

Mayor and Council Executive Session, Work Session and Special Session (10th Voting Session) May 13, 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"

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

"Coming together is a beginning; keeping together is progress; working together is success."
Henry Ford

4:00 PM WORK SESSION

- 2:30 PM** 1. **The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.**
- 3:00 PM** 2. EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall
- 4:00 PM** 3. Proclamation: National Police Week
- 4:05 PM** 4. Presentation of Prizes to InvoiceCloud Sweepstakes Winners – *Beth Everhart, Support Services Manager*
- 4:15 PM** 5. Discussion of Washington County Proposed Amendments to the Adequate Public Facilities Ordinance (APFO) and the Building Excise Tax Ordinance (BETO) - *Stephen R. Bockmiller, AICP, Deputy Director of Planning & Zoning Administration*
- 4:30 PM** 6. Legislative Update – *Delegate Matthew Schindler and Senator Paul Corderman*
- 5:00 PM** 7. FY 2026 Budget Review – *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting & Budget Manager*
- 5:45 PM** 8. Hagerstown Youth Council 24-25 Session Update - *Margi Joe, Community Development Manager. Rachel Paul, Planning and Outreach Coordinator*
- 6:00 PM** 9. Middle Neighborhoods Emergency Repair Grant Program -- *Margi Joe, Community Development Manager. Rachel Paul, Planning and Outreach Coordinator*
- 6:15 PM** 10. Meritus Park - Fireworks Exemption for July 4th - *Jim Bender, City Engineer*
- 6:20 PM** 11. Purchase of Recycling Carts - *Jim Bender, City Engineer*

PUBLIC HEARINGS

Public Hearing: Real Property Tax Rate beginning July 1, 2025

Public Hearing: Proposed Budget July 1, 2025 – June 30, 2026

SPECIAL SESSION

1. Introduction of an Ordinance: Tax Rate beginning July 1, 2025

2. Introduction of an Ordinance: Budget FY 2025/2026
3. Approval of Purchase: Recycling Totes from Rehrig Pacific Company

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

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

Topic:

The Mayor and Council will meet in Open Session only for the purpose of voting to close its meeting to discuss matters that the Open Meetings Act permits it to discuss in Executive/Closed Session.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

May_13__2025_Executive_Session.pdf

Description

Executive Session Agenda



**MAYOR AND CITY COUNCIL
EXECUTIVE SESSION
MAY 13, 2025
AGENDA**

Vision Statement:

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

Mission Statement:

“We are dedicated to creating a thriving community where diversity is celebrated, economic development flourishes, and the quality of life is enhanced through collaborative and consistent representation.”

The agenda and meeting packet is available at www.hagerstownmd.org/government/agenda

3:00 p.m. EXECUTIVE SESSION

1. To consult with counsel to obtain legal advice; (#7)

** Consult with Attorney*

2. To discuss: the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation or performance evaluation of appointees, employees, or officials over whom it has jurisdiction; (#1)

** Board Membership – Ethics Commission*

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

CITY OF HAGERSTOWN, MARYLAND

PUBLIC BODY: Mayor & City Council

DATE: May 13, 2025

PLACE: Council Chamber, 2nd floor, City Hall

TIME: 3:00 p.m.

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

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

EXECUTIVE SESSION AGENDA

City Hall • Council Chamber • 1 East Franklin Street • Hagerstown, MD 21740
301.739.8577, Ext. 113 • Telephone for the Hearing Impaired 301.797.6617

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

Topic:

Proclamation: National Police Week

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Presentation of Prizes to InvoiceCloud Sweepstakes Winners – *Beth Everhart, Support Services Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Discussion of Washington County Proposed Amendments to the Adequate Public Facilities Ordinance (APFO) and the Building Excise Tax Ordinance (BETO) - *Stephen R. Bockmiller, AICP, Deputy Director of Planning & Zoning Administration*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name


051325_WS_APFO_BETO.pdf

Description

Washington County Public
Hearing on APFO & BETO.



TO: Scott Nicewarner, City Administrator

FROM:  Stephen R. Bockmiller, AICP, Deputy Director of Planning & Zoning Administration

DATE: May 9, 2025

RE: Washington County Public Hearing on APFO and BETO

Staff will attend the May 13, 2025 Work Session of the Mayor and City Council to discuss the recent Public Hearing of the Washington County Board of County Commissioners on the proposed amendments to the Adequate Public Facilities Ordinance (APFO) and the Building Excise Tax Ordinance (BETO).

The Public Hearing took place on May 6, 2025. City staff attended to read into the record the attached letter.

The Board of County Commissioners agreed to keep the record open for comments for 14 days.

The City may provide additional comments during the 14 day comment period.

Attachments

1. City Letter Submitted at Public Hearing
2. Washington County Agenda Report Form for 5/6/2025 Public Hearing

c: Michelle Hepburn, Chief Financial Officer
Jill Thompson, Director of Planning & Economic Development
Doug Reaser, Economic Development Manager



May 6, 2025

John Barr, President,
Washington County Board of County Commissioners
100 West Washington Street
Hagerstown, MD 21740

Dear Mr. Barr:

RE: Proposed Revisions to Washington County's School
APFO and Excise Tax Ordinance - Public Hearing

I wish this letter to be submitted into the record for the public hearing and given due consideration in your deliberations on this matter.

The City of Hagerstown Department of Planning and Economic Development has had the opportunity to review the proposed amendments to the County's APFO and Excise Tax Ordinance and offers the following comments:

1. It is our understanding that this proposal was generated by the County's concern with uneven treatment of the issue of addressing the impact of new development on school capacity between the County itself and the several municipalities as described in the cover memo on the subject.
2. If addressing school overcrowding is the intent of this undertaking, we respectfully suggest that language be strengthened in the revised Excise Tax Ordinance to ensure that funds collected to address the impacts of construction on school capacity be exclusively dedicated only to capital projects that increase seating capacity in schools or school areas identified as over capacity.

Said funds should not be used for rebuilding existing schools unless they are dedicated to that portion of the project that increases the state rated seating capacity of that school and that addresses seating shortages at that school or in an adjoining area or school.

3. Specific projects that use these collected taxes for school capacity improvements should be identified and included in the County's and Board of Education's capital budgets. The municipalities and the public should be notified when specific seating capacity improvement projects are added to the capital budgets to address the capacity deficiencies in the Hagerstown area and expend these funds.
4. The City appreciates the retention of the exemption for the "redevelopment area", as this is an important tool for the revitalization of downtown Hagerstown and large individual buildings

that would go to decay unless invested in for an adaptive reuse with negligible impact on addressing school capacity.

5. On an administrative note, the City no longer uses the D-MU (Downtown – Mixed Use) Zoning District designation. We suggest that the provision that identifies this be updated to reflect the current zoning designation of CC-MU (City Center – Mixed Use) and use the effective date of the revised ordinance (once that is determined).

Thank you for the opportunity to comment on this effort. The City also believes that maintaining a quality school system with sufficient seats to accommodate all children anticipated is important to the quality of life of all Washington County residents. Due to State policy, good planning principles and the location of existing and planned utilities, growth will occur in and around Hagerstown. As such, adding student capacity in the Hagerstown area is very needed to address existing deficiencies and needed growth.

FOR THE CITY OF HAGERSTOWN, MARYLAND



Stephen R. Bockmiller, AICP
Deputy Director for Planning and Zoning Administration

Copy: Scott Nicewarner, City Administrator
Michelle Hepburn, Chief Financial Officer
Jill Thompson, Director of Planning and Economic Development
Doug Reaser, Economic Development Manager



Agenda Report Form

SUBJECT: PUBLIC HEARING – Amendments to the Adequate Public Facilities Ordinance (APFO) and the Building Excise Tax Ordinance (BETO)

PRESENTATION DATE: May 6, 2025

PRESENTATION BY: Jill Baker, AICP, Director, Department of Planning and Zoning

RECOMMENDATION: The purpose of this public hearing is to take public comment on proposed amendments to the APFO and BETO. The Commissioners may take a consensus vote on whether to approve or deny the request or wait until a later date to deliberate.

REPORT-IN-BRIEF: The proposed amendments for these ordinances are being contemplated due to a lack of consistency, efficiency and coordination with local municipalities specifically regarding school mitigation efforts. The focus on school mitigation is due to significant capital costs associated with maintenance and repair of existing schools and construction of new schools that historically have been funded predominately by the Board of County Commissioners.

Because the two ordinances are currently linked together regarding school mitigation, it becomes confusing as to what fees are due because of APFO requirements and what are due because of BETO requirements. These amendments seek to break that link between the two documents and let them stand on their own in adherence to their individual purpose.

DISCUSSION: The purpose of the APFO is to ensure that public facilities and services needed to support new development shall be available concurrently with the impacts of such development. The intent being that development may proceed at a reasonable rate while providing time for the County to budget and plan for the capital costs that will be associated with the impacts of development. APFO's can only be adopted and enforced by the elected body of individual jurisdictions. For example, the County adopted APFO does not apply to lands within incorporated municipalities.

The BETO was adopted in 2015 as a mechanism to generate revenue from new building construction throughout the County to help offset impacts on local infrastructure. The BETO applies to all lands in the County including within municipalities.

FISCAL IMPACT: Increasing the excise tax while repealing APFO AMC should result in similar, but possibly higher, revenues for impacts of development on local infrastructure.

CONCURRENCES:

ALTERNATIVES: Leave Ordinances as they are or discuss some other modifications not presented by Staff.

ATTACHMENTS: Amended APFO in track changes
Amended BETO in track changes.



WASHINGTON COUNTY PLANNING COMMISSION
ORDINANCE TEXT AMENDMENT APPLICATION

FOR PLANNING COMMISSION USE ONLY

Rezoning No. _____

Date Filed: _____

Applicant

☐ Property Owner

☐ Contract Purchaser

☐ Attorney

☐ Consultant

☐ Other: _____

Address

Primary Contact

Phone Number

Address

E-mail Address

☐ Adequate Public Facilities Ordinance

☐ Forest Conservation Ordinance

☐ Subdivision Ordinance

☐ Solid Waste Plan

☐ Water and Sewer Plan

☐ Zoning Ordinance

☐ Other _____

Section No. _____

Please provide the proposed text on a separate sheet of paper as follows: strike-through should be used for deletions [~~deletions~~], unchanged wording in regular type, and new wording should be underlined [new wording].

Applicant's Signature

Subscribed and sworn before me this _____ day of _____, 20____.

My commission expires on _____

Notary Public

FOR PLANNING COMMISSION USE ONLY

☐ Application Form

☐ Fee Worksheet

☐ Application Fee

☐ Proposed Text Changes

☐ 30 copies of complete Application



DEPARTMENT OF PLANNING & ZONING
PLANNING | ZONING | LAND PRESERVATION | FOREST CONSERVATION | GIS

April 2025

APF-25-001

**APPLICATION FOR TEXT AMENDMENTS
WASHINGTON COUNTY ADEQUATE PUBLIC FACILITIES ORDINANCE &
WASHINGTON COUNTY BUILDING EXCISE TAX ORDINANCE**

STAFF REPORT AND ANALYSIS

Proposal: Application is being made to amend portions of Article II – Definitions, Article V – Schools and Article IX – Exceptions, Agency Participation of the Adequate Public Facilities Ordinance (APFO). In coordination with changes to sections of the APFO, amendments are also being proposed to sections 2, 3, 4, 5, 6, 8, 9, 10, 12, and 13 of the Building Excise Tax Ordinance (BETO).

Staff Report: The purpose of the APFO is to ensure that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments. It is used to measure the capacity of key infrastructure and services as well as provide methods to mitigate impacts from new development that might overburden those resources. The BETO was implemented as a revenue generating tool to assist with development and construction of needed infrastructure to support growth and development.

The amendments included within this request include: 1) adjusting the adequacy determination for elementary schools, 2) removing the Alternate Mitigation Contribution (AMC) provision thereby shifting some development mitigation fees from the APFO and including them in the BETO, 3) slightly increasing BETO fees to adjust for inflation, and 4) slightly adjusting the revenue share between specified categories in Section 8.03 of the BETO.

Analysis: The most significant change being proposed as part of these amendments is to remove the AMC from the APFO and shift some of those mitigation contributions into the BETO. Currently, if a new residential development causes a school district to become inadequate, the AMC can be used to move a new residential development forward by paying a pre-determined fee. If a development causes the State Rated Capacity (SRC) in a school district servicing the area to exceed 120%, the AMC is no longer available to use as a mitigation method. A proposal must be made to the Board of County Commissioners on how the developer intends to address the severe inadequacy of the school.

747 Northern Avenue | Hagerstown, MD 21742 | P: 240.313.2430 | F: 240.313.2431 | TDD: 7-1-1

WWW.WASHCO-MD.NET

The primary reason for this change relates to the inconsistent implementation of each jurisdiction APFO. Adoption of an APFO is at the discretion of any county or municipality in the State. APFOs may only be enforced in the jurisdiction that adopts an ordinance, therefore the APFO adopted by the County is not enforceable in any of our local municipalities. This has created an inequality related to school capacity mitigation between development under county jurisdiction vs. municipal jurisdiction.

Three municipalities (Hagerstown, Clear Spring, Sharpsburg) do not have an adopted APFO and therefore approve residential developments with no regard as to whether there is school capacity for the new students being generated by the development. This isn't really an issue in Clear Spring or Sharpsburg due to historically few new residential units being created in those areas. However, the City of Hagerstown has approved approximately 530 new residential lots within City limits that has and/or will produce approximately 321 elementary, 153 middle, and 158 high new students in some schools (elementary and high) where capacities are inadequate.

The six municipalities that have adopted APFOs are not consistently enforcing their ordinances. Most of the APFO's are vague and leave the decision of whether to enforce mitigation for schools up to the Town Planning Commission and Mayor and Council. This again results in residential developments creating numerous students in school districts that have inadequate capacity. This has resulted in an exacerbation of school capacity issues and a loss of potential revenue to offset the impact of the development on our schools.

Over the last 6 years (FY 2018-FY 2023) the County has collected \$1,427,933 in APFO fees and \$4,055,255 in Excise Tax (Total \$5,483,188). If the other municipalities in the county would have enforced an APFO similar to the county, an additional \$1,458,900 in revenue could have been realized. By shifting revenue collection from an APFO to the BETO, a more equitable level of execution and enforcement will occur in all of the county.

Unlike the APFO, the BETO is an ordinance that can be enforced across the entire county including municipalities. Currently, municipalities are permitted to keep a portion of the tax collected related to roads and general government capital projects if that municipality adopts an APFO that is 'substantially similar' to that of the County. As stated previously, problems are arising in the enforcement of the ordinance not necessarily the adopted text.

If the AMC is removed from the APFO, the following changes are recommended to the BETO to maintain revenue for necessary capital projects.

- Residential Construction: Increase from \$1.00 to \$2.00 per square foot of habitable gross sq. ft.
- Additions: Remain one-half the amount per square foot of residential construction.
- Non-residential, Non-Retail Construction: Increase from \$1.00 to \$1.50 per sq. ft. of gross area

- Non-residential, Retail Construction: Increase from \$1.00 to \$1.50 per sq. ft. of gross area
- Residential construction projects that have already paid an AMC in accordance with the current APFO shall receive credits of up to \$1.00 per sq. ft. of habitable gross sq. ft.

In addition, language is proposed to replace the AMC for developments that exceed 100% SRC but does not exceed 120% SRC that will limit the number of building permits that may be issued within an individual development to 25 units in one calendar year. There is also a provision for apartment buildings.

Other changes to the two documents include the following:

- Added a definition of affordable/workforce housing.
- Adjusted elementary school capacity standard from 90% of SRC to 100%.
- Added instructional language and mitigation options for projects that exceed 120% ARC and require an approved mitigation plan prior to final plan approval.
- Increased BETO rates slightly to account for inflation. Non-residential rates are proposed to increase as well as residential as delineated previously.
- Adjusted the allocation of excise tax from residential development to remove a 2% dedication to libraries and moving it into the allocation for roads bringing the total to 25% for the category. Libraries will be included in the list of general capital government expenses.
- Added an exemption from paying excise tax to new residential construction occurring in the Hancock and Cascade Elementary school districts.
- Removed language that requires municipalities to adopt an APFO that is substantially similar to the county in order to retain some tax revenue.

Staff Recommendation: Staff recommends approval of the amendments to both the APFO and BETO as presented. We would also request a deferred effective date for a period of 6 months to update our tracking and permitting processes.

Respectfully submitted,



Jill Baker, AICP
Director

ADEQUATE PUBLIC FACILITIES ORDINANCE

Adopted this 16th day of October, 1990.

This Ordinance is effective as of December 1, 1990.

Revision 1 - August 13, 1991

Revision 2 - August 31, 1993

Revision 3 - August 29, 1995

Revision 4 - November 26, 2002

Revision 5 – December 16, 2003
(Effective January 1, 2004)

Revision 6 – May 25, 2004

Revision 7 – November 1, 2005

Revision 8 – June 18, 2013

Revision 9 – October 22, 2013

Revision 10 - 2025

ADEQUATE PUBLIC FACILITIES ORDINANCE

ARTICLE I - PURPOSE

1.1 SHORT TITLE

This Ordinance shall be known and may be cited as the Adequate Public Facilities Ordinance of Washington County, Maryland.

1.2 PURPOSE

It is the purpose of the Board of County Commissioners of Washington County that public facilities and services needed to support new development shall be available concurrently with the impacts of such new developments. In meeting this purpose, public facility and service availability shall be deemed sufficient if the public facilities and services for new development are phased, or the new development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that new development, are available concurrently with the impacts of the new development.

ARTICLE II - DEFINITIONS

2.1 GENERAL

(a) For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. Words in the present tense include the future, the singular number includes the plural, and the plural includes the singular. The word "shall" is mandatory and the word "may" is permissive. The words "used for" shall include "arranged for," "designed for," "intended for", "maintained for," "constructed for", or "occupied for". The word "individual" shall mean natural person, joint venture, joint stock company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, association, club, company, corporation, limited liability company, real estate investment trust, business trust or similar legal entity or the manager, lessee, agent, servant, officer or employee of any of them. The word "land" shall include water surface and land under water. The term "Ordinance" shall refer to this Ordinance and all subsequent additions or amendments thereto.

(b) A Developer shall not avoid the intent of this Ordinance by submitting piecemeal applications for preliminary plats or site plans. However, a Developer may seek approval of only a portion of the subdivision or development, provided that the impact from all previously approved preliminaries or site plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.

2.2 ADEQUATE PUBLIC FACILITIES

For the purpose of this Ordinance, the term “Adequate Public Facilities” shall be defined as those facilities relating to roads, sewerage disposal systems, schools, water supply and distribution systems, and interim fire protection systems meeting established minimum standards.

2.3 DEFINITIONS

2.3.01 Affordable (aka Workforce) Housing

In accordance with the Housing and Community Development Article of the Maryland Annotated Code §4-1801, affordable housing means residential dwelling units where housing costs (rent or mortgage payments) do not exceed 30% of a household's income and being affordable to households earning 60% or less of the area median income.

2.3.1 Agricultural Purposes

A parcel of land that has been determined by the Maryland Department of Assessments and Taxation as having an “Agricultural Use Assessment” or a parcel of land that is primarily involved in a bona fide and continuing agricultural activity, such as, the raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.

2.3.1.1 Background Enrollment Growth

The average annual impact of equated student enrollment changes during the preceding three (3) years in the school attendance areas serving the proposed development as determined in Section 5.4 with appropriate adjustments made in the

determination by the Board of Education to eliminate student enrollment changes caused solely by school redistricting.

2.3.2 Board of County Commissioners (Board)

The legislative body of Washington County, Maryland.

2.3.3 Board of Education (BOE)

The elected Board of Education of Washington County.

2.3.4 Comprehensive Plan

The Comprehensive Plan of the County.

2.3.5 County

Washington County, Maryland.

2.3.6 County Engineer

The duly designated Chief Engineer of Washington County, Maryland.

2.3.7 County Health Department

The Washington County Health Department.

2.3.8 Developer

Any individual commencing proceedings under this Ordinance to affect a subdivision or development of land for himself or for another.

2.3.9 Extraordinary Hardship

Extraordinary hardship is a condition that exists when strict compliance with this Ordinance would result in an unusually and extraordinarily severe financial economic impact on the owner or Developer.

2.3.10 Immediate Family Member

Immediate family member shall mean father, mother, step-father, step-mother, son, daughter, brother, sister, stepson, stepdaughter, grandchild.

2.3.11 Improvements

Improvements shall mean storm sewers, sanitary sewers, water supply lines, roads, curbs, gutters, gas lines, electricity lines, water lines, septic tanks, wells, walks, and other accessory works and appurtenances, dwellings, farm buildings, and other principal or accessory structures.

2.3.12 Lot

A parcel of real property marked by the Developer as a numbered, lettered or otherwise identified tract to be utilized as a unit of land intended for building development or a lot or parcel described by metes and bounds, the description of which has been recorded among the land records of Washington County.

2.3.12.1 Minor subdivision

A minor subdivision is the division of a lot, tract or parcel into seven (7) or fewer lots for the immediate or future transfer of property ownership.

2.3.13 New Development

New development consists of new subdivisions and site plans for new construction received for approval by the Washington County Planning Commission after the effective date of this Ordinance as set forth in Article XII. New development also consists of construction activity requiring a building and/or zoning permit but does not consist of construction activity for agricultural purposes provided that, after said development, the parcel does not lose the "Agricultural Use Assessment" classification as determined by the Department of Assessments and Taxation.¹⁰

2.3.14 Original Tract of Land.

A parcel of real estate unsubdivided as of the date of adoption of this Ordinance.

2.3.15 Planning Commission (Commission).

The Washington County Planning Commission.

2.3.16 Plat

A map, plan, chart or drawing indicating the subdivision or resubdivision of land filed or intended to be filed for the record.

2.3.16.1 Remaining Lands

The residual portion or tract of land which remains after lots or parcels have been subdivided from the original tract of land.¹¹

2.3.17 Residential Development

The term “residential development” as used in this Ordinance means any lot, building or portion thereof used exclusively for dwelling units, including concomitant uses, and other uses of a residential nature for the individuals residing in said dwelling units.

2.3.18 Right-of-Way

A land area designated, dedicated, or reserved for use as a highway, street, alley, interior walk, or for a drainage channel, or other public use.

¹⁰ Section 2.3.13 amended 8/31/93

¹¹ Section 2.3.16.1 added 8/31/93

2.3.19 Road

A public right-of-way, intended for vehicular traffic, including freeways, expressways, arterials, parkways, thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, lanes and other public ways, and as now or hereafter or otherwise designated.

2.3.20 Simplified Plat

The term “simplified plat” as used in this Ordinance is a map, plan, chart or drawing indicating the proposed subdivision or resubdivision of land filed or intended to be filed with the Planning Commission and where the intent of the subdivider is neither to develop the land nor to divide land containing existing development.

2.3.21 Site Plan

A drawing that shows all of the existing conditions of a specified area (the site) and all of the improvements and changes proposed to be made on the site. A site plan is the drawing required by the Zoning Ordinance for all new development and certain additions and must contain all applicable information as specified in the Zoning Ordinance.

2.3.21.1 State Rated Capacity

As used in this Ordinance, State Rated Capacity shall refer to the capacity of each school as determined by the state of Maryland. Portable classrooms shall not be used in computing the school capacity for the purposes of this Ordinance.

2.3.22 Subdivision Ordinance

The Washington County, Maryland Subdivision Ordinance, and all subsequent additions or amendments thereto.

2.3.23 Zoning Ordinance

The Zoning Ordinance of Washington County, Maryland, and all subsequent additions or amendments thereto.

DRAFT

ARTICLE V - SCHOOLS

5.1 ADEQUACY

All new residential development shall be served by public schools that:

(a) Are currently adequate; or

(b) Have construction of additional capacity funded and scheduled for completion within the same school attendance area in the current or the next year of the approved Washington County Capital Improvement Program (CIP) following final plat or site plan approval. Adequate is defined in Section 5.4.1 below. The additional capacity funded and scheduled shall be exclusive of any capacity created pursuant to a developer-funded mitigation program; or

(c) Have been identified by the Board of Education (BOE) as part of an approved redistricting plan scheduled to occur in the same school year or the school year following final plat or site plan approval that will render the public schools adequate.

5.1.1 CAPACITY CREATED BY MITIGATION PROGRAM

Construction of capacity that is funded and to be created by a mitigation program may not be used in a determination of adequacy for any Developer other than the Developers who are parties to the mitigation program.

5.2 EXEMPTIONS

Article V of this Ordinance does not apply to:

(a) New development to be developed exclusively for non-residential uses;

³³ Article V repealed and reenacted 12/16/03

³⁴ Article V amended 11/1/05.

³⁵ Article V amended 10/22/13 (APF-13-002)

(b) New development to be developed and managed according to the applicable regulations and guidelines of the Federal Fair Housing Act and the Housing for Older Persons Act;

(c) Public or private elementary and secondary schools, and public safety facilities; or

(c) Minor Subdivisions.³⁸

5.3 DATA ON WHICH ADEQUACY SHALL BE DETERMINED.

The BOE shall provide actual enrollment data to the Board of County Commissioners for the last school day of September, December, March and June and the State Rated Capacity for each elementary and secondary school.

5.4 DETERMINATION OF ADEQUACY

5.4.1 The Planning Commission shall determine whether public school facilities are adequate for the proposed new development upon recommendation by the Planning Department after evaluating enrollment information provided by the BOE. The Planning Commission shall determine that a school is adequate if the school has the capacity as follows:

(a) Elementary, middle and high schools are adequate if the school has available capacity to accommodate student enrollment, including approved new development without exceeding the State Rated Capacity (SRC).

(b) Available capacity for individual schools shall be determined in accordance with Section 5.5, below.

³⁸ See Section 2.3.12.1 Minor Subdivision. A minor subdivision is the division of a lot, tract or parcel into seven (7) or fewer lots for the immediate or future transfer of property ownership.

(c) Final approval will not be granted for developments in the review process until schools obtain adequate status through the determination made according to the procedures described in Sections 5.5 and 5.6 below.

5.5 MEASURING FOR AVAILABLE CAPACITY

(a) Adequacy of every elementary, middle and high school serving the proposed development shall be tentatively measured at the time of preliminary consultation and preliminary plat review and shall be finally measured and determined as of the date of final plat or site plan submission, or the first date upon which all necessary documentation and materials have been submitted, whichever occurs last, based upon data published by the BOE.

(b) If approval has not been received from the Planning Commission within twelve (12) months of the date of plan submission, the most recent quarterly school enrollment data must be utilized by the Commission for APFO review unless a delay occurs not attributable to the applicant.

(c) For determining adequacy, enrollment shall mean the total of the BOE official enrollment figures, background enrollment, pupils generated from the proposed development, and pupils generated from other previously approved developments, including developments in municipalities.

(d) On a biennial schedule, student yield from approved development may be subtracted from the equation to determine adequacy in an amount equal to the number yielded by the dwelling units constructed.

(e) Pupil generation rates shall be determined by the Board of County Commissioners with advice from and consultation with the BOE and shall reflect the characteristics of the school attendance area within which the proposed development is located.

5.6 OPTIONS FOR MITIGATION OF INADEQUATE SCHOOL CAPACITY

(a) If a school is not adequate as defined in Section 5.4.1 but does not exceed 120% of State Rated Capacity:

- i. The Developer and/or Home Builder shall be subject to an annual permit limitation of not more than 25 dwelling unit permits per calendar year. Permits for multi-family apartment and condo units shall be limited to a permit for one structure to contain up to 35 dwelling units per calendar year. Notes shall be placed on record plats referring to the restrictions delineated in this section.

Permit allocations are assigned based on the master plan development not by phases or other subsets. Permit allocations may not be transferred to other

developments. Permit applications that cannot be permitted due to the annual limitation shall be deferred to the subsequent year, subject to the same review and mitigation requirements. Unused allocations of permits may not be carried over into a new calendar year.

Emergency or Public Benefit Projects: Development proposals that directly address public health, safety or welfare as delineated in Section 9.3A, may be exempt from the permit limitation or permitted outside of the annual cap as determined and approved by the Board.

- ii. If a school is not adequate as defined in section 5.4.1 and an adjoining school district at the same level is at least twenty (20%) percent below State Rated Capacity, then the Developer may request the BOE to determine the viability of redistricting to accommodate the new development. If the BOE determines that redistricting is a viable alternative, and the BOE approves a specific redistricting plan that would result in all the schools serving the proposed development meeting the standards established in Section 5.4.1, then the school shall be considered adequate.

(b) If a school is not adequate as defined in Section 5.4.1 and the development proposal exceeds 120% of the SRC, the Developer shall be required to mitigate the impact of the proposed development by providing one or more of the following mitigation measures to receive final plat approval. The Board of County Commissioners, at their sole discretion, may approve a mitigation proposal under this section. Failure to obtain an approved mitigation plan within two (2) years from the date of final plan submittal shall result in denial of the final plat and/or site plan.

- i. Facility Improvements. A Developer may propose construction of capital facility improvements to the inadequate school(s) affected by the development when it has been determined that said contribution(s) will provide impactful relief of overcapacity issues in a school within a five-year period starting from the date of final plat approval. Temporary or portable classrooms shall not be included as part of any mitigation plan under this subsection. If approved as a mitigation plan, the Developer will be required to sign a Memorandum of Agreement with the County affirming their responsibility and commitment to complete the construction project. The Board may, at their sole discretion, require a bond to be posted to ensure that the project will be completed.

Any Developer proposal to create improvements to meet adequacy shall be submitted to the Department of Planning and Zoning to review with the BOE for guidance and recommendations on the proposed improvements. Plans shall be reviewed for consistency with any BOE adopted mitigation policy then in effect and the most current Education Facilities Master Plan. Mitigation plans along with staff recommendations will be forwarded to the Board for discussion and deliberation by the Department of Planning and Zoning.

ii. Redistricting. If a school is not adequate as defined in section 5.4.1 and an adjoining school district at the same level is at least twenty (20%) percent below State Rated Capacity, then the Developer may request the BOE to determine the viability of redistricting to accommodate the new development. If the BOE determines that redistricting is a viable alternative, and the BOE approves a specific redistricting plan that would result in all the schools serving the proposed development meeting the standards established in Section 5.4.1, then the school shall be considered adequate.

iii. Financial contributions. Monetary contributions to a public facility improvement fund earmarked for public school construction may be proposed when it has been determined that said contribution(s) will provide impactful relief of overcapacity issues in a school within a five-year period starting from the date of final plat approval. Use of this mitigation option will require the Developer to provide a detailed analysis of the monetary contribution being proposed. The analysis shall include:

1. A monetary figure based on the proposed cost per dwelling unit.
2. A narrative explaining the rationale and/or formulas that resulted in the cost per dwelling unit.
3. A narrative explaining how the monetary contribution will provide impactful relief in the affected school district(s) within five years of final plat approval.

Financial contributions must be paid prior to final plat approval. Any sums paid as part of the mitigation plan are not refundable.

- iv. Other mitigation strategies. The Developer may propose an alternative method of mitigation that must provide impactful relief for overcapacity issues in a school within a five-year period starting from the date of final plat approval. Use of this mitigation option must be accompanied by a detailed narrative and/or financial analysis that support their desire to use an alternative mitigation plan.

5.7 RESIDENTIAL BUILDING PERMIT APPROVAL

5.7.1 The Board of County Commissioners shall have the authority to limit the number of building permits in any school attendance area. The decision to limit building permits shall be based on the recommendation of the Planning Commission upon receipt of a recommendation from the BOE taking into consideration the adequacy of the school attendance area and enrollment capacity in immediately adjacent school attendance areas.

5.7.2 The Board of County Commissioners shall have the authority to cap the number of residential building lots approved for development on an annual basis.

ARTICLE IX - EXCEPTIONS, AGENCY PARTICIPATION

9.3A In its sole discretion, the Board of County Commissioners or its designee may approve a mitigation program that allows a development to proceed in a school district otherwise designated as inadequate for development under the following conditions:

(a) The Board of County Commissioners determines that approving this development benefits the community by:

(i) encouraging certain types of development that offer advantages to the community, including but not limited to the following:

- (1) development in designated revitalization areas;
- (2) renovation of abandoned or under-utilized structures;
- (3) affordable or workforce housing as defined in 2.3.01 or community revitalization projects; or
- (4) developments with preliminary plat approval prior to July 1,

2005.

DRAFT

BUILDING EXCISE TAX ORDINANCE

FOR WASHINGTON COUNTY, MARYLAND

Adopted June 17, 2003
Effective July 1, 2003

Revision 1 (Amended)-Adopted June 22, 2004
Effective as of July 1, 2004.

Revision 2 - Adopted and effective October 12, 2004

Revision 3 - adopted July 12, 2005
Effective as of July 12, 2005.

Revision 4 - adopted May 2, 2006.
Effective as of May 2, 2006, except as otherwise provided herein.

Revision 5 - Repealed and reenacted, with amendments, on June 17,
2008 Effective July 1, 2008

Revision 6 - Repealed and reenacted, with amendments, on June 23,
2009 Effective June 26, 2009

Revision 7 (Amended)-Adopted March 1, 2011
Effective March 1, 2011

Revision 8 (Amended) - Adopted September 13, 2011
Effective September 13, 2011

Revision 9 (Amended) - Adopted August 28, 2012
Effective August 28, 2012

Revision 10 (Amended) - Adopted March 26, 2013
Effective March 26, 2013

Revision 11 (Amended) - Adopted August 4, 2015
Effective August 4, 2015

BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

Revision 12 (Amended)-Adopted September 10, 2019
Effective September 10, 2019

Revision 13 (Amended) - Adopted June 28, 2022
Effective June 28, 2022

Revision 14 (Amended) – Adopted
Effective

1. Establishment of tax.

1.01 In accordance with Section 2-701 of the Code of the Public Local Laws of Washington County, as amended from time to time, there is a building excise tax on all building construction in Washington County.

2. Definitions.

2.01 The words and phrases used in this Ordinance shall have their usual meaning, unless otherwise defined in this section.

2.02 *Addition construction* means construction that requires a building permit and that increases the gross square footage of an existing nonresidential nonretail structure or nonresidential retail structure, or the habitable gross square footage of an existing residential structure.

2.03 *Applicant* means the individual, partnership, corporation, limited liability company, or other legal entity whose signature or name appears on the building permit application.

2.04 *Basement* means that portion of a building that is partly or completely below grade and has a ceiling height of at least seven feet.

2.05 *Board* or *Board of County Commissioners* or *County Commissioners* means the Board of County Commissioners for Washington County, Maryland.

2.06 *Building* means any permanent structure used or intended for supporting or sheltering any use or occupancy. *Building* does not include an accessory structure or a temporary structure, as defined in the Washington County building code.

2.07 *Common area* means the interior or exterior circulation paths, rooms, spaces or elements that are not for public use and are made available for the shared use of two or more people in a multifamily residential structure, including lobbies and laundry facilities.

2.08 *Construction* means construction or alteration of a building or part of a building that requires a building permit.

2.09 *Director of Finance* means the Director of Budget and Finance for Washington County or the Director's designee.

2.10 *Director of Permits and Inspections* means the Director of the Division of Permits and Inspections for Washington County or the Director's designee.

2.11 *Farm construction* means construction intended to be actively used for farm use but does not include residential construction thereon.

2.12 *Farm or agricultural use* means the raising of farm products for use or sale, including animal or poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers, and similar products of the soil.

2.13 *Gross square footage* means the entire interior area of a structure, finished or unfinished.

2.14 *Habitable gross square footage* means the entire interior area of living space in a residential structure, finished or unfinished, including but not limited to bathrooms, toilet rooms, closets, halls, basements, and storage or utility spaces, but not including porches, garages, unfinished attics, and crawl spaces. Habitable gross square footage does not include the common areas of multifamily residential structures having three or more dwelling units.

2.15 *Mixed-use structure* means a structure or part of a structure, but not a separated occupancy, having any combination of residential use, nonresidential nonretail use, or nonresidential retail use.

2.16 *Nonresidential* means the use of a structure for purposes other than living or permanent habitation.

2.17 *Nonresidential nonretail* means the use of a structure for assembly, business, factory, storage, utility, education, institutional, transient accommodations or habitation, or hazardous uses.

2.18 *Nonresidential retail* means the use of a structure open to the public for the display and sale of merchandise, and involves stocks of goods, wares, or merchandise incidental to such purposes, including but not limited to restaurants, stores, members-only discount stores, and other commercial sales enterprises not solely engaged in the wholesale distribution of merchandise.

2.19 *Principal use* means the foremost purpose for the use, its *raison d'etre*. A principal use may be accompanied by one or more *accessory uses* that are incidental to or supportive of the principal use. The ratio of the gross square footage of the structure

devoted to any principal and accessory uses is not a factor in determining the principal use of the structure.

2.20 *Redevelopment area* means the "Hagerstown Redevelopment Area," consisting of all that land zoned Downtown Mixed-Use District or within a Hagerstown Conversion District overlay zone as set forth in the Hagerstown Zoning Ordinance as of June 26, 2009, and those areas in other municipal corporations as may be designated by the Board of County Commissioners by resolution upon request.

2.21 *Residential* means the use of a structure for living or permanent habitation, or a structure having one (1) or more dwelling units, including but not limited to boarding houses, but not including institutional uses or transient accommodations such as hotels, country inns, bed and breakfast inns, and the like, which shall be considered nonresidential nonretail uses.

2.22 *Separated occupancy* means a discrete part of a structure having a principal use that is distinct from other uses in the same structure, including but not limited to a store in a mall or an office in a multi-unit office building.

2.23 *Structure* means a building or part of a building.

3. Residential Construction.

3.01 *Base building excise tax.* The base amount of the building excise tax for residential construction is \$2.00 per square foot of habitable gross square footage.

3.02 *Addition construction.* The amount of the building excise tax for residential addition construction is one-half of the amount per square foot set forth in §3.01.

3.03 *Credits from previous Adequate Public Facilities Ordinance (APFO) regulations.* Residential units that have paid an Alternate Mitigation Contribution (AMC) in accordance with preceding APFO requirements to gain final plat approvals shall receive credit for the first \$1.00 per square foot of building excise tax. The Department of Planning and Zoning shall provide a report to the Department of Permits and Inspections delineating units that may receive this credit.

3.04 *Calculation of amount.* The amount of building excise tax to be paid by an applicant shall be determined by the Director of Permits and Inspections.

4. Nonresidential Construction

4.01 *Nonresidential nonretail construction.* The building excise tax for nonresidential nonretail construction is \$1.50 per square foot of the gross square footage.

4.02 *Nonresidential retail construction.* The building excise tax for nonresidential retail construction is \$1.50 per square foot of the first 15,000 square feet of gross square footage and \$3 per square foot of any gross square footage over 15,000 square feet.

4.03 *Addition construction.* The amount of the tax due under this section shall be determined according to the increase in the gross square footage of the structure at the same rate per square foot set forth in §§4.01 and 4.02, as the circumstance may require.

4.04 *Mixed-use structures.* The building excise tax for mixed-use construction is the tax imposed under this Ordinance for the principal use of the structure as determined by the Director of Permits and Inspections.

4.05 *Separated occupancies.* The building excise tax for separated occupancy construction is the tax imposed under this Ordinance for the principal use of the separated occupancy.

5. Payment of tax.

5.01 *Building excise tax paid before issuance of building permit.* An applicant for a building permit shall pay the building excise tax before the building permit for the respective structure is issued.

5.02 *Refunds.* The Director of Finance shall refund to the applicant the building excise tax paid if the building permit is cancelled or expires so long as work has not commenced. If, upon appeal by an applicant pursuant to §10.03 who has paid the building excise tax, the County Administrator determines that the Director of Permits and Inspections has erred in calculating the building excise tax, the Director of Finance shall refund to the applicant the difference between the amount of building excise tax paid by the applicant and the correct amount as determined by the County Administrator.

6. Exemptions.

6.01 *Farm construction.* Farm construction is not subject to the building excise tax so long as the construction continues to be actively used for farm use. Should the

construction be used for some purpose other than active farm use, then the building excise tax shall be remitted to the Director of Finance at the then existing amount of the building excise tax.

6.02 *Government construction.* No building excise tax shall be imposed on construction by the Board of County Commissioners, any municipality, the Washington County Board of Education, Hagerstown Community College, the State of Maryland, or the federal government.

6.03 *Replacement construction.** No building excise tax shall be imposed on construction that replaces an existing structure as long as there is no:

- (a) Increase in the habitable gross square footage of a residential structure;
- (b) Change in the use of a structure from a nonresidential nonretail use to a nonresidential retail use; or
- (c) Increase in the gross square footage of a nonresidential structure.

6.04 *Residential accessory structures.* No building excise tax shall be imposed on residential accessory structures that are not habitable.

6.05 *Schools.* No building excise tax shall be imposed on construction of public or private elementary or secondary schools or higher education institutions issued a certificate of approval by the Maryland Higher Education Commission pursuant to Md. Code Ann., Educ. §11-202.

6.06 *Redevelopment area.* No building excise tax shall be imposed on construction in a redevelopment area as defined in §2.20 of this Ordinance.

6.07 *Enterprise zones.* No building excise tax shall be imposed upon non-residential construction within enterprise zones in the County.

6.08 *Religious corporations.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations organized and operated exclusively for religious purposes within the meaning of 26 U.S.C. 501, and
- (b) Used primarily for religious purposes.

• * The building excise tax on any increase in habitable gross square footage or gross square footage created by the construction shall be computed in accordance with §§ 3, 4, and 7 of this Ordinance.

6.09 *Fire, Rescue, or Ambulance Companies.* No building excise tax shall be imposed upon structures:

- (a) Owned by corporations authorized to provide fire protection or firefighting service, rescue, or ambulance service as described in Section 10-401 of the Code of Public Local Laws for Washington County, Maryland; and used primarily for the delivery of fire, rescue, or ambulance service.

6.10 Residential construction occurring within the Hancock and Cascade Elementary School attendance districts shall be exempt from excise tax for a period of ten (10) years from the effective date of this amendment (Revision 14). This exemption also applies to construction of residential additions outlined in 3.03.

7. Change in use.

7.01 *General.* Upon receipt of a building permit application for a change in use that requires a zoning certification, the building excise tax shall be imposed based on the use applied for in the building permit application, subject to any credit allowed by §7.07.

7.02 *Conversion from nonresidential to residential.* When an existing structure is subject to construction pursuant to a building permit that converts its use from a non-residential use to residential use, the building excise tax is 70% of the amount set forth in § 3.01 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in §3.02. Conversion construction under this §7.02 is not entitled to the credit set forth in §7.05.

7.03 *Conversion from residential to non-residential nonretail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential nonretail use, the building excise tax is as set forth in §4.01 on all existing habitable gross square footage. Any addition construction will be taxed at the amount set forth in §4.03.

7.04 *Conversion from residential to non-residential retail.* When an existing structure is subject to construction pursuant to a building permit that converts its use from residential use to nonresidential retail use, the building excise tax is as set forth in §4.02 on all existing gross square footage. Any addition construction will be taxed at the amount set forth in §4.03.

7.05 *Credit.* A credit shall be granted for any building excise tax due under this

§7 for any excise tax previously paid upon prior construction of the structure since July 12, 2005. No refund shall be granted if the credit for any building excise tax previously paid exceeds the building excise tax imposed under this §7.

8. Special excise tax fund.

8.01 *Establishment of fund.* The Director of Finance shall establish a special non-lapsing fund to be known as the special excise tax fund. All revenues from the building excise tax shall be deposited in the special excise tax fund. Interest earned by money in the special excise tax fund shall accrue to the special excise tax fund.

8.02 *Use of special excise tax fund – non-residential construction.* Revenues deposited in the special fund that are generated by the building excise tax imposed on nonresidential construction may only be used for:

- (a) Primary, secondary, or higher education capital expenditures;
- (b) Public safety capital expenditures;
- (c) Public infrastructure projects; and
- (d) Debt reduction related to capital improvements expenditures.

8.03 *Use of special excise tax fund - residential construction.* The revenues from the building excise tax imposed on residential construction may only be used as follows:

- (a) 70% for schools;
- (b) 25% for roads;
- (c) 5% for general county government capital improvement expenditures except roads.

8.04 The revenues from the building excise tax imposed on residential construction used for general county government improvement expenditures may only be used for the capital costs of public works, improvements, and facilities.

8.05 The revenues from the building excise tax imposed on residential

construction used for schools may only be used for the capital costs required to accommodate new construction or development in the County.

special fund shall remain in the fund, available for use in future fiscal years for purposes specified in this subsection and does not revert to the general fund of Washington County.

8.07 Capital costs include the costs of land acquisition for public works, improvements, facilities, and schools.

9. Municipalities.

9.01 *Building excise tax applicable.* This building excise tax shall apply to all construction in Washington County, including construction within the boundaries of a municipal corporation.

9.02 Collection of tax by a municipal corporation

(a) All municipal corporations located within Washington County shall assist the County Commissioners in the collection of the building excise tax within the municipal corporation by:

- (i) Collecting the tax prior to the issuance of a building permit and remitting the tax monthly to the Director of Finance, but in no case more than 30 days after the end of the month during which it was collected, and shall deliver therewith a full and accurate accounting of the collections in a format specified by the County; or
- (ii) Requiring the tax to be paid to the Director of Finance prior to the issuance of a building permit.

(b) The failure of a municipality to comply with the requirements of §9.02(a) shall disqualify that municipality from retaining any funds for administrative costs provided for in §9.03 of this Ordinance for the period of non-compliance.

(c) For residential construction, the municipal corporation:

- (i) Shall assist the County Commissioners in the collection of that portion of the building excise tax that is dedicated to schools and general county government capital expenditures as provided under §8.03 of this Ordinance, by collecting and remitting that amount of the tax to the County Director of Finance; and

~~(ii) May retain the remaining portion of the building excise tax.~~

(d) For non-residential construction, the municipal corporation:

(i) Shall assist the County Commissioners in the collection of 75% of the building excise tax on non-residential construction as provided under § 8.02 of this Ordinance, by collecting and remitting that amount of the tax to the County Director of Finance; and

(ii) May retain the remaining portion of the building excise tax.

(e) The municipal corporation is not required to retain any portion of the building excise tax as provided under §9.02.

(f) Any portion of the building excise tax not retained by a municipal corporation under §§9.02(c).(ii) or 9.02(d)(ii) shall be remitted to the County Director of Finance monthly, but in no case more than 30 days after the end of the month during which it was collected, and shall deliver therewith a full and accurate accounting of the collections in a format specified by the County. The failure of a municipality to comply with the requirements of §9.02(f) shall disqualify that municipality from retaining any funds for administrative costs provided for in §9.03 of this Ordinance for the period of non-compliance.

(g) The director of finance of a municipal corporation retaining any revenue from the building excise tax under §§9.02(c)(ii) or 9.02(d)(ii) shall deposit the revenues into a non-

lapsing special fund.

(h) The revenues from the municipal corporation's special fund indicated in §9.02(g) may only be used for the capital costs of public works, capital improvements, and facilities required to accommodate new construction for development of:

- (i) Roads;
- (ii) New construction or development of parks and recreational facilities;
- (iii) New construction or development of water and sewer infrastructure; and
- (iv) New construction or development of public safety facilities.

~~(i) At the end of a fiscal year, any unspent or unencumbered balance in~~
the municipal corporation's special fund shall remain in the fund, available for use in future fiscal years for purposes specified in §9.02(h) of this section, and does not revert to the general fund of the municipal corporation.

9.03 *Administrative fees for collection.*

(a) A municipal corporation that collects and remits the excise tax to the County Commissioners may deduct from the revenues collected a fee of two percent (2%) of the revenues remitted to the County Commissioners under this section, not including any portion retained pursuant to §9.02, for administrative costs.

(b) If the municipal corporation can demonstrate to the satisfaction of the Board of County Commissioners that the direct administrative costs of collecting the building excise tax exceed the two percent (2%) rate authorized in the §9.03(a), the Board, in its sole discretion, after receiving the recommendation of the Director of Finance, may authorize the municipal corporation to withhold all or any portion of the direct administrative costs claimed for collecting the building excise tax remitted to the County Commissioners or may direct that the municipal corporation be reimbursed with the costs.

10. Appeals

10.01 *Administrative appeals.* An applicant aggrieved by a decision regarding the calculation of the amount of building excise tax, the granting or denial of an exemption, or otherwise interpreting or applying this building excise tax, may appeal the decision to the County Administrator within 30 days of the date of the written decision of the Director of Permits and Inspections, provided that either:

- (a) Processing of the building permit is delayed pending the decision
- (b) of the County Administrator; or
- (c) The applicant pays the building excise tax prior to filing the appeal.

10.02 *Burden of proof.* The burden of proof shall be on the appellant to demonstrate that the decision of the Director of Permits and Inspections is erroneous.

Administrator, with a copy of the appeal to the Office of the County Attorney, stating the grounds of the appeal. Appeals from any decision of the Director of Permits and Inspections under this Ordinance shall be *de nova*. The County Administrator shall hold such hearings as are necessary and may request additional information from the Appellant. The decision of the County Administrator shall be in writing and shall be rendered within a reasonable time.

10.04 *Judicial review.*

(a) Any party aggrieved by a decision of the County Administrator may file for judicial review of the decision in accordance with Maryland Rules 7-201, *et seq.*, provided that such appeal is filed within thirty (30) days of the date of the written decision of the County Administrator. This and all subsequent appeals shall be on the record of the decision of the County Administrator and may not be heard *de nova*.

(b) The decision of the Circuit Court may be appealed to the Court of Special Appeals or, upon certiorari, to the Court of Appeals in accordance with the Maryland Rules.

(c) The County Commissioners may file a responsive pleading and be a party to or file for judicial review in the Circuit Court or take an appeal to the

(d) Court of Special Appeals or, upon certiorari, to the Court of Appeals, of any decision made under this Ordinance.

10.05 *Reports to the Board of County Commissioners.* The County Administrator shall immediately report to the Board of County Commissioners on appeals from decisions of the Director of Permits and Inspections including the issues raised, the decision, the decision on any further appeal, and any changes made to County policies and procedures as a result of the appeal.

11. Enforcement.

11.01 *Misdemeanor.* It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together, or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying any building excise tax imposed by this Ordinance. Any person or entity who shall so violate this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined up to

~~BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND
five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or be both~~
fined and imprisoned. Each day that the violation continues shall be deemed a separate offense.

11.02 *Action to enforce.* In the event the building excise tax is not paid as required, the Office of the County Attorney or its designee may institute an action to recover the building excise tax and enjoin the use of the property until the building excise tax is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

11.03 *Lien and enforcement same as County real property taxes.* If not paid as required by this Ordinance, the building excise tax shall automatically constitute a lien against the property being developed and shall be levied, collected, and enforced in the same manner as are County real property taxes, and shall have the same priority and bear the same interest and penalties as County real property taxes for lien purposes.

12. Annual reports.

12.01 Reports by the municipal corporations.

(a) On or before September 30 of each year, each municipal corporation that retains revenues under §9.03 of this Ordinance shall report annually to the Board of County Commissioners:

- (i) The amount of revenues the municipal corporation received and the number of single-family and multifamily residential units that generated these revenues;
- (ii) The amount of revenues remitted to the Board of County Commissioners and the amount retained by the municipal corporation; and
- (iii) A detailed accounting of how the revenues that were retained by the municipal corporation were distributed among the acceptable uses specified in § 9.03 of this Ordinance and the specific projects for which the revenues were used.

(b) The report prepared by each municipal corporation shall be based on the fiscal year ending on June 30 of the year the report is submitted.

12.02 Reports by the Director of Finance. The Director of Finance shall

BUILDING EXCISE TAX ORDINANCE FOR WASHINGTON COUNTY, MARYLAND

~~prepare and submit an annual report on or before November 30 of each year to the~~
Board of County Commissioners that shall include the following information for the prior fiscal year:

- (a) The total amount of building excise taxes collected;
- (b) The amount of funds appropriated from the special excise tax fund;
- (c) The amount of funds expended from the special excise tax fund;
- (d) The amount of funds from County sources appropriated for each of the categories set forth in § 8 of this Ordinance; and
- (e) The funds remaining in the special excise tax fund.

12.03 *Reports by the Board of County Commissioners.* On or before December 31 of each year, the Board of County Commissioners shall:

- (a) Report to the members of the Washington County legislative delegation:
 - (i) The amount of revenues by school district that the Board of County Commissioners received from nonresidential building types, residential units, and the number and types of units that generated these revenues; and
 - (ii) The manner in which the revenues were distributed among the acceptable uses specified in § 8 of this Ordinance and the specific projects for which the revenues were used.
- (b) Submit to members of the Washington County legislative delegation the report prepared by each municipal corporation under § 12.01 of this Ordinance.
- (c) The reports prepared by the Board of County Commissioners shall be based on the fiscal year ending on June 30 of the year the reports are submitted.

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

Topic:

Legislative Update – *Delegate Matthew Schindler and Senator Paul Corderman*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

FY 2026 Budget Review – *Michelle Hepburn, Chief Financial Officer and Brooke Garver, Accounting & Budget Manager*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

FY26_Budget_Review_Memo_05-13-2025.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

To: Scott Nicewarner, City Administrator

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

Date: May 13, 2025

Subject: FY26 Budget Review

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 13, 2025:

1. CDBG Fund – Section 4, Pages 3-8
2. Economic Redevelopment Fund – Section 4, Pages 10-12
3. Parking Fund 5 Year Projections - Section 6, Pages 24-26
4. Parking Fund Capital Improvement Projects - Section 7, Pages 40-41 and 164-167
5. Stormwater Fund 5 Year Projections - Section 6, Pages 31-32
6. Stormwater Fund Capital Improvement Projects - Section 7, Pages 46-47 and 173-180
7. Golf Fund 5 Year Projections – Section 6, Pages 27-28
8. Golf Fund Capital Improvement Projects – Section 7, Pages 42-43 and 168-169
9. Mayor & Council Discussion and Questions

May 20, 2025:

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



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**

Topic:

Hagerstown Youth Council 24-25 Session Update - *Margi Joe, Community Development Manager. Rachel Paul, Planning and Outreach Coordinator*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

051325_WS-Hagerstown_Youth_Council_Update.pdf

Description

Hagerstown Youth Council
24-25 Session Update.



TO: Scott Nicewarner, City Administrator

FROM: Margi Joe, Community Development Manager
Rachel Paul, Planning and Outreach Coordinator

DATE: May 9, 2025

RE: Hagerstown Youth Council 24-25 Session Update

Staff will attend the May 13th, 2025 Work Session to introduce the Hagerstown Youth Council for an update on the 2024-2025 HYC session.

Formed in 2019, the Hagerstown Youth Council is an opportunity for local youth to learn, participate, and engage with the community and municipal government.

In October of 2023, staff pursued increasing the HYC membership limits from 5-11 members, to 5-19 members. Approval of this increase by the Mayor and City Council allowed for this cohort to enjoy 18 dedicated members for the Hagerstown Youth Council.

This year, the Hagerstown Youth Council continued to build on activities explored in the 23-24 session, including the Charge for Change event. The HYC also participated in city-organized commission and committee meetings to broaden their understanding of the city's role in our community. This initiative will be highlighted in the presentation, along with several other accomplishments this year!

Hagerstown Youth Council members will present at the May 13th Work Session to provide updates on the progress of the council to date.

Attachments: Presentation

C: Amanda Gregg, Chief Housing and Community Development Officer

Hagerstown Youth Council



2024-2025 Session update



Council Makeup

- 18 Members
- Representation from:
 - South Hagerstown High School
 - North Hagerstown High School
 - Barbara Ingram School for the Arts
 - St. Maria Goretti Catholic High School
 - Boyd. J Michael III Technical High School
- First session was September 23rd, 2024
- Total Meetings: 18
- 4 Committees



Goals and Objectives

Advancing Impact

- Increase youth participation in community events through targeted outreach and promotion.
- Cohesively work with local organizations to strengthen the sense of our Hagerstown Community.
- Provide a platform for youth-led voices to be heard and opportunities to contribute to decision making processes.

Extending Event Planning

- Plan youth-focused events that promote active participation, leadership development, and community engagement.
- Address and advocate for issues that affect youth in Hagerstown as identified by the Youth Council.
- Provide opportunities for youth to showcase their strengths, talents, and ideas through entirely youth planned events.

Maximizing Productivity

- Increase social media engagement and presence to effectively reach and connect with a wider audience of youth in the community.
- Encourage youth to actively participate in community service by establishing partnerships with local organizations.
- Improve the accessibility of information and resources available to address the needs of youth in our community.

2024-2025 Officers & Committees

Chair: Zander Hine
Secretary: Justice Nshangalmue

Co-Chair: Torin Malott
Social Media Manager: Toluwalase Ojo

Earth Day

- Louis Maciulla
- Aniya Russell
- Brianna Mathews
- Jessica Ramos

News Intake/Newsletter

- Adrian Martinez
- Alleiana Orndorff
- Allen Anderson
- Toluwalase Ojo

Charge for Change

- Olivia Yamashita
- Emily Mireku-Baabu
- Nina Dethdy
- Justice Nshangalume
- Nicolas Martinez-Martell

Service Engagement

- Vattia Newberry
- Naomi Kandrick
- Caroline O'Neil

Guest Speakers

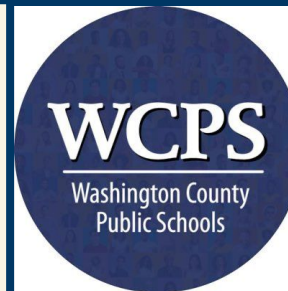
We love having guest speakers attend our meetings, their advice and words they share are much appreciated!

The following guest speakers have attended our meetings:

- ❖ **Matt Ranieli-President, Rotary Club of Hagerstown**
- ❖ **Dr.Sovine-Superintendent, WCPS**
- ❖ **Melissa Williams-BOE President (former), WCPS**
- ❖ **Stan Stouffer-BOE Vice-President (former), WCPS**
- ❖ **Daphne Wang-BOE Student Member, WCPS**
- ❖ **Barna Begzad-President, WCASC**
- ❖ **Zoë Burnett & David Monroig, American Youth Association**
- ❖ **Scott Nicewarner-City Administrator, City of Hagerstown**
- ❖ **Vicki Sterling-Leader, Washington Goes Purple**
- ❖ **Samantha Bohle-Coordinator of Prevention Services, WCHD**
- ❖ **Brittany Arizmendi, Director of Community Engagement**
- ❖ **Washington County Diversity & Inclusion Committee**
 - **Terence Ngwa, Chair**
 - **Angela Yamashita, Vice-Chair**
 - **Jeanine Salifou, Secretary**
 - **ZSun-nee Miller-Matema**
 - **Fatima Sakarya**
 - **Allenia Washington**



Washington Goes Purple
Prevent Addiction.
Eliminate Stigma.



Diversity and Inclusion
Committee

City of Hagerstown- Increased Participation of Municipal Functions

Members participated in:

- Planning Commission & Public Hearing meetings
- Historic District Commission meetings
- Mayor and City Council Regular Session meetings



ZANDER HINE
Hagerstown Youth Council



LOUIS MACIULLA
Hagerstown Youth Council

Advocacy Day:



Teen Job Fair:



Earth Day Celebration

Trash removal. Mulching & Tree Planting.
Garden & Stream Clean up.

Purpose:

- ★ Recognizing Earth & Arbor Day.
- ★ City of Hagerstown: 40th year as a Tree City!
- ★ Trash collected was donated to Washington Goes Purple for Trash Bash Fundraiser!
- ★ Our lovely community members, friends, family, grandparents, parents, siblings, etc., came out to revitalize our very own Hagerstown City Park for the upcoming warm weather.
- ★ Partnership with ACWA, Maryland DNR, Parks & Rec, and WashCo Health Department!
- ★ Volunteers from Citi Bank and Boy Scout Pack 66!



Charge 4 Change

Free Food. Fun Times.
Fantastic giveaways.

- Our 2nd annual time planning and executing this free community event!
 - Total Participants: 73
- Focused on the importance of everyone, especially youth mental and physical wellbeing.
- A day of community, fitness, and fun! 3K race, local artists, and inspiring guest speakers.
- Collaboration with Community resources that provided information and material to address the wellbeing of the city's youth.
- Giveaways provided from local organizations.



Charge 4 Change

May 4th, 2025 - Fairgrounds Park- Mental & Physical Well Being Focused

Community Organizations:

- ★ Washington County Free Library
- ★ Washington County NAACP
- ★ Compassion for A.L.L
- ★ Washington County Health Department
- ★ Washington County Diversity & Inclusion Committee
- ★ Rooted App

Race Timing: Racine Multisports, LLC

Giveaway Donations:

- ★ Hagerstown Flying Boxcars
- ★ AC&T
- ★ Leitersburg Warehouse Cinemas
- ★ Dairy Queen
- ★ Free Range Cafe

Performers

- ★ Ryan Franko Music

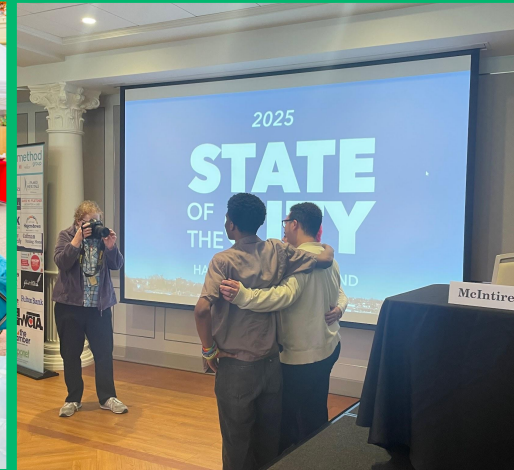
Speakers

- ★ Tekesha A. Martinez, former Mayor
- ★ Terrance Ngwa, chair of the Diversity, Equity, and inclusion Committee
- ★ City Councilwoman Caroline Anderson

Volunteer Opportunities

Council Members have provided assistance at the following events (2024-2025):

- ❖ Fall Folk Festival
- ❖ Halloween Block Party
- ❖ Photos with Grinch & Holly Fest
- ❖ Downtown Tree Lighting
- ❖ Earth and Arbor Day in City Park
- ❖ 2025 State Of the City



Outreach and Engagement



Commitment to increasing social media presence during 2024-2025 session:

The Hagerstown Youth Council social media has accumulated a following of:

- **950** followers on Facebook
- Over **600** followers on Instagram

Social Media impressions since May 2024:

- Over **40,000 views** and **1,400 contact interactions** on Facebook
- Over **25,000 views** and **924 content interactions** on Instagram

Achieving. New. Heights.

Year after year, the Hagerstown Youth Council has continued to flourish in new ways. This year, we had our first EVER Advocacy Day. Having the ability to speak directly with state legislators was an experience beyond words!

Increased participation at our events, increased number of applications, and increased engagement from the community has been a key turning point in even greater success.

**Expanding our reach. Expanding our impact.
Expanding our success.**



Closing

Thank you for your time and on behalf of the entirety of the Hagerstown Youth Council, we thank you for your continued support for our mission and vision. The Hagerstown Youth Council **continues to grow** and flourish at a rapid rate. With your assistance, we will only get stronger!



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

Topic:

Middle Neighborhoods Emergency Repair Grant Program -- *Margi Joe, Community Development Manager. Rachel Paul, Planning and Outreach Coordinator*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

051325_WS_Packet_Mid_Neighborhoods_ER_Grant.pdf

Description

Middle Neighborhoods
Emergency Repair Grant
Program



TO: Scott Nicewarner, City Administrator

FROM: Margi Joe, Community Development Manager
Rachel Paul, Planning and Outreach Coordinator

DATE: May 9, 2025

RE: Middle Neighborhoods Emergency Repair Grant Program

At the May 13, 2025 Work Session, staff will review proposed guidelines for the creation of the “Middle Neighborhoods Emergency Repair Grant Program” funded by \$75,000 in awarded State Community Legacy monies.

This program will pay 75% of contractor costs to assist homeowners with urgent home repairs affecting the health, safety, or sanitary conditions of their dwelling. The program will work similarly to the CDBG Emergency Home Repair Grant program, but will allow a higher income threshold than is permitted by HUD guidelines.

On 6/18/2024 Mayor and City Council approved the City’s application to the Community Legacy program through the state for this program.

Attachments: Draft Motion
Proposed Program Guidelines
Proposed Program Application

c: Amanda Gregg, Chief Housing and Community Development Officer
Sue Kyler, Community Liaison

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

DATE: May 27, 2025

TOPIC: **Approval of the Guidelines and Application Form for Middle Neighborhoods
Emergency Repair Grant Program**

Charter Amendment	—
Code Amendment	—
Ordinance	—
Resolution	—
Other	<u>X</u>

MOTION:

I hereby move for the Mayor and City Council to approve the attached Guidelines and Application Form to create the Middle Neighborhoods Emergency Repair Grant Program. Staff may make administrative edits as needed for clarification and administration of the program.

The program will be funded with \$75,000 of awarded State Community Legacy funding.

DATE OF INTRODUCTION:	5/27/2025
DATE OF PASSAGE:	5/27/2025
EFFECTIVE DATE:	5/27/2025



**City of Hagerstown
Middle Neighborhoods Emergency Repair Grant
Program Guidelines**

**Department of Housing and Community Development
April 2025**

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City of Hagerstown

Middle Neighborhoods Emergency Repair Grant Program Guidelines

Program Description

The City of Hagerstown's Middle Neighborhoods Emergency Repair Grant Program is designed to provide financial assistance of up to \$15,000 to moderate-income households for the correction of health, safety, and property issues. The program aims to help ensure compliance with all applicable codes and standards. Eligible homeowners will be responsible for only 25% of the total repair cost.

Program Resources

The City uses State of Maryland Community Legacy funds to provide this assistance. Income eligibility determinations are a modification of the requirements of the HUD Community Development Block Grant program, utilizing the Section 8 "annual income" definition at 24 CFR 5.609 of the HUD regulations. HUD allows household income of up to 80% of Area Median Income (AMI); for the Middle Neighborhoods program, this has been adjusted to allow up to 120% of AMI to qualify.

Current Middle Neighborhood Income Limits* – Hagerstown, MD

# Persons in Household	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Annual Income	\$76,350	\$87,300	\$98,175	\$109,080	\$117,825	\$126,525	\$135,225	\$144,000

*Maximum household annual income determinations will include income of all current household members age 18 and over, regardless of relationship to the applicant.

Program Administration

Community Development staff are responsible for processing applications, performing site visits and development of the scope of work, arranging for the Lead Assessment (if required), and providing the homeowner with a list of licensed contractors to choose from (if requested). The homeowner must select the contractor themselves, and the contractor must be licensed by the Maryland Home Improvement Commission (MHIC). All work must be done in conformance with the standards outlined in Section 101.2 of the International Building Code, under which the City of Hagerstown Department of Engineering and Permits operates.

All necessary permits for building, mechanical, plumbing and/or electrical improvements must be applied for and issued by the City of Hagerstown Department of Engineering and Permits. No work requiring a permit may begin until a copy of said permit has been issued.

Applicant and Property Eligibility Requirements:

- Total household (all current residents) income must be below 120% of Area Median Income.
- Applicant must own the eligible property in fee simple.
- Property to be rehabilitated must be the applicant's primary residence.
- Applicant must have owned property to be rehabilitated for minimum two (2) years.
- Applicant must have the legal capacity to incur obligations under the Program.
- All mortgage payments must show current for the previous three (3) months.
- Applicant must be free of any tax lien or any judgment.
- Applicant(s) must be in good standing with the City of Hagerstown.
- Bankruptcies must have been discharged for a minimum of 2 years.
- Previous recipients of Middle Neighborhoods Emergency Repair Grant assistance are ineligible for additional funding under this program. (Previous recipients of the CDBG Emergency Repair Grant must observe the five-year waiting period before applying.)
- Property must be within the City of Hagerstown corporate limits and must be in need of rehabilitation.
- All property taxes and utilities must be current.
- The property must be free of all judgments including IRS liens.
- The applicant must have current Homeowners' Insurance. Any properties in the 100-year flood plain must have flood insurance.
- A Lead Assessment may be required for properties constructed prior to 1978, dependent upon the repair that is requested. If lead is deemed present the rehabilitation work must be completed by a contractor that is lead-certified.

Eligible Expenses

Eligible activities include repairs that will bring the house into compliance with City codes. These may include but are not limited to the following:

- Repair or replacement of defective mechanical, electrical, and plumbing systems.
- Repair or replacement of defective building components and surfaces, i.e., foundations, roofs and gutters, porches and stairways, floors, ceilings and walls, doors and windows.
- Lead paint hazard reduction.
- Accessibility for disabled persons.

Ineligible Expenses

The City will not provide assistance for the following:

- Creation of a secondary housing unit attached to a primary unit.

-
- New construction, substantial reconstruction, or the finishing of unfinished spaces such as attics or basements.
 - Renovation of outbuildings.
 - Costs of equipment, furnishings, or other personal property that is not an integral structural fixture, such as a window air conditioner.
 - Appliances not required by code standards.
 - Materials, fixtures or equipment of a type of quality that exceeds that customarily used in the locality for properties of the same general type as the property to be rehabilitated.
 - Labor costs for homeowners to rehabilitate their own properties.

Standards for Rehabilitation

Properties that the City deems eligible for participation in this program will be upgraded to conform to Section 101.2 of the International Building Code under which the City of Hagerstown's Department of Engineering and Permits operates. Any outstanding permit or zoning violations must be corrected before application will be considered eligible.

Scopes of work on all projects will be forwarded to the Maryland Historic Trust for review. Scopes of work on these properties will follow the Secretary of the Interior's Guidelines for the Rehabilitation of Historic Structures.

Intake and Application

Applicants are processed on a "first come - first served" basis. However, if necessary, priority will be given to those repairs needed to mitigate a hazardous condition that poses an immediate threat to the health and safety of the occupant.

The following documentation will be required to process the application:

- Driver's license (or other form of photo ID) for all applicants.
- If not a U.S. citizen, applicants must have Permanent Resident Alien documentation.
- Verification of current mortgage payment and name/address/phone for mortgage company.
- The name/address/phone of employer(s) (if applicable) for previous 2 years.
- Proof of current total household income for all household members regardless of relationship, whether on the Deed or not:
 - Last one months' employment pay stubs or vouchers;
 - Award letter documenting the amount of Social Security, Welfare, or Veterans Administration benefits;

-
- Court order awarding alimony or child support;
 - If income is received from pension, annuity plan, rental, or other income, include documentation of this.
 - A Year-to-Date Profit & Loss statement is required if self-employed.
 - Most recent two (2) years Federal tax returns and W-2s/1099s/1098s. If not on hand, printouts can be obtained from the IRS website.
 - Most recent two (2) months' statements of bank accounts, securities accounts, CD's, etc. (all accounts)
 - Balance & monthly payment amount documentation for mortgage(s) if applicable.
 - Copy of divorce decree or separation agreement if applicable.
 - Copy of the Recorded Deed (not the "Deed of Trust") for the property to be improved.
 - A copy of the declarations page of the current homeowner's insurance policy (showing policy period and premium).
 - A copy of the current property tax bill and tax assessment

After receipt of application and proof of income, the household's gross yearly income will be reviewed against the program's income guidelines to determine income eligibility.

Approval Process For Grant Program

Upon confirmation of income eligibility, the Community Liaison will advise applicant via e-mail or phone of preliminary approval and arrange for a site visit.

If the application for repair grant is not approved, the applicant shall be notified in writing of the reason(s) for denial.

Home Inspection and Scope of Work

Once the application has received preliminary approval, staff will arrange for the inspection of the property and creation of the scope of work. During this time, staff or the owner will order a survey to test for lead paint hazards (if necessary).

When the scope of work has been developed, staff will meet with the applicant to review the results and discuss the work to be completed. The property owner is responsible for contacting contractors for the project estimates; a list of qualified contractors is available upon request. Three (3) proposals/bids are preferred, and all bidders must be licensed by the Maryland Home Improvement Commission (MHIC). If lead paint is deemed present, the proposals must be provided by contractors who are also lead-certified.

Homeowners will be given 30 days to provide contractor estimates; if not received by staff within that timeframe, the application will be administratively closed.

Upon receipt of a signed contract between the homeowner and the contractor, the City may issue a deposit of up to one-third of the estimated project cost. Additional payments will be made only for completed work, up to 75% of the total project cost, with a maximum City contribution of \$15,000. The homeowner is responsible for paying the remaining 25% directly to the contractor.

Contractor Requirements

Only qualified contractors are eligible to do rehabilitation work under this program. Contractors must be licensed by the Maryland Home Improvement Commission (MHIC). Contractors must have Commercial General Liability Insurance and may not be under a suspension or debarment order.

Insurance

The contractor shall carry or require that there be current Manufacturer's and Contractor's Public Liability Insurance, in an amount of not less than \$100,000 for injuries including accidental death to any one persons and for any one accident, and to protect the contractor and his subcontractor's against claims for injury to or death of one or more than one person because of accident, and to protect the contractor and his subcontractors against claims for injury to or death of one or more than one person because of accidents which may occur or result from operations under the contract. Such insurance shall cover the use of all equipment including but not limited to excavating machinery, trenching machines, cranes, hoists, rollers, concrete mixers, and motor vehicles in the construction of the rehabilitation included in their contract.

The contractor shall carry, during the life of the contract, Property Damage Insurance in the amount of not less than \$50,000 to protect them and their subcontractors from claims for property damage which might arise from operations under their contract.

Contractor Notice to Proceed

After the grant is approved and a contractor is chosen to complete the work, a Notice to Proceed will be prepared. This document must be signed by the homeowner, the contractor, and the Community Liaison. Work may only begin after all signatures are in place. Grant funds will be paid directly to the contractor(s) upon receipt of invoices for completed work.

A deposit of up to one-third of the estimated project cost may be provided. Additional payments from the City will be made only for completed work, up to 75% of the total project cost. The homeowner will be responsible to the contractor for the remaining 25%. (The City may request additional documentation to confirm the applicant's ability to pay.)

The contractor must begin work within 30 days of the Notice to Proceed. If not, the City reserves the right to cancel the agreement. All work must be completed within 30 days of the commencement date.

Construction and Inspection

As construction progresses, staff will arrange for inspections as follows:

- Inspections will be requested as often as necessary to assure that the work is proceeding according to the terms of the contract and the scope of work.
- Site visits will be made whenever a payment request is submitted by the contractor to confirm that the work being billed has been completed as indicated on the invoice.
- City staff will make compliance inspections to assure that any work requiring permit(s) is being completed according to city code and any other related State or local laws and ordinances.
- Written notices of inspections and copies of any required permits will be filed appropriately.

**The contractor may only request a change order for additional items not included in the original scope of work if unforeseen safety or code violations are discovered after work has begun. The contractor must have written confirmation of this fact from the inspector, and the homeowner and the City must sign the change order form. Change order costs may not exceed 10% of the total project cost.

After staff determines that the rehabilitation work has been fully and satisfactorily completed and inspected, an Owner's Completion Acknowledgement Form and Final Inspection is issued. The homeowner signs the Acknowledgement indicating that he/she/they accept the rehabilitation work as meeting the terms and conditions of the contract. Staff may make the final City payment at that time. If the homeowner refuses to sign the final acceptance, staff may authorize payment for those items that are undisputed and acceptable to all parties.

Grievance Procedure

Disputes between the homeowner and the contractor may arise during the rehabilitation project. In those instances where a mutually satisfactory agreement cannot be reached between the parties, the below grievance procedure will be followed.

1. The grievance by the homeowner or contractor is to be filed in writing with the Community Development Manager at the following address:
Department of Housing and Community Development
14 N. Potomac Street, Ste 200A
Hagerstown, MD 21740

-
2. The Manager and the Community Liaison will meet with the homeowner/contractor and attempt to negotiate a solution. If this fails:
 3. The Manager will forward the complaint and documentation of his/her attempts to resolve it to the Chief Housing and Community Development Officer who shall make a determination. If this decision is unsatisfactory to the complainant:
 4. The complaint and documentation of attempts to resolve it will be forwarded to the City Administrator who shall make the final determination.

For Issues related to complaints about the performance of the rehabilitation contract:

The rehabilitation contract is between the homeowner and the contractor. The following procedures shall be instituted to resolve complaints:

1. The homeowner must contact the contractor, inform him of the grievance, and attempt to work out the issue(s). If this fails:
2. The homeowner shall file a written grievance with the City. The Community Liaison will meet with the contractor and the homeowner to reach a mutual solution. If this fails:
3. The Community Liaison will forward the grievance to the Community Development Manager for a decision.
4. If either party is dissatisfied with the Community Development Manager's decision, they may appeal to the Chief Housing and Community Development Officer.
5. If this fails to bring about a resolution, the affected party may institute litigation.
6. The Community Development Manager will be responsible for maintaining documentation and records of all grievances. The Community Development Manager may release funds to the contractor for items in the scope of work which are complete and undisputed.

Exceptions to Program Guidelines

If it can be shown that certain deficiencies in a housing unit constitute an emergency (an immediate hazard to the health and safety of the inhabitants within the household), some or all of these guidelines can be exempted as an administrative act by the Community Development Manager with the consent of the Chief Housing and Community Development Officer.



City of Hagerstown

Middle Neighborhoods Emergency Home Repair Grant Program Application

The purpose of our Middle Neighborhoods Emergency Home Repair Grant Program is to provide financial assistance to moderate income homeowners within City limits. These programs are administered by the City of Hagerstown Department of Housing and Community Development and funded by the Maryland State Community Legacy Program to assist in the rehabilitation of owner-occupied single-family homes. Income-qualified homeowners may be eligible for a grant of up to \$15,000 for eligible emergency repairs to their property.

HOW DOES IT WORK?

Upon review of your completed application, department staff will contact you to schedule an inspection of the needed repairs to your home. Eligible rehabilitation work through this program will typically correct major exterior or interior deficiencies and include repairs which bring the property up to City code standards or resolve health and safety concerns. An "emergency repair" is defined as a situation that is life threatening, or one that prohibits someone from living in decent, safe, and sanitary conditions. Most common emergency repair cases include, but are not necessarily limited to significant roof leaks, failing heat systems, failing water heaters, major electrical hazards and major structural failures. Upon approval, homeowners are responsible for obtaining three contractor estimates and the contractors must be fully licensed to complete the proposed work. Upon project completion and staff review, 75% of the contractor invoice total will be paid by the City of Hagerstown.

WHO CAN APPLY?

Income-qualified owner-occupants of residential property within the City of Hagerstown may apply. The home must be the applicant's primary residence. All eligible rehabilitation projects will be subject to program guidelines and funding availability. Please call our department to ensure that you meet all eligibility guidelines before applying for this program.

Current Middle Neighborhood Income Limits* – Hagerstown, MD

# Persons in Household	1 Person	2 Persons	3 Persons	4 Persons	5 Persons	6 Persons	7 Persons	8 Persons
Annual Income	\$76,350	\$87,300	\$98,175	\$109,080	\$117,825	\$126,525	\$135,225	\$144,000

*Maximum household annual income determinations will include income of all current household members age 18 and over, regardless of relationship to the applicant.

City of Hagerstown Middle Neighborhoods
Emergency Home Repair Grant Application

APPLICANT INFORMATION

Name of Applicant		Name of Co-Applicant	
Social Security Number	Date of Birth	Social Security Number	Date of Birth
Address		Address	
City, State, Zip		City, State, Zip	
Home Phone Number	Cell Phone Number	Home Phone Number	Cell Phone Number
Email Address		Email Address	
Current Employer	Years Employed	Current Employer	Years Employed

TOTAL NUMBER OF PERSONS IN HOUSEHOLD? _____

LIST OF HOUSEHOLD RESIDENTS: ALL household members (INCLUDING applicant/co-applicant) and income sources must be listed below.

Family/Household Member Name	Age	Gross Monthly Income	Source of Income

PLEASE BRIEFLY DESCRIBE THE REQUESTED REPAIRS:

LEAD-BASED PAINT

Housing built prior to 1978 may contain lead-based paint. Lead from paint, paint chips, and dust can pose health hazards if not managed properly. Lead exposure is especially harmful to young children and pregnant women. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning also poses a particular risk to pregnant women. Any household receiving federal funds for rehabilitation must receive the enclosed federally approved pamphlet on lead poisoning prevention.

By signing this application you are acknowledging that you have received the pamphlet "Protect Your Family From Lead In Your Home".

Applicant_____ Date_____

Co-Applicant_____ Date_____

STATISTICAL DATA

**Information collected is for statistical & monitoring purposes only. It is not used to determine eligibility.

Applicant:

Ethnicity <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	
() White	() American Indian/Alaskan Native & White
() Black/African American	() Asian & White
() Asian	() Black/African American & White
() American Indian/Alaskan Native	() American Indian/Alaskan Native & Black/African American
() Native Hawaiian/Other Pacific Islander	() Other Multi Racial
() Male	
() Female	
() I do not wish to answer	
I do not wish to furnish this information. _____ (Initials)	
US Citizen <input type="checkbox"/> Yes <input type="checkbox"/> No	Country of Origin:

Co-Applicant:

Ethnicity <input type="checkbox"/> Hispanic or Latino <input type="checkbox"/> Not Hispanic or Latino	
() White	() American Indian/Alaskan Native & White
() Black/African American	() Asian & White
() Asian	() Black/African American & White
() American Indian/Alaskan Native	() American Indian/Alaskan Native & Black/African American
() Native Hawaiian/Other Pacific Islander	() Other Multi Racial
() Male	
() Female	
() I do not wish to answer	
I do not wish to furnish this information. _____ (Initials)	
US Citizen <input type="checkbox"/> Yes <input type="checkbox"/> No	Country of Origin:

REQUIRED APPLICATION ATTACHMENTS CHECKLIST: Your application is not complete unless all of the following information is submitted. The City of Hagerstown may request additional information after initial application review. With this application, please include:

- ☐ MOST RECENT ONE MONTH'S PAY STUBS FOR EACH EMPLOYED PERSON (18+) IN THE HOUSEHOLD
- ☐ IF INCOME IS FROM PENSION, SOCIAL SECURITY, DISABILITY, ANNUITY OR ANY OTHER INCOME SOURCE, INCLUDE A COPY OF THE CURRENT AWARD LETTER
- ☐ COPY OF APPLICANT'S DRIVER'S LICENSE (OR OTHER GOVERNMENT-ISSUED PHOTO ID)
- ☐ MOST RECENT TWO (2) YEARS OF FEDERAL INCOME TAX RETURNS AND W-2s, 1098s OR 1099s (IF YOU ARE NOT REQUIRED TO FILE TAXES, PLEASE SIGN THE AFFIDAVIT OF TAX FILING STATUS FORM)
- ☐ COPIES OF YOUR TWO (2) MOST RECENT MONTHS OF BANK STATEMENTS -- ALL PAGES (ALL ACCOUNTS)
- ☐ COPY OF YOUR MOST RECENT MORTGAGE STATEMENT (IF APPLICABLE)
- ☐ COPY OF THE DECLARATION PAGE OF YOUR HOMEOWNER'S INSURANCE POLICY

**Please be advised that in order to be eligible for these programs, all property taxes must be current. City of Hagerstown staff will attempt to obtain your paid property tax receipts through online databases. If staff is unable to locate, you will be required to provide proof of current tax payments.

**City of Hagerstown staff will attempt to locate a copy of the recorded deed of assignment for your property and any other real estate you own through online Land Records databases. If staff is unable to locate, you will be required to provide proof of ownership.

AFFIDAVIT OF TAX FILING STATUS

I, _____, was not required to file a Federal
Income Tax Return for the following years and for the following reasons:

TAX YEAR: _____

TAX YEAR: _____

TAX YEAR: _____

I declare that the contents of the foregoing statement are true and correct.

APPLICANT

DATE

ACKNOWLEDGMENT AND CERTIFICATION

I/we certify that the above information is true and correct, and I/we understand that any misinformation could result in the disqualification of this and any future request for housing rehabilitation assistance. I/we understand that this application does not guarantee assistance, and this request will be kept confidential and reviewed by the City of Hagerstown staff and representatives to determine eligibility.

I/We agree that verification of information contained in this application may be made, either directly or through a credit reporting agency or from any source named in this application, and the original copy of this application will be retained by the City of Hagerstown, even if the grant is not approved. I/We authorize the City of Hagerstown to obtain individual credit reports and understand that any information obtained from the credit reporting agency may be used to determine eligibility for this request.

I/We agree to permit City of Hagerstown staff, or their representative, contractor and subcontractors access to the property during the workday or at other reasonable times to complete required inspections and all necessary work. I/We agree to cooperate with City of Hagerstown staff, or their representative, contractor and subcontractors to facilitate the performance of the work.

Applicant

Date

Co-Applicant

Date

Please return your completed application to:

City of Hagerstown
Department of Housing and Community
Development
14 N. Potomac St., Suite 200A
Hagerstown, MD 21740
Attn: Sue Kyler, Community Liaison
E-Mail: skyler@hagerstownmd.org

The City of Hagerstown does business in accordance with the Federal Fair Housing Act which prohibits discrimination in the sale, rental, and financing of dwellings, and in other housing-related transactions based on race, color, national origin, religion, sex, familial status, and mental or physical disability. The City of Hagerstown fully supports the principals of Equal Opportunity for all and requires all program participants, loan recipients, developers, contractors, and subcontractors to comply with all applicable law.



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

Topic:

Meritus Park - Fireworks Exemption for July 4th - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Meritus_Park_-_Firework_Exemption_for_July_4th.pdf

Description

Meritus Park - Fireworks
Exemption for July 4th



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

May 13, 2025

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JMB

RE: Meritus Park – fireworks exemption for July 4th

Background:

In March, staff presented the Hagerstown Flying Boxcars schedule for firework shows at Meritus Park for the 2025 season. Eleven (11) shows were planned for 2025, including a show on the evening of Friday, July 4th; that is the same night as the City's annual fireworks show at Fairgrounds Park. The City's Fire Marshal indicated that their office would be able to staff both of those shows that night, but that they would not be able to patrol other parts of the City for illegal fireworks that evening. The Council expressed concern about this, and did not approve an exemption from the City's Noise Ordinance for the Boxcar's July 4th show. The Fire Marshal has since arranged for additional staff to manage both fireworks shows that night and patrol the City for illegal fireworks.

Mayor & Council Action Requested:

Determine whether or not to approve the Flying Boxcar's July 4th fireworks show and exempt it from the City's Noise Ordinance. If the Council is in agreement, staff will work with the City Attorney to prepare a motion to this effect for consideration by the Council. Staff will be present at the work session to discuss.

Discussion:

At the March 4th work session, the Council indicated that they did not want to change the date of the City's fireworks show, and that they wanted to have Fire Marshal staff available to patrol the City on the evening of July 4th. The Fire Marshal has been able to accommodate these requests.

Staff have communicated to the Flying Boxcars that, in the future, they will not be able to have a fireworks show on the same night as the City's show. The City's show will normally be held on the evening of July 4th; however, in 2026, Washington County has asked all municipalities to shift their fireworks shows to a different date to avoid conflicts with their national 250th anniversary celebration.

cc: Eric Deike
John DiBacco

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

Topic:

Purchase of Recycling Carts - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Purchase_of_Recycling_Carts.pdf

Description

Purchase of Recycling
Carts



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

May 13, 2025

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: Purchase of Recycling Carts

1. Background

In 2011, the City solicited bids from vendors to supply recycling carts. Over the years since the original purchase, the City has had to place orders for replacement carts and parts, and used the same vendor (Rehrig Pacific) for those purchases. The City now needs to place another order for replacement carts; because we have not re-bid the original contract, this is essentially a sole source procurement. The City's Purchasing Policy requires City Council approval for sole source purchases over \$10,000.

2. Mayor & Council Action Requested

Review this information, and authorize the purchase of recycling carts from Rehrig Pacific. If Council is in agreement, a motion to that effect will be presented for the Council's consideration at the May 13th Special Session meeting. Staff will be present at the work session to discuss.

3. Discussion

There were five (5) bidders on the 2011 contract, and Rehrig Pacific was selected as the vendor. (Rehrig is also the City's vendor for trash carts). The City has been satisfied with the performance of the trash and recycling carts, and staff recommends that we continue to source these carts from Rehrig so that there is uniformity in the tens of thousands of carts in use across the City. Carts from another vendor would likely have a different appearance, and the City would still have to work with Rehrig for replacement parts for the existing carts.

Staff has prepared a consent form for the current purchase that would allow us to make this sole source purchase of recycling carts in the amount of \$24,876; the Council can consider that at the May 13th Special Session. Staff will also be presenting a second consent form at the May 27th Regular Session for a blanket purchase order that would be used during FY 26 (and beyond, as funds allow) to purchase additional recycling and trash carts from Rehrig.

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

Topic:

Public Hearing: Real Property Tax Rate beginning July 1, 2025

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Public Hearing: Proposed Budget July 1, 2025 – June 30, 2026

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Introduction of an Ordinance: Tax Rate beginning July 1, 2025

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

FY26_Motion_and_ordinance_to_introduce_tax_rate.pdf

Description

FY26 Motion and Ordinance
to Introduce Tax Rate

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: May 13, 2025

TOPIC: Introduction of an Ordinance: Tax Rates Beginning July 1, 2025

Charter Amendment	_____
Code Amendment	_____
Ordinance	___ X ___
Resolution	_____
Other	_____

MOTION:

I hereby move for the introduction of an ordinance on May 13, 2025 to establish the City's tax rates for the fiscal year July 1, 2025 through June 30, 2026 on the basis of \$1.057 per \$100 of assessed value of all real property and \$2.643 per \$100 of assessed value of all business personal property within the City of Hagerstown.

DATE OF INTRODUCTION: 05/13/2025
DATE OF PASSAGE: 05/20/2025
EFFECTIVE DATE: 07/01/2025

ORDINANCE No.

**ESTABLISHING THE TAX RATES
FISCAL YEAR JULY 1, 2025 TO JUNE 30, 2026
CITY OF HAGERSTOWN, MARYLAND**

Pursuant to the Charter of the City of Hagerstown and the general public laws of the State of Maryland, the legislative body of the City of Hagerstown is charged with establishing tax rates; and the Mayor and Council, as the duly constituted legislative body for the City of Hagerstown has complied with all the provisions of the Annotated Code of the State of Maryland, the Charter of the City of Hagerstown and all other applicable laws in reference to establishing said tax rates.

NOW, THEREFORE, BE IT RESOLVED, ENACTED and ORDAINED by the Mayor and Council of the City of Hagerstown, that the tax rates for the City for the taxable levy year from July 1, 2025 through June 30, 2026, is hereby established as follows:

- A. All real property is hereby levied and chargeable on the basis of **\$1.057** per \$100 based on the assessed value of said properties as required by the Charter of the City of Hagerstown, the Maryland Constitution, and the Annotated Code of Maryland.
- B. All business personal property, except as otherwise provided for by Ordinance 98-04 entitled *ORDINANCE ESTABLISHING THE ASSESSMENT LEVY FOR THE PERSONAL PROPERTY CATEGORIES OF MANUFACTURING MACHINERY & EQUIPMENT, COMMERCIAL INVENTORY AND MANUFACTURING INVENTORY for the CITY OF HAGERSTOWN, MARYLAND for the FISCAL YEAR JULY 1, 1998 and Thereafter*, is hereby levied and chargeable on the basis of **\$2.643** per \$100 based on the assessed value of said properties as required by the Charter of the City of Hagerstown, the Maryland Constitution, and the Annotated Code of Maryland.
- C. Taxpayers who pay the taxes referred to herein, between the period of July 1, 2025 up to and including July 31, 2025, shall be entitled and are hereby granted a one quarter of one percent (1/4%) discount on the amount of said tax. Any property tax levy assessed and invoiced after September 30, 2025 shall be and is hereby granted a period of thirty (30) days from the invoice date to pay without additional interest or penalty.
- D. A semiannual payment plan for all real property is established in accordance with state law. Any taxpayer who makes an election to pay taxes on a semi-annual payment plan shall pay a service charge on and with the second installment based on the amount deferred.

BE IT FURTHER ORDAINED that the effective date of the tax rate established herein is July 1, 2025 and shall govern for the period set forth.

**MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND**

William B. McIntire, Mayor

Donna Spickler, City Clerk

Date of Introduction: *May 13, 2025*
Date of Passage: *May 20, 2025*
Effective Date: *July 1, 2025*

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

Topic:

Introduction of an Ordinance: Budget FY 2025/2026

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

FY26_Motion_and_ordinance_to_introduce_budget.pdf

Description

FY26 Motion and Ordinance
to Introduce Budget

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: May 13, 2025

TOPIC: Introduction of an Ordinance: Budget FY 2025/26

Charter Amendment	_____
Code Amendment	_____
Ordinance	<u> X </u>
Resolution	_____
Other	_____

MOTION:

I hereby move for the introduction of an ordinance on May 13, 2025 to adopt the City's budget for fiscal year July 1, 2025 through June 30, 2026 in the total amount of \$223,747,300.

DATE OF INTRODUCTION: 05/13/2025
DATE OF PASSAGE: 05/20/2025
EFFECTIVE DATE: 07/01/2025

ORDINANCE No.

**ESTABLISHING THE BUDGET FOR
FISCAL YEAR JULY 1, 2025 TO JUNE 30, 2026
CITY OF HAGERSTOWN, MARYLAND**

Pursuant to the Charter of the City of Hagerstown, the City Council is required to adopt a budget providing a complete financial plan for the budget year, with estimates of anticipated revenues and proposed expenditures for the coming year. The Charter further requires that the total anticipated revenues shall equal or exceed the total of the proposed expenditures.

In accordance with the provisions of the City Charter, Article VII, Finance, the City Administrator submitted a proposed budget to the Mayor and Council not less than ninety days before the beginning of the fiscal year, and a public hearing is being held on May 13, 2025 after fifteen days' notice in a newspaper of general circulation.

NOW, THEREFORE BE IT RESOLVED, ENACTED and ORDAINED by the Mayor and Council of the City of Hagerstown, that the budget for the City for the fiscal year beginning July 1, 2025 and ending June 30, 2026, is hereby established as follows:

Funds	Mayor and Council	
	Proposed FY26 Budget	Approved FY26 Budget
General Fund	\$ 71,384,462	\$ 71,384,462
Community Development Block Grant Fund	1,398,361	1,398,361
Special Revenue Funds	2,344,706	2,344,706
General/Capital Improvement Projects	14,652,000	14,652,000
Total Government Funds	89,779,529	89,779,529
Electric Fund	38,991,744	38,991,744
Water Fund	33,309,806	33,309,806
Wastewater Fund	38,897,198	38,897,198
Parking Fund	2,103,430	2,103,430
Golf Fund	1,036,343	1,036,343
Property Management Fund	602,120	602,120
Stormwater Fund	6,338,226	6,338,226
Total Enterprise Funds	121,278,867	121,278,867
Service & Trust Funds	12,688,904	12,688,904
Total Combined Uses of Funds	\$ 223,747,300	\$ 223,747,300

BE IT FURTHER ORDAINED that the effective date of the budget established herein is July 1, 2025 and shall govern for the period set forth.

**MAYOR AND COUNCIL OF THE
CITY OF HAGERSTOWN, MARYLAND**

(SEAL)

William B. McIntire, Mayor

Donna Spickler, City Clerk

Date of Introduction: *May 13, 2025*
Date of Passage: *May 20, 2025*
Effective Date: *July 1, 2025*

Record and return to: Donna Spickler, City Clerk
City Hall, Room 200
One East Franklin Street
Hagerstown, MD 21740

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

Topic:

Approval of Purchase: Recycling Totes from Rehrig Pacific Company

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Motion_-_Purchase_of_Recycling_Totes.pdf

Description

Approval Purchase
Recycling Totes Rehrig
Pacific

REQUIRED MOTION

MAYOR & CITY COUNCIL HAGERSTOWN, MARYLAND

DATE: **May 13, 2025**

TOPIC: **Approval of the Purchase of Recycling Totes from Rehrig Pacific Co.**

Charter Amendment	_____
Code Amendment	_____
Ordinance	_____
Resolution	_____
Other	<u> X </u>

MOTION: I hereby move for Mayor and Council approval of the purchase of 360 blue recycling totes of various sizes from Rehrig Pacific Co. in the amount of \$ 24,876.00

DATE OF PASSAGE: 05/13/2025
EFFECTIVE DATE: 05/13/2025

PLEASE INDICATE WHICH FOCUS AREA OF THE MAYOR & COUNCIL'S STRATEGIC PLAN THIS PURCHASE/CONTRACT APPLIES TO		
Indicate with an X	FOCUS AREA	GOAL STATEMENT
X	NEIGHBORHOODS REVITALIZATION & SUSTAINABILITY	The citizens of Hagerstown will experience a high quality of life.
	PUBLIC SAFETY	The City of Hagerstown ensures that all who live, work, and play in the City of Hagerstown will be healthy and safe.
X	PUBLIC FACILITIES & INFRASTRUCTURE	The City of Hagerstown will maintain quality services and infrastructure that support residents and businesses in a cost-effective manner.
	ECONOMIC DEVELOPMENT	The City of Hagerstown will continue to grow a diverse, business-friendly economy that supports the community's needs.
	CITIZEN-BASED GOVERNMENT	The City of Hagerstown is an ethical and financial responsible government.
	FISCAL ACCOUNTABILITY	The City of Hagerstown will strive for continuous improvement of fiscal responsible decision making.
	PARKS & RECREATION FOR ACTIVE/HEALTHY LIVING	The City of Hagerstown supports a culturally vibrant community.
	INNOVATIVE/PROGRESSIVE GOVERNMENT	The City of Hagerstown is committed to employee development, excellence in services, and adapting to meet the needs of the community and organization.
	COMMUNITY PROMOTION/PRIDE	The City of Hagerstown will improve our community image.
	ECONOMIC DEVELOPMENT THROUGH SPORTS AND TOURISM	The City of Hagerstown will be creative and diversify opportunities for economic development through non-traditional means.
	MISC. PROJECTS, GOALS AND LEGISLATIVE PRIORITIES	The City of Hagerstown takes a creative approach at finding solutions.

REVIEWED AND APPROVED AS FOLLOWS:

(1) Department Director and Division Manager

COMMENTS Recommend allocation of funds; Rehrig Pacific Co. is the selected vendor for trash and recycling carts.

fz B 5/9/25
Signature / Date

Signature / Date

(2) Purchasing Agent

COMMENTS

Approved

Tyler Freeman 5/8/25
Signature / Date

(3) Chief Financial Officer

COMMENTS

Recommend approval - there is adequate funding to cover this purchase.

Michelle Dyer 5/8/25
Signature / Date

(4) City Administrator

COMMENTS

Signature / Date

Proposal #: 214297 05062025

May 6, 2025

Bill-to:	Ship-to:
City of Hagerstown 1 E. Franklin Street Hagerstown, MD 21740	City of Hagerstown 929 Eldridge Dr Hagerstown, MD 21740
Billing Contact:	Shipping Contact:
Name: Jeannie Jefferies Phone: (301) 790-0700 E-mail: Jjefferies@hagerstownmd.org	Same

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED PRICE
Rollout Cart Type: 95 Gallon EG Cart - Stacked 6 HIGH Body Color Requested: Pepsi Blue Lid Color Requested: Black Wheels / Casters: 10" Snap on with Integrated Spacer Options: In-Mold Label RFID Tag	180	\$67.00	\$ 12,060.00
Artwork:	180	\$3.60	\$ 648.00
	180	\$1.00	\$ 180.00
			
Is Product Taxable?	No	Subtotal =	\$ 12,888.00
Is Freight taxable?	No	Tax on Product =	
Tax Rate:	0.00%	Freight Rate with LIFTGATE =	Included
Terms:	Net 30 Days	Tax on Freight =	
		Total =	\$ 12,888.00

ADDITIONAL INFORMATION:

Freight is included in unit price

Contract Options: None
Ship From: Erie, PA facility
Leadtime: 6 weeks or sooner
Warranty: 10 year unprorated warranty
Quote Valid: 30 Days
Taxes: EXEMPT

*** All Credit Card transactions are subject to a 2% processing fee.



PRESENTED BY:	ACCEPTED BY:
Sam Schultz Environmental Sales Representative sschultz@rehrig.com	
Charla Burns Environmental Customer Service Specialist customerservice@rehrig.com	Sign and Print Name Date
	Title:

To initiate order, please call or send signed proposal via email to Presented By representative or CSR.

Proposal #: 214297 05062025

May 6, 2025

Bill-to:	Ship-to:
City of Hagerstown 1 E. Franklin Street Hagerstown, MD 21740	City of Hagerstown 929 Eldridge Drive Hagerstown, MD 21740
Billing Contact:	Shipping Contact:
Name: Jeannie Jefferies Phone: (301) 790-0700 E-mail: Jjefferies@hagerstownmd.org	Same

ITEM DESCRIPTION	QUANTITY	UNIT PRICE	EXTENDED PRICE
Rollout Cart Type: 65 Gallon EG Cart - Stacked 6 HIGH Body Color Requested: Pepsi Blue Lid Color Requested: Black Wheels / Casters: 10" Snap on with Integrated Spacer Options: In-Mold Label RFID Tag	180	\$62.00	\$ 11,160.00
	180	\$3.60	\$ 648.00
	180	\$1.00	\$ 180.00
Artwork:  			

Is Product Taxable?	No	Subtotal =	\$ 11,988.00
Is Freight taxable?	No	Tax on Product =	
Tax Rate:	0.00%	Freight Rate with LIFTGATE =	Included
Terms:	Net 30 Days	Tax on Freight =	
		Total =	\$ 11,988.00

ADDITIONAL INFORMATION:	
Freight is included in unit price	
Contract Options:	None
Ship From:	Erie, PA facility
Leadtime:	6 weeks or sooner
Warranty:	10 year unprorated warranty
Quote Valid:	30 Days
Taxes:	EXEMPT

*** All Credit Card transactions are subject to a 2% processing fee.

PRESENTED BY:	ACCEPTED BY:
Sam Schultz Environmental Sales Representative sschultz@rehrig.com	
Charla Burns Environmental Customer Service Specialist customerservice@rehrig.com	 Sign and Print Name _____ Date _____ Title: _____

To initiate order, please call or send signed proposal via email to Presented By representative or CSR.