

# **Mayor and Council Work Session May 6, 2025 Agenda**

*"The City of Hagerstown will inspire an inclusive, business-friendly, and sustainable community with clean, safe, and vibrant neighborhoods."*

*"The City of Hagerstown shall be a community focused municipality"*

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The agenda and meeting packet is available at [www.hagerstownmd.org/government/agenda](http://www.hagerstownmd.org/government/agenda)

*"A single act of kindness throws out roots in all directions" – Amelia Earhart*

## **4:00 PM WORK SESSION**

- 4:00 PM** 1. FY 2026 Budget Presentation and Upcoming Discussion Schedule – *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting and Budget Manager*
- 4:45 PM** 2. Regulations for Vending Machines on Public Sidewalks – *Paul Fulk, Neighborhood Services Manager*
- 5:00 PM** 3. Summit Avenue Railroad Crossing - *Jim Bender, City Engineer*
- 5:15 PM** 4. Revised Ordinance Proposal - Prohibited Lodging Out of Doors - *Chief Paul "Joey" Kifer*

## **CITY ADMINISTRATOR'S COMMENTS**

## **MAYOR AND COUNCIL COMMENTS**

## **ADJOURN**

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

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**Topic:**

FY 2026 Budget Presentation and Upcoming Discussion Schedule – *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting and Budget Manager*

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

FY26\_Budget\_Review\_Memo\_05-06-2025.pdf

**Description**

FY 2026 Budget Review



# CITY OF HAGERSTOWN, MARYLAND

## Finance & Accounting Department

One East Franklin Street • Hagerstown, MD 21740

Telephone: 301.766.4142 • Website: [www.hagerstownmd.org](http://www.hagerstownmd.org)

To: Scott Nicewarner, City Administrator

From: Michelle Hepburn, Chief Financial Officer  
Brooke Garver, Accounting & Budget Manager

Date: May 6, 2025

Subject: FY26 Budget Review

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On Tuesday, April 1, 2025, we began FY26 Proposed Budget discussions with a summarized overview. Staff will continue to review the FY26 Proposed Budget through April and May. The schedule outlined below is a draft and can be updated based upon time needed and discussion topics.

The FY26 Proposed Budget includes changes to rates that will take effect upon adoption of the FY26 Proposed Budget:

1. Recycling & Trash Collection commercial yearly fee - increase from \$130 to \$140
2. State Highway Administration (SHA) fee per intersection - increase from \$1,500 to \$2,164
3. Police Special Assignment hourly fee - increase from \$84.50 to \$104.27
4. Water Department property rental to City employees - 3% increase

For a detailed listing of all citywide rates and fees, see Section 8.

### **May 6, 2025:**

1. General Fund – Final Discussion
2. CDBG Fund – Section 4, Pages 3-8
3. Economic Redevelopment Fund – Section 4, Pages 10-12
4. Mayor & Council Discussion and Questions

### **May 13, 2025 through May 20, 2025:**

Future budget review work sessions are anticipated to continue discussions on the General Fund and cover the following topics throughout April and May.

1. Electric Fund 5 Year Projections - Section 6, Pages 15-17
2. Electric Fund Capital Improvement Projects - Section 7, Pages 32-35 and 115-135
3. Water Fund 5 Year Projections - Section 6, Pages 18-20
4. Water Fund Capital Improvement Projects - Section 7, Pages 36-37 and 136-150
5. Wastewater Fund 5 Year Projections - Section 6, Pages 21-23
6. Wastewater Fund Capital Improvement Projects - Section 7, Pages 38-39 and 151-163
7. Parking Fund 5 Year Projections - Section 6, Pages 24-26
8. Parking Fund Capital Improvement Projects - Section 7, Pages 40-41 and 164-167
9. Stormwater Fund 5 Year Projections - Section 6, Pages 31-32
10. Stormwater Fund Capital Improvement Projects - Section 7, Pages 46-47 and 173-180

### **May 13, 2025:**

- Public Hearing: FY26 Budget and Property Tax Rate



- Introduction of Ordinances (FY26 Budget and Property Tax Rate)

**May 20, 2025:**

- Adoption of Ordinances (FY26 Budget and Property Tax Rate)

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

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**Topic:**

Regulations for Vending Machines on Public Sidewalks – *Paul Fulk, Neighborhood Services Manager*

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

Vending\_Machine\_Memo\_5.1.25.pdf

**Description**

Vending Machine Memo  
5.1.25



# CITY OF HAGERSTOWN, MARYLAND

## Planning & Code Administration Department

One East Franklin Street • Hagerstown, MD 21740

E-mail: [codecompliance@hagerstownmd.org](mailto:codecompliance@hagerstownmd.org)

Telephone: 301-739-8577, ext. 103 • Website: [www.hagerstownmd.org](http://www.hagerstownmd.org)

## MEMORANDUM

TO: Scott Nicewarner, City Administrator

FROM: Paul W. Fulk, Neighborhood Services Manager *PWF*

DATE: May 1, 2025

SUBJECT: Vending Machines on Public Sidewalks

Staff from the Department of Housing & Community Development will be present at the May 6<sup>th</sup> Mayor and City Council meeting to discuss regulation options related to vending machine operations on public sidewalks.

### Background

Staff have presented to the elected body three times over the last 20 years to regulate vending machines on public sidewalks, with the most recent occurring in 2022. Staff continue to notice an increase in vending machines (soda, candy, movies, and ATM's) being placed by private entities on public sidewalks. There are trends on social media related to operating vending machines as a source of income. As the City wants to see our businesses be prosperous, the locations of these vending machines are causing concerns by impeding pedestrian traffic on public sidewalks creating accessibility issues and requiring pedestrians to walk in the street to maneuver around the machines.

### Current Regulations

There are prohibitions and regulations in jurisdictions across the state and country related to items being placed on public sidewalks.

Maryland currently regulates certain aspects of vending machines in COMAR. Maryland law regulates the items permitted to be sold in vending machines. The State requires a license with the Comptroller's Office, costing \$2.50 per machine. The Health Department requires a license with their organization to identify the products being sold and then consumed when purchased at a vending machine. Vending

machine operators must obtain a business license with the local Circuit Court. These regulations regulate the operation of a vending machine, and the products purchased in them, but the laws do not address vending machines impeding pedestrian traffic on public sidewalks.

The City Code is silent on vending machines placed on public sidewalks. A vending machine placed on private property is regulated through the Land Management Code.

### **Proposed Solutions**

Reviewing previous discussions and researching other jurisdictions across the country, there are three options the City could take.

#### **Option 1 – Vending Machine Registration**

Develop a program requiring vending machine operators to register their vending machines with the City. If registration is selected, the registration would have to consider renewal periods, fees, accessory use to business/residence, maximum number of machines, special considerations, and exemptions. The registration should also require, with the application, copies of the state required licenses to ensure compliance with Maryland law.

Ocean City, Cumberland, Cecil County, and Kent County in Maryland require a license or registration. A number of jurisdictions outside of Maryland also require a license or registration for vending machines.

#### **Option 2 – Prohibit vending machines (Citywide or certain zoning districts)**

Draft an amendment to the Property Maintenance Code (Chapter 64) or Streets and Sidewalks (Chapter 216) to prohibit vending machines. Staff would recommend prohibiting vending machines on public sidewalks in residential, institutional, and agricultural zoning districts and allowing them in commercial, industrial, mixed-use zoning districts when the public sidewalk is greater than 5 feet wide to ensure proper pedestrian clearances for traversing a public sidewalk safely.

Taneytown prohibits vending machines as does other jurisdictions across the country.

#### **Option 3 – No regulation**

Salsibury, MD does not regulate the placement of vending machines on public sidewalks. Other jurisdictions across the country may not regulate them as well since their code is silent on vending machines.

### Next Steps

Select an option to give staff direction on how to address vending machines placed on a public sidewalk, particularly when pedestrian traffic is impeded/restricted.

C: City Attorney  
Amanda Gregg, Chief Housing and Community Development Officer  
Jim Bender, City Engineer



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

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**Topic:**

Summit Avenue Railroad Crossing - *Jim Bender, City Engineer*

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

Summit\_Avenue\_Railroad\_Crossing.pdf

**Description**

Summit Avenue Railroad  
Crossing



# CITY OF HAGERSTOWN, MARYLAND

Engineering Department

May 6, 2025

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: Summit Avenue railroad crossing

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1. Background

Since 2015, staff have attempted to have the three railroad crossings near Park Circle (Walnut Street, Virginia Avenue, and Summit Avenue) improved. These efforts were hampered by CSX Transportation, which required the closure of the Summit Avenue crossing before they would give authorization to release the funds to repair the other two crossings. There is now an opportunity to have movement on this issue, but it will depend upon the City's willingness to close the Summit Avenue railroad crossing.

2. Mayor & Council Action Requested

Review this information, and give staff direction on whether or not the City would be willing to close the crossing to automobile traffic. Staff will be present at the work session to discuss.

3. Discussion

The City has been at an impasse with CSX with both the upgrades to the Park Circle railroad crossings and the Marsh Run Trail design for several years. Under former CSX management, they refused to advance either project unless the City agreed to enter into maintenance agreements for the railroad crossings. As was previously presented to the Council, staff's recommendation was that the City should not execute those agreements, as they put an undue burden on the City with regard to liability at those crossings.

Two factors have changed the dynamics of the situation. There have been personnel changes at CSX, and the current management appears to be more open to working with the City. Also, Hogan/Meridian Development Company (Hogan) has been in discussions with CSX regarding a new railroad crossing on property that they would like to develop near Sharpsburg Pike. CSX policy is that they will only allow a new at-grade crossing over their tracks if three other existing crossings are removed. Hogan has (apparently) secured the closure of two other crossings, and has reached out to the City to determine whether or not the City would agree to close the Summit Avenue crossing. CSX has indicated that if the City agrees to close that crossing, they will release the funds to upgrade the Walnut Street and Virginia Avenue crossings. CSX would like to see the Summit Avenue crossing closed as it does not have the safety features that are present at the other two crossings near Park Circle.

In January 2023 the Council was presented with the results of a survey that the Engineering Department conducted with residents and businesses in the area of the Summit Avenue crossing; the survey asked their opinion regarding the closure of the crossing. The results of the survey were effectively split evenly between closing/not closing the crossing. The attached sketch shows the configuration of this area if the crossing were to be closed. Columbia Gas has expressed concern about the closure of the Summit Avenue crossing as it would make large truck access to their storage yard more difficult. Hogan is working with Columbia Gas on this issue.

If the Summit Avenue crossing remains open, then CSX will likely not approve the upgrades to the existing railroad crossings. If the Summit Avenue crossing is closed, MDOT will fund the bulk of the upgrades to the Walnut Street and Virginia Avenue crossings.

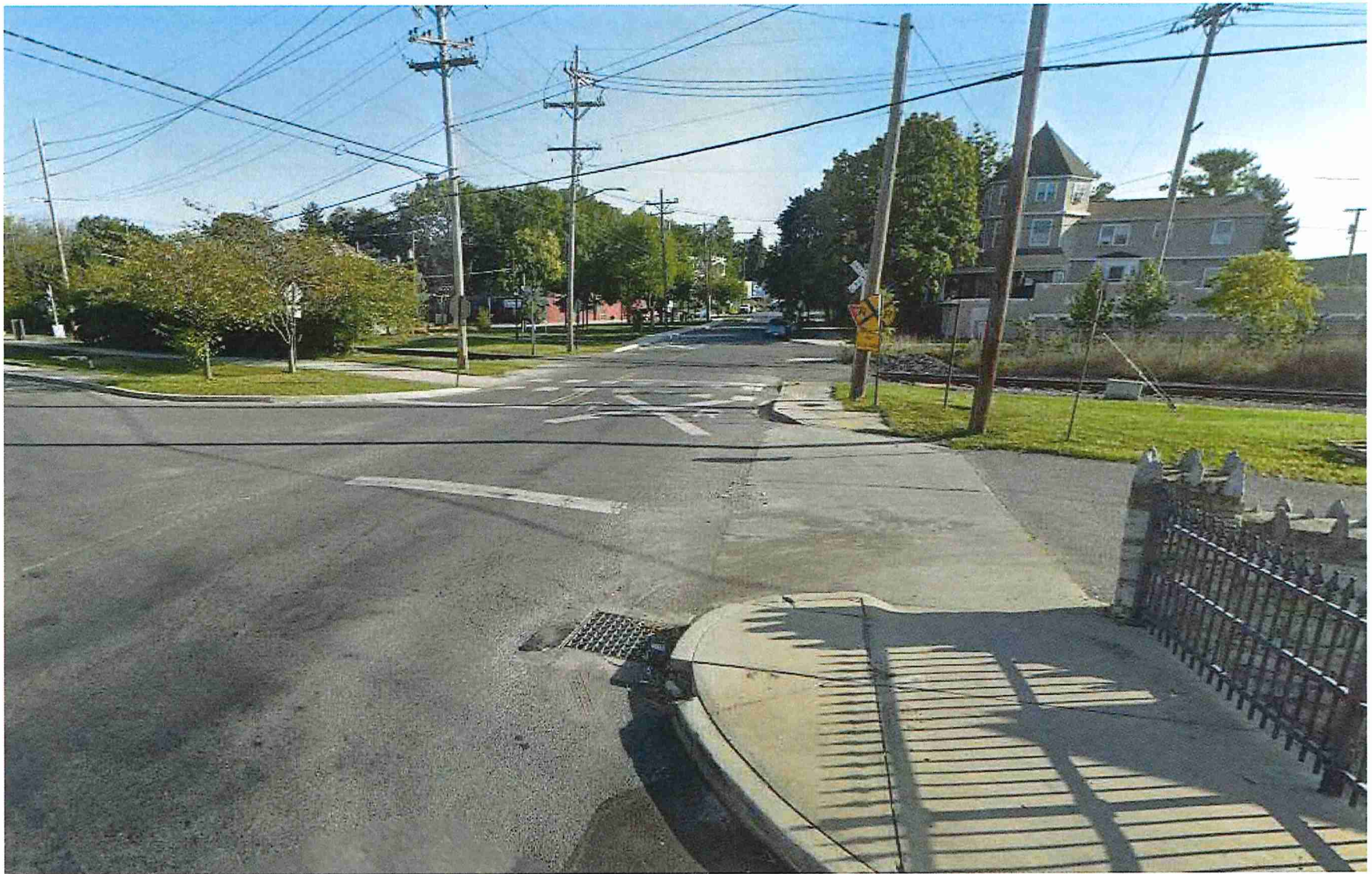
Staff attempted to determine the impact that the closure of the crossing would have on traffic flow on Memorial Blvd. Traffic counts were conducted on Memorial Blvd. for one week while the crossing was open; the crossing was then temporary closed for a week and an additional set of counts were conducted. Staff found that traffic on Memorial Blvd. did increase after the closure, but that increase did not cause any congestion or delays on Memorial Blvd.

Staff recommends again surveying the businesses near the Summit Avenue crossing to obtain their feedback on the proposal, and identify any operational issues that the closure could cause for them. Based upon that feedback, the Council could then formally consider whether or not to close the crossing.

attachment:   photo of Summit Avenue crossing  
                  potential Summit Avenue closure sketch

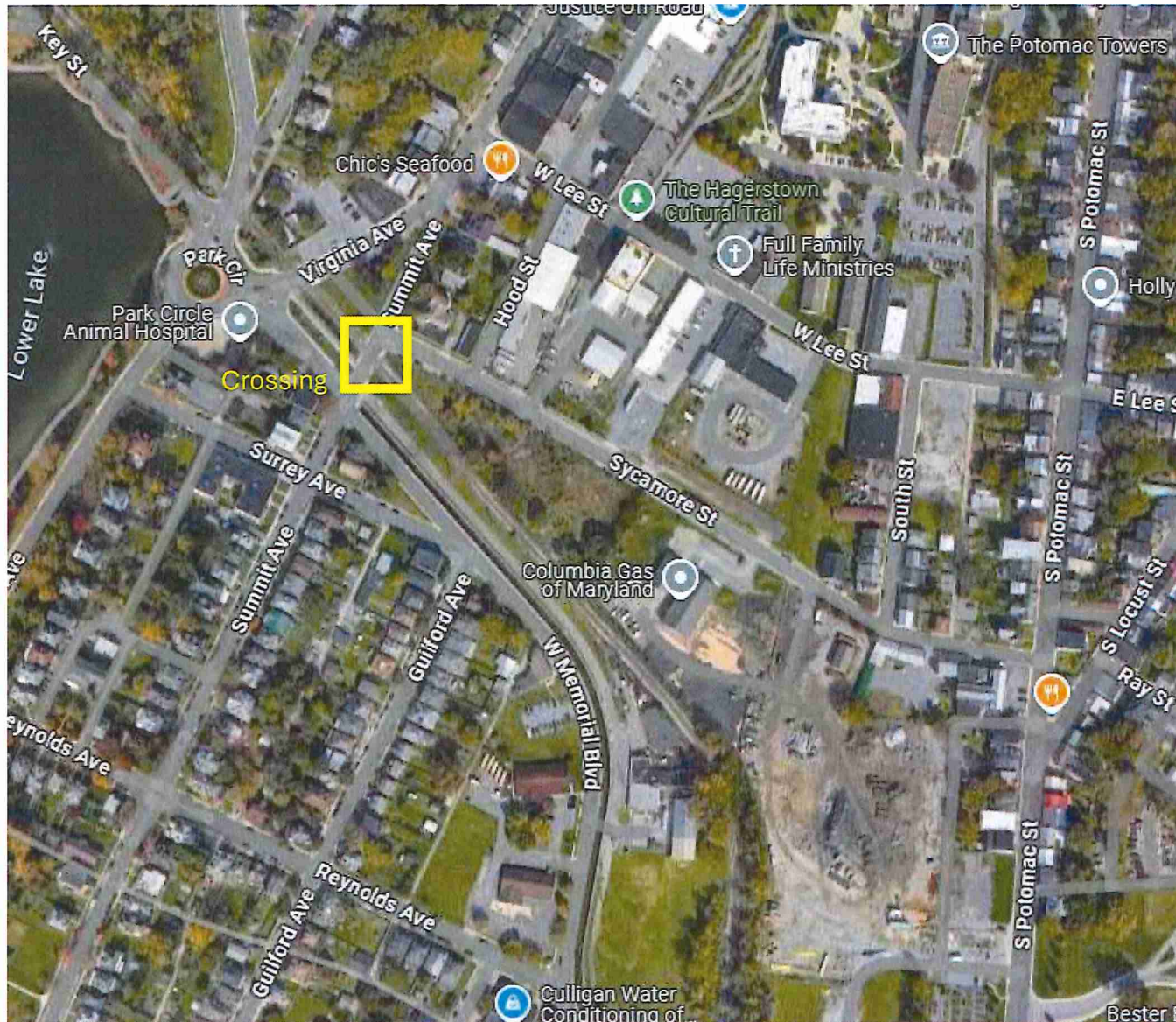
cc:       Bill Killinger





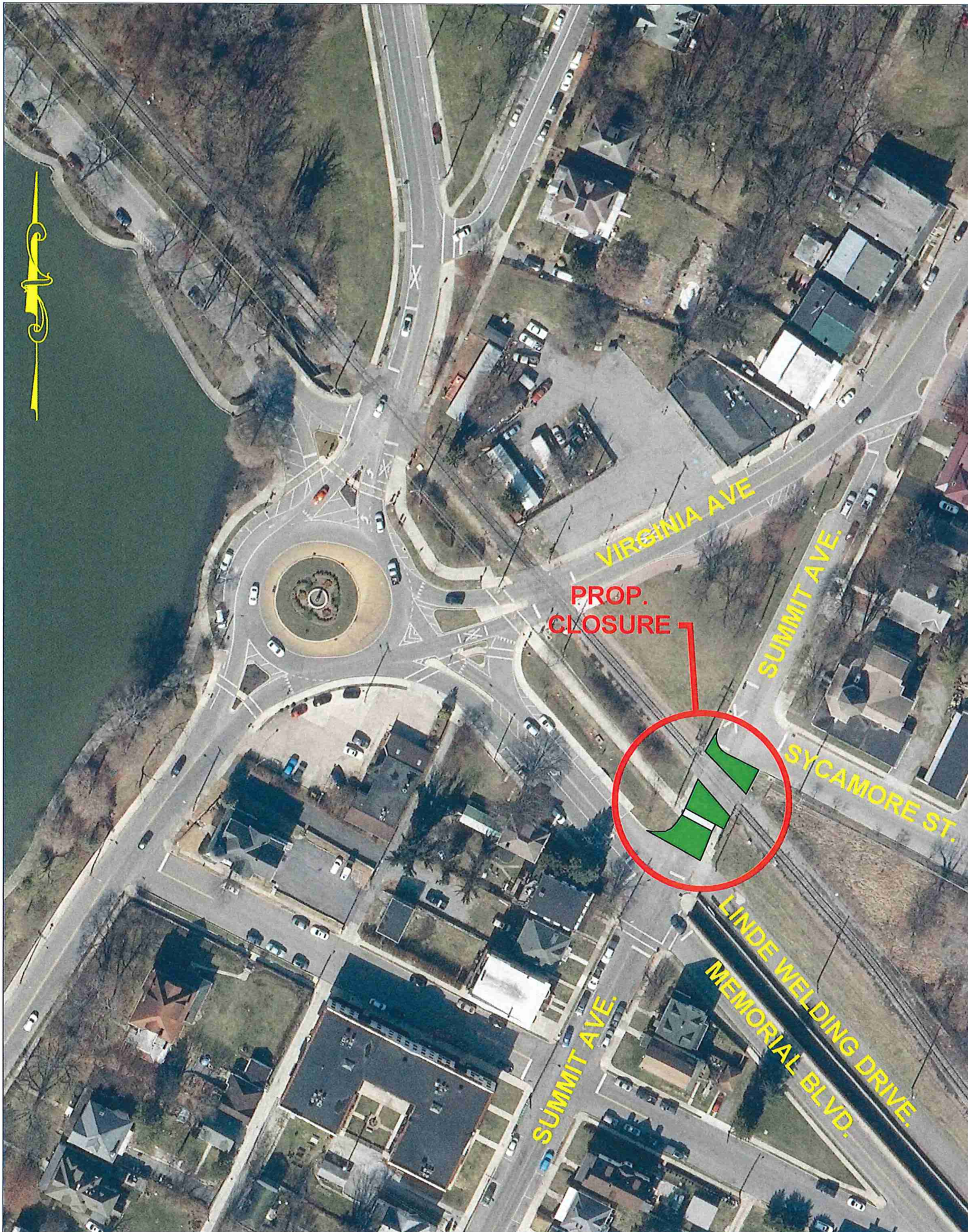
Looking north at crossing from Memorial Blvd





Overview of area near Summit Avenue crossing





POTENTIAL CLOSURE OF SUMMIT AVENUE RR CROSSING



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

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**Topic:**

Revised Ordinance Proposal - Prohibited Lodging Out of Doors - *Chief Paul "Joey" Kifer*

**Mayor and City Council Action Required:**

**Discussion:**

**Financial Impact:**

**Recommendation:**

**Motion:**

**Action Dates:**

**ATTACHMENTS:**

**File Name**

Memo - Revised Ordinance Proposal -  
\_Prohibited\_Lodging\_Out\_of\_Doors.pdf

**Description**

Memo -Revised Ordinance  
Lodging Out of Doors



**CITY OF HAGERSTOWN**  
**MARYLAND**  
21740-4696

DEPARTMENT OF POLICE  
50 N. Burhans Blvd.

Non-Emergency 301-790-3700  
Emergency 301-739-6000  
Fax 301-733-5513

**HAGERSTOWN POLICE DEPARTMENT**

**To:** Mayor and City Council

**From:** Hagerstown Police Department

**Date:** May 2, 2025

**Subject:** Revised Ordinance Proposal – *Prohibited Lodging Out of Doors*

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The Hagerstown Police Department respectfully submits for your review the revised ordinance proposal titled *Prohibited Lodging Out of Doors*.

In response to feedback received during the April 8, 2025 Mayor and City Council meeting, the Department has made two specific revisions to the original draft:

1. **Updated the purpose section** of the ordinance to better reflect the intent of the legislation.
2. **Added a sunset clause**, providing that the ordinance shall automatically expire six (6) months from the date of enactment unless the Mayor and City Council vote to extend or amend its provisions. The clause also affirms that any charges issued under the ordinance prior to its expiration will remain valid and be prosecuted to completion.

These revisions are intended to address the concerns raised while preserving the ordinance's core function in maintaining public safety and the accessibility of public spaces.

We appreciate your continued engagement and thoughtful input on this matter. The Department remains available to answer any questions or provide further clarification as needed.

Respectfully submitted,  
Sgt. Edward Plummer  
Hagerstown Police Department





## **PROHIBITED LODGING OUT OF DOORS**

**Revised May 2, 2025**

**Ordinance No. [Number]**

### **§ XXX-1. Policy.**

WHEREAS, the Mayor and City Council of Hagerstown, Maryland, find that sleeping and/or lodging out of doors in public places poses a risk to public health, safety, and welfare, and that it impedes the appropriate use of public spaces by all residents and visitors; and

WHEREAS, the Mayor and City Council of Hagerstown, Maryland, deem it necessary to enact regulations to address these concerns and promote the orderly and safe use of public spaces.

### **§ XXX-2. Definitions.**

For the purposes of this Ordinance, the following terms shall have the meanings indicated:

(a) *"Lodging out of doors"* means the use of a public place for living accommodation purposes such as sleeping or making preparations to sleep (including the laying down of bedding for the purpose of sleeping), storing personal belongings, making a fire, using a tent, shelter, or other structure for sleeping, or doing any digging or earth breaking, whether temporary or otherwise, for the purpose of sleeping.

(b) *"Public place"* means any outdoor area owned or maintained by the City of Hagerstown, including but not limited to streets, alleys, sidewalks, bridges, parking lots, parking decks, parks, plazas, public buildings, and other public properties.

(c) *"Sleeping"* means the act of being in a state of rest while lying down with the intention of sleeping, which may include the use of bedding, blankets, sleeping bags, or similar materials.

### **§ XXX-3. Prohibition.**

(a) It shall be unlawful for any person to sleep and/or lodge out of doors in any public place within the city limits of Hagerstown, Maryland. This prohibition shall extend to motor vehicles parked on public places.

(b) The prohibition in subsection (a) shall not apply to the following:

1. Individuals participating in events or activities approved or sponsored by the City of Hagerstown that involve temporary overnight stays in public places.

### **§ XXX-4. Penalties.**

(a) Law enforcement officers and city employees are authorized to enforce this Ordinance.

(b) Any person found in violation of this Ordinance shall be subject to a fine not exceeding \$500 or imprisonment for a period not exceeding 60 days, or both. Each day any violation of this Ordinance continues shall constitute a separate offense.

(c) In addition to or in lieu of the penalties provided in subsection (b), any person found in

violation of this Ordinance may be directed to vacate the public place and may be offered or directed to available social services or assistance.

**§ XXX-5. Severability.**

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

**§ XXX-6. Sunset Clause.**

This Ordinance shall automatically expire and be of no further force or effect six (6) months after its effective date, unless the Mayor and City Council take formal action to extend or amend its provisions. Notwithstanding its expiration, any citations or charges issued under this Ordinance prior to its expiration shall remain valid, and all such cases shall be prosecuted to their full resolution in accordance with applicable law.