right-of-way of the City must be approved by the Mayor and Council. Maryland Theatre Executive Director Jessica Green will be present at the work session to answer any questions about the banner or the event for which it is being installed.

The banner is part of the Donut Drive-By event taking place on December 31, 2020. The Donut Drive-By is a replacement event for the annual Donut Drop. Donuts and coffee will be given away between 7:00 am-10:00 am on New Year's Eve day, via the right lane of South Potomac Street. Event organizers have met with the City's logistics committee to review auxiliary police needs, the banner, traffic signage, and traffic flow.

The banner specifications are as follows:

- Heavy duty – 18 oz. vinyl
- 48" high x 360" wide
- Sewn with reinforced webbing in the stitched hems all around
- D-Rings placed on the four corners for heavy, easy attachment
- Grommets every 24" on center top and bottom
- Bottom of banner to be at least 15' above roadway
- Attached to two (2) mechanical lifts from Rentals Unlimited: one will be placed in front of the Masonic Temple and the other placed across the street in front of the gallery door of The Art Gastropub
- Banner will read "Honk if you're ready to say goodbye to 2020," or similar

The event organizer is in discussion with Bowman Development (for the Masonic Temple) and the Art Gastropub about the banner placement. The City's logistics team (Public Works, Parks & Engineering, Police, Fire, and Safety & Risk) have reviewed and approved the banner specs. A Certificate of Insurance has been provided by the Maryland Theatre. The banner will be installed on the evening of December 30 or early the morning of December 31 and removed by the evening of December 31.

If the hanging of the banner is acceptable to the Mayor and Council, formal action could be scheduled for the November 17, 2020 Regular Session.

c: Jill Thompson, Director of Community and Economic Development
Melissa Fountain, Events Manager, The Maryland Theatre

REQUIRED MOTION

MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Date: November 17, 2020

TOPIC: **Approval of Temporary Banner – Maryland Theatre's Donut Drive-by**

Charter Amendment
Code Amendment
Ordinance
Resolution
Other ___X

MOTION: I hereby move that Mayor and Council approve the installation and display of a temporary banner over South Potomac Street, as required by Section 216-17 of the Code of the City of Hagerstown for the Maryland Theatre's Donut Drive-by event on December 31, 2020.

DATE OF PASSAGE: 11/17/2020

CITY OF HAGERSTOWN, MARYLAND
Department of Community & Economic Development

TO: Scott Nicewarner, City Administrator
FROM: Kitty Clark, Community Events Coordinator
DATE: October 29, 2020
SUBJECT: Noise Ordinance Exemption - Mulberry Lofts Jingle Mingle

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Event organizer Marilisse Gonzalez from Patriot Eagle Services will be present at the November 10 work session to answer any questions about Jingle Mingle, an outdoor holiday marketplace taking place in the parking lot of Mulberry Lofts on December 12 and 13, 2020. This event is an initiative of Charlie & Sam's Bakeshop and River Bottom Roasters. The event organizer is planning on having a DJ play amplified music throughout the event, from 9:00 am to 4:00 pm each day. As planned, the event will require an exemption by the Mayor and City Council from Chapter 155-Noise, of the City Code. A copy of this section of the City Code is attached.

If the exemption is approved, formal action could be scheduled for the November 17, 2020 Regular Session.

c: Jill Thompson, Director of Community and Economic Development

14 N. Potomac Street, Suite 200A
Hagerstown, MD 21740

EMERGENCY — Any occurrence or set of circumstances involving actual or imminent physical trauma or property damage demanding immediate attention.

EMERGENCY VEHICLE — A motor vehicle belonging to a fire department or fire company, an ambulance, or a motor vehicle belonging to a federal, state, county, or municipal law enforcement agency, provided such vehicles are in use as emergency vehicles by one authorized to use such vehicles for that purpose.

EMERGENCY WORK — Any work for the purpose of preventing or alleviating the physical trauma damage threatened or caused by an emergency.

EXCESSIVE NOISE — The presence of noise of sufficient loudness, character, and/or duration which disturbs the peace and is, or may be predicted with reasonable certainty to be, injurious to health or which unreasonably interferes with the proper enjoyment of one's place of residence, work or entertainment.

DAYTIME ON HOLIDAYS — 9:00 a.m. to 11:00 p.m.; holiday evening begins the night before and normal evening hours begin at the end of the day on the holiday.

DAYTIME ON WEEKDAYS — 7:00 a.m. to 10:00 p.m.; weekday evening begins on Sunday.

DAYTIME ON WEEKENDS — 9:00 a.m. to 11:00 p.m.; weekend evening begins on Friday.

NOISE SOURCE — The location or person generating the noise which is affecting other persons.

PERSON — An individual or group of individuals, corporation, partnership, association, or any other entity.

PLAINLY AUDIBLE — Any sound that can be clearly heard or understood by a person using his or her own normal hearing faculties at a distance of 100 feet or more from its source or through partitions common to attached dwelling units or between units within a single building.

PUBLIC RIGHT-OF-WAY — Any street, avenue, boulevard, highway, sidewalk, alley or similar place normally accessible to the public which is owned or controlled by a governmental entity.

PUBLIC SPACE — Any real property or structures thereon owned by a governmental entity and normally accessible to the public, including but not limited to parks and other public recreational areas.

RECEIVING AREA — The area occupied by persons which is affected by noise generated in another area or property.

§ 155-3. Specific prohibitions.

A. The following are prohibited at any time in the City:

(1) Sounding of horns or other auditory sounding devices on or in any motor vehicle on any public right-of-way or public property in the City, except as a warning of danger, as governed by the Maryland State Transportation Code.

(2) Security alarms which fail to cease emitting an audible sound within 15 minutes of activation or which activate more than once in an eight-hour period following the first activation incident.

§ 155-4. Noise exceeding measurable standards.

A. Except as otherwise specified in this chapter, a person must not cause or permit excessive noise that exceeds the following at distances specified in the subsections below:

Maximum Allowable Noise Levels (dBA) for Receiving Areas

	Daytime	**Nighttime**
Residential area	65 dBA	55 dBA
Commercial area	67 dBA	62 dBA
Industrial area	75 dBA	75 dBA

B. When the noise source is located on private property, the noise is measured at or outside the property boundary of the noise source or at any point within any other property affected by the noise.

C. When the noise source is located in a public right-of-way or other public space, the noise is measured at least 100 feet from the noise source.

D. When the noise source is located within a structure containing more than one dwelling unit, the noise is measured from common areas within or outside the structure or from other dwelling units within the structure, when requested to do so by the owner or tenant in possession and control thereof. The noise shall be measured at a point at least four feet from the wall, ceiling or floor nearest the noise source, with the doors to the receiving area closed and windows in the normal position for the season.

§ 155-5. Exemptions.

A. Activities undertaken by municipal, county, state, or federal governmental agencies or their contractors to promote or protect the public health, safety or general welfare. This includes noise generated at public-serving utility plants and facilities.

B. Emergency work permitted by the City of Hagerstown.

C. Radios, sirens, horns, and bells on emergency vehicles.

D. Lawful discharge of firearms.

E. Bioacoustic bird dispersal systems.

F. Trains and aircraft.

G. The striking of clocks and church bells.

H. Air-conditioning or heat pump equipment used to cool or heat buildings.

I. Activities on or in municipal, county, state, or federal properties and facilities, including school athletic facilities, municipal stadiums, and parks, and subject to the rules and regulations for use of those facilities.

J. Noise caused by construction activities during normal daytime hours and starting at 7:00 a.m. on Saturdays, and, during the summer, starting at 6:00 a.m. on weekdays and Saturdays.

K. Noise created by lawn and yard care equipment during daytime hours.

L. Activities which have gained a variance from the City of Hagerstown under § 155-6 of this chapter.

M. Parades, fireworks displays, festivals, and other special events, subject to the terms of approval or permits by the City of Hagerstown and approval of the Mayor and City Council.

N. Noises caused by or from motor vehicles operating on a roadway, when regulated by state law. This does not include noise caused by stereos, radios, or other similar devices located within or on motor vehicles.

§ 155-6. Variances.

A. Any person desiring relief from the provisions of this chapter shall apply for a variance to cause or create noise which would otherwise be in violation of this chapter, at least 30 days prior to the date for which the relief is requested. Application shall be made in writing to the City Clerk's office. The applicant must demonstrate the following in the application:

(1) The activity, operation or noise source cannot be done in a manner that would comply with the provisions of this chapter; or

(2) The provisions of the chapter would cause undue hardship for the applicant or the applicant's client; or

(3) The failure to grant a variance would unreasonably burden the exercise of the applicant's constitutional right of free speech or other constitutional right; and

(4) No reasonable alternative is available to the applicant.

B. In determining whether to grant or deny the application for the variance, the Mayor and City Council shall consider the hardship to the applicant, the community, or other persons of not granting the variance against the adverse impact on the health and welfare of persons affected, the adverse effect on the property affected or any other adverse impact.

C. Any variance granted pursuant to this chapter shall contain all conditions upon which the variance has been granted, including but not limited to the effective date, time of day, location and equipment limitations. Any variance granted pursuant to this section may be renewed upon application to the City Clerk's office and approval of the Mayor and City Council upon a showing that the reasons for which the variance was granted still exist or may be reevaluated periodically by the City to determine whether the activity under the variance is still deemed appropriate for an exception from the provisions of this chapter.

§ 155-7. Determination of violation.

Police officers, or other duly appointed and authorized City officials, shall be responsible for enforcement of the provisions of this chapter and for determining if a sound is excessive noise which violates the provision of this chapter. A sound is in violation of this chapter if it is determined to be excessive noise that is plainly audible to a person using his or her own normal hearing faculties across distances and/or at times specified in this chapter, unless otherwise exempted from the provisions of this chapter, and reaches or exceeds sound levels outlined in § 155-4. The equipment and techniques employed in the measurement of noise levels may be those recommended by the Maryland State Department of the Environment, which may, but need not, refer to currently accepted standards or recognized organizations, including, but not limited to, the American National Standards Institute (ANSI), American Society for Testing and Materials (ASTM), Society of Automotive Engineers (SAE), and the United States Environmental Protection Agency (EPA).

§ 155-8. Violations and penalties.

Any violation of the provisions of this chapter shall be deemed a municipal infraction and shall be punishable by a fine of up to $500 for the first offense and up to $1,000 for additional offenses within a twelve-month period. Each violation of any section of this chapter shall be considered a separate and distinct violation, punishable as prescribed herein. Each day the violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such hereunder.

§ 155-9. Severability.

Should any section, subsection, sentence, clause or phrase of this chapter be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of the chapter in its entirety or of any part thereof other than that portion declared to be invalid.

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
November_17__2020_Preliminary_Agenda.pdf	November 17, 2020 Preliminary Agenda

113th REGULAR SESSION
MAYOR & CITY COUNCIL
NOVEMBER 17, 2020
AGENDA

Preliminary Agenda

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In accordance with CDC guidelines, attendees are required to wear face coverings at all times, except when addressing the Mayor and City Council. Seating is limited to provide for social distancing.

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7:00 p.m. REGULAR SESSION – *Council Chamber, 2nd floor, City Hall*

I. CALL TO ORDER - Mayor Robert E. Bruchey, II

II. INVOCATION

III. PLEDGE TO THE FLAG

IV. ANNOUNCEMENTS

A. Rules of Procedure – *Effective January 21, 2020*
B. Use of cell phones during meetings is restricted.
C. All correspondence for distribution to Elected Officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.
D. Meeting Schedule:
1. Tuesday, Monday, November 23, 2020 – Oath of Office to New Administration – Location and Time TBD
2. Tuesday, November 24, 2020 – Work Session Organizational Meeting – Time TBD
The future meeting schedule will be determined by the Mayor and City Council on November 24, 2020. The following dates and times are tentative:
3. Tuesday, December 1, 2020 – Work Session at 4:00 p.m.
4. Tuesday, December 8, 2020 – Work Session at 4:00 p.m.
5. Tuesday, December 15, 2020 – Regular Session at 7:00 p.m.
6. Tuesday, December 22, 2020 – No Meeting Scheduled
7. Tuesday, December 29, 2020 – No Meeting Scheduled

V. APPOINTMENTS

City Ethics Commission:
Lewis C. Metzner, Term to Expire September 1, 2025
Joseph Jefferson, Term to Expire September 1, 2021

Hagerstown Housing Authority:
Lynette Cunningham, Resident Commissioner, Term to Expire August 30, 2023

Historic District Commission:
Chris George, Term to Expire November 30, 2023

Board of Zoning Appeals:
Janice Kelsh, Term to Expire November 30, 2023

VI. GUESTS

Proclamation: Transgender Day of Remembrance
Special Recognitions

VII. CITIZEN COMMENTS

Citizens are welcome to provide comments in person or by sending an email to councilcomments@hagerstownmd.org no later than 5:00 p.m. on Tuesday, November 17, 2020.
Include your full name, home street address, and topic of your comments. You may attach a letter to the email, or write your comments in the body of the message. The City Clerk will read your name, address, and provide a summary of the comments.
The full copy of the comments will be provided for public viewing as part of the minutes.

VIII. MINUTES

October 6, 2020, October 13, 2020, October 20, 2020, and October 27, 2020

IX. CONSENT AGENDA

A. Fire Department:
1. Annual Uniform Purchase – BJ's Custom Creations (Hagerstown, MD) Estimated Cost $ 35,000.00
2. Triple Combination Attack Pumper – 4 Guys Stainless Tank and Equipment (Meyersdale, PA) $ 573,259.00

B. Information Technology:
1. Tyler PACE-15 Training Package – Tyler Technologies (Dallas, TX) $ 11,775.00
2. Barracuda Essentials Security Software Renewal – System Source (Hunt Valley, MD) $ 12,986.00

C. Department of Parks and Engineering:
1. Mitchell Avenue at Railroad Overpass Traffic Signal – Milton Stamper Builders (Hagerstown, MD) Not to Exceed $ 199,754.00
2. Deck Replacement Hamilton Run Box Culvert – Jefferson Boulevard – Concrete General, Inc. (Gaithersburg, MD) $ 94,800.00

D. Utilities:
1. Wastewater: Sludge Holding Tank Cleaning Services – Synagro (Baltimore, MD) $ 25,857.00

X. UNFINISHED BUSINESS

✔ A. Approval of an Ordinance: Authorizing the Sale of Property Located at 170 West Washington Street
✔ B. Approval of an Ordinance: 352 Summit Avenue Quit Claim
✔ C. Approval of an Ordinance: Amending Chapter 82, Discriminatory Practices, of the City Code – Updated Personal Protections
✔ D. Approval of an Ordinance: Acquisition of Real Property for the Urban Improvement Project

XI. NEW BUSINESS

✔ A. Approval of a Resolution: Settlement Agreement with Cascades Tissue Group
B. Approval of a Resolution: Addendum to Residential Lease for 11850 Indian Lane
C. Approval of a Resolution: Amendment to Agreement with American Traffic Solutions, Inc., d/b/a Verra Mobility
✔ D. Approval of Reimbursement to Easton Utilities for Lobbyist Services
E. Approval of Purchase for Materials for NorthPoint and Former Cascades

New Business Continued:

F. Approval of a License Agreement: Barbara Ingram School for the Arts Foundation, Inc. for Engraved Pavers
G. Approval of Change Order for the 2020 Pavement Preservation Program
H. Approval of Potterfield Pool Management Services Agreement
✓ I. Approval of Temporary Overfill of Fire Department Position
✓ J. Approval of Exemption from Banners in Right-of-Way – Donut Drive-By
✓ K. Approval of Variance from Noise Ordinance – Mingle Jingle

XII. CITY ADMINISTRATOR COMMENTS

XIII. MAYOR & COUNCIL COMMENTS

XIV. ADJOURN

✓ Items that have been discussed and reviewed previously or are of a routine nature and, therefore, additional information may not be attached to this agenda.

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Lobbyist Services for Maryland Renewable Portfolio Standard - Cap for Solar Requirements - *Nathan Fridinger, Electric Operations Manager, and Nancy Hausrath, Director of Utilities*

Mayor and City Council Action Required:
Approval to reimburse Easton Utilities Commission for Lobbyist Services.

Discussion:
Lobbyist services to assist with a cap on the solar requirements mandated for the Maryland Renewable Portfolio Standard.
The 2019 Maryland's Clean Energy Jobs Act increased the Renewable Portfolio Standard requirements for the State to reach a renewable energy source requirement of 50% by 2030. Additionally, the requirements for solar energy sources increased from 2.5% to 6% for 2020 and are on a path to increase annually until they reach 14.5% by 2028 and beyond. All Electric Utility Companies in Maryland must meet this requirement with the exception of Cooperative Electric Utilities, which were provided a 2.5% cap on their solar requirements. The five Municipal Electric Utilities in Maryland are collectively seeking assistance in the Maryland legislature to provide a cap on the required percentage for solar renewables while meeting the State's renewable energy resource goal of 50% by 2030.

Financial Impact:
Easton generously offered to be 100% responsible for the service fees totaling $45,000, however, staff recommends assisting with these charges. Using a load sharing method, HLD contributed 44.5% of the total combined megawatt-hours purchased in 2019, which equates to a $20,014 share.
To compare, the 2022 energy market projects the unit cost for Tier 1 renewable resources in Maryland to be approximately $11.13 per REC (renewable energy credit) where a solar REC, or SREC, has a market rate of $56.59. Assuming energy purchases are roughly 330,000 MWh, meeting the State requirements of 24.6% Tier 1 and 8.5% Solar, the total cost burden would equate to $2,409,882.90. Should the municipalities be provided a 2.5% cap, similar to the Cooperatives, a savings of $900,108 would be realized.

Recommendation:

Motion:

Action Dates:
Regular Session 11/17/2020

ATTACHMENTS:

File Name	Description
Lobbyist_Memorandum_202011117.pdf	Memorandum
202011_Easton_Utilities_-_Lobbyist.pdf	Consent Form

Hagerstown Light Department

425 East Baltimore Street Hagerstown, MD 21740-6105

November 4, 2020

To: Scott Nicewarner, City Administrator

From: Nathan Fridinger, Electric Operations Manager
Nancy Hausrath, Director of Utilities

Subject: Lobbyist Services for Maryland Renewable Portfolio Standard
Cap for Solar Requirements

The 2019 Maryland's Clean Energy Jobs Act increased the Renewable Portfolio Standard requirements for the State to reach a renewable energy source requirement of 50% by 2030. Additionally, the requirements for solar energy sources increased from 2.5% to 6% for 2020 and are on a path to increase annually until they reach 14.5% by 2028 and beyond. All Electric Utility Companies in Maryland must meet this requirement with the exception of Cooperative Electric Utilities, which were provided a 2.5% cap on their solar requirements.

The five Municipal Electric Utilities in Maryland are collectively seeking assistance in the Maryland legislature to provide a cap on the required percentage for solar renewables while meeting the State's renewable energy resource goal of 50% by 2030. The Town of Easton acquired lobbyist services from Old Line Government Affairs to assist all five Municipal Electric Companies through the general assembly. Easton generously offered to be 100% responsible for the service fees totaling $45,000, however, staff recommends assisting with these charges. Using a load sharing method, HLD contributed 44.5% of the total combined megawatt-hours purchased in 2019, which equates to a $20,014 share.

HLD purchases energy through a full requirements wholesale power contract and adhering to the requirements of the Renewable Energy Portfolio Standard (RPS) is a function of the wholesale power supplier. There is a true-up built into the contract beginning June 1, 2022 that will adjust the RPS component of our wholesale power rate to conform to the market and comply with the State requirements. Any savings to the wholesale power rate for renewable energy resources will then be calculated through the Purchase Power Cost Adjustment and reflected on customers' electric bills.

To compare, the 2022 energy market projects the unit cost for Tier 1 renewable resources in Maryland to be approximately $11.13 per REC (renewable energy credit) where a solar REC, or SREC, has a market rate of $56.59. Assuming energy purchases are roughly 330,000 MWh, meeting the State requirements of 24.6% Tier 1 and 8.5% Solar, the total cost burden would equate to $2,409,882.90. Should the municipalities be provided a 2.5% cap, similar to the Cooperatives, a savings of $900,108 would be realized.

Phone 301.790.2600 Fax 301.739.7958 TDD 301.797.6617

	2022		2022 with Solar Cap	
Tier 1 Requirements		33.1%		33.1%
Alternative Tier 1		24.6%		30.6%
Solar		8.5%		2.5%
Energy Purchases (MWh)		330,000		330,000
Tier 1 Purchases (MWh)		81,180		100,980
Solar Purchases (MWh)		28,050		8,250
REC	$	11.13	$	11.13
SREC	$	56.59	$	56.59
Total Tier 1	$	903,533.40	$	1,123,907.40
Total Solar	$	1,587,349.50	$	466,867.50
Total RPS	$	2,490,882.90	$	1,590,774.90

Difference	$	900,108.00

Examples of Tier 1 renewable resources alternative to Solar are Wind, Qualifying Biomass, Methane from a landfill or wastewater treatment plant, Geothermal, Hydroelectric power plants of less than 30 MW capacity, Poultry litter-to-energy, Waste-to-energy, and Refuse–derived fuel.

Phone 301.790.2600 *Fax 301.739.7958* *TDD 301.797.6617*

CITY OF HAGERSTOWN

MAYOR AND COUNCIL

PURCHASE/CONTRACT INFORMATION

MEETING OF 11/17/2020

APPROVED FOR:
CONSENT AGENDA X
NEW BUSINESS ___

ORIGINATING DEPARTMENT Utilities/Electric Division **BY** Nathan Fridinger, Electric Operations Manager

ACCOUNT NO. 5074506-5309 **ACCOUNT/PROJECT NAME** Other Professional Services

BUDGET AMOUNT $ 500.00 **ACCOUNT BALANCE** $ 500.00 **YEAR** FY21 **CIP** N/A

UNBUDGETED* $ 19,514.00 **SOURCE OF FUNDS** ELECTRIC FUND

*(See Department Manager Comments)

QUANTITY	DESCRIPTION	AMOUNT
1	Reimbursement to Easton Utilities Commission for Lobbyist Service	$ 20,014.00
	TOTAL AMOUNT	$ 20,014.00

ABOVE TO BE USED FOR:

Lobbyist service in pursuit of obtaining municipal relief from solar renewable energy requirements at the 2021 Maryland General Assembly

BID/PROPOSAL/QUOTE NO. ___

RECOMMENDED VENDOR:

BUSINESS NAME: Easton Utilities Commission
ADDRESS: 201 N Washington St
CITY, STATE: Easton, MD 21601

OTHER VENDORS:

BUSINESS NAME	CITY, STATE	AMOUNT

(1) DEPARTMENT MANAGER:
Recommend purchase from sole provider
Memorandum Attached

Nathan Gadinger **11/4/2020**

SIGNATURE/DATE

(2) PURCHASING AGENT:

SIGNATURE/DATE

(3) FINANCE MANAGER:

SIGNATURE/DATE

(4) CITY ADMINISTRATOR:

SIGNATURE/DATE

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
Request to Fill Three Firefighter Positions and One Position Over Complement - *Chief Steven Lohr*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
Filling_of_Firefighter_positions.pdf	Memo - Firefighter Positions

CITY OF HAGERSTOWN, MARYLAND

Steven E. Lohr
Fire Chief

November 5, 2020

TO: Hagerstown Mayor and Council

FROM: Fire Chief Steven E. Lohr Steven E. Lohr

SUBJECT: Filling of 3-existing FF Roster Positions and 1- Position over complement

Staff recommends that in addition to the three (3) FF roster vacancies presently funded in the FY20-21 budget, a fourth position be approved and hired to backfill the retirement of fire marshal Doug DeHaven who has announced his last day as December 31, 2020. This allows all four positions to begin daywork joint training classes on January 4, 2021. Approval of this request will ensure that four personnel will be available to be moved to shiftwork, minimum staffing positions in approximately 8-10 weeks.

These roster vacancies coupled with the unplanned impacts of COVID-19, and relaxed sick and safe leave practices mandated by law have imposed unusual hardships to maintain minimum staffing levels in the HFD without excessive overtime usage. In addition, and has been previously reported, the availability of previously trained and certified candidates is significantly reduced due to the hiring by similar agencies all around us.

This fall, staff has completed an eligibility list designed to last two years. Given the eminent hiring of 33 FF's by Washington County on or before this March 15th; the urgency of this request is self-evident. In order to be timely in our efforts and to ensure that we hire the best available personnel, we would like to extend job offers immediately to four candidates.

HFD is aware that several senior people are considering positions with Washington County while at least one other existing employee is expected to receive a conditional job offer from Howard County in the coming weeks. These projections do not include vacancies that may occur if HFD personnel compete for vacancies created by recent resignations of key managers at the Washington County Department of Emergency Services (WCDES).

I ask that you treat this request as a time-sensitive, high priority request with the earliest possible approval.

cc: Scott Nicewarner
Michelle Hepburn
Donald Francis

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

Proposed “Holiday Cheer” Grant Program - *Kaitlin Bell, Economic Development Specialist, Kitty Clark, Community Events Coordinator, and Rachel Poffenberger, Economic Development Program Assistant*

Mayor and City Council Action Required:

Discussion:

Staff will attend the November 10, 2020 Work Session of the Mayor and City Council to introduce drafted applications, guidelines, and requirements for a proposed “Holiday Cheer” grant.

Background:

Parks and Recreation approached DCED staff with a question regarding the Downtown business owners’ ability/interest to participate in a “Holiday Lights Driving Tour”. Acknowledging that the COVID-19 pandemic has affected all business owners in a variety of different ways, we could not guarantee that there would be a large amount of participation due to a lack of extra funds this year/season. With this intriguing idea of creating a socially distanced and safe way of indulging in holiday fun, and the cancellation of the Christ Kindl Markt and other Main Street events, DCED drafted an idea that would benefit and support our businesses and economic development.

DCED proposes creating and administering a grant fund that would provide funds to Main Street district located business owners who would like to participate in lighting up the City with holiday cheer.

Goal:

One of the goals of this proposed program is to provide Hagerstown business owners with a stress free and exciting opportunity to decorate their shops and invite patrons in for a meal, a purchase, and a closer look. Additionally, a goal is to provide the community an opportunity to safely engage in a holiday event and encourage patrons to walk the streets or drive around to view the creatively decorated storefronts. Voting for the best decorated storefront will be a virtual activity many can participate in whether they walk, drive by, or view the storefront photos on social media. Not only does this program grow the businesses confidence in the City’s support, but it bolsters economic and community development during a year of unprecedented events.

Logistics:

DCED proposes grant applications be solicited from for-profit and non-profit businesses in the Main Street District until November 25 at 12 p.m. The grants will be used by businesses in the district to aide in increased foot traffic, community engagement, economic development, and of course holiday cheer.

Businesses and/or property owners could apply for up to $300 in funding, while consideration for funding up to $900 for multi-tenant buildings would be evaluated on a case by case basis with submittal of a detailed proposal from the property owner.

Businesses are also encouraged to correlate their holiday decorating efforts in with local events such as the Downtown City Center Tree Lighting on November 23rd, 2020 and an ongoing Holiday Lights

Driving/Walking Tour from November 25 to December 31, 2020.
Grant awards are proposed to be first come first serve. Program is proposed to be subject to availability and grants will be awarded up to the total funds available.

Financial Impact:

The budget for this program would be up to $17,000 from the General Fund Main Street Program line item. This would leave approximately $4,500 in the line item for additional Main Street activities through June 20, 2021.

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
111020_Holiday_Cheer_Memo_Guidelines.pdf	Holiday Cheer Grant Program

CITY OF HAGERSTOWN, MARYLAND
Department of Community and Economic Development

To: Scott Nicewarner, City Administrator

From: Kaitlin Bell, Economic Development Specialist
Kitty Clark, Community Events Coordinator
Rachel Poffenberger, Economic Development Program Assistant

Date: November 3, 2020

RE: Proposed "Holiday Cheer" Grant Program

Staff will attend the November 10, 2020 Work Session of the Mayor and City Council to introduce drafted applications, guidelines, and requirements for a proposed "Holiday Cheer" grant.

Background:
Parks and Recreation approached DCED staff with a question regarding the Downtown business owners' ability/interest to participate in a "Holiday Lights Driving Tour". Acknowledging that the COVID-19 pandemic has affected all business owners in a variety of different ways, we could not guarantee that there would be a large amount of participation due to a lack of extra funds this year/season. With this intriguing idea of creating a socially distanced and safe way of indulging in holiday fun, and the cancellation of the Christ Kindl Markt and other Main Street events, DCED drafted an idea that would benefit and support our businesses and economic development. DCED proposes creating and administering a grant fund that would provide funds to Main Street district located business owners who would like to participate in lighting up the City with holiday cheer.

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One of the goals of this proposed program is to provide Hagerstown business owners with a stress free and exciting opportunity to decorate their shops and invite patrons in for a meal, a purchase, and a closer look. Additionally, a goal is to provide the community an opportunity to safely engage in a holiday event and encourage patrons to walk the streets or drive around to view the creatively decorated storefronts. Voting for the best decorated storefront will be a virtual activity many can participate in whether they walk, drive by, or view the storefront photos on social media. Not only does this program grow the businesses confidence in the City's support, but it bolsters economic and community development during a year of unprecedented events.

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DCED proposes grant applications be solicited from for-profit and non-profit businesses in the Main Street District until November 25 at 12 p.m. The grants will be used by businesses in the district to aide in increased foot traffic, community engagement, economic development, and of course holiday cheer.

Businesses and/or property owners could apply for up to $300 in funding, while consideration for funding up to $900 for multi-tenant buildings would be evaluated on a case by case basis with submittal of a detailed proposal from the property owner.

Businesses are also encouraged to correlate their holiday decorating efforts in with local events such as the Downtown City Center Tree Lighting on November 23rd, 2020 and an ongoing Holiday Lights Driving/Walking Tour from November 25 to December 31, 2020.

Grant awards are proposed to be first come first serve. Program is proposed to be subject to availability and grants will be awarded up to the total funds available.

Attached are the Draft Guidelines and Application Form for the proposed program. Key components of the program include:

-Eligible uses are to purchase holiday decorations or services that can be seen and/or heard from the street when patrons walk by, or seen from the road via a vehicle. Indoor decor that cannot be seen/heard within 4 feet of walking by the building will not be applicable. **-** Examples of decorations/services that can be purchased are Christmas lights, ornaments, window paint, window clings, garland, trees, tinsel, music, light installation services, etc.

-All indoor and outdoor decorations must be permitted and in compliance with lease terms provided by your landlord/ building owner and in good standing with City Code.

-In order to receive grant reimbursement for purchases, applicants must receive an approval via email and have receipts turned in by December 21st, 2020.

The budget for this program would be up to $17,000 from the General Fund Main Street Program line item. This would leave approximately $4,500 in the line item for additional Main Street activities through June 20, 2021.

Attachments: Holiday Cheer Grant Requirements and Eligibility
Holiday Cheer Grant Applications
Holiday Cheer Code Compliance Terms Sheet
Itemized Product/Purchase Sheet
City of Hagerstown Hold Harmless Agreement
Vendor Application & W-9
Main Street District Map

c. Jill Thompson, Director DCED

DRAFT

Holiday Cheer

MAIN STREET HAGERSTOWN "HOLIDAY CHEER" GRANT

Main Street Hagerstown is soliciting grant applications from for-profit and non-profit businesses in the Main Street District (a district map is attached to this application for your reference) ***until November 25 at 12 p.m***. The grants will be used by businesses in the Main Street District to increase foot traffic, community engagement, economic development, and of course holiday cheer.

This grant will also be used to support local events such as the Downtown City Center Tree Lighting on November 23rd, 2020 and an ongoing Holiday Lights Driving/Walking Tour from November 25 to December 31, 2020.

<u>Requirements:</u>

-Eligible uses are to purchase holiday decorations or installation/entertainment services that can be seen and/or heard from the street when patrons walk by, or seen from the road via a vehicle. Indoor decor that cannot be seen/heard within 4 feet of walking by the building will not be applicable.
-Examples of decoration or services that can be purchased are Christmas lights, ornaments, window paint, window clings, garland, trees, tinsel, music, light installation services, etc.
-All indoor and outdoor decorations must be permitted and in compliance with lease terms provided by your landlord/building owner and in good standing with City Code. See attached page 7 for Code Compliance Terms.
-Applicants may not include bail bonds businesses, hookah shops, adult bookstores, or other adult businesses or the like.

One application per business / property owner.

Maximum grant request is *up to <u>$300</u>.**

***Proposals for up to <u>*$900*</u> may be considered on a case by case basis for mult-tenant buildings with more than 5 tenants. The same eligibility requirements apply.
(ex. 8 story building with 23 tenants wishes to outline the entire building framework with Christmas lights.)**

Please fill out the application attached by ***Wednesday, November 25 at 12 p.m***. **Grant awards are first come first serve. Program is subject to availability and grants will be awarded up to the total funds available.***

<u>Steps to Apply:</u>

<u>-Fill out the appropriate application and vendor forms for the grant.</u>

<u>-Submit the application before 12 p.m. on Wednesday, November 25, 2020.</u>

<u>-If your application is approved, you will receive an email detailing that you are to purchase the product or services mentioned in your application and have them installed by Sunday, December 6.</u>

<u>-Submit the receipts/invoices and updated itemized form with actual prices detailed before December 21, 2020. in order to receive the grant funds. Date of each receipt must show the expense occurred after application approval.</u>

<u>-The City will then disburse the approved amount when the receipts and invoices are approved.</u>

HOLIDAY Cheer

BUSINESS / PROPERTY OWNER APPLICATION

*Required

☐ SINGLE BUSINESS ☐ PROPERTY OWNER

Business Name/ Property Name*: ______________________________

Contact Name*: ______________________________

Title*: ______________________________

Address*: ______________________________

Phone Number*: ______________________________

Email*: ______________________________

Amount Requested*: ______________________________
(max of $300 for single business or $900 on case by case basis for property owners with detailed proposal.)

Is your business located within the Main Street District*? Yes______ No_______

Will you participate* in the following events supported by the grant*?
* (decorations up, turn Christmas lights on, etc.)

Downtown City Center Tree Lighting on 11/23/2020 at 5 p.m. ? Yes______ No______

Holiday Lights Driving/Walking Tour from 11/25/2020 - 12/30/2020? Yes______ No______

Without this grant, would you have or have been able to decorate for the holidays? (optional)

Yes______ No______

Please fill out the attached itemized form for the products or installation/musical services you will be purchasing with the grant funds and the estimated costs associated. In the space below, detail how you feel these funds will help benefit your business and/or the community.*

I understand and accept the following terms:

-I understand and accept that my business must also be in good standing with the City and State to Receive funding.

-I understand and accept that in order to receive grant reimbursement for my purchases I must receive an approval via email and that I must have my receipts turned in by December 21st.

-I understand and accept that if any decorations are stolen, broken, or harmed in any way, the product or purchase price will not be reimbursed by Main Street Hagerstown.

Authorized Signature*:________________________________ Date:_______________

Printed Name*: __________________________________ Date:_______________

Please send the completed application, with the attached W-9*, Vendor Forms*, and Hold Harmless Agreement no later than November 25, 2020 at 12 p.m. to the address/email address below. If approved, receipts for approved purchases must be received by December 21, 2020. *

*If you have previously received grant funding from the Department of Community and Economic Development you do not need to fill out your W-9 or Vendor Form unless information has changed.

Address/Email Address:

Department of Community and Economic Development
14 N. Potomac Street, Suite 200A
Hagerstown,MD 21740
301-739-8577 ext. 111

Email Address: dced@hagerstownmd.org

Subject Line: Holiday Cheer Grant

For any questions please contact:

Kaitlin Bell, Economic Development Specialist: Kbell@hagerstownmd.org,

Kitty Clark, Community Events Coordinator: Kclark@hagerstownmd.org

Rachel Poffenberger, Economic Development Program Assistant: Rpoffenberger@hagerstownmd.org

Holiday Cheer

CODE COMPLIANCE TERMS

The Holidays are a great time to come together and celebrate, but remember, its no fun when someone gets hurt.... even the ones on the naughty list. Follow these code compliance guidelines to ensure fun and festive decorations are installed safely and properly. Additional questions? Contact kbell@hagerstownmd.org or rpoffenberger@ hagerstownmd.org or your local Fire Marshal.

INDOOR & OUTDOOR LIGHTING/ELECTRICAL:

We don't want any elves tripping over cords or wires, in order to maintain safe lighting installation:

-When using extension cords, do not run the cords through doors or windows, ensure that extension cords are not placed under rugs or highly trafficked areas and make sure you aren't creating a tripping hazard with the extension cords.

-Throw away any frayed or damaged wires, cords, or cables.

-Ensure that you are using the proper use (indoor vs. outdoor) and size of extension cords for temporary use during this time period.

-Outdoor lighting should be plugged into a GFCI protected outlet.

-Follow manufacture's installation instructions for materials being used.

-Ensure that circuits are not overloaded.

-All electrical wiring shall be in compliance with Chapter 11 of NFPA 1 Fire Code – Electrical Fire Safety -Use clips, not nails, to hang lights so cords are not damaged.

ADDITIONAL SAFETY MEASURES:

To ensure a safe trip around town for Santa and his Reindeer, make sure you follow these guidelines:

-All indoor and outdoor decorations must be permitted and in compliance with lease terms provided by your landlord/building owner along with being in good standing with City Code.

-Decorations cannot obstruct any exit to include the path to and from an exit.

-Exit signs must remain visible and free from coverage by decoration.

-Decorations are not to interfere with pedestrian traffic, or create distraction hazards for drivers (ex.strobing, flashing, or rapidly blinking lights).

-Outdoor decorations cannot block sidewalk access or inhibit the use of the sidewalk.

-Live Christmas trees shall only be used where approved for installation by the Fire Code (NFPA 1) listed on Table 10.13.1.1 and shall be maintained in accordance with NFPA 1, section 10.13.9.

-Keep lit candles away from decorations and other flammable items.

BUSINESS NAME:		
Item/Product/Service Requested	Estimated Price	Actual Price (after approval)
	Total Price:	Total Price:

CITY OF HAGERSTOWN

HOLD HARMLESS AGREEMENT

Lessee/User: ____________________
Event/Use: ____________________
Location: ____________________
Dates of Use: ____________________

The Lessee/User agrees that it shall indemnify the City of Hagerstown and hold the City of Hagerstown harmless against any and all fines, suits, claims, demands, expenses, actions, losses, alleged losses, or liabilities of whatsoever nature or kind incurred either directly or indirectly either in law or equity, paid, suffered or incurred as a result of the acts, activities, or omissions of the Lessee/User, its agents, servants, or employees, due to the operation and use of the premises. It is further agreed that the Lessee/User shall in addition to holding the City of Hagerstown harmless from any and all liabilities or damage or injury to both persons and property, occurring as a result of the use of said premises, shall defend The City of Hagerstown at Lessee's/User's expense against any and all claims, suits, demands, of whatsoever nature or kind.

____
Lessee/User

Witness: ____________________

____
By (Signature and Title)

Date: ____________________

____
Street

____
City, State, Zip

____
Telephone

Return to:

Kaitlin Bell
Department of Community and
Economic Development
14 North Potomac St., Suite 200A
Hagerstown, MD 21740

Vendor Application

Phone 301-739-8577 Fax 301-733-1205 Date:_________________

Vendor Information

Employer Identification #/SSN# ______________________ Contractor's License #:_____________________________

Individual Taxpayer Indentification Number (ITIN) ____
(only if you are a Permanent Resident Alien without a Social Security Account No.)

Individual or Company Name: ____

Legal Name: ____
(If different from above Individual/Company Name)

Address:____

City:____ State: ______________________ Zip:_______________________

Contact Name: _________________________________ Phone: ( ) __________________ Fax:___________________

E-Mail Address: ________________________________ Web Address: ____

Remit to Address: ____

Terms:____

Legal Structure

□ Sole Proprietor Independent □ Incorporated □ Limited Liability Company/ Partnership □ Non-Profit □ Other_________

Are you or have you been an employee of the City of Hagerstown? □ Yes □ No

References-Provide References of Companies to Whom You Have Supplied Your Goods and/or Services

Company Name:____ Telephone No.:_____________________________

Location:____ Value $:___________________________________

Company Name:____ Telephone No.:_____________________________

Location:____ Value $:___________________________________

☐ Minority Business Enterprise? (If so, please indicate the applicable criteria for your certification as such.)

□ Alaskan/Aleut Female □ Black Male □ Hispanic Female
□ Alaskan/Aleut Male □ Disabled Female □ Hispanic Male
□ American Indian Female □ Disabled Male □ Near Eastern Female
□ American Indian Male □ Far Eastern Female □ Near Eastern Male
□ Black Female □ Far Eastern Male □ White Female

** **Informational purposes only**

For Purchasing & Materials Management Division Use Only

Date Received	Date Entered	Entered by	Vendor Number

Form **W-9**
(Rev. October 2018)
Department of the Treasury
Internal Revenue Service

Request for Taxpayer Identification Number and Certification

▶ Go to *www.irs.gov/FormW9* for instructions and the latest information.

Give Form to the requester. Do not send to the IRS.

Print or type.
See Specific Instructions on page 3.

1 Name (as shown on your income tax return). Name is required on this line; do not leave this line blank.

2 Business name/disregarded entity name, if different from above

3 Check appropriate box for federal tax classification of the person whose name is entered on line 1. Check only one of the following seven boxes.

☐ Individual/sole proprietor or single-member LLC ☐ C Corporation ☐ S Corporation ☐ Partnership ☐ Trust/estate

☐ Limited liability company. Enter the tax classification (C=C corporation, S=S corporation, P=Partnership) ▶ ________

Note: Check the appropriate box in the line above for the tax classification of the single-member owner. Do not check LLC if the LLC is classified as a single-member LLC that is disregarded from the owner unless the owner of the LLC is another LLC that is **not** disregarded from the owner for U.S. federal tax purposes. Otherwise, a single-member LLC that is disregarded from the owner should check the appropriate box for the tax classification of its owner.

☐ Other (see instructions) ▶

4 Exemptions (codes apply only to certain entities, not individuals; see instructions on page 3):

Exempt payee code (if any) ________

Exemption from FATCA reporting code (if any) ________

(Applies to accounts maintained outside the U.S.)

5 Address (number, street, and apt. or suite no.) See instructions.

Requester's name and address (optional)

6 City, state, and ZIP code

7 List account number(s) here (optional)

Part I Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. The TIN provided must match the name given on line 1 to avoid backup withholding. For individuals, this is generally your social security number (SSN). However, for a resident alien, sole proprietor, or disregarded entity, see the instructions for Part I, later. For other entities, it is your employer identification number (EIN). If you do not have a number, see *How to get a TIN,* later.

Note: If the account is in more than one name, see the instructions for line 1. Also see *What Name and Number To Give the Requester* for guidelines on whose number to enter.

Social security number

☐☐☐ – ☐☐ – ☐☐☐☐

or

Employer identification number

☐☐ – ☐☐☐☐☐☐☐

Part II Certification

Under penalties of perjury, I certify that:

1. The number shown on this form is my correct taxpayer identification number (or I am waiting for a number to be issued to me); and
2. I am not subject to backup withholding because: (a) I am exempt from backup withholding, or (b) I have not been notified by the Internal Revenue Service (IRS) that I am subject to backup withholding as a result of a failure to report all interest or dividends, or (c) the IRS has notified me that I am no longer subject to backup withholding; and
3. I am a U.S. citizen or other U.S. person (defined below); and
4. The FATCA code(s) entered on this form (if any) indicating that I am exempt from FATCA reporting is correct.

Certification instructions. You must cross out item 2 above if you have been notified by the IRS that you are currently subject to backup withholding because you have failed to report all interest and dividends on your tax return. For real estate transactions, item 2 does not apply. For mortgage interest paid, acquisition or abandonment of secured property, cancellation of debt, contributions to an individual retirement arrangement (IRA), and generally, payments other than interest and dividends, you are not required to sign the certification, but you must provide your correct TIN. See the instructions for Part II, later.

Sign Here **Signature of U.S. person ▶** **Date ▶**

General Instructions

Section references are to the Internal Revenue Code unless otherwise noted.

Future developments. For the latest information about developments related to Form W-9 and its instructions, such as legislation enacted after they were published, go to *www.irs.gov/FormW9.*

Purpose of Form

An individual or entity (Form W-9 requester) who is required to file an information return with the IRS must obtain your correct taxpayer identification number (TIN) which may be your social security number (SSN), individual taxpayer identification number (ITIN), adoption taxpayer identification number (ATIN), or employer identification number (EIN), to report on an information return the amount paid to you, or other amount reportable on an information return. Examples of information returns include, but are not limited to, the following.

- Form 1099-INT (interest earned or paid)
- Form 1099-DIV (dividends, including those from stocks or mutual funds)
- Form 1099-MISC (various types of income, prizes, awards, or gross proceeds)
- Form 1099-B (stock or mutual fund sales and certain other transactions by brokers)
- Form 1099-S (proceeds from real estate transactions)
- Form 1099-K (merchant card and third party network transactions)
- Form 1098 (home mortgage interest), 1098-E (student loan interest), 1098-T (tuition)
- Form 1099-C (canceled debt)
- Form 1099-A (acquisition or abandonment of secured property)

Use Form W-9 only if you are a U.S. person (including a resident alien), to provide your correct TIN.

If you do not return Form W-9 to the requester with a TIN, you might be subject to backup withholding. See What is backup withholding, *later.*

By signing the filled-out form, you:

1. Certify that the TIN you are giving is correct (or you are waiting for a number to be issued),

2. Certify that you are not subject to backup withholding, or

3. Claim exemption from backup withholding if you are a U.S. exempt payee. If applicable, you are also certifying that as a U.S. person, your allocable share of any partnership income from a U.S. trade or business is not subject to the withholding tax on foreign partners' share of effectively connected income, and

4. Certify that FATCA code(s) entered on this form (if any) indicating that you are exempt from the FATCA reporting, is correct. See *What is FATCA reporting,* later, for further information.

Note: If you are a U.S. person and a requester gives you a form other than Form W-9 to request your TIN, you must use the requester's form if it is substantially similar to this Form W-9.

Definition of a U.S. person. For federal tax purposes, you are considered a U.S. person if you are:

- An individual who is a U.S. citizen or U.S. resident alien;
- A partnership, corporation, company, or association created or organized in the United States or under the laws of the United States;
- An estate (other than a foreign estate); or
- A domestic trust (as defined in Regulations section 301.7701-7).

Special rules for partnerships. Partnerships that conduct a trade or business in the United States are generally required to pay a withholding tax under section 1446 on any foreign partners' share of effectively connected taxable income from such business. Further, in certain cases where a Form W-9 has not been received, the rules under section 1446 require a partnership to presume that a partner is a foreign person, and pay the section 1446 withholding tax. Therefore, if you are a U.S. person that is a partner in a partnership conducting a trade or business in the United States, provide Form W-9 to the partnership to establish your U.S. status and avoid section 1446 withholding on your share of partnership income.

In the cases below, the following person must give Form W-9 to the partnership for purposes of establishing its U.S. status and avoiding withholding on its allocable share of net income from the partnership conducting a trade or business in the United States.

- In the case of a disregarded entity with a U.S. owner, the U.S. owner of the disregarded entity and not the entity;
- In the case of a grantor trust with a U.S. grantor or other U.S. owner, generally, the U.S. grantor or other U.S. owner of the grantor trust and not the trust; and
- In the case of a U.S. trust (other than a grantor trust), the U.S. trust (other than a grantor trust) and not the beneficiaries of the trust.

Foreign person. If you are a foreign person or the U.S. branch of a foreign bank that has elected to be treated as a U.S. person, do not use Form W-9. Instead, use the appropriate Form W-8 or Form 8233 (see Pub. 515, Withholding of Tax on Nonresident Aliens and Foreign Entities).

Nonresident alien who becomes a resident alien. Generally, only a nonresident alien individual may use the terms of a tax treaty to reduce or eliminate U.S. tax on certain types of income. However, most tax treaties contain a provision known as a "saving clause." Exceptions specified in the saving clause may permit an exemption from tax to continue for certain types of income even after the payee has otherwise become a U.S. resident alien for tax purposes.

If you are a U.S. resident alien who is relying on an exception contained in the saving clause of a tax treaty to claim an exemption from U.S. tax on certain types of income, you must attach a statement to Form W-9 that specifies the following five items.

1. The treaty country. Generally, this must be the same treaty under which you claimed exemption from tax as a nonresident alien.

2. The treaty article addressing the income.

3. The article number (or location) in the tax treaty that contains the saving clause and its exceptions.

4. The type and amount of income that qualifies for the exemption from tax.

5. Sufficient facts to justify the exemption from tax under the terms of the treaty article.

Example. Article 20 of the U.S.-China income tax treaty allows an exemption from tax for scholarship income received by a Chinese student temporarily present in the United States. Under U.S. law, this student will become a resident alien for tax purposes if his or her stay in the United States exceeds 5 calendar years. However, paragraph 2 of the first Protocol to the U.S.-China treaty (dated April 30, 1984) allows the provisions of Article 20 to continue to apply even after the Chinese student becomes a resident alien of the United States. A Chinese student who qualifies for this exception (under paragraph 2 of the first protocol) and is relying on this exception to claim an exemption from tax on his or her scholarship or fellowship income would attach to Form W-9 a statement that includes the information described above to support that exemption.

If you are a nonresident alien or a foreign entity, give the requester the appropriate completed Form W-8 or Form 8233.

Backup Withholding

What is backup withholding? Persons making certain payments to you must under certain conditions withhold and pay to the IRS 24% of such payments. This is called "backup withholding." Payments that may be subject to backup withholding include interest, tax-exempt interest, dividends, broker and barter exchange transactions, rents, royalties, nonemployee pay, payments made in settlement of payment card and third party network transactions, and certain payments from fishing boat operators. Real estate transactions are not subject to backup withholding.

You will not be subject to backup withholding on payments you receive if you give the requester your correct TIN, make the proper certifications, and report all your taxable interest and dividends on your tax return.

Payments you receive will be subject to backup withholding if:

1. You do not furnish your TIN to the requester,

2. You do not certify your TIN when required (see the instructions for Part II for details),

3. The IRS tells the requester that you furnished an incorrect TIN,

4. The IRS tells you that you are subject to backup withholding because you did not report all your interest and dividends on your tax return (for reportable interest and dividends only), or

5. You do not certify to the requester that you are not subject to backup withholding under 4 above (for reportable interest and dividend accounts opened after 1983 only).

Certain payees and payments are exempt from backup withholding. See *Exempt payee code,* later, and the separate Instructions for the Requester of Form W-9 for more information.

Also see *Special rules for partnerships,* earlier.

What is FATCA Reporting?

The Foreign Account Tax Compliance Act (FATCA) requires a participating foreign financial institution to report all United States account holders that are specified United States persons. Certain payees are exempt from FATCA reporting. See *Exemption from FATCA reporting code,* later, and the Instructions for the Requester of Form W-9 for more information.

Updating Your Information

You must provide updated information to any person to whom you claimed to be an exempt payee if you are no longer an exempt payee and anticipate receiving reportable payments in the future from this person. For example, you may need to provide updated information if you are a C corporation that elects to be an S corporation, or if you no longer are tax exempt. In addition, you must furnish a new Form W-9 if the name or TIN changes for the account; for example, if the grantor of a grantor trust dies.

Penalties

Failure to furnish TIN. If you fail to furnish your correct TIN to a requester, you are subject to a penalty of $50 for each such failure unless your failure is due to reasonable cause and not to willful neglect.

Civil penalty for false information with respect to withholding. If you make a false statement with no reasonable basis that results in no backup withholding, you are subject to a $500 penalty.

Criminal penalty for falsifying information. Willfully falsifying certifications or affirmations may subject you to criminal penalties including fines and/or imprisonment.

Misuse of TINs. If the requester discloses or uses TINs in violation of federal law, the requester may be subject to civil and criminal penalties.

Specific Instructions

Line 1

You must enter one of the following on this line; **do not** leave this line blank. The name should match the name on your tax return.

If this Form W-9 is for a joint account (other than an account maintained by a foreign financial institution (FFI)), list first, and then circle, the name of the person or entity whose number you entered in Part I of Form W-9. If you are providing Form W-9 to an FFI to document a joint account, each holder of the account that is a U.S. person must provide a Form W-9.

a. **Individual.** Generally, enter the name shown on your tax return. If you have changed your last name without informing the Social Security Administration (SSA) of the name change, enter your first name, the last name as shown on your social security card, and your new last name.

Note: ITIN applicant: Enter your individual name as it was entered on your Form W-7 application, line 1a. This should also be the same as the name you entered on the Form 1040/1040A/1040EZ you filed with your application.

b. **Sole proprietor or single-member LLC.** Enter your individual name as shown on your 1040/1040A/1040EZ on line 1. You may enter your business, trade, or "doing business as" (DBA) name on line 2.

c. **Partnership, LLC that is not a single-member LLC, C corporation, or S corporation.** Enter the entity's name as shown on the entity's tax return on line 1 and any business, trade, or DBA name on line 2.

d. **Other entities.** Enter your name as shown on required U.S. federal tax documents on line 1. This name should match the name shown on the charter or other legal document creating the entity. You may enter any business, trade, or DBA name on line 2.

e. **Disregarded entity.** For U.S. federal tax purposes, an entity that is disregarded as an entity separate from its owner is treated as a "disregarded entity." See Regulations section 301.7701-2(c)(2)(iii). Enter the owner's name on line 1. The name of the entity entered on line 1 should never be a disregarded entity. The name on line 1 should be the name shown on the income tax return on which the income should be reported. For example, if a foreign LLC that is treated as a disregarded entity for U.S. federal tax purposes has a single owner that is a U.S. person, the U.S. owner's name is required to be provided on line 1. If the direct owner of the entity is also a disregarded entity, enter the first owner that is not disregarded for federal tax purposes. Enter the disregarded entity's name on line 2, "Business name/disregarded entity name." If the owner of the disregarded entity is a foreign person, the owner must complete an appropriate Form W-8 instead of a Form W-9. This is the case even if the foreign person has a U.S. TIN.

Line 2

If you have a business name, trade name, DBA name, or disregarded entity name, you may enter it on line 2.

Line 3

Check the appropriate box on line 3 for the U.S. federal tax classification of the person whose name is entered on line 1. Check only one box on line 3.

IF the entity/person on line 1 is a(n) . . .	THEN check the box for . . .
• Corporation	Corporation
• Individual • Sole proprietorship, or • Single-member limited liability company (LLC) owned by an individual and disregarded for U.S. federal tax purposes.	Individual/sole proprietor or single-member LLC
• LLC treated as a partnership for U.S. federal tax purposes, • LLC that has filed Form 8832 or 2553 to be taxed as a corporation, or • LLC that is disregarded as an entity separate from its owner but the owner is another LLC that is not disregarded for U.S. federal tax purposes.	Limited liability company and enter the appropriate tax classification. (P= Partnership; C= C corporation; or S= S corporation)
• Partnership	Partnership
• Trust/estate	Trust/estate

Line 4, Exemptions

If you are exempt from backup withholding and/or FATCA reporting, enter in the appropriate space on line 4 any code(s) that may apply to you.

Exempt payee code.

- Generally, individuals (including sole proprietors) are not exempt from backup withholding.
- Except as provided below, corporations are exempt from backup withholding for certain payments, including interest and dividends.
- Corporations are not exempt from backup withholding for payments made in settlement of payment card or third party network transactions.
- Corporations are not exempt from backup withholding with respect to attorneys' fees or gross proceeds paid to attorneys, and corporations that provide medical or health care services are not exempt with respect to payments reportable on Form 1099-MISC.

The following codes identify payees that are exempt from backup withholding. Enter the appropriate code in the space in line 4.

1—An organization exempt from tax under section 501(a), any IRA, or a custodial account under section 403(b)(7) if the account satisfies the requirements of section 401(f)(2)

2—The United States or any of its agencies or instrumentalities

3—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

4—A foreign government or any of its political subdivisions, agencies, or instrumentalities

5—A corporation

6—A dealer in securities or commodities required to register in the United States, the District of Columbia, or a U.S. commonwealth or possession

7—A futures commission merchant registered with the Commodity Futures Trading Commission

8—A real estate investment trust

9—An entity registered at all times during the tax year under the Investment Company Act of 1940

10—A common trust fund operated by a bank under section 584(a)

11—A financial institution

12—A middleman known in the investment community as a nominee or custodian

13—A trust exempt from tax under section 664 or described in section 4947

The following chart shows types of payments that may be exempt from backup withholding. The chart applies to the exempt payees listed above, 1 through 13.

IF the payment is for . . .	THEN the payment is exempt for . . .
Interest and dividend payments	All exempt payees except for 7
Broker transactions	Exempt payees 1 through 4 and 6 through 11 and all C corporations. S corporations must not enter an exempt payee code because they are exempt only for sales of noncovered securities acquired prior to 2012.
Barter exchange transactions and patronage dividends	Exempt payees 1 through 4
Payments over $600 required to be reported and direct sales over $5,000[1]	Generally, exempt payees 1 through 5[2]
Payments made in settlement of payment card or third party network transactions	Exempt payees 1 through 4

[1] See Form 1099-MISC, Miscellaneous Income, and its instructions.

[2] However, the following payments made to a corporation and reportable on Form 1099-MISC are not exempt from backup withholding: medical and health care payments, attorneys' fees, gross proceeds paid to an attorney reportable under section 6045(f), and payments for services paid by a federal executive agency.

Exemption from FATCA reporting code. The following codes identify payees that are exempt from reporting under FATCA. These codes apply to persons submitting this form for accounts maintained outside of the United States by certain foreign financial institutions. Therefore, if you are only submitting this form for an account you hold in the United States, you may leave this field blank. Consult with the person requesting this form if you are uncertain if the financial institution is subject to these requirements. A requester may indicate that a code is not required by providing you with a Form W-9 with "Not Applicable" (or any similar indication) written or printed on the line for a FATCA exemption code.

A—An organization exempt from tax under section 501(a) or any individual retirement plan as defined in section 7701(a)(37)

B—The United States or any of its agencies or instrumentalities

C—A state, the District of Columbia, a U.S. commonwealth or possession, or any of their political subdivisions or instrumentalities

D—A corporation the stock of which is regularly traded on one or more established securities markets, as described in Regulations section 1.1472-1(c)(1)(i)

E—A corporation that is a member of the same expanded affiliated group as a corporation described in Regulations section 1.1472-1(c)(1)(i)

F—A dealer in securities, commodities, or derivative financial instruments (including notional principal contracts, futures, forwards, and options) that is registered as such under the laws of the United States or any state

G—A real estate investment trust

H—A regulated investment company as defined in section 851 or an entity registered at all times during the tax year under the Investment Company Act of 1940

I—A common trust fund as defined in section 584(a)

J—A bank as defined in section 581

K—A broker

L—A trust exempt from tax under section 664 or described in section 4947(a)(1)

M—A tax exempt trust under a section 403(b) plan or section 457(g) plan

Note: You may wish to consult with the financial institution requesting this form to determine whether the FATCA code and/or exempt payee code should be completed.

Line 5

Enter your address (number, street, and apartment or suite number). This is where the requester of this Form W-9 will mail your information returns. If this address differs from the one the requester already has on file, write NEW at the top. If a new address is provided, there is still a chance the old address will be used until the payor changes your address in their records.

Line 6

Enter your city, state, and ZIP code.

Part I. Taxpayer Identification Number (TIN)

Enter your TIN in the appropriate box. If you are a resident alien and you do not have and are not eligible to get an SSN, your TIN is your IRS individual taxpayer identification number (ITIN). Enter it in the social security number box. If you do not have an ITIN, see *How to get a TIN* below.

If you are a sole proprietor and you have an EIN, you may enter either your SSN or EIN.

If you are a single-member LLC that is disregarded as an entity separate from its owner, enter the owner's SSN (or EIN, if the owner has one). Do not enter the disregarded entity's EIN. If the LLC is classified as a corporation or partnership, enter the entity's EIN.

Note: See *What Name and Number To Give the Requester*, later, for further clarification of name and TIN combinations.

How to get a TIN. If you do not have a TIN, apply for one immediately. To apply for an SSN, get Form SS-5, Application for a Social Security Card, from your local SSA office or get this form online at *www.SSA.gov*. You may also get this form by calling 1-800-772-1213. Use Form W-7, Application for IRS Individual Taxpayer Identification Number, to apply for an ITIN, or Form SS-4, Application for Employer Identification Number, to apply for an EIN. You can apply for an EIN online by accessing the IRS website at *www.irs.gov/Businesses* and clicking on Employer Identification Number (EIN) under Starting a Business. Go to *www.irs.gov/Forms* to view, download, or print Form W-7 and/or Form SS-4. Or, you can go to *www.irs.gov/OrderForms* to place an order and have Form W-7 and/or SS-4 mailed to you within 10 business days.

If you are asked to complete Form W-9 but do not have a TIN, apply for a TIN and write "Applied For" in the space for the TIN, sign and date the form, and give it to the requester. For interest and dividend payments, and certain payments made with respect to readily tradable instruments, generally you will have 60 days to get a TIN and give it to the requester before you are subject to backup withholding on payments. The 60-day rule does not apply to other types of payments. You will be subject to backup withholding on all such payments until you provide your TIN to the requester.

Note: Entering "Applied For" means that you have already applied for a TIN or that you intend to apply for one soon.

Caution: A disregarded U.S. entity that has a foreign owner must use the appropriate Form W-8.

Part II. Certification

To establish to the withholding agent that you are a U.S. person, or resident alien, sign Form W-9. You may be requested to sign by the withholding agent even if item 1, 4, or 5 below indicates otherwise.

For a joint account, only the person whose TIN is shown in Part I should sign (when required). In the case of a disregarded entity, the person identified on line 1 must sign. Exempt payees, see *Exempt payee code*, earlier.

Signature requirements. Complete the certification as indicated in items 1 through 5 below.

1. Interest, dividend, and barter exchange accounts opened before 1984 and broker accounts considered active during 1983. You must give your correct TIN, but you do not have to sign the certification.

2. Interest, dividend, broker, and barter exchange accounts opened after 1983 and broker accounts considered inactive during 1983. You must sign the certification or backup withholding will apply. If you are subject to backup withholding and you are merely providing your correct TIN to the requester, you must cross out item 2 in the certification before signing the form.

3. Real estate transactions. You must sign the certification. You may cross out item 2 of the certification.

4. Other payments. You must give your correct TIN, but you do not have to sign the certification unless you have been notified that you have previously given an incorrect TIN. "Other payments" include payments made in the course of the requester's trade or business for rents, royalties, goods (other than bills for merchandise), medical and health care services (including payments to corporations), payments to a nonemployee for services, payments made in settlement of payment card and third party network transactions, payments to certain fishing boat crew members and fishermen, and gross proceeds paid to attorneys (including payments to corporations).

5. Mortgage interest paid by you, acquisition or abandonment of secured property, cancellation of debt, qualified tuition program payments (under section 529), ABLE accounts (under section 529A), IRA, Coverdell ESA, Archer MSA or HSA contributions or distributions, and pension distributions. You must give your correct TIN, but you do not have to sign the certification.

What Name and Number To Give the Requester

For this type of account:	Give name and SSN of:
1. Individual	The individual
2. Two or more individuals (joint account) other than an account maintained by an FFI	The actual owner of the account or, if combined funds, the first individual on the account[1]
3. Two or more U.S. persons (joint account maintained by an FFI)	Each holder of the account
4. Custodial account of a minor (Uniform Gift to Minors Act)	The minor[2]
5. a. The usual revocable savings trust (grantor is also trustee)	The grantor-trustee[1]
b. So-called trust account that is not a legal or valid trust under state law	The actual owner[1]
6. Sole proprietorship or disregarded entity owned by an individual	The owner[3]
7. Grantor trust filing under Optional Form 1099 Filing Method 1 (see Regulations section 1.671-4(b)(2)(i)(A))	The grantor*

For this type of account:	Give name and EIN of:
8. Disregarded entity not owned by an individual	The owner
9. A valid trust, estate, or pension trust	Legal entity[4]
10. Corporation or LLC electing corporate status on Form 8832 or Form 2553	The corporation
11. Association, club, religious, charitable, educational, or other tax-exempt organization	The organization
12. Partnership or multi-member LLC	The partnership
13. A broker or registered nominee	The broker or nominee
14. Account with the Department of Agriculture in the name of a public entity (such as a state or local government, school district, or prison) that receives agricultural program payments	The public entity
15. Grantor trust filing under the Form 1041 Filing Method or the Optional Form 1099 Filing Method 2 (see Regulations section 1.671-4(b)(2)(i)(B))	The trust

[1] List first and circle the name of the person whose number you furnish. If only one person on a joint account has an SSN, that person's number must be furnished.

[2] Circle the minor's name and furnish the minor's SSN.

[3] You must show your individual name and you may also enter your business or DBA name on the "Business name/disregarded entity" name line. You may use either your SSN or EIN (if you have one), but the IRS encourages you to use your SSN.

[4] List first and circle the name of the trust, estate, or pension trust. (Do not furnish the TIN of the personal representative or trustee unless the legal entity itself is not designated in the account title.) Also see *Special rules for partnerships,* earlier.

***Note:** The grantor also must provide a Form W-9 to trustee of trust.

Note: If no name is circled when more than one name is listed, the number will be considered to be that of the first name listed.

Secure Your Tax Records From Identity Theft

Identity theft occurs when someone uses your personal information such as your name, SSN, or other identifying information, without your permission, to commit fraud or other crimes. An identity thief may use your SSN to get a job or may file a tax return using your SSN to receive a refund.

To reduce your risk:

- Protect your SSN,
- Ensure your employer is protecting your SSN, and
- Be careful when choosing a tax preparer.

If your tax records are affected by identity theft and you receive a notice from the IRS, respond right away to the name and phone number printed on the IRS notice or letter.

If your tax records are not currently affected by identity theft but you think you are at risk due to a lost or stolen purse or wallet, questionable credit card activity or credit report, contact the IRS Identity Theft Hotline at 1-800-908-4490 or submit Form 14039.

For more information, see Pub. 5027, Identity Theft Information for Taxpayers.

Victims of identity theft who are experiencing economic harm or a systemic problem, or are seeking help in resolving tax problems that have not been resolved through normal channels, may be eligible for Taxpayer Advocate Service (TAS) assistance. You can reach TAS by calling the TAS toll-free case intake line at 1-877-777-4778 or TTY/TDD 1-800-829-4059.

Protect yourself from suspicious emails or phishing schemes. Phishing is the creation and use of email and websites designed to mimic legitimate business emails and websites. The most common act is sending an email to a user falsely claiming to be an established legitimate enterprise in an attempt to scam the user into surrendering private information that will be used for identity theft.

The IRS does not initiate contacts with taxpayers via emails. Also, the IRS does not request personal detailed information through email or ask taxpayers for the PIN numbers, passwords, or similar secret access information for their credit card, bank, or other financial accounts.

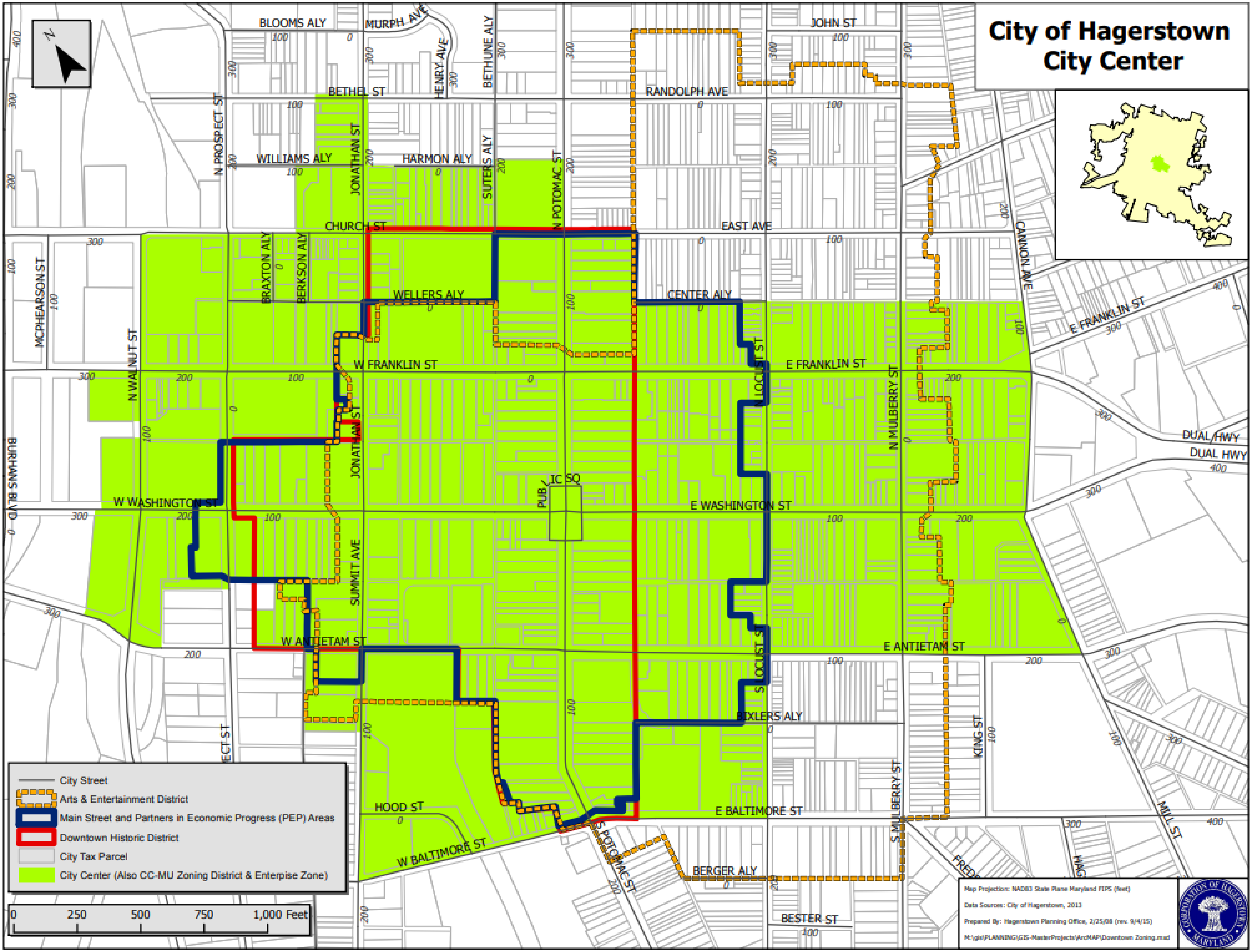
If you receive an unsolicited email claiming to be from the IRS, forward this message to *phishing@irs.gov.* You may also report misuse of the IRS name, logo, or other IRS property to the Treasury Inspector General for Tax Administration (TIGTA) at 1-800-366-4484. You can forward suspicious emails to the Federal Trade Commission at *spam@uce.gov* or report them at *www.ftc.gov/complaint.* You can contact the FTC at *www.ftc.gov/idtheft* or 877-IDTHEFT (877-438-4338). If you have been the victim of identity theft, see *www.IdentityTheft.gov* and Pub. 5027.

Visit *www.irs.gov/IdentityTheft* to learn more about identity theft and how to reduce your risk.

Privacy Act Notice

Section 6109 of the Internal Revenue Code requires you to provide your correct TIN to persons (including federal agencies) who are required to file information returns with the IRS to report interest, dividends, or certain other income paid to you; mortgage interest you paid; the acquisition or abandonment of secured property; the cancellation of debt; or contributions you made to an IRA, Archer MSA, or HSA. The person collecting this form uses the information on the form to file information returns with the IRS, reporting the above information. Routine uses of this information include giving it to the Department of Justice for civil and criminal litigation and to cities, states, the District of Columbia, and U.S. commonwealths and possessions for use in administering their laws. The information also may be disclosed to other countries under a treaty, to federal and state agencies to enforce civil and criminal laws, or to federal law enforcement and intelligence agencies to combat terrorism. You must provide your TIN whether or not you are required to file a tax return. Under section 3406, payers must generally withhold a percentage of taxable interest, dividend, and certain other payments to a payee who does not give a TIN to the payer. Certain penalties may also apply for providing false or fraudulent information.

City of Hagerstown City Center



REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:
36-40 N Potomac Street – Strategy for Filling Current and Future Vacancies - *Jonathan Kerns, Community Development Manager*

Mayor and City Council Action Required:
Staff request Mayor & City Council approval on transitioning the property management strategy for filling current and future vacancies at the City-owned 36-40 N Potomac Street property.

Discussion:
Current Occupancy Status of 36-40 N Potomac Street
The 36-40 North Potomac Street mixed-use property contains two commercial units on the first floor and four residential artist live/work apartments on the upper floors. Three of the four residential apartments are currently occupied by tenants selected through the Artist Lofts application process. One first floor commercial space is occupied by Hana Thai Restaurant and the second commercial space has been programmed by the City Department of Community & Economic Development as the Engine Room Art Space. The gallery has held rotating art exhibits by both the resident artists and other community artists. The Engine Room Art Space was closed during the pandemic and has not reopened.
This property was recently subject to a purchase agreement contract and planned sale but the buyer, 339 Antietam LLC., opted out of the purchase due to finical feasibility concerns related to the Covid-19 pandemic. With the property now back in the Competitive Negotiated Sale program, staff are proposing a new property management strategy for current and future vacancies.
Proposed Strategy for Current and Future Vacancies
Existing lease agreements for resident artists include a monthly rent of \$500.00 for the 2nd floor efficiency units (approx. 800 square foot) and \$450.00 for the 3rd floor efficiency units (approx. 600 square foot). Resident artists are required to provide 5 volunteer hours weekly to staff the gallery space when open. Staff recommend no changes to the payment terms of the existing resident leases.
For current and future residential vacancies, staff recommend seeking tenants at market rate rents. Tenants would be selected with standard leasing procedures through an application process and not through an artist qualification process. Based on research of rent rates for comparable apartments, the *approximate* market rate rent range for the 2nd and 3rd floor efficiency units would be \$650 to \$725 per month.
Staff also recommend exploring possible commercial tenant options for the current art gallery space. This space is approximately 1,500 square feet and if a new commercial occupant is sought, the space could also be rented at a market rate. The current art gallery use is a City program function and it does not generate rent revenue for the property. If the Mayor & City Council direct staff to seek a new tenant for the commercial space and art gallery operations eventually cease, residential artist tenants would no longer be obligated to provide volunteer hours to staff the gallery.
Background on 36-40 N Potomac Street

In 2011, the City acquired the property located at 36-40 N Potomac Street for creation of Artist Housing. The majority of the property had been vacant for an extended period of time and the existing residential units were substandard. Under City ownership, major renovations commenced in 2012 and were completed in late 2013. The renovations transformed the upper floors into fully renovated artist live work spaces and the vacant retail space into a cooperative art gallery. Since 2014, the property has housed a total of 13 artists and the gallery space has hosted various art exhibits. The majority of the project was funded via Community Development Block Grant (CDBG) funds.
Staff will be available during the work session to answer any questions on the proposed changes to the 36-40 N Potomac Street property management strategy.

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name	Description
111020_36-40_N_Potomac_Strategy_for_Vacancies.pdf	111020_36-40 N Potomac_Strategy for Vacancies

CITY OF HAGERSTOWN, MARYLAND

Department of Community and Economic Development

To: Scott Nicewarner, City Administrator

From: Jonathan Kerns, Community Development Manager

Date: November 4th, 2020

RE: 36-40 N Potomac Street – Strategy for Filling Current and Future Vacancies

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Mayor & Council Action Requested

Staff request Mayor & City Council approval on transitioning the property management strategy for filling current and future vacancies at the City-owned 36-40 N Potomac Street property.

Current Occupancy Status of 36-40 N Potomac Street

The 36-40 North Potomac Street mixed-use property contains two commercial units on the first floor and four residential artist live/work apartments on the upper floors. Three of the four residential apartments are currently occupied by tenants selected through the Artist Lofts application process. One first floor commercial space is occupied by Hana Thai Restaurant and the second commercial space has been programmed by the City Department of Community & Economic Development as the Engine Room Art Space. The gallery has held rotating art exhibits by both the resident artists and other community artists. The Engine Room Art Space was closed during the pandemic and has not reopened.

This property was recently subject to a purchase agreement contract and planned sale but the buyer, 339 Antietam LLC., opted out of the purchase due to finical feasibility concerns related to the Covid-19 pandemic. With the property now back in the Competitive Negotiated Sale program, staff are proposing a new property management strategy for current and future vacancies.

Proposed Strategy for Current and Future Vacancies

Existing lease agreements for resident artists include a monthly rent of $500.00 for the 2nd floor efficiency units (approx. 800 square foot) and $450.00 for the 3rd floor efficiency units (approx. 600 square foot). Resident artists are required to provide 5 volunteer hours weekly to staff the gallery space when open. Staff recommend no changes to the payment terms of the existing resident leases.

For current and future residential vacancies, staff recommend seeking tenants at market rate rents. Tenants would be selected with standard leasing procedures through an application process and not through an artist qualification process. Based on research of rent rates for comparable apartments, the *approximate* market rate rent range for the 2nd and 3rd floor efficiency units would be $650 to $725 per month.

Staff also recommend exploring possible commercial tenant options for the current art gallery space. This space is approximately 1,500 square feet and if a new commercial occupant is sought, the space could also be rented at a market rate. The current art gallery use is a City program function and it does not generate rent revenue for the property. If the Mayor & City Council direct staff to seek a new tenant for the commercial space and art gallery operations eventually cease, residential artist tenants would no longer be obligated to provide volunteer hours to staff the gallery.

Background on 36-40 N Potomac Street

In 2011, the City acquired the property located at 36-40 N Potomac Street for creation of Artist Housing. The majority of the property had been vacant for an extended period of time and the existing residential units were substandard. Under City ownership, major renovations commenced in 2012 and were completed in late 2013. The renovations transformed the upper floors into fully renovated artist live work spaces and the vacant retail space into a cooperative art gallery. Since 2014, the property has housed a total of 13 artists and the gallery space has hosted various art exhibits. The majority of the project was funded via Community Development Block Grant (CDBG) funds.

Staff will be available during the work session to answer any questions on the proposed changes to the 36-40 N Potomac Street property management strategy.

c. Jill Thompson, Director DCED
Michelle Hepburn, Director of Finance

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

Topic:

CDBG Amendment for Capital Improvement Project Funding Transfers - *Jonathan Kerns, Community Development Manager, and Rodney Tissue, City Engineer*

Mayor and City Council Action Required:

Staff request Mayor & City Council approval to amend the Community Development Block Grant (CDBG) Action Plan. The amendment is required for reallocation of CDBG funding for in-progress and upcoming CDBG funded capital improvement projects. The proposed amendment will reallocate additional CDBG funding to two planned projects: Handicap Accessibility Ramps and Mitchell Avenue Signal/Underpass Improvements.

Discussion:

Proposed Reallocation of CDBG CIP Funding

The Mitchell Avenue Signal/Underpass Improvement project is a FY20 CIP with a previously approved CDBG allocation of $150,000. The Handicap Accessibility Ramp project is a FY21 CIP with a previously approved CDBG allocation of $100,000. Utilizing $50,000 of available CDBG CIP funding, proposed reallocations would be as follows:

- Mitchell Avenue Signal Project – CDBG Funding increased from $150,000 to $180,000. This increase is necessary due to project costs being higher than anticipated. Sealed bidding was completed in October and the additional $30,000 in CDBG funding will be needed to complete the project.
- Handicap Accessibility Ramps Project - CDBG Funding increased from $100,000 to $120,000. The additional $20,000 in CDBG funding allows $20,000 of State Highway User Revenue funding originally budgeted for this project to be reallocated for alley reconstruction (HUR funding transfer already approved by Mayor & City Council).

The Handicap Accessibility Ramps project is currently in progress and completion of the contract is expected in the coming weeks (final payment estimate has been processed and would result in total contract amount of $120,700). The Mitchell Avenue Signal/Underpass project contract is scheduled for November 17th Regular Session approval and is expected to break ground in late 2020.

The available $50,000 of CDBG funding is to be sourced from the City Park Asphalt Paths Paving capital improvement project. This project was originally approved to use $50,000 of CDBG funding and contract approval occurred in April of this year. After contract approval, staff discovered a CDBG eligibility concern requiring the City Park Path Paving project to use non-CDBG funding sources. The eligibly concern was related to the CDBG Environmental Review process requirements and timing of the project’s sealed bid.

Next Steps

Amending the CDBG Action Plan involves routine processes typically handled by staff and this includes a public notice and 30 day citizen comment period. The amendment for this current case will also require Mayor & City Council approval since the City Park Path Paving project is removed from the CDBG Action Plan and now funded with non-CDBG

funds.
It should be noted the initial public notice for the planned reallocation amendment reflected a reallocation of *all* $50,000 of CDBG funds from the City Park Paths Paving project to the Handicap Accessibility Ramp project. After the public notice was advertised in mid-October, the Mitchell Avenue Signal/Underpass Project bid opening occurred and the Engineering Department's CDBG funding priority shifted from the Accessibility Ramps project to the Mitchell Avenue Signal project. Based on the City's CDBG Citizen Participation Plan requirements, the Mayor & City Council are authorized to approve the amendment as advertised and to subsequently approve the final funding amounts of $180,000 for Mitchell Avenue Signal project and $120,000 for the Handicap Accessibility Ramps project.
Approval of the CDBG amendment is scheduled for the November 17th Regular Session. Staff will be available to answer any questions or concerns on the proposed reallocations described above.

Financial Impact:

Recommendation:

Motion:

Action Dates:
Approval of the CDBG amendment is scheduled for the November 17th Regular Session.

ATTACHMENTS:

File Name	Description
111020_CDBG_Amendment_CIP_Reallocation.pdf	111020_CDBG_CIP Reallocation

CITY OF HAGERSTOWN, MARYLAND
Department of Community and Economic Development

To: Scott Nicewarner, City Administrator

From: Jonathan Kerns, Community Development Manager
Rodney Tissue, City Engineer

Date: November 4, 2020

RE: CDBG Amendment for Capital Improvement Project Funding Transfers

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Mayor & Council Action Requested:
Staff request Mayor & City Council approval to amend the Community Development Block Grant (CDBG) Action Plan. The amendment is required for reallocation of CDBG funding for in-progress and upcoming CDBG funded capital improvement projects. The proposed amendment will reallocate additional CDBG funding to two planned projects: Handicap Accessibility Ramps and Mitchell Avenue Signal/Underpass Improvements.

Proposed Reallocation of CDBG CIP Funding
The Mitchell Avenue Signal/Underpass Improvement project is a FY20 CIP with a previously approved CDBG allocation of $150,000. The Handicap Accessibility Ramp project is a FY21 CIP with a previously approved CDBG allocation of $100,000. Utilizing $50,000 of available CDBG CIP funding, proposed reallocations would be as follows:

- Mitchell Avenue Signal Project – CDBG Funding increased from $150,000 to $180,000. This increase is necessary due to project costs being higher than anticipated. Sealed bidding was completed in October and the additional $30,000 in CDBG funding will be needed to complete the project.
- Handicap Accessibility Ramps Project - CDBG Funding increased from $100,000 to $120,000. The additional $20,000 in CDBG funding allows $20,000 of State Highway User Revenue funding originally budgeted for this project to be reallocated for alley reconstruction (HUR funding transfer already approved by Mayor & City Council).

The Handicap Accessibility Ramps project is currently in progress and completion of the contract is expected in the coming weeks (final payment estimate has been processed and would result in total contract amount of $120,700). The Mitchell Avenue Signal/Underpass project contract is scheduled for November 17th Regular Session approval and is expected to break ground in late 2020.

The available $50,000 of CDBG funding is to be sourced from the City Park Asphalt Paths Paving capital improvement project. This project was originally approved to use $50,000 of CDBG funding and contract approval occurred in April of this year. After contract approval, staff discovered a CDBG eligibility concern requiring the City Park Path Paving project to use non-CDBG funding sources. The eligibly concern was related to the CDBG Environmental Review process requirements and timing of the project's sealed bid.

Next Steps

Amending the CDBG Action Plan involves routine processes typically handled by staff and this includes a public notice and 30 day citizen comment period. The amendment for this current case will also require Mayor & City Council approval since the City Park Path Paving project is removed from the CDBG Action Plan and now funded with non-CDBG funds.

It should be noted the initial public notice for the planned reallocation amendment reflected a reallocation of *all* $50,000 of CDBG funds from the City Park Paths Paving project to the Handicap Accessibility Ramp project. After the public notice was advertised in mid-October, the Mitchell Avenue Signal/Underpass Project bid opening occurred and the Engineering Department's CDBG funding priority shifted from the Accessibility Ramps project to the Mitchell Avenue Signal project. Based on the City's CDBG Citizen Participation Plan requirements, the Mayor & City Council are authorized to approve the amendment as advertised and to subsequently approve the final funding amounts of $180,000 for Mitchell Avenue Signal project and $120,000 for the Handicap Accessibility Ramps project.

Approval of the CDBG amendment is scheduled for the November 17th Regular Session. Staff will be available to answer any questions or concerns on the proposed reallocations described above.

Attachments: Motion and Amendment for $50,000 CDBG funding reallocation for CIP

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

REQUIRED MOTION

MAYOR & CITY COUNCIL
HAGERSTOWN, MARYLAND

November 17, 2020

TOPIC: **Amendments to FY20 and FY21 Community Development Block Grant (CDBG) Annual Action Plans – CIP Funding Reallocation**

Charter Amendment	___
Code Amendment	___
Ordinance	___
Resolution	___
Other	_X_

MOTION: I hereby move for the Mayor and City Council to amend the FY20 and FY21 Community Development Block Grant Annual Action Plans in order to reallocate $50,000 of available CDBG funding for capital improvement projects based on the attached Action Plan amendment details. Final allocation of this funding will result in $30,000 of additional CDBG funding for the FY20 Mitchell Avenue Signal project and $20,000 of additional CDBG funding for the FY21 Handicap Accessibility Ramps project.

DATE OF INTRODUCTION:	11/17/2020
DATE OF PASSAGE:	11/17/2020
EFFECTIVE DATE:	11/17/2020

CITY OF HAGERSTOWN, MARYLAND
AMENDMENT TO FY20 AND FY21 ANNUAL ACTION PLANS FOR USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS

Reprogramming CDBG Funding to Existing FY21 CDBG Activity:
In Fiscal Year 2021, the City of Hagerstown proposes to reprogram $50,000 of CDBG funding to an existing FY21 CDBG Activity:

FY21 Handicap Accessibility Ramps
The original FY21 CDBG Action Plan included $100,000 of CDBG funding for Handicap Accessibility Ramp activity. This proposed amendment will add an additional $50,000 of CDBG funding to this activity for a total funding amount of $150,000.

Reprogrammed funding will be sourced from the following activities:

- **$30,000** from FY20 ADA Park Paths (**Activity to be cancelled in the CDBG Action Plan and project will continue with funding from non-CDBG sources**)
- **$20,000** from FY19 ADA Compliant Bleachers for Parks (Initially funded at $70,000 and project completed with $20,000 remaining)

The Mayor & City Council are authorized to enact the above amendment plan and can further authorize $30,000 of this CDBG funding to be reallocated to the Mitchell Avenue Signal Project. This is permissible based on the City's CDBG Citizen Participation Plan when CDBG funding transfer occurs between existing CDBG activities and less than 50% of the activity budgets are impacted.