

Mayor and Council Executive Session, Special Session (26th Voting Session) and Work Session November 18, 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"

EXECUTIVE SESSION

2:30 PM 1. EXECUTIVE SESSION – Council Chamber, 2nd floor, City Hall

2:30 PM 2. **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.**

4:00 PM SPECIAL SESSION

4:00 PM 1. Approval of Amended Rules of Procedure

4:00 PM WORK SESSION

4:05 PM 1. Preliminary Agenda Review

4:15 PM 2. Program Open Space Funding List – *Eric Deike, Director of Public Works*

4:25 PM 3. Main Event Grants - *Brittany Arizmendi, Director of Community Engagement*

4:35 PM 4. Downtown Small Business Growth in Partnership with Meritus Park and Flying Boxcars – *Brittany Arizmendi, Director of Community Engagement and David Blenckstone, General Manager - Flying Boxcars*

4:55 PM 5. Request from Boxcars for Fireworks Shows on December 6 and December 31, 2025 – *Jim Bender, City Engineer*

5:00 PM 6. Local Government Energy Modernization Grant – *Nathan Fridinger, Deputy Director of Electric Operations*

5:10 PM 7. Proposed Invest Hagerstown Sign and Facade Grant and Fire Suppression System Grant Guideline Updates. *Chris Siemerling, Economic Development Specialist.*

5:20 PM 8. Follow up on Public Hearing – Rezoning Application ZM-2025-02 – Lorich Tract – 1912 Day Road – Currwood DH, LLC - *Jill Thompson, Director of Planning and Economic Development and Steve Bockmiller, Deputy Director for Planning and Zoning Administration*

5:30 PM 9. Discussion: Town of Smithsburg Request for Approval for a MS4 Stream Restoration Project on Crystal Falls Drive - *Nancy Hausrath, Director of Utilities*

5:45 PM 10. Mayor and City Council Meeting Schedule for 2026 - *Mayor and City Councilmembers*

CITY ADMINISTRATOR'S COMMENTS

MAYOR AND COUNCIL COMMENTS

ADJOURN

**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

November_18__2025_Executive_Session.pdf

Description

Executive Session Agenda



MAYOR AND CITY COUNCIL EXECUTIVE SESSION NOVEMBER 18, 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:

“The City of Hagerstown shall be a community focused municipality.”

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

2:30 p.m. EXECUTIVE SESSION

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; (#1)

* *Legal Services Contract*

* *Various Personnel Matters*

2. To conduct collective bargaining negotiations or consider matters that relate to the negotiations (#9)

* *AFSCME 1540 Contract*

***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: November 18, 2025

PLACE: Council Chamber, 2nd floor, City Hall

TIME: 2:30 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:

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:

Approval of Amended Rules of Procedure

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Amended_Rules_of_Procedure.pdf

Description

Amended Rules of
Procedure

REQUIRED MOTION

MAYOR AND CITY COUNCIL HAGERSTOWN, MARYLAND

Date: November 18, 2025

TOPIC: Adoption of Amended Rules of Procedure

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

MOTION:

I hereby move to adopt these amended Rules of Procedure dated November 18, 2025. These Rules and Procedures shall apply to all meetings of the Mayor and City Council to be held by this administration and shall be in effect upon adoption of the Mayor and City Council.

DATE OF PASSAGE: 11/18/2025



CITY OF HAGERSTOWN, MARYLAND

MAYOR AND CITY COUNCIL

RULES OF PROCEDURE

TABLE OF CONTENTS:

1. Authority
2. General Rules
3. Meetings
4. Chair and Duties
5. Order of Business and Agenda
6. Citizens' Rights at Regular Meetings
7. Suspension and Amendment of These Rules

Adopted December 17, 2024
Amended November 18, 2025

RULES OF PROCEDURE

1. AUTHORITY

- 1.1 The Charter of the City of Hagerstown, Section 206, provides that the Mayor and Council shall determine its own rules of procedure for meetings. Rules pertaining to open meetings are in accordance with the provisions of the Annotated Code of Maryland, General Provisions Article, Section 3-303(b). The following set of rules shall be in effect upon their adoption by the Mayor and Council and until such time as they are amended or new rules adopted in the manner provided by these rules.

2. GENERAL RULES

- 2.1 **Rules of Order:** "Roberts Rules of Order Newly Revised: Twelfth Edition" shall govern the proceedings of the Mayor and Council in all cases, unless they are in conflict with these rules. This version of Roberts Rules of Order applies to participants, whether in person or electronically.
- 2.2 **Meetings to be Public:** All official meetings of the Mayor and Council, except where State or local law allows Executive Sessions for certain limited topics, shall be open to the general public, who is invited to listen and observe, whether the session is in person or via internet. Except in instances when the Mayor and Council expressly invites public testimony, questions, comments, or other forms of public participation, no member of the public attending an open session may participate in the session. The journal of proceedings shall be open to public inspection.
- 2.3 **Quorum:** A majority of the members of the Council (three [3] Council Members) shall constitute a quorum and be necessary for the transaction of business. If a quorum is not present, those in attendance will be named and they shall adjourn to a later time.
- 2.4 **Journal of Proceedings:** An account of all proceedings of the Mayor and Council shall be kept by the City Clerk and shall be entered in a book constituting the official record of the Mayor and Council.
- 2.5 **Right of Floor:** Any member desiring to speak shall be recognized by the Chair and shall confine his or her remarks to one subject under consideration or to be considered.
- 2.6 **City Administrator:** The City Administrator shall attend all meetings of the Mayor and Council unless excused. The City Administrator may make recommendations to the Mayor and Council and shall have the right to take part in all discussions of the Council but shall have no vote.

- 2.7 **City Attorney:** The City Attorney shall attend all Regular Meetings of the Mayor and Council unless excused and shall, upon request, give an opinion, either written or oral, on questions of law.
- 2.8 **City Clerk:** The City Clerk shall attend all meetings of the Mayor and Council unless excused and shall keep the official journal (minutes) and perform such other duties as may be requested by the Mayor and Council.
- 2.9 **Officers and Employees:** Department heads of the City, when there is pertinent business from their departments on the Council agenda, shall attend such Council meetings upon request of the City Administrator.
- 2.10 **Cellular Telephones:** The use of cellular telephones or electronic devices in the Council Chamber during Mayor and Council meetings shall be restricted. Any audible features of cellular telephones or electronic devices shall be turned off during meetings.

3. **TYPES OF MEETINGS**

- 3.1 **Regular Meeting:** The Mayor and Council shall hold a Regular Meeting a minimum of once each month, in accordance with the City Charter. All Regular Meetings shall generally convene on the fourth Tuesday of each month at 7:00 p.m. in the Council Chamber, second floor, City Hall.
- 3.2 **Special Meetings:** Special meetings may be called by three or more members of the Council or by the Mayor. The City Clerk shall prepare a notice of special session, stating time, place, and object, and the notice shall be served upon each member of the Council at least three hours before the time of the meeting. It shall also be the duty of the City Clerk to make diligent effort to notify each member of the Council in person, either by telephone or otherwise, of such special session. Notice of such special session shall be properly publicized by the news media as specified by law. Only matters set forth in the notice of the meeting shall be discussed at such meeting.
- 3.3 **Work Sessions:** The Mayor and Council may meet informally in work sessions (study sessions), open to the public, at the call of the Mayor or three or more members of the Council, to review forthcoming programs of the City, receive progress reports on current programs or projects, or receive other similar information from the City Administrator, provided that all discussions and conclusions thereon shall be informal. No formal actions may be taken in a work session.
- 3.4 **Executive Sessions:** Executive Sessions, or closed meetings, may be held in accordance with the applicable provisions of the Charter of the City of Hagerstown and of the Annotated Code of Maryland. A majority of the members present must vote in favor of closing the session prior to meeting in Executive Session. The vote will be recorded and a written statement shall be provided

outlining the reason for closing the meeting, including a citation of the authority under the Annotated Code of Maryland, and a listing of the topics to be discussed.

Topics that may be discussed include: (1) Personnel matters; (2) Protection of the privacy or reputation of individuals in matters not related to public business; (3) Consider the acquisition of real property for a public purpose; (4) Proposal for a business or industrial organization to locate, expand or remain in the City; (5) Investment of public funds; (6) Marketing of public securities; (7) Consultation with legal counsel to obtain legal advice; (8) Consultation with staff, consultants or other individuals about pending or potential litigation; (9) Collective bargaining negotiations or to consider matters related to the negotiations; (10) Public security, including the deployment of fire and police services and staff, and the development and implementation of emergency plans; (11) Qualifying examinations; (12) Investigative proceedings concerning criminal misconduct; (13) Compliance with specific constitutional, statutory, or judicially imposed requirements that prevents public disclosures about particular matters; (14) Discuss matters directly related to a negotiating strategy or contents of a bid or proposal, if public discussion would adversely affect the competitive bidding or proposal process; (15) discuss cyber security; and (16) Administrative functions. No ordinance, resolution, rule or regulation shall be finally adopted at such an executive session.

- 3.5 **Recording of Open Meetings:** All official meetings of the Mayor and City Council, except Executive Sessions, shall be open to members of the general public, freely subject to recording by radio, television, tape recorder and photographic services at any time, provided that such arrangements do not interfere with the orderly conduct of the meetings.

A recording of an open session made by a member of the news media or general public, or any transcript derived from such a recording, may not be deemed a part of the record or any proceeding of the Mayor and City Council.

4. **RULES FOR ELECTRONIC MEETINGS**

- 4.1 **Meetings Held Electronically:** Meetings of the Mayor and Council may be conducted by internet (a) when the Mayor has obtained written consent from a majority of the Council Members; (b) when so directed by the Council; or (c) in the case of special meetings, when so directed by those calling the special meeting. Electronic meetings of the Mayor and Council shall be subject to all rules adopted by the Council, not otherwise in conflict with this Section 3.
- 4.2 **Login Information:** The City Clerk shall send by e-mail to every member of the Council, at least 48 hours before each meeting, the time of the meeting, the URL, and codes necessary to connect to the Internet meeting service, and, as an alternative and backup to the audio connection included within the Internet service, the phone number and access code(s) the Council Member needs to

participate aurally by telephone. The City Clerk shall also post notice of the meeting through email and on the City of Hagerstown website.

- 4.3 **Login Time:** The City Clerk shall schedule Internet meeting service availability to begin at least 15 minutes before the start of each meeting.
- 4.4 **Signing In and Out:** Council Members shall identify themselves as required to sign in to the Internet meeting service, and shall maintain Internet and audio access throughout the meeting whenever present, but shall sign out upon any departure before adjournment.
- 4.5 **Quorum Calls:** The presence of a quorum shall be established by audible roll call at the beginning of the meeting. Thereafter, the continued presence of a quorum shall be determined by the online list of participating Council Members, unless any member demands a quorum count by audible roll call. Such a demand may be made following any vote for which the announced totals add to less than a quorum.
- 4.6 **Technical Requirements and Malfunctions:** Each Council Member is responsible for his or her audio and Internet connections; no action shall be invalidated on the grounds that the loss of, or poor quality of, a Council Member's individual connection prevented participation in the meeting.
- 4.7 **Obtaining the Floor:** To seek recognition by the chair, a Council Member shall address the chair and state his or her own name.
- 4.8 **Voting Methods:** All votes shall be taken by roll call. Unless the Council orders a fully recorded roll-call vote, only the number of votes on each side and the number of Council Members present but not voting shall be entered in the minutes. Business may also be conducted by unanimous consent.

5. **CHAIR AND DUTIES**

- 5.1 **Chair:** The Mayor shall preside as Chair at all meetings of the Mayor and City Council. In the absence of the Mayor, the Council shall elect a Chair.
- 5.2 **Call to Order:** The meetings of the Mayor and Council shall be called to order by the Mayor. In the absence of the Mayor, the meeting shall be called to order by the City Clerk for the election of a temporary Chair.
- 5.3 **Preservation of Order:** The Chair shall preserve order and decorum, prevent attacks on personalities or the impugning of members motives, and confine members in debate to the question under discussion.
- 5.4 **Points of Order:** The Chair shall determine all points of order, subject to the right of any member to appeal to the Council. If any appeal is taken, the question shall be, "Shall the decision of the Chair be sustained?"

- 5.5 **Questions to be Stated:** The Chair shall state all questions submitted for a vote and announce the result. A roll call vote shall be taken upon the request of any member.
- 5.6 **Substitution for Chair:** The Chair may call any other member to temporarily chair the meeting in order to take part in debate or to cover a temporary absence. Such substitution shall not continue beyond adjournment.

6. **ORDER OF BUSINESS AND AGENDA**

- 6.1 **Order of Business:** The business of all regular meetings of the Mayor and Council shall be transacted in the following order, unless the Council, by a majority vote of the members present, suspends the rules and changes the order:
- a. Call to Order
 - b. Invocation
 - c. Pledge to the Flag
 - d. Announcements
 - e. Appointments
 - f. Guests
 - g. Proclamations
 - h. Citizen Comments
 - i. Public Hearings
 - j. Consent Agenda
 - k. Unfinished Business
 - l. New Business
 - m. City Administrator's Comments
 - n. Mayor and Council Comments/Reports
 - o. Adjournment
- 6.2 **Consent Agenda:** The Consent Agenda may contain items of a routine and non-controversial nature which may include, but are not limited to the following: communications, memos and reports for information, resolutions, agreements, petitions, minutes, applications, approval of purchase requisitions. The Consent Agenda may be accepted by the consent of the Council by a single vote without reading, unless a member of the Council should request any item be removed for further discussion. Any item removed from the Consent Agenda will automatically become the last item under New Business.
- 6.3 **Agenda:** The agenda of each meeting shall be prepared by the City Clerk after review and decision of agenda topics is completed by the City Administrator and the City Clerk, with input from the Department Heads. The Mayor, or three or more members of the Council, may request specific topics to be added to a future agenda. The agenda and meeting packet shall be electronically delivered to members of the Council at least forty-eight (48) hours preceding the meeting to which it pertains. The agenda and meeting packet for public review shall be available in the City Clerk's office on the Friday afternoon preceding each meeting of the Mayor and City Council.

The agenda and meeting packet is also available on the City of Hagerstown website at www.hagerstownmd.org/government/agenda.

7. CITIZENS' RIGHTS AT REGULAR MEETINGS

- 7.1 **Addressing the Mayor and Council – Time Limit:** Thirty (30) minutes shall be allotted to Citizen Comments at each Regular Session. Any person desiring to address the Mayor and Council in person during a Regular Session must pre-register by using the required form on the City of Hagerstown website (www.hagerstownmd.org) no later than twenty-four (24) hours prior to the scheduled start of the Regular Session. Speakers must provide their accurate full name, accurate mailing address, organization or group (if they are speaking on behalf of an organization or group), and topic. Failing to pre-register accurately may result in a speaker not being permitted to speak.

Speakers will be called in the order in which they pre-register and shall be permitted three (3) minutes to speak on matters germane to City business. At the end of thirty (30) minutes, Citizen Comments shall conclude and any pre-registered who have not yet addressed the Mayor and Council may submit their comments in writing.

There will be no sign-up option at the meeting.

Citizen Comments shall be on topics germane to City business and shall be strictly limited to three minutes. If the Chair determines that the topic is not germane, the Chair shall so instruct the speaker and, if the speaker does not move on to a germane topic, the Chair may direct the Speaker to end his/her comments.

Testimony provided during Public Hearings may have different time limits and requirements for those who wish to speak.

- 7.2 **Manner of Addressing the Mayor and Council:** Each person addressing the Mayor and Council shall utilize the microphone, give his or her name and address of residence for the record and, unless further time is granted by the Council, shall limit their address according to the time limits set forth in Paragraph 7.1. When large groups of citizens wish to address the Mayor and Council on the same topic, the Chair may direct each organization or group addressing the Mayor and Council to choose two representatives to act as spokespersons for purposes of addressing the Mayor and City Council. The spokespersons shall limit their comments according to Paragraph 7.1. All remarks shall be addressed to the Mayor and Council as a body, and not to any member individually. No person, other than members of the Council and the person having the floor, shall be permitted to enter into any discussion, either directly or through the members of the Council. No questions shall be asked the Council Members, except through

the presiding officer. The Council will then determine the disposition, if any, of the issue (to be placed on the agenda, work session, other agenda, take under advisement or refer to the City Administrator).

- 7.3 **Proper Meeting Decorum:** According to Robert's Rules of Order, proper meeting decorum includes: speaking only when recognized by the chair, confining debate to the topic at hand, avoiding personal attacks, listening respectfully to other members, and generally maintaining a respectful and orderly atmosphere during discussions. Essentially, only one person should speak at a time, and members should focus on the issue being debated without personal comments or interruptions.
- 7.4 **Personal and Slanderous Remarks:** Any person making personal, impertinent or slanderous remarks, or who shall become boisterous while addressing the Mayor and Council or who shall disrupt a meeting, may be directed to leave the meeting and may be forthwith, by the Chair, barred from further audience before the Mayor and Council during that meeting.
- 7.5 **Written Communication:** Interested parties, or their authorized representatives, may address the Mayor and Council by written communication in regard to any matter concerning the City's business or over which the Council has control at any time by direct mail (copies will be distributed to the Council Members), addressing the City Clerk who will share the communication with the Council Members), and or by sending an email to councilcomments@hagerstownmd.org. These communications may include matters the party would like to be addressed at a future meeting.
- 7.6 **Signs, Hats, and Banners:** Members of the audience shall not wear or display signs, placards, banners, hats, costumes, or similar items at any time in Council Chambers that obstruct the view of other audience members. In no event shall signs, placards, banners, props, or similar items be larger than 8 ½ by 11 inches, be illuminated, or be attached to any pole, stick, or other device.

8. **SUSPENSION AND AMENDMENT OF THESE RULES**

- 8.1 **Suspension of Rules:** Any provision of these rules not governed by the City Charter or City Code may be temporarily suspended by a vote of a majority of the City Council. The vote on any such suspension shall be taken by ayes and nays and entered upon the record.
- 8.2 **Amendment of Rules:** These rules may be amended, or new rules adopted, by a majority vote of all members of the City Council, provided that the proposed amendments or new rules shall have been reviewed into the record at a prior Council meeting.

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

Topic:

Preliminary Agenda Review

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

November_25__2025_Preliminary_Agenda.pdf

Description

Preliminary Agenda



MAYOR AND CITY COUNCIL REGULAR SESSION (27TH VOTING SESSION) NOVEMBER 25, 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.”

PRELIMINARY AGENDA

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

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

I. CALL TO ORDER - Mayor William B. McIntire

II. INVOCATION

III. PLEDGE TO THE FLAG

IV. ANNOUNCEMENTS

- A. Rules of Procedure – *Effective December 17, 2024*
- B. Use of cell phones during meetings is restricted.
- C. All correspondence for distribution to Elected Officials should be provided to the City Clerk and should include a copy for the City Clerk for inclusion in the official record.
- D. Meeting Schedule:
 - 1. Tuesday, December 2, 2025 – Work Session at 4:00 p.m.
 - 2. Tuesday, December 9, 2025 – Work Session at 4:00 p.m.
 - 3. Tuesday, December 16, 2025 – Regular Session at 7:00 p.m.
 - 4. Tuesday, December 23, 2025 – No Meeting Scheduled
 - 5. Tuesday, December 30, 2025 – No Meeting Scheduled

V. AGENDA ITEM CITIZEN COMMENTS

Citizen Comments on agenda items shall be limited to topics listed for consideration on this agenda and limited to three minutes.

Citizens are welcome to provide comments in person or by sending an email to councilcomments@hagerstownmd.org no later than 5:00 p.m. on Tuesday, October 28, 2025. Include your full name, home street address, and topic of your comments. You may attach a letter to the email or write your comments in the body of the message. The City Clerk will read your name, address, and provide a summary of the comments. The full copy of the comments will be provided for public viewing as part of the minutes.

VI. MINUTES

October 7, 2025, October 21, 2025, and October 28, 2025

**** Please note all times are approximate and subject to change. Meetings are televised and recorded. ****

City Hall • Council Chamber • 1 East Franklin Street • Hagerstown, MD 21740 • 301.766.4183 • TDD 301.797.6617

VII. CONSENT AGENDA

A. Engineering:

1. Refurbish Police Athletic League (PAL) Building Exterior - INL Construction, LLC (Oxon Hill, MD) \$ 72,374.34
2. Architectural Design of Renovations and Improvements to the Fourth Floor of City Hall - Newcomer Associates (Chambersburg, PA) \$ 46,500.00
3. Sidewalk Accessibility Ramps for FY26 - Change Order to Previously Awarded Contract - JT Rock Excavating, LLC (Mt. Airy, MD) Not to Exceed \$ 125,000.00

B. Information Technology

1. Annual Software Licensing for Arctic Wolf Endpoint Security Detection Software - Winslow Technology Group (Waltham, MA) \$160,447.54

C. Police:

1. Ballistic Vests - Angel Armor (Fort Collins, CO) \$ 15,793.30
2. Blanket Funding for Maintenance and Expansion of Camera System - Miscellaneous Vendors \$ 100,000.00 – *Material to be Presented*

D. Public Works:

1. Replace Hydraulic Systems on Truck #12 and Truck #305 for Snow Operations - Stephenson Equipment, Inc. (Harrisburg, PA) \$ 19,826.00
2. Potterfield Pool Management Services - YMCA of Hagerstown, Maryland, Inc. (Hagerstown, MD) \$ 198,601.78
3. Tank Wagon Deliveries - AC&T (Hagerstown, MD): Bulk Unleaded 87 Octane Gasoline and Bulk No. 2 Diesel Ultra Low Sulfur - Tank Wagon Deliveries - (based on the OPIS price of 9/22/2025) \$ 0.25/unit - Total Cost \$ 695,200.00
4. Transport Deliveries - Petroleum Traders Corporation (Fort Wayne, IN): Bulk Unleaded 87 Octane Gasoline - (-\$0.1268 based on OPIS price of 9/22/2025) average -\$ 0.10 Bulk No. 2 Diesel Ultra Low Sulfur - (\$0.0266 based on OPIS price of 9/22/2025) average \$ 0.03 Total cost \$ 695,200.00

E. Utilities:

1. Utilities: Light - Distribution Line Transformers -- United Utility Supply (Chambersburg, PA) \$ 44,376.00
2. Utilities: Light - Consulting Services - FY26 Blanket Contract Increase -- GDS Associates, Inc. (Marietta, GA) \$ 150,000.00
3. Utilities: Water – Annual Contract Renewal for Generator Preventive Maintenance – Fidelity Power Systems (Sparks, MD) \$ 15,732.00
4. Utilities: Wastewater: Butterfly Actuated Valves for the PSA Oxygen Skid – Yeager Supply (Reading, PA) \$ 21,216.88
5. Utilities: Wastewater – Replace Oil Cooler on ZA5 Oxygen Compressor – Atlas Copco (Rock Hill, SC) \$ 13,206.08
6. Utilities: Wastewater – SCADA IFIX Software Upgrade – Automatech, Inc., (Plymouth, MA) \$ 34,744.48

VIII. UNFINISHED BUSINESS

- ### A. No Unfinished Business

IX. NEW BUSINESS

- A. Introduction of an Ordinance: Amendment to Chapter 79 Curfew for Juveniles
- B. Approval of Program Open Space Application
- C. Approval of 2026 Meeting Schedule
- D. Approval of Guideline Changes to the Invest Hagerstown Sign and Facade Grant Program and Fire Suppression System Grant Program
- E. Approval of Withdrawal from Maryland Department of Emergency Management (MDEM) Grant Agreement
- F. Approval of Town of Smithsburg request for MS4 Stream Restoration Project
- G. Approval of Emergency Procurement: Emergency Demolition of Garage – 525 Frederick Street

X. GENERAL CITIZEN COMMENTS

General Citizen Comments are welcome and shall be limited to three minutes.

Citizens are welcome to provide comments in person or by sending an email to councilcomments@hagerstownmd.org no later than 5:00 p.m. on Tuesday, October 28, 2025.

Topics are to be germane to City business.

Include your full name, home street address, and topic of your comments. You may attach a letter to the email or write your comments in the body of the message. The City Clerk will read your name, address, and provide a summary of the comments. The full copy of the comments will be provided for public viewing as part of the minutes.

XI. CITY ADMINISTRATOR COMMENTS

XII. MAYOR & COUNCIL COMMENTS

XIII. ADJOURN

Some items that have been discussed and reviewed previously, or are of a routine nature, may not have additional information attached to this agenda.

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

Topic:

Program Open Space Funding List – *Eric Deike, Director of Public Works*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Description

Program_Open_Space_FY27_Grant_Request_Council_Packet.pdf

Program Open Space
FY27 Grant Request



CITY OF HAGERSTOWN, MARYLAND

Public Works Department

www.hagerstownmd.org

TO: Scott Nicewarner, City Administrator

FROM: Eric B. Deike, Director of Public Works

DATE: November 7, 2025

SUBJECT: Program Open Space FY27 Grant Request

MAYOR AND COUNCIL ACTION REQUESTED

Staff is seeking approval from the Mayor and Council to apply for Program Open Space (POS) grant funding for Fiscal Year 2027 (FY27).

DISCUSSION

POS is a grant through the Maryland State Department of Natural Resources (DNR). DNR places the responsibility of grant review to the local county jurisdictions. The City's request will first go to Washington County Government for review and must be submitted by the end of the calendar year.

Each year, staff reviews and recommends any number of projects to be submitted for POS funding. The list of projects for FY27 and beyond is attached for your review.

The recommended FY27 projects in order of priority are as follows:

1. Replace Playground Equipment at Ridge Avenue Playground: Ridge Avenue Playground is located in the southwest quadrant of the City along Ridge Avenue running parallel to Burhans Boulevard. This small playground includes playground equipment of various configurations, basketball hoops, and a pavilion. The park serves a smaller community surrounded on 2 sides by active railroad tracks.
2. Construct a Shade Structure at the Fairgrounds Skatepark: It has been brought to our attention that the skaters and bicyclist are looking for more shade at the skatepark. The skatepark is a newer amenity to Fairgrounds Park and is still evolving. Skaters and bicyclists alike spend long hours at this park honing their skills or watching fellow skaters and bicyclists. There are few mature trees and only a couple of shade structures.

Attached are photos of the proposed projects and locations.

POS requires projects to have a useful life of at least 20 years. Proposed projects of a less useful lifespan are typically rejected by Washington County and DNR. For example, resurfacing a tennis or basketball court would not be funded but repaving the courts plus resurfacing could possibly be funded.

Public Works Department
51 West Memorial Blvd.
Hagerstown, MD 21740
Ph: 301.739.8577 Ext. 178

Parks and Recreation Division
351 North Cleveland Ave.
Hagerstown, MD 21740
Ext. 169

Parking Division
1 E. Franklin St.
Hagerstown, MD 21740
Ext. 479



CITY OF HAGERSTOWN, MARYLAND

Public Works Department

www.hagerstownmd.org

There is no guarantee that any or all the projects will be accepted. The proposed projects are submitted to Washington County Engineering Department. All requested projects throughout the County are brought before the Washington County Board of Parks & Recreation, who review all the projects. They can accept the projects as submitted, accept a portion of the projects, or reject all the projects.

DNR receives the Washington County approved list of projects. All the projects throughout the State are then taken to the Maryland State Public Works Board for final approval. Until written confirmation is received, the projects cannot move forward, or the funding could be jeopardized.

The applications are to include a 5-year plan. This plan varies from year-to-year as changes to priorities and funding occur.

FINANCIAL IMPACT

Local funding typically requires at least a 10% match. If both projects are accepted, the City match would equate to \$30,000.

The City funding may or may not affect the FY27 budget. The projects are to be completed within a 5-year period of time. Therefore, City funds can sometimes be carried forward to future budgets if the projects are not completed within the proposed fiscal year. This can be due for a number of reasons including permitting, size of the project, or simply inadequate labor to complete a project in a timely manner.

RECOMMENDATION

Staff recommend submitting the project list as attached for POS grant funding consideration. Washington County staff will review the project to determine which projects may be funded. The final decision will be made by DNR later in calendar year 2026.

Att: 5-Year Project Plan, Project Map, Photos, Motion Sheet

C: Parks Staff

Finance Staff

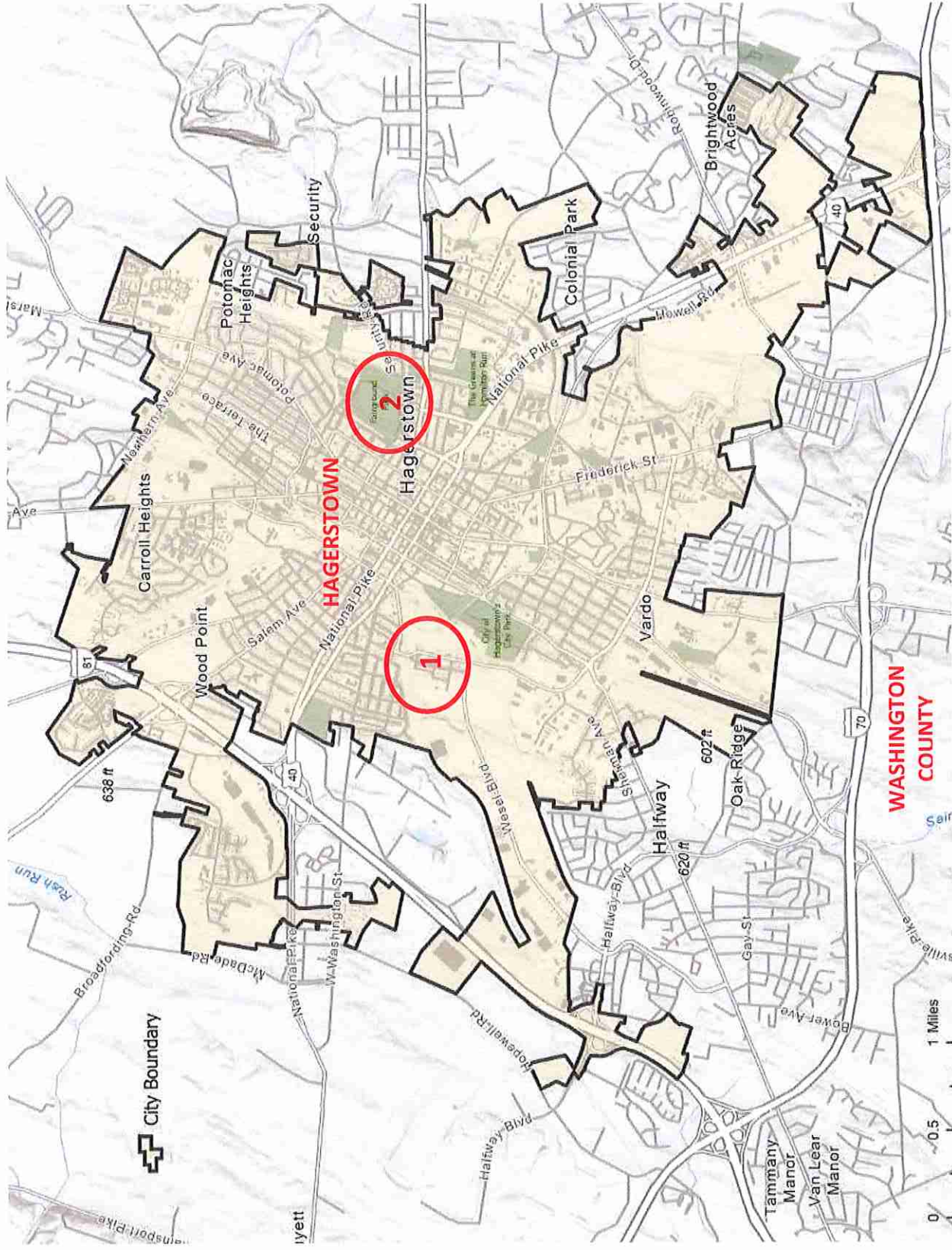
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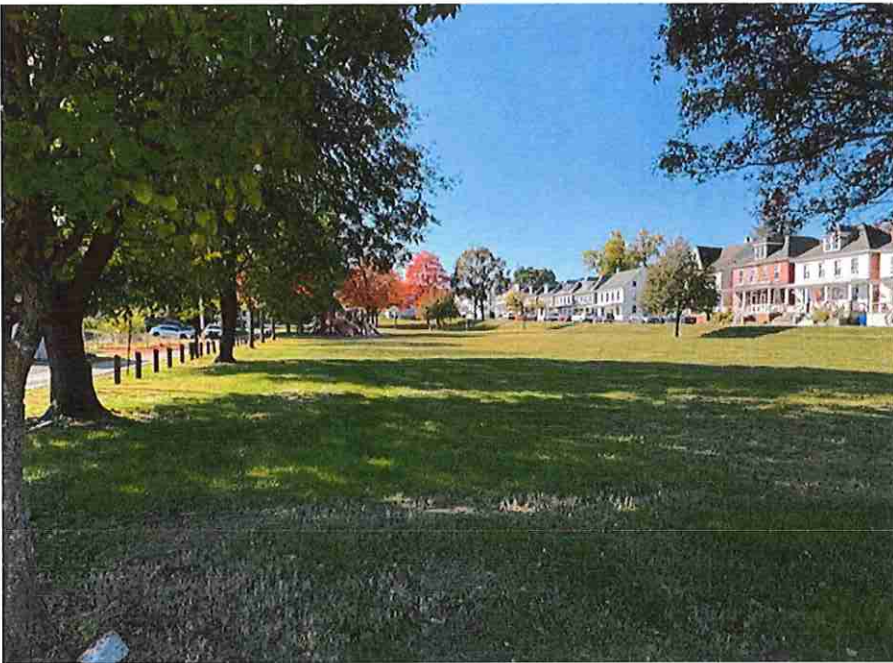
CITY OF HAGERSTOWN
5-YEAR PROGRAM OPEN SPACE
PROPOSED PLAN FY27 – 31 (Listed by Priority)

Fiscal Year	CIP #	Project	Location	Est. Cost	POS Funds Requested	City Match
2027	C0665	Replace Playground Equipment	Ridge Ave Playground	\$150,000	\$135,000	\$15,000
2027	C0626	Construct Skatepark Shade Structure	Fairgrounds Park	\$40,000	\$36,000	\$4,000
2028	C0665	Replace Playground Equipment	Hamilton Playground	\$150,000	\$135,000	\$15,000
2028	C0626	Parking Lot Improvements Near BMX	Fairgrounds Park	\$400,000	\$200,000	\$200,000
2029	C0293	Replace Playground Equipment	Wheaton Park	\$175,000	\$157,500	\$17,500
2029	C0822	Outdoor Pool Shade Structure	Potterfield Pool	\$40,000	\$36,000	\$4,000
2029	C0522	Construct Museum Drive Restrooms	City Park	\$425,000	\$382,500	\$42,500
2031	C0825	Golf Course Improvements of Cart Paths, Tee Boxes, Greens	The Greens at Hamilton Run Improvements	\$100,000	\$90,000	\$10,000
2031	C0237	Tables, Benches, Trash Cans	Multiple Parks	\$55,000	\$49,500	\$5,500



CITY OF HAGERSTOWN FY27 POS PROJECTS LOCATION MAP

- 1. REPLACE PLAYGROUND EQUIPMENT AT RIDGE AVENUE PLAYGROUND**
- 2. CONSTRUCT A SHADE STRUCTURE AT THE FAIRGROUNDS SKATEPARK**



Ridge Avenue Playground looking south



Ridge Avenue Playground looking southeast



Ridge Avenue Park – Existing Playground Equipment



Fairgrounds Skatepark



Fairgrounds Skatepark – Lone Shade Structure

REQUIRED MOTION
MAYOR AND CITY COUNCIL
HAGERSTOWN, MARYLAND

DATE: November 25, 2025

TOPIC: **APPROVAL OF APPLICATION FOR FY 2027 PROGRAM OPEN SPACE FUNDING**

Charter Amendment

Code Amendment

Ordinance

Resolution

✓ Other

MOTION: I hereby move for Mayor and Council approval of a grant application to the Maryland State Department of Natural Resources requesting Fiscal Year 2027 Program Open Space development funding for improvements to the City's recreational facilities. The requested Program Open Space share of the projects is as follows:

1. Replace Playground Equipment at Ridge Avenue Playground: \$135,000.
2. Construct Skatepark Shade Structure: \$36,000.

Date of Introduction:	November 25, 2025
Date of Passage:	November 25, 2025
Effective Date:	November 25, 2025

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

Topic:

Main Event Grants - Brittany Arizmendi, Director of Community Engagement

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Main_Event_Grant_Program_11.18.25.pdf

Description

Memo: Main Event Grant
11.18.25



CITY OF HAGERSTOWN, MARYLAND

Office of Community Engagement
1 E Franklin Street, Suite 210A, Hagerstown, MD 21740

TO: Scott Nicewarner
FROM: Brittany Arizmendi, Director of Community Engagement
DATE: November 12, 2025
SUBJECT: Main Event Grant Program

Staff will attend the November 18, 2025, Work Session to discuss the new **Main Event Grant** which empowers Main Street businesses to create events that spark energy and connection in Downtown Hagerstown.

Local businesses can apply for **up to \$1,000 per event** (with funding available for **up to five events each calendar year**) to help cover eligible costs such as entertainment, marketing, supplies, and event staffing. \$20,000 will be allocated from the Downtown Event Grant line item.

This is a reimbursement-based grant designed to encourage community-building activities hosted at local business locations. Applications and awards are reviewed on a first-come, first-serve basis until funds are exhausted.

The program celebrates creativity and collaboration—supporting the events that make downtown vibrant, welcoming, and alive with activity.

Attachments:

Main Event Grant Application

Main Event Reimbursement Form

MAIN EVENT GRANT APPLICATION

Main Street Business Event Reimbursement Program



Business Information

Business Name

Contact Person

Phone

Email

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Business Address

Event Information

Event Title

Event Date

Event Time

----------------------	----------------------	----------------------

Location (if different from business address)

Estimated Attendance

Event Type (check all that apply):

Live Music/Performance

Food/Drink Tasting or Demo

Workshop/Interactive

Market/Pop-Up Fair

Holiday/Seasonal Event

Cultural/Heritage

Family-Friendly Activity

Other

Grant Request

Total Estimated Event Budget (\$)

Amount Requested (up to \$1,000)

Eligible Expenses (anticipated use of funds):

Entertainment/Performers

Marketing & Promotion

Equipment Rentals/Supplies

Decorations/Event Materials

Security/Event Staff

Agreement

I understand the Main Event Grant is a reimbursement program and agree to submit receipts within 30 days of event.

Signature

	Date	
----------------------	------	----------------------

Main Event Grant Reimbursement Checklist

Main Street Business Grant Reimbursement Form



Submit within 30 days after the event.

Event Title

Event Date

Business Name

Contact Email

Required Documentation

Completed Reimbursement Form

Itemized Receipts (eligible expenses)

Event Photos (2-3 minimum)

Marketing/Promotional Samples

Attendance Estimate

Outcomes Statement (2-3 sentences)

Optional (if applicable)

Press coverage or media mentions

Participant feedback or testimonials

Total Reimbursement Requested (\$)

Certification

I certify that the attached receipts are accurate and that all reimbursed costs are eligible under Main Event Grant program guidelines.

Signature

Date

Submission Instructions

Submit packet to (events@hagerstownmd.org or physical drop-off at 1 E Franklin St, Suite 210A):

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

Topic:

Downtown Small Business Growth in Partnership with Meritus Park and Flying Boxcars – *Brittany Arizmendi, Director of Community Engagement and David Blenckstone, General Manager - Flying Boxcars*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

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

Topic:

Request from Boxcars for Fireworks Shows on December 6 and December 31, 2025 - *Jim Bender, City Engineer*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Fireworks_Event.pdf

Description

Fireworks Events at Meritus
Park



CITY OF HAGERSTOWN, MARYLAND

Department of Engineering & Permits

November 18, 2025

TO: Scott Nicewarner, City Administrator

FROM: Jim Bender, City Engineer JIM

RE: Fireworks events at Meritus Park

1. Background

The Flying Boxcars plan to host two (2) events in December at Meritus Park, and they have requested permission for fireworks displays at both events. They have also released the list of dates when they would like to have fireworks displays during the 2026 baseball season. To allow these shows to take place, the City Council must move to exempt the shows from the City's Noise Ordinance. The purpose of this memo is to present those requests from the Flying Boxcars.

2. Mayor & Council Action Requested

Review this information, and determine whether or not to exempt these two fireworks displays from the City's Noise Ordinance. If the Council is in agreement, the Flying Boxcars will apply for the necessary permits from the City Fire Marshal. David Blenckstone, the General Manager of the Flying Boxcars, and staff will be present at the work session to discuss.

3. Discussion

Chapter 155.5 of the City Code, the "Noise Ordinance", lists exemptions from the ordinance; exemption "M" states: "Parades, fireworks displays, festivals, and other special events, subject to the terms of approval or permits by the City of Hagerstown and approval of the Mayor and City Council." The Flying Boxcars will be working with the City Fire Marshall to obtain the necessary permits and approvals; the Council would also have to approve the exemption.

In December 2025, the first fireworks display would be for a private event at Meritus Park on December 6th; the second display in December would be for the Krumpke's Donut Drop event on New Year's Eve.

For the 2026 baseball season, the Flying Boxcars would like to hold fireworks displays on the following dates:

- Friday, April 24th (rain date: Saturday, April 25th)
- Friday, May 8th (rain date: Saturday, May 9th)
- Friday, May 22nd (rain date: Saturday, May 23rd)
- Friday, June 5th (rain date: Saturday, June 6th)
- Friday, June 19th (rain date: Saturday, June 20th)
- Thursday, July 2nd (no rain date)
- Friday, July 24th (rain date: Saturday, July 25th)
- Friday, August 7th (rain date: Saturday, August 8th)
- Friday, August 21st (rain date: Saturday, August 22nd)
- Friday, September 4th (rain date: Saturday, September 5th)
- Friday, September 11th (rain date: Saturday, September 12th)

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

Topic:

Local Government Energy Modernization Grant – *Nathan Fridinger, Deputy Director of Electric Operations*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

20251118_Work_Session_Packet_-_FY26_L-GEM_Grant.pdf

Description

Work Session Packet



CITY OF HAGERSTOWN, MARYLAND

Hagerstown Light Department

425 E Baltimore St • Hagerstown, MD 21740

Telephone: 301-790-2600

Website: www.hagerstownlight.org

Date: November 12, 2025

To: Scott Nicewarner, City Administrator
Nancy Hausrath, Director of Utilities

From: Nathan Fridinger, Deputy Director of Electric Operations

Subject: November 18, 2025 – Work Session – FY26 Local Government Energy Modernization Grant

Action: Approval of application submission

The Maryland Energy Administration is seeking applications from incorporated towns, cities, and counties of Maryland for the FY26 Local Government Energy Modernization (L-GEM) program. Area of Interest 3 of this program will consider conversion of outdoor High Intensity Discharge (HID) lighting to Light-Emitting Diode (LED). A total of \$7 million is being offered on a competitive basis with a cap of \$300,000 per application due by December 5, 2025.

HLD Staff identified 781 fixtures that are recommended for upgrade or replacement meeting the criteria of (1) are connected to the Potomac Edison system or (2) a post-top fixture, which will improve roadside lighting for several communities and reduce maintenance cost, energy costs, and warehouse items.

The total estimated cost of this project is approximately \$254,463 and the program requires a minimum ten percent (10%) match from the applicant, noting that “a higher applicant share is preferred”. Staff is requesting approval to apply for a grant amount of \$200,000 with a match of \$54,463 sourced from HLD Capital Funds (79%/21% split). Projected annual energy savings are estimated to be 32,590 kWh or, at today’s electric rates, approximately \$3,500 to the General Fund.

FY2026 Local Government Energy Modernization

Area of Interest 3 (AOI3): Competitive Implementation Project Grant (Excluding Electrification)

Updated 9/16/2025

Section 1: Program Information

Program Description: The mission of the Local Government Energy Modernization (L-GEM) program is to support local governments as they engage in sustainable, long-term clean energy and energy efficient projects that lead to reduced energy usage and greenhouse gas emissions, increased cost savings, and robust clean energy and economic development. This program specifically aims to reduce greenhouse gas emissions from the building sector which aligns with Maryland's goal of achieving net-zero emissions by 2045. By empowering local governments to lead by example, the program aims to inspire community-wide engagement and drive broader adoption of clean energy solutions among residents, businesses, and institutions.

Area of Interest 3 (AOI3) is a competitive implementation project grant for a variety of renewable energy and energy efficiency measures, excluding electrification projects. These projects play a critical role in achieving tangible, near and long-term reductions in energy use and greenhouse gas emissions while demonstrating local leadership in clean energy deployment. Implementation efforts funded under AOI2 are intended to deliver measurable performance outcomes, reduce operating costs, and contribute to Maryland's statewide climate and decarbonization goals.

Type of Grant Program: Statewide Competitive

Application Deadline: December 5, 2025, at 5:00 p.m. Eastern time

Anticipated Funding: For this Funding Opportunity (AOI3), a total of \$7,000,000 is anticipated to be available from the Strategic Energy Investment Fund ("SEIF"). The amount awarded may be more or less, depending on the quantity and quality of applications received. Applicants may submit one or more applications. The maximum requested funding for eligible activities within each application is capped at \$1,000,000.

Application URL: <https://form.jotform.com/marylandenergy/FY26-L-GEM-AOI3>

Period of Performance: Grantees will be given between 24 and 27 months to complete their projects beginning with the date of the award execution. An extension for good cause may be requested by a grantee and must be justified with written documentation explaining the need for

an extension. Extensions are allowed at the sole discretion of MEA.

Program Changes: Any update (e.g. extension of a deadline) or clarification about the Program and any corrections to inadvertent errors in the Program information will be available on the Program webpage.

Section 2: Eligibility

Eligible Applicants: Only incorporated towns, cities, and counties of Maryland may apply. Counties, including the City of Baltimore, that apply for AOI1 are not eligible to apply for AOI3.

Eligible Activities: Implementation projects must occur on local government owned or leased properties. Activities may include, but are not limited to:

- **Installation of Renewables**

- **Solar**

- Siting: roof-mounted solar, ground-mounted solar, or solar canopies over existing parking lots, parking garages, or other permanent impervious areas
- Ownership: the applicant must either (1) own the solar PV system through cash purchase or financing, or (2) the solar PV system must be provided to the applicant under a third-party solar PV lease or power purchase agreement (PPA).
- Aggregated Net Metering: a majority of the solar infrastructure must be built on local government owned or leased property
- Energy storage and similar technologies will only be eligible for funding when integrated with a project that also includes the installation of renewable energy generation infrastructure. Applicants solely interested in standalone battery storage projects (i.e., not paired with solar) are encouraged to apply for the Residential and Commercial Energy Storage Grant Program¹

- **Geothermal**

- Heat Pumps: an electrically-powered ground-source heat pump system, inclusive of necessary HVAC equipment and ground loops, pond loops, or vertically-drilled wells, that serves as the primary heating and cooling system for the property. Must include the installation of new ground loops or wells.

- **Landfill-Gas-To-Energy**

- Support installation and/or improvement of new or modified landfill-gas-to-energy projects which support compliance with MSW Landfill Regulation COMAR 26.11.42

- **Energy Efficiency**

¹ <https://energy.maryland.gov/Pages/Energy-Storage-Grant-Program.aspx>

- **Building Envelope and Weatherization Measures**
 - Projects that improve the thermal performance and durability of building envelopes to reduce heating and cooling loads. Scopes may include air sealing, window and door upgrades, roof replacements, weather stripping, installation or upgrade of insulation, and other structural improvements that address energy loss.
- **Efficient Equipment and Appliance Upgrades**
 - **Air Source Heat pumps:** an electrically-powered air-source heat pump system, inclusive of necessary HVAC equipment
 - **LED retrofits:** replace existing interior or exterior lighting with high-efficiency LED technology
 - **Building controls:** install or upgrade building automation systems (BAS) or other digital controls to optimize HVAC, lighting, and plug loads. Scopes may include sensor integration, scheduling systems, energy monitoring tools, and remote access capabilities
 - **Retrocommissioning (RCx):** Systematic process for fine-tuning a building's electrical, mechanical and control systems to operate at optimal efficiency. Includes monitoring, troubleshooting and adjusting systems in existing buildings to optimize energy performance
 - **Electrification projects** should be submitted under Area of Interest 4 (AOI4)

Award Amounts: Local governments may apply for funding to support one or more of the aforementioned eligible implementation activities. Applicants may pursue a single activity or a combination of activities in a single application, provided the total funding request is at least \$50,000 and no more than \$1,000,000. The review and ranking process will prioritize awarding one grant per eligible applicant. Additional awards may be made to applicants only if there is remaining budget after the initial awards.

- Funding Amount per application
 - Minimum funding request per application: \$50,000
 - Maximum funding request per application: \$1,000,000
- Funding formulas for Renewable Energy Projects:
 - Solar purchased by Local Government: For the installation of a solar system purchased/owned by the local government, up to \$3,000/kW of grant funds are available with a cap of \$1,000,000 per project. On a case-by-case basis, MEA may consider increasing the grant to \$3,500/kW with the cap remaining at \$1,000,000 per project when unique circumstances or a compelling reason is specified in the application.
 - 3rd Party-Owned ~~Non-Canopy Rooftop~~ Solar System: For installation of a 3rd party-owned ~~non-canopy rooftop~~ system (*ex. rooftop, ground mount, etc.*), up to \$500/kW of grant funds are available, with a cap of \$1,000,000. To be eligible, a system must be net metered.
 - 3rd Party-Owned Solar ~~Parking~~ Canopy or Brownfield System: For the installation of a 3rd party-owned solar canopy system *or ground mount system on a*

brownfield, up to \$750/kW of grant funds are available, with a cap of \$1,000,000. To be eligible, a system must be net metered.

- Projects that combine battery storage with energy generation are eligible for up to \$150,000 in funding for the storage component; however, the overall project funding cap remains at \$1,000,000
- Geothermal: MEA covers 90% of project costs with a cap of \$1,000,000. MEA may consider increasing the cap per project when unique circumstances or a compelling reason is specified in the application
- Funding formulas for Energy Efficiency projects (insulation and appliances)
 - MEA covers 90% of the cost for energy efficiency projects with a cap of \$300,000

Applicants are expected to pursue and incorporate utility rebates and federal incentives to the fullest extent possible. All anticipated rebates must be reflected in the project budget. While utility rebates may not be applied toward the required 10% cost share, federal incentives and other eligible non-utility funding sources may be used to satisfy the cost share requirement.

If applicants are applying for additional MEA grant programs, each application has to request funding for distinct measures or technologies to avoid duplicative funding.

The number and size of awards granted in FY26 ultimately will depend on the quantity and quality of all applications received. All applications received by the deadline will be considered.

Ineligible Activities

- **Projects that include fossil-fuel or other combustion technologies** that produce greenhouse gas emissions are typically not eligible for funding. This includes new installations, infrastructure expansion, or upgrades that extend the life of fossil fuel systems—except for basic health and safety repairs that do not prolong system use. Limited exemptions may be considered only with a thorough technical analysis demonstrating that zero-emission alternatives are not feasible for technical or safety reasons. Cost alone is not a valid justification. All exemption requests must include justification, consideration of alternative technologies, and a plan to reduce or phase out fossil fuel use in the future.
- **Transportation projects:** Funded through MEA's [Community EVSE](#) and [Medium-Duty and Heavy-Duty Zero-Emission Vehicle Grant Program](#)
- **Residential Projects**
 - Multi-family Affordable Housing funded through [Maryland Department of Housing and Community Development's Multifamily Energy Efficiency and Housing Affordability Program](#)
 - Residential energy efficiency, electrification, and solar projects funded through MEA's [Energy Efficiency Equity Program](#)
- **Schools**
 - Funded through the Maryland Energy Administration's [Decarbonizing Public Schools Program](#). Eligible applicants are Local Education Agencies (public K-12 schools and support facilities)

- Funded through the Maryland Energy Administration's [Higher Education Clean Energy Grant Program](#)
- Private Schools funded through the [Commercial and Industrial Program](#) and [Electrifying Community Buildings Program](#)
- **Installation of solar systems used for aggregated net metering** where 50% or more of the solar is sited on properties neither owned nor leased by the applicant.
- **Replacement** of existing solar panels
- **Community solar**
 - Funded through MEA's [Community Solar Program](#)
 - Local Government Energy Modernization funding can not be used for subscription payments to a community solar project
- **Automated residential solar permitting and plan review**
 - Costs to adopt the free-to-use U.S. National Renewable Energy Laboratory SolarAPP+ residential solar permitting software funded through MEA's [SolarAPP+ Implementation Grant Program](#)
- **Measures funded by other MEA grant programs:** If applicants are applying for additional MEA grant programs, each application has to request funding for distinct measures or technologies to avoid duplicative funding.

Rented or Leased Buildings: Entities that rent or lease their facilities must meet the following requirements:

- The application includes a letter of concurrence signed by the property owner stating that:
 - (1) The property owner permits the grantee to install the proposed upgrades
 - (2) The property owner will ensure that these upgrades to the subject property remain in place and operational for the balance of the equipment's economic life, regardless of lessee turnover
- Additionally, the performance analysis must demonstrate that payback on investment for the proposed improvements is shorter than the balance of term for the lease currently in force

Note: for grantees leasing property, the grant agreement will require the grantee to return grant funds to MEA if the requirements in (1) and (2), above, are not met.

Section 3: Minimum Requirements and Competitive Criteria

The following requirements apply to each applicant. Each "minimum requirement" condition must be met for applications to be evaluated and considered for funding, no exceptions. Each "competitive criteria" condition will be scored and used to rank applications based on their relative strength, with higher-scoring proposals receiving priority consideration for funding. To ensure geographic diversity, the highest-ranked application from *each* applicant will be considered first for an award. If all eligible applicants receive one award and additional funds are available, the remaining budget will be allocated to other applications in order based on the ranking by overall score.

Minimum Requirements:

- **Applications are submitted by the grantee:** Third parties may not submit an application on behalf of the grantee
- **Signatory Authority:** A signature applied to the application by an officer with the authority to commit the grantee to execute the grant's requirements (e.g., Chair of the Board, President, Chief Financial Officer, General Manager, etc.). This individual should have sufficient authority to identify, authorize, and provide the necessary resources to perform implementation.
- **W-9:** IRS Form W-9 for the applicant must be submitted with the application. The name on the W-9 form must match the organization name as it should appear if selected for a grant award. The mailing address on the W-9 should match the business address for the organization, where bills and other financial correspondence would be directed.
- **Identification of Project Manager:** Consistent with the intent to develop capacity for ongoing efforts, applicants should identify a staff person who will be responsible for overseeing the continuation of the activities outlined in this grant announcement after the end of the award's period of performance.
- **Budget:** Each application must include a simple budget outlining how the requested funds will be used. Applicants must use the MEA Local Government Energy Modernization Budget template posted on the L-GEM Website.

Competitive Criteria: Applications will be evaluated in comparison to the following criteria:

- **Project Narrative:** Provide a summary of your proposed project, including the project location. The summary should include a detailed description of each energy measure installed as part of your proposed project. If your project is occurring in multiple locations, clearly describe the work that will be occurring in each location
 - Project location(s)
 - Description of proposed energy measure(s)
 - Annual Energy Benefits: The energy benefits of your project is a key review criterion for funding consideration, so please show accurate energy data. Please include documentation showing your calculations and assumptions as necessary. Applications that do not clearly document how energy benefits are calculated will not be chosen for funding.
 - For energy efficiency projects: annual reduction of energy consumption (kWh, MMBTU, or gallons)
 - For renewable projects: system capacity (kW) and annual generation (kWh generated)
 - Expected Annual Cost Savings
 - System Life: Provide the anticipated system life (years) of the clean energy measures². If using manufacturer's data, please provide the relevant specification sheets.
- **Simple Payback:** (Total Project Cost / Annual \$ Savings). Measures how many years it

² Information on energy measure life for some energy efficiency projects can be found in the [Mid-Atlantic Technical Reference Manual \(TRM\)](#) from the Northeast Energy Efficiency Partnership (NEEP)

will take for the project's annual energy savings to cover its total cost, including incentives and rebates, with shorter payback periods preferred.

- **Applicant's cost share percentage:** The portion of total project costs the applicant is contributing (a higher applicant share is preferred)
- **Project GHG Reduction Investment:** Each project will be evaluated based on the MEA dollar award per metric ton of carbon dioxide reduction equivalent reduced over the project's lifetime.
- **Lifetime Reduction of Energy Use per MEA Dollar Spent:** Measures how much energy (in kWh or MMBTUs) will be saved over the project's lifetime for each MEA dollar spent.
- **Past grantee performance:** Considers the applicant's history of effectively using previous MEA funds, including timely reporting, successful outcomes, and compliance with grant requirements. Lack of prior participation will have no impact on scoring.
- **Accuracy and completeness of application:** Applications with clear, detailed, and fully completed responses are preferred.

Section 4: Submission and Funding Procedures

Submission Instructions: Once complete, applications should be submitted to MEA via the online electronic application listed above. MEA will not accept any application packages after the deadline listed at the beginning of this Funding Opportunity Announcement under any circumstances, and all documents received by the deadline will constitute the entire submission.

If electronic submission is not possible, an applicant should contact MEA via email at msec.mea@maryland.gov or by calling Program Manager Lacey Allor at (410) 507-7143 no fewer than fourteen (14) days prior to the deadline to arrange an alternative method of submission.

Review Process: The review of applications will follow a structured, multi-stage process:

1. The program manager will first review each application for eligibility, ensuring it meets the minimum criteria outlined in the FOA.
2. Each member of the review team will independently score the application based on the specified competitive criteria.
3. The evaluation team will then compile individual scores, finalize overall scores, rank all applications accordingly, and make final recommendations for funding.

Applications will be reviewed by a team that may include individuals from MEA and other entities with experience in energy, construction, and capital development. The final grant amount for each Grantee will be made after review of all proposals received and is subject to funding availability for the Program and any relevant statutory requirement applicable at that time.

Partial Awards: Partial awards may be considered under this program.

- Full grant awards will be made based on rankings of applications, in descending order from highest to lowest, until grant funds are exhausted.

- If sufficient grant funds are not available to fully fund a project, the applicant will be given an option to accept partial funding, based on the ability to complete the project with partial grant funding.

Electronic Payments: Participation in MEA grant programs is voluntary. If selected for award and to ensure the secure transmission of grant funds, grantee recipients of MEA funding are generally required to receive electronic payments from the State of Maryland.

Electronic payments are set up through the State of Maryland's Comptroller's Office. A successful grantee must fill out and submit the "ACH/Direct Deposit Authorization for Vendor Payments Form X-10" to the Comptroller's Office via the submission methods outlined on the X-10 form. ACH/Direct Deposit Authorization for Vendor Payment Form X-10 should not be sent to MEA.

Failure to submit ACH/Direct Deposit Authorization Form X-10 may result in award reimbursement being delayed.

If an applicant is unable to receive ACH/Direct Deposit payments, MEA may provide an exception to this requirement on a case-by-case basis, at the sole discretion of MEA.

Funding Disbursement: Funding will only be disbursed to awardees as projects are completed upon proof of purchase via detailed invoice documentation and project status updates provided to MEA throughout the period of performance. MEA will not reimburse the Grantee for costs incurred prior to the execution date of the grant agreement unless MEA agrees otherwise in writing

Reporting: Provide the following updates to MEA throughout the grant performance period:

- Quarterly progress reports outlining your project's status
- Detailed invoices, as necessary, that include the date, project address, equipment name and model, quantity, cost, and total cost incurred
- Upon project completion: final close-out report and invoice

Section 5: Additional Requirements and Provisions

General Provisions:

MEA grant programs are covered by general provisions that apply to all energy programs, the most current version of these General Provisions is [General Provisions v3 2.11.22](#). The most recent General Provisions document will be incorporated into all FY26 grant agreements issued by MEA.

Program-Specific Requirements:

In addition to the general provisions, the following requirements apply to this program:

1. MEA will not reimburse for any costs expended prior to the execution of the Grant Agreement, unless MEA agrees otherwise in writing.
2. The application requires a community to identify the version of the energy code that it

is currently enforcing and to provide documentation demonstrating adoption of the code. To be eligible for an MSEC FY26 Program grant funding, a community should follow the 2018 International Energy Conservation Code (IECC). If an applicant itself has not adopted the IECC but, instead, follows the IECC of another entity (e.g., a municipal government adhering to a county government's codes), it must include an explanation in its application.

3. **Building Energy Performance Standards Benchmarking:** Buildings subject to Maryland's Building Energy Performance Standards (BEPS)³ must be in compliance with BEPS benchmarking requirements. Applicants must provide the relevant unique building identifier(s) known as UBID(s) of covered building(s) to MEA prior to execution of a grant agreement with MEA.

Contact Information: For more information or assistance, please visit the [FY26 Local Government Energy Modernization webpage](#) or contact:

Lacey Allor
L-GEM Program Manager
msec.mea@maryland.gov
(410) 507-7143

³ <https://mde.maryland.gov/programs/air/ClimateChange/Pages/BEPS.aspx>

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

Topic:

Proposed Invest Hagerstown Sign and Facade Grand and Fire Suppression System Grant Guideline Updates. Chris Siemerling, Economic Development Specialist.

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

111825_WS_Program_Guidelines_Update.pdf

Description

Proposed Invest Hagerstown Sign and Facade Grand and Fire Suppression System Grant Guideline Updates.



TO: Scott Nicewarner, City Administrator

FROM: Chris Siemerling, Economic Development Specialist

DATE: November 14, 2025

RE: Proposed Invest Hagerstown Sign and Facade Grant and Fire Suppression System Grant Guideline Updates

At the November 18, 2025 Work Session, staff will review proposed guideline updates to the Invest Hagerstown Sign & Facade Grant and Fire Suppression System Grant Programs.

Attachments:

1. Proposed Guideline Changes
2. Draft Motion

c: Review Committee
Jill Thompson, Director of Planning & Economic Development

Proposed Invest Hagerstown/ Fire Suppression System Grant Updates

Proposed Mayor and City Council Review:

Invest Hagerstown Commercial Sign & Façade Grant Program – Proposed Updates:

1. Proposed expansion to full CC-MU area and not just Main Street District. (GREEN Highlights)
2. Proposed expansion to make residential buildings eligible in addition to commercial & mixed-use. (YELLOW Highlights)
3. Proposed expansion to allow non-profits eligible for the Commercial Sign & Façade Grant to improve downtown aesthetics. (LIGHT-BLUE Highlights)

Fire Suppression System Grant Program – Proposed Updates:

1. Proposed expansion to make residential buildings eligible in addition to commercial & mixed-use. (YELLOW Highlights)
2. Proposed increase of grant award amount – Grant of \$7,500-\$50,000 for any/all Fire Suppression System related work. (LIGHT-BLUE Highlights)
 - a. Currently \$7,500-\$15,000 for Sprinkler System Grant (Inside) and \$15,000-\$25,000 for the Utility Infrastructure Grant (Outside) – Max combined of \$40,000 over two components.

Grant Program	Current Award Range	Notes	Proposed Award Range
Sprinkler System Grant (Inside)	\$7,500 – \$15,000	For interior fire suppression/sprinkler systems	
Utility Infrastructure Grant (Outside)	\$15,000 – \$25,000	For exterior utility/fire suppression infrastructure	
Max Combined (Current, both components)	Up to \$40,000	Combination of inside + outside grants	
Fire Suppression System Grant (New Unified)		Consolidates inside & outside into one program	\$7,500 – \$50,000



INVEST HAGERSTOWN – COMMERCIAL SIGN & FAÇADE GRANT PROGRAM

PROGRAM GOALS

In partnership with private developers, the City of Hagerstown wishes to:

1. Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties, in which there are significant market and/or physical condition barriers to development or redevelopment.
2. Create the opportunity for new jobs throughout the City of Hagerstown and Washington County.
3. Increase the value of Hagerstown's residential, commercial, and mixed-use properties.
4. Strengthen and improve market-rate rental properties and increase homeownership.

SUMMARY

The goal of the Commercial Sign & Facade Grant Program is to provide an incentive to businesses and property owners to enhance their building's presentation to the public with improved storefront designs and other façade elements to contribute to the overall enhancement of the City Center. The City also recognizes attractive signage is an important part of running a successful business, and if done right, may assist in building brand visibility and increasing customer awareness. This program is subject to funding availability and is on a first-come, first-served basis. All projects must pertain to residential, commercial or mixed-use buildings within the City's Downtown.

1. Commercial Sign grants range from a minimum of \$250, to maximum of \$1,500.

Commercial Sign Program Grant Amounts		Required Applicant Match	Overall Project Total
Grant Minimum	\$250	\$250	\$500
Grant Maximum	\$1,500	\$1,500	\$3,000

2. Façade grants range from a minimum of \$2,500, to maximum of \$7,500.

FAÇADE PROGRAM GRANT AMOUNTS		Required Applicant Match	Overall Project Total
Grant Minimum	\$2,500	\$2,500	\$5,000
Grant Maximum	\$7,500	\$7,500	\$15,000

-
3. The grants both require a 1:1 match from the applicant. Example: a \$2,500 façade grant would require a \$2,500 investment from the applicant for a total project investment of \$5,000.
 4. The applicant is the party responsible for the project expenses. The applicant will be required to demonstrate expenditures equal to the grant and the required match related to work that was completed.
 5. A project may be defined as planned or in a pre-construction phase. Completed projects and those already in progress are ineligible. For projects that are planned, projects must start within 6 months of application. Work on facades must not begin and signs may not be ordered before City approval, and before HDC approval if required.
 6. The City determines the required date of completion based on the project completion date shown on the application plus reasonable contingency.
 7. Signs must be on-premise and applications must include sign dimensions, proposes design and layout, materials, and method of attachment.
 8. Funding will be awarded upon completion of an approved project and development plan.
 9. All projects shall comply with federal, State and local codes, laws and ordinances.
 10. All grants are subject to funding availability.
 11. Applications are accepted on a continual basis and the Invest Hagerstown Review Committee will review applications received monthly.
 12. Building permits are typically required for the following (including but not limited to): installation of awnings and canopies, structural repairs, electrical repairs/installation, etc. Please contact the Planning and Code Administration Department for official permit requirements.
 13. Any business planning to install signs at their location must check with the City of Hagerstown's Planning & Zoning Administration to determine allowable signage permissible, and to learn if a building permit is required for the proposed signs.

Eligible Applicants

- ~~1. Eligible properties must be located within the designated Downtown City-Center Mixed-Use (CC-MU) Zoning Area and consist of residential, commercial, institutional, or mixed-use buildings/storefronts. All improvements must be visible from the street or other public right-of-way. All properties must be in the designated Main Street area, and include commercial or institutional storefronts, or be office buildings, and the improvements must be visible from the street or public way.~~
- ~~1.~~
2. Eligible signage may include wall signs, window signage, sidewalk signs, floor signs, and more as local zoning allows. Please refer to City of Hagerstown Regulations for Business Signs prior to application.
3. Eligible project costs include construction improvement costs, materials, and soft costs including architectural and engineering fees.
- 3.4. Any business, property owner, organization or non-profit entity planning exterior improvements such as façade improvements, new signage, lighting, awnings, etc.

Ineligible Applications

- ~~1. Non-profit development applicants.~~
- 2.1. Grants will not be provided for animation, bare-bulbs, or flashing illumination or imagery.
- 3.2. Grants will not be provided for certain types of businesses, including: pawn shops, gun

shops, massage parlors, adult video/book shop, adult entertainment facilities, tanning salons, check- cashing facilities, gambling facilities, and liquor stores.

~~4. Properties that are 100% residential are ineligible.~~

~~5.3.~~ Projects that do not meet the minimum investment threshold.

~~6.4.~~ Applicants who are not in good standing with the City, County, State or Federal Governments.

Additional Requirements for Commercial Sign and Façade Projects Located in Downtown Historic District

1. City Historic District Commission (HDC) approval is required.
2. HDC requirements include submitting 1 copy of drawing, sized 11x17 inches or smaller (if larger, provide 12 copies) and manufacturer's literature for all materials being proposed and/or sample materials proposed.
3. Applicant will be required to attend a Historic District Commission Meeting. These meetings are typically held on the second and fourth Thursday of each month in *City Hall, Room 407*.
4. Planning and Code Administration staff will work with you to schedule the meeting. For questions regarding the Historic District Commission Meetings, contact the Planning & Code Administration's Administrative Coordinator by phone at 301-739-8577 Ext. 138, or by email at planning@hagerstownmd.org.
5. Historic District Commission (HDC) information and HDC meeting schedule and deadlines for submission of materials is available at: [https://www.hagerstownmd.org/101/Historic-District- Commission](https://www.hagerstownmd.org/101/Historic-District-Commission)
6. Failure of the applicant to provide requested documents and failure of the applicant or representative to appear at the scheduled HDC meeting, will result in postponement of the application until the next regularly scheduled meeting. The applicant may be dismissed if there are two (2) or more postponements. If an application is denied, the same application shall not be renewed within a period of one (1) year of the denial.
7. After the project is completed, photos showing that completed work must be submitted.

Any business or non-profit planning to install signs at their location must check with the City of Hagerstown to determine how much signage is permissible by Zoning and to learn if a building permit is required for the proposed signs. The following is a brief overview of the main sign regulations in the zoning ordinance for the downtown (CC-MU Zoning). For detailed information on what is permitted for each type of sign, it is recommended that you go to the Planning & Zoning page of the City web site and review the Signs section of the Zoning Article in the City's Land Management Code. If a property is located in a historic district, approval by the City's Historic District Commission is also required. For Zoning questions, email us at planning@hagerstownmd.org. For permit questions, email us at codecompliance@hagerstownmd.org.

Prohibited Signs – signs attached to vehicles and stationary equipment, temporary signs used over 90 days, and signs that completely cover glass entry doors are prohibited in any zoning district. In residential districts and the CC-MU and N-MU districts, animation, bare bulbs, or flashing illumination or imagery are prohibited.

Freestanding Signs – signs on a pole or monument base in the ground

- **Size, Height and Number** – maximum of one per property, maximum of 10 feet tall, maximum 40 square feet in area. If identical sign faces, measure one side for area.
- **Landscaping** - required around the base of any new freestanding sign structure.

Flush, Wall-mounted Signs – signs attached flat to the wall or painted directly on the wall

- **Size** – one square foot per linear foot of building frontage on the street, if the building is 50 feet or less in width. 1.5 square feet per linear foot if the building is over 50 feet wide. If there is a historic sign panel area over the storefront, the tenant may fill that space with a sign no matter the area.
- **Number of signs per building** – as many as desired provided the total square footage does not exceed what is allowed for the business or building.

Projecting Signs – signs hanging from a bracket perpendicular to the entrance wall.

- **Hanging requirements** – must hang so sign is below 2nd floor for storefront tenants and below the roofline for upper floor tenants or single-user buildings. It must hang so there is 8 feet of clearance below the sign, extends no more than 52 inches from the wall, and does not come within 2 feet of the curb.
- **Size** – 8 square foot maximum for a storefront tenant – each storefront allowed such a sign. 36 square foot maximum for in a vertically oriented format for upper floor tenants or a single-user building – no more than one such sign per building.
- **Permit requirements** – must include the City as an additional insured on liability insurance for any sign overhanging the public sidewalk in a public right-of-way.

Window Signs – no restriction on the number or size of signs taped or adhered to windows. A glass entry door, however, shall not be covered with signs so views into the lease space are prevented.

Wall-mounted Directory Signs for multi-use buildings – the sign shall be located beside the entry door and shall not exceed 12 square feet in area.



INVEST HAGERSTOWN COMMERCIAL SIGN & FACADE GRANT APPLICATION

For Office Use Only:

Case # HDC-_____ Date Accepted_____ 45-Day Time Limit Expires_____

Please refer to the map at the end of this document to determine in which district your business is located and check the appropriate box(es):

☐ Main Street Downtown City-Center Mixed Used (CC-MU) Zoning Area (Required for eligibility.)

If Also,

☐ Historic District (DCPED will forward this application to Planning and Code Administration staff for HDC Review.)

Property Information:

Property Address: _____

Applicant Information:

Name: _____

Company Name: _____

Applicant's Mailing Address: _____

Phone: _____ Email: _____

Website: _____

Property Owner Information (if Different from Applicant):

Name: _____

Property Owner's Mailing Address: _____

Phone: _____ Email: _____

DESCRIPTION OF PROPOSED WORK (Please include a detailed description including dimensions, materials, location on building, etc.) If necessary, please attach additional sheets.

EXPECTED START DATE: _____

EXPECTED COMPLETION DATE: _____

REQUESTED SIGN GRANT AMOUNT (MAX \$1,500): \$_____

AND/OR

REQUESTED FAÇADE GRANT AMOUNT (MAX \$7,500): \$_____

TOTAL PROJECT COST: \$_____

Required Attachments:

ALL APPLICANTS

- ☐ Description of proposed scope of work.
- ☐ Sign dimensions, proposed design and layout, materials, and method of attachment.
- ☐ Project budget and construction cost estimates itemizing the scope of work for the project.
- ☐ Project timeline.
- ☐ Financing plan showing proposed funding sources and any other incentives or grants being used (bank statement, confirmed loan letter, award letters, etc.)

APPLICANTS LOCATED IN DOWNTOWN HISTORIC DISTRICT

- ☐ 1 copy of drawing, sized 11x17 inches or smaller (if larger, provide 12 copies).
- ☐ Manufacturer's literature for all materials being proposed and/or sample materials proposed.

Applicants must comply with all conditions indicated on their application form and in the published Program Guidelines and subsequent information provided in support of this application and eligibility criteria of the program, particularly including receipt of buildings permits for proposed work and implementation of approved development plan and schedule. Any changes to the approved development plan and schedule must be resubmitted for review and approval of the Invest Hagerstown Review Committee to determine continued eligibility of the project. If a project is disqualified, any financial incentives received to date will be required to be repaid to the City. There may be additional project information requested from the applicant at any time during the process.

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements and eligibility as described in the Invest Hagerstown Grant Guidelines, and I understand that if my application is approved, failure to comply will result in termination of the Letter of Commitment.

Applicant's Signature: _____ Date: _____

Property Owner Signature

If Applicant is not the property owner, the property owner's signature here provides written authorization for the project.

Property Owner's Signature: _____ Date: _____

Return to:

City of Hagerstown
Department of Planning & Economic Development
32 N. Potomac, Second Floor, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111 Email: dcled@hagerstownmd.org

Hagerstown Historic District Commission Action:

	Approval – Certificate of Appropriateness
	Approval – Certificate of Hardship
	Denial – Certificate of Appropriateness
	Denial – Certificate of Hardship

Historic District Commission Chair Signature

Date

Revisions:

Revision Approved / Denied:

Historic District Commission Chair Signature

Date

[vs. 11.25.2025]

INVEST HAGERSTOWN – Fire Suppression System Grant

Summary and Guidelines

PROGRAM GOALS

1. In partnership with private developers, the City of Hagerstown wishes to:
2. Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties, in which there are significant market and/or physical condition barriers to development or redevelopment.
3. Create the opportunity for new jobs throughout the City of Hagerstown and Washington County.
4. Increase the value of Hagerstown's **residential**, commercial, and mixed-use properties.
5. Strengthen and improve market rate rental properties and increase homeownership.

Program Summary

The goal of the Fire Suppression System Grant Program is to contribute to adding lifesaving fire suppression systems and lower the financial barriers associated with the installation of Water Service/Fire Lines, Meter Vaults, Water Meters, and other **public-utility-infrastructure** components directly associated with the addition and/or upgrade of a National Fire Protection Association (NFPA) compliant fire suppression system. This program is subject to funding availability and operates on a first-come, first-served basis. All projects must pertain to **residential**, commercial, or mixed-use buildings.

~~1. There are 2 Grant Options that can be combined:~~

~~i. Ranging~~

~~b. Option 1 – Sprinkler System Grant – \$7,500 – \$15,000~~

~~c. Option 2 – Utility Infrastructure Grant – \$15,000 – \$25,000~~

~~d. Total Combined – \$22,500 – \$40,000~~

~~1. Sprinkler System Grants are for sprinkler addition or upgrades. Utility Infrastructure Grants are for costs directly related to significant water service utility infrastructure upgrades. Both require an NFPA compliant fire suppression system. The Fire Suppression System Grant can be utilized toward any/all expenses directly associated with installing or upgrading NFPA-compliant fire suppression systems required to meet current Code standards. Examples include:~~

- a. Installation of Automatic Sprinkler Systems;
- b. Costs related to an increase in Water Service/Fire Lines;
- c. Installation or Upgrade of Meter Vaults;
- d. Install New or Upgrade/Replace outdated heads/piping;
- e. Replace mains/backflow devices

2.—The property must be within the Sustainable Communities Area of the City (see attached map);

3.2. Grants require a 1:1 match from the applicant. Example: a \$25,000 grant ~~funding the exterior fire suppression infrastructure~~ would require an additional \$25,000 investment from the applicant for a total project investment of \$50,000. *Matching* costs can include all work related to fire suppression system installation (interior and exterior).

4.—~~Utility Infrastructure costs can include: street and sidewalk excavation, traffic control, upgraded water lines, meter vaults, water meters, fittings, street and sidewalk refinishing, and other exterior infrastructure components necessary for a fire suppression system installation or upgrade~~

3. A project must be defined as planned or pre-construction. Work must not begin until the City provides applicant with both City and MHT approval. Projects must be completed no later than 9 months from Review Committee approval and receipt of Letter of Commitment. The applicant will be required to demonstrate expenditures equal to the grant and the required match related to work that was completed.

5.

The program provides a grant to approved projects for the following amount:

FIRE SUPPRESSION SYSTEM GRANT AMOUNTS		Required Applicant Match	Overall Project Total
Sprinkler System Grant Minimum	\$7,500	\$7,500	\$15,000
Sprinkler System Grant Maximum	\$1550,000	\$1550,000	\$3100,000
Utility Infrastructure Grant Minimum	\$15,000	\$15,000	\$30,000
Utility Infrastructure Grant Maximum	\$25,000	\$25,000	\$50,000

*The minimum total project cost is \$15,000. Projects that exceed \$80,000 for combined Sprinkler and Utility Infrastructure upgrades are still eligible to apply, but can only receive a maximum combined grant of up to \$40,000.

I. Eligibility Criteria

1. Fully residential, ~~C~~commercial, professional office, retail, and mixed-use projects.
2. Projects are within the City's Sustainable Communities Area (see attached map).

-
3. Applicants shall be in good standing with the City of Hagerstown.
 4. Total project cost, must demonstrate a minimum 1 for 1 match.
For example, a \$25,000 grant application must show a \$25,000 developer match for total project costs of \$50,000.
 5. Fire Suppression projects related Water Service Installations associated with bricks and mortar renovation projects with service meters that are four (4) inches or larger.
 6. Application must be aligned with the City of Hagerstown's overall vision for the city.

II. Ineligible Applications

~~1. Entirely residential projects.~~

- ~~2.1.~~ Projects that are already underway or completed.
- ~~3.2.~~ Fire suppression system installation or upgrade projects that are compliant and operable with a water service meter sized less than four (4) inches are not eligible for this grant funding.
- ~~4.3.~~ Projects that do not meet the minimum investment threshold.
- ~~5.4.~~ Applicants who are not in good standing with the City, County, State or Federal Governments.
- ~~6.5.~~ Non-profit development applicants.
- ~~7.6.~~ Grants will not be provided for properties containing certain types of businesses, including: pawn shops, gun shops, massage parlors, adult video/book shop, adult entertainment facilities, tanning salons, check-cashing facilities, gambling facilities, tattoo parlors, liquor stores.

III. Funding Guidelines

1. Funding may be secured by multiple sources.
2. Applicants may apply and utilize other grant and incentive programs.
3. No City loans, grants, or pass-through funding may be used as a part of the applicant's match.

IV. Grant Process

1. A development plan, which outlines the renovation schedule and major components of the project, shall accompany the application form.
2. Applications shall be reviewed by the Invest Hagerstown Review Committee, consisting of:
 - a. Planning & Economic Development Director
 - b. Finance Director
 - c. Community Development Manager
 - d. Neighborhood Services Manager
 - e. Economic Development Specialist
3. Applications will be accepted on a continual basis based on funding availability and the Invest Hagerstown Review Committee will review new applications each month.

-
4. The Invest Hagerstown Review Committee will evaluate the application against the following criteria:
 - a. Adherence to the Eligibility Criteria outlined in Section I, Paragraphs 1 through 6
 - b. Consistency with goals of the **Fire Suppression System Grant** program
 - c. Impact on immediate neighborhood
 - d. Financial feasibility of proposed funding sources
 - e. Potential for job creation
 - f. Development experience of applicant
 - g. Proposed timeline and completion date
 - h. Investment impact
 5. Approved applications will receive a Letter of Commitment from the City of Hagerstown which may be used to assist in financing the project.
 6. The Maryland Historical Trust (MHT) must approve all applications for design review. Applicant is required to provide a scope of work, project plans, photos of structure and other relevant project information. Once applicant submits this information, **DPED** will forward the project proposal to MHT for review.
 7. The project will be regulated through the Planning and Code Administration Department, Utilities Department, and Fire Department.
 8. Monthly status updates shall be supplied by the developer to the City of Hagerstown Department of Planning and Economic Development – dcled@hagerstownmd.org.
 9. When the fire suppression aspect of the project is complete according to the approved application and development plan and the system receives all required inspection approvals, the City shall award the grant money with proof of project expenditures and proof of matching fund expenditures.

Return application to:

City of Hagerstown
Department of Planning & Economic Development
32 N. Potomac, Second Floor, Hagerstown, MD
21740 Phone: 301-739-8577 ext 111
Email: dcled@hagerstownmd.org

[vs. 11.25.25]



INVEST HAGERSTOWN

Fire Suppression System Grant Program

Property Information

Property Address: _____, Hagerstown, MD Zip: _____

Check One: ☐ Commercial Building ☐ Mixed-Use Building

☒ Residential Building

Applicant Information (legal ownership of property):

Applicant's Name: _____

Applicant's Address: _____

Applicant's Phone: _____ Applicant's Email: _____

Business Name (if applicable): _____

Business Address (if applicable): _____

Business Phone Number: _____ Business Website: _____

Project Information

Expected Start Date: _____

Expected Completion Date: _____

Time frame for ~~utility infrastructure project~~ work completion (fire/water line, meter vault, sprinkler lines, etc~~water meter, excavation~~): _____

Note: Projects must be completed no later than 9 months from approval and receipt of Letter of Commitment.

	Option 1: Sprinkler System	Option 2: Utility Infrastructure	Total:
Grant Amount:	\$ _____	_____	_____
Developer Match:	_____	_____	_____
Total Project Cost:	\$ _____	_____	_____

How many new jobs will be created within 2 years of the project's completion? _____ new jobs

How many jobs will be retained as a result of this project? _____ jobs

What percentage of the property is vacant, and for how long? _____% Vacant Since
_____(month/year)

Please provide a detailed description of the proposed improvements to the property, including utility infrastructure work related to fire suppression system requirements.

Required Attachments:

- ☐ Design plans and occupancy plan.
- ☐ Project budget and construction cost estimates itemizing the scope of work for the project.
- ☐ Project timeline.
- ☐ Photo(s) including 1 front, street view of the property.
- ☐ Financing plan showing proposed funding sources and any other incentives or grants being used (bank statement, confirmed loan letter, award letters, etc.).

Provide any additional description of how the proposed project supports the following program goals:

- Inspire and enable significant redevelopment, both city-wide and in the urban core, reusing and repurposing existing vacant and under-utilized properties.
- Create the opportunity for new jobs throughout the City of Hagerstown.
- Increase the value of Hagerstown's commercial and mixed-use properties.

Applicants must comply with all conditions indicated on their application form and in the published Program Guidelines and subsequent information provided in support of this application and eligibility criteria of the program, particularly including receipt of construction and buildings permits for proposed work and implementation of approved development plan and schedule. Any changes to the approved development plan and schedule must be resubmitted for review and approval of the Invest Hagerstown Review Committee to determine continued eligibility of the project. If a project is disqualified, any financial incentives received to date will be required to be repaid to the City. There may be additional project information requested from the developer at any time during the process.

Applicant Signature:

By signing below, I certify that the information above is true and correct, I agree to comply with the program requirements and eligibility as described in the Invest Hagerstown Grant Guidelines, and I understand that if my application is approved, failure to comply will result in termination of the Letter of Commitment.

Applicant's Signature

Date

Return to:

City of Hagerstown
Department of Planning & Economic Development
14 N. Potomac, Suite 200A, Hagerstown, MD 21740
Phone: 301-739-8577 ext 111 Email: dcled@hagerstownmd.org

[vs. 11.25.2025]

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

DATE: November 25, 2025

TOPIC: **Approval of Guideline Changes to the Invest Hagerstown Sign and Facade Grant Program and Fire Suppression System 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 and revised guidelines and application forms for the following programs:

- 1- Invest Hagerstown Sign & Facade Grant,
- 2- Fire Suppression System Grant

Staff may make administrative edits with the approval of the City Administrator.

DATE OF INTRODUCTION: 11/25/2025

DATE OF PASSAGE: 11/25/2025

EFFECTIVE DATE: 11/25/2025

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

Topic:

Follow up on Public Hearing – Rezoning Application ZM-2025-02 – Lorch Tract – 1912 Day Road – Currwood DH, LLC - *Jill Thompson, Director of Planning and Economic Development and Steve Bockmiller, Deputy Director for Planning and Zoning Administration*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

Rezoning_Application_-_Lorch_Tract_-_1912_Day_Road_ZM-2025-02_-_Currwood_DH__LLC.pdf

Description

Rezoning Application - Lorch Tract - 1912 Day Road ZM-2025-02 - Currwood DH, LLC

MEMORANDUM

TO: Scott Nicewarner, City Administrator

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

DATE: November 15, 2025

SUBJECT: Rezoning Application – Lorch Tract – 1912 Day Road
ZM-2025-02 – Currwood DH, LLC

SUMMARY:

Staff is following up on the above case and will meet with the Mayor and City Council on November 18 to obtain guidance in this matter. The Mayor and City Council conducted a public hearing on this matter On October 27. Other than the Applicant's counsel, no one appeared in support or opposition to the application. The record was left open for 10 days. No additional comment was received.

The following is a bullet point summary of the proposal:

<i>Size of Property:</i>	93 acres +/-.
<i>Zoning of Property:</i>	The bulk of the property is zoned N-MU (Neighborhood Mixed Use). The area closest to Dual Highway and Day Road is zoned CG (Commercial General).
<i>Proposal:</i>	To reclassify <u>part</u> of that portion (approximately 22 acres) of the tract zoned CG to the larger N-MU District in place on the bulk of the tract. Two areas of CG zoning adjacent to Dual Highway and the former IBM building will remain classified CG.
<i>Legal Test:</i>	1. "Change or Mistake" – The Applicant must demonstrate that there was a mistake in the zoning of the property and that it should be zoned something else or that there has been a change in the character of the neighborhood since the last comprehensive zoning plan that warrants the change. If the Mayor and Council finds one of these two requirements are met, then 2. the Mayor and Council will need to determine what the appropriate zoning is for the area to be reclassified.
<i>Argument:</i>	The Applicant makes no claim of change in the character of the neighborhood and asserts their position wholly on "mistake". Their position is that the appropriate zoning for the affected area is N-MU to match the bulk of the parcel. The affected area has been zoned C2 (now CG) since annexation in 1978 and the bulk of the tract has been zoned R3 (now RH – Residential High Density) since that time. The RH zoned bulk of the tract was rezoned N-MU (also a high residential density zoning district with permitted commercial components) in the 2010 city-wide rezoning.
<i>Recommendation:</i>	The Planning Commission held a public review meeting on August 27 and after taking comments, agreed with the Applicant's assertion that a mistake has occurred in this situation. They also agreed that if the subject area is reclassified, N-MU is the appropriate new classification for the property.

NEXT STEPS:

The Mayor and City Council will need to determine whether the Applicant has demonstrated that there is a mistake in the zoning of this area, and if that has occurred, whether the requested N-MU zoning classification is the appropriate district to reassign to this area. Whether approved or not approved, a "decision and order" document will be required and will be prepared by staff as directed by the elected body. If the decision is to approve the rezoning, in addition to the "decision and order" the appropriate ordinance to amend the Zoning Map will also be prepared and submitted for its introduction and adoption.

Attached you will find, the Applicant's petition and zoning exhibit, the staff report provided to the Planning Commission in this matter, and a map created by staff that clarifies the request.

Copy: Jill Thompson, Director of Planning and Economic Development
Doug Reaser, Economic Development Manager
Valerie Feinberg, AICP, Senior Planner
Kristian Broche, Assistant Zoning Administrator

Attachments: Application, including Rezoning Exhibit
Planning Commission Staff Report
Staff-prepared maps of tract and area of rezoning (2)



CITY OF HAGERSTOWN, MARYLAND

Planning and Code Administration Department

REZONING APPLICATION & REVIEW CHECKLIST

Submittal Requirements:

- Original Application, including Checklist
- 1 complete set of plan
- Filing fee (please consult current fee schedule)

Case No. ZM - 2025-02
Office Use Only

Name of Project: Dual Highway / Day Road Mixed Use
Location of Property: 1912 Day Road, Hagerstown, MD 21740
(Please include street address, if known)
Deed Reference: Liber: 927 Folio: 790 Zoning District: N-MU & CG

Proposed Work (i.e. addition, accessory building, parking; please include size of addition and amount of disturbed area):

Engineering/Survey Company Name: Frederick Seibert & Associates, Inc.
Contact Person: Trevor Frederick Email: tfrederick@fsa-inc.com
Mailing Address: 128 S. Potomac Street, Hagerstown, MD 21740
Telephone: (301) 791-3650 Fax: _____

Developer/Applicant Name: Currwood DH, LLC
Contact Person: Harris Lopato Email: harris@curateddevgroup.com
Mailing Address: 4 Reservoir Circle, Suite 102, Baltimore, MD 21208
Telephone: (410) 424-5852 Fax: _____

Property Owner Name: Lorich Co., Inc.
Contact Person: Arthur W. Boyce Email: art@fredericklegal.com
Mailing Address: 308 W. Patrick Street, Frederick, MD 21701
Telephone: (301) 663-4025 Fax: (301) 696-1528

This Chart for Staff Use Only	1 st Review	2 nd Review
Date Accepted for Processing		
Review Date		
Returned to Design Firm		

Search Result for WASHINGTON COUNTY

[View Map](#)

No Ground Rent Redemption on File

No Ground Rent Registration on File

Special Tax Recapture: AGRICULTURAL TRANSFER TAX

Account Number: District - 17 Account Identifier - 008811

Owner Information

Owner Name:	LORICH CO INC	Use:	AGRICULTURAL
		Principal Residence:	NO
Mailing Address:	C/O ELIZABETH BOYCE PO BOX 1065 MIDDLETOWN MD 21769-1065	Deed Reference:	/00927/ 00790

Location & Structure Information

Premises Address:	1912 DAY RD HAGERSTOWN 21740-0000	Legal Description:	94.327 ACRES 1912 DAY ROAD
-------------------	--------------------------------------	--------------------	-------------------------------

Map:	Grid:	Parcel:	Neighborhood:	Subdivision:	Section:	Block:	Lot:	Assessment Year:	Plat No:
0317	0000	0836	17010364.22	0000				2023	
									Plat Ref:

Town: HAGERSTOWN

Primary Structure	Built Above Grade	Living Area	Finished Basement Area	Property Land Area	County Use
1900		1,688 SF		94.3200 AC	

Stories	Basement	Type	Exterior	Quality	Full/Half Bath	Garage	Last Notice of Major Improvements
2	YES	STANDARD UNIT	BRICK/	3	1 full		

Value Information

	Base Value	Value	Phase-in Assessments	
		As of	As of	As of
		01/01/2023	07/01/2024	07/01/2025
Land:	94,400	94,400		
Improvements	67,000	108,000		
Total:	161,400	202,400	188,733	202,400
Preferential Land:	24,400	24,400		

Transfer Information

Seller:	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00927/ 00790	Deed2:
Seller: DAY GEORGE H INC	Date:	Price: \$0
Type: NON-ARMS LENGTH OTHER	Deed1: /00536/ 00732	Deed2:
Seller:	Date:	Price:
Type:	Deed1:	Deed2:

Exemption Information

Partial Exempt Assessments:	Class	07/01/2024	07/01/2025
County:	000	0.00	
State:	000	0.00	
Municipal:	000	0.00	0.00

Special Tax Recapture: AGRICULTURAL TRANSFER TAX**Homestead Application Information**

Homestead Application Status: No Application

Homeowners' Tax Credit Application Information

Homeowners' Tax Credit Application Status: No Application Date:

Narrative Addendum to Rezoning Application for
a Portion of the +/- 93 ac. Property Located at 1912 Day Road, Hagerstown, MD
(Tax Map 317, Parcel 836; Tax Acct. No. 17-008811)

Summary of Rezoning Request:

This rezoning request does NOT request a change in the current CG (Commercial General) and N-MU (Neighborhood - Mixed Use) zoning classifications for the Property; it requests only that the line dividing those classifications be re-located to a more logical location which INCREASES the portion of the Property zoned N-MU (from +/- 74 ac. to +/- 87 ac.) and REDUCES the portion of the Property zoned CG (from +/- 19 ac. to +/- 5 ac.). All as more particularly shown and described on the "Zoning Exhibit" attached hereto as Exhibit #1.

Express Conditions of Rezoning:

The Property is currently owned by Lorich Co., Inc., a Maryland corporation (the "Property Owner") who has consented to this rezoning subject to the following, express conditions:

- (1) *The rezoning, if approved, shall not become effective until ten (10) days immediately following (i) transfer of the entire Property to the Applicant (defined below); or (ii) the recording of a final Subdivision Plat subdividing the Property into multiple parcels and ten (10) days after the transfer of the entire Property to the Applicant and/or other third-party buyers; and*
- (2) *If the rezoning is approved but does not become effective prior to December 31, 2027 due to the failure of the condition above, then the rezoning shall automatically expire, terminate and not become binding upon the Property.*

The Property Owner's express conditions do not conflict with the applicable provisions of Maryland law or the City's Land Management Code which provides: "No [proposed] amendment ... shall become effective until at least ten days after one review and one public hearing are held." Art. 4 - Zoning Ordinance, § 9(d) (emphasis added). See also MD Code, Land Use § 4-203(b)(3).

General Property Info.:

Curwood DH, LLC, a Maryland limited liability company (the "Applicant") is the contract purchaser of the undeveloped property located at 1912 Day Road, Hagerstown,

Maryland (Map 317, Parcel 836; Tax Acct. No. 17-008811) containing +/- 93 acres which is shown on the "Zoning Exhibit" attached hereto as Exhibit #1 (the "Property").

The Property is generally located just north of Interstate 70 along the Dual Highway corridor and is bounded by the commercial areas along Dual Highway and the established residential areas along Robinwood Drive, Mt. Aetna Road and Day Road. Attached as Exhibit #2 is an aerial photograph of the subject Property and surrounding areas.

Consistent with the mixed-use nature of the surrounding area, the western portion of the Property closest to Dual Highway, consisting of +/- 19 acres, is currently zoned CG (Commercial General) and the remaining +/- 74 acre eastern portion of the Property closest to the residential areas is zoned N-MU (Neighborhood - Mixed Use). A copy of the City of Hagerstown Zoning Map attached hereto as Exhibit #3. The general location of these zoning classifications will not change if this rezoning request is approved, only the size of the areas included within each classification would change.

As shown and described within the City of Hagerstown's 2035 Comprehensive Plan, the recommended "Commercial General" and "Mixed Use" Future Land Use categories for the Property essentially mirror the Property's current split zoning, a copy of the Future Land Use Map 2-7 is attached hereto as Exhibit #4.

The Comprehensive Plan also identifies the Property as a prominent parcel of "Vacant and Underutilized Land" (see Map 2-5 attached hereto as Exhibit #5) the development of which is a priority for the City:

Development and redevelopment of Hagerstown's vacant and underutilized land will be an important part of the City's overall growth management approach and as such is Priority 1 for City water and wastewater service. (Growth Management and Land Use Policies, Policy 2-6)

Legal Justification:

As explained by Maryland courts, there are essentially two (2) elements to a rezoning request:

- 1) Since the Property was last comprehensively zoned, has there been a substantial change in the character of the neighborhood in which the Property is located; or was there a mistake made when the Property was last comprehensively zoned; and
- 2) Is the requested zoning classification appropriate for the Property.

Zoning History

The Property was initially annexed into the City of Hagerstown in 1978 (A-1978-06) as part of a larger annexation of more than 300 acres.

The map attached hereto as **Exhibit #6** shows the respective zoning classifications for the properties annexed, including the combination of R3 and C2 zoning¹ for the Property with the dividing line between the classifications clearly identified, but not explained.

As shown on **Exhibit #6**, one possible explanation is that directly opposite the Property on the west side of Dual Highway is another +/- 65 ac. parcel owned by Richard L. Harrison, the principal owner of Lorich Corporation which is the Property Owner of the subject Property in this case.

Dr. Harrison's property on the west side of Dual Highway received the same R3 and C2 split zoning designation that was assigned to the subject Property and the depth of the C2 zoned area is identified as 600' from Dual Highway. This may explain why the subject Property on the east side of Dual Highway was given a similar depth of C2 zoned area.

In any event, this dividing line between the commercially zoned portion of the Property and the residentially zoned portion of the Property was retained by the City in 2010 when the Property was last comprehensively zoned as part of the City's 2009 Comprehensive Rezoning Phase II (ZM-2009-01) (the "**Comprehensive Rezoning**").

Even though the formerly R3 portion of the Property was rezoned to N-MU (Neighborhood, Mixed-Use) the dividing line between the commercial area along Dual Highway and residential area was retained essentially as it was first established in 1978.

"Mistake in Original Zoning"

As per Maryland case law, to sufficiently demonstrate "mistake" the Applicant must show that existing facts, or reasonably foreseeable future projects or trends, were not taken into consideration at the time of the zoning. "Mistake" may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the initial premises upon which the comprehensive zoning were based were incorrect.²

¹ The R3 zoning classification is the equivalent to the City's current RH (Residential - High Density) zoning and the C2 zoning classification is the equivalent to the City's current CG (Commercial General) zoning.

² See generally, *Boyce v. Sembly*, 334 A.2d 137, 142-43 (Md.App. 1975) ("the presumption of validity accorded to a comprehensive zoning is overcome and error or mistake is established when there is probative evidence to show that the assumptions or premises relied upon by the Council at the time of the comprehensive rezoning were invalid. Error can be established by showing that at the time of the comprehensive zoning the Council failed to take into account

In this case, certain facts and foreseeable trends were not sufficiently taken into consideration in 2009-2010 when the original dividing line between the commercial and residential zoning areas for the Property was retained in the Comprehensive Rezoning.

Specifically, the well-established pattern of commercial development being limited to the immediate frontage along Dual Highway was not sufficiently taken into consideration and the 1978 dividing line between the commercial and residential areas on the Property was retained.

As can be seen by the 2010 aerial photo of the Property and surrounding areas attached hereto as Exhibit #7, other than at the intersection of Edgewood Drive and Dual Highway there is very little, if any, commercial development along Dual Highway which extends beyond the buildings which front directly on the roadway.

Additionally, the first segment of R. Paul Smith Boulevard running along the west side of the commercial area at Edgewood Drive and Dual Highway was present in 2010 and the plan for its eastward extension to the Dual Highway was well known.

As such, it was reasonably foreseeable that when that extension was made, its intersection with Dual Highway would be where the commercial areas on the subject Property would be concentrated, not to the east or south side of the Property extending the whole way down Day Road to beyond the former Sheraton / Four Points Hotel Property.

As stated in the *Phase Two 2009 Comprehensive Rezoning City of Hagerstown*, the recommendations for the Comprehensive Rezoning were "based on an analysis of the appropriateness of the existing zoning given current practices and character of the surrounding neighborhood and a desire to direct certain types of development to appropriate areas of the city."

However, with regard to the Property, no explanation was provided as to why the seemingly arbitrary line between the CG and N-MU zoning classifications, first established in 1978, continued to be the ideal zoning to promote the use and development of the Property.

"A comprehensive zoning or rezoning must be well thought out, the product of careful consideration and extensive study, and based upon considerations concerning the common needs of the particular area. It must be designed to control and direct the use of

then existing facts, or projects or trends which were reasonably foreseeable of fruition in the future, so that the Council's action was premised initially on a misapprehension. Error or mistake may also be established by showing that events occurring subsequent to the comprehensive zoning have proven that the Council's initial premises were incorrect."); and *White v. Spring*, 109 Md.App. 692, 675 A.2d 1023 (1996).

land and buildings according to present and planned future conditions, to accomplish as far as possible the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners." *Mraz v. County Commissioners of Cecil County*, 291 Md. 81, 88-89 (1981).

Requested Classification is Appropriate

As explained and discussed more thoroughly above, the within rezoning request does not seek to change the existing CG and N-MU zoning classifications for the Property.

Nor does the request seek to change the general, respective locations of those classifications; the CG zoned portion of the Property would remain adjacent to the Dual Highway corridor which is characterized by primarily commercial land-uses and the N-MU zoned portion of the Property would remain adjacent to the established residential areas along Robinwood Drive, Mt. Aetna Road and Day Road.

By only requesting that the location of the line between the CG and N-MU zoning classifications be changed to expand the portion of the Property zoned N-MU, the within request to rezone the Property is consistent with the Comprehensive Plan of the City and the existing land-uses of the surrounding area. As such, it is reasonable and appropriate.



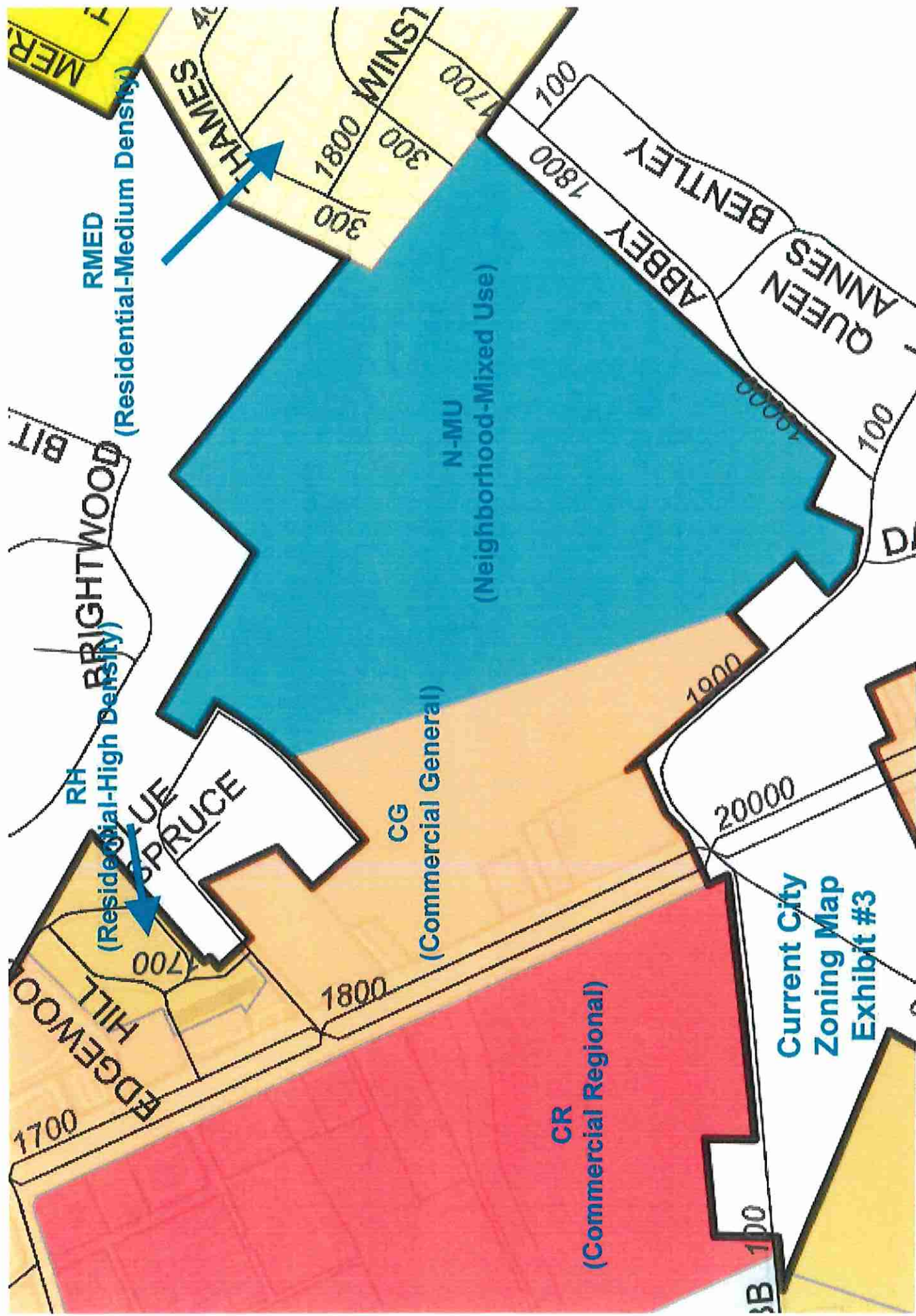
1 Care
own

February 2025

Subject Property

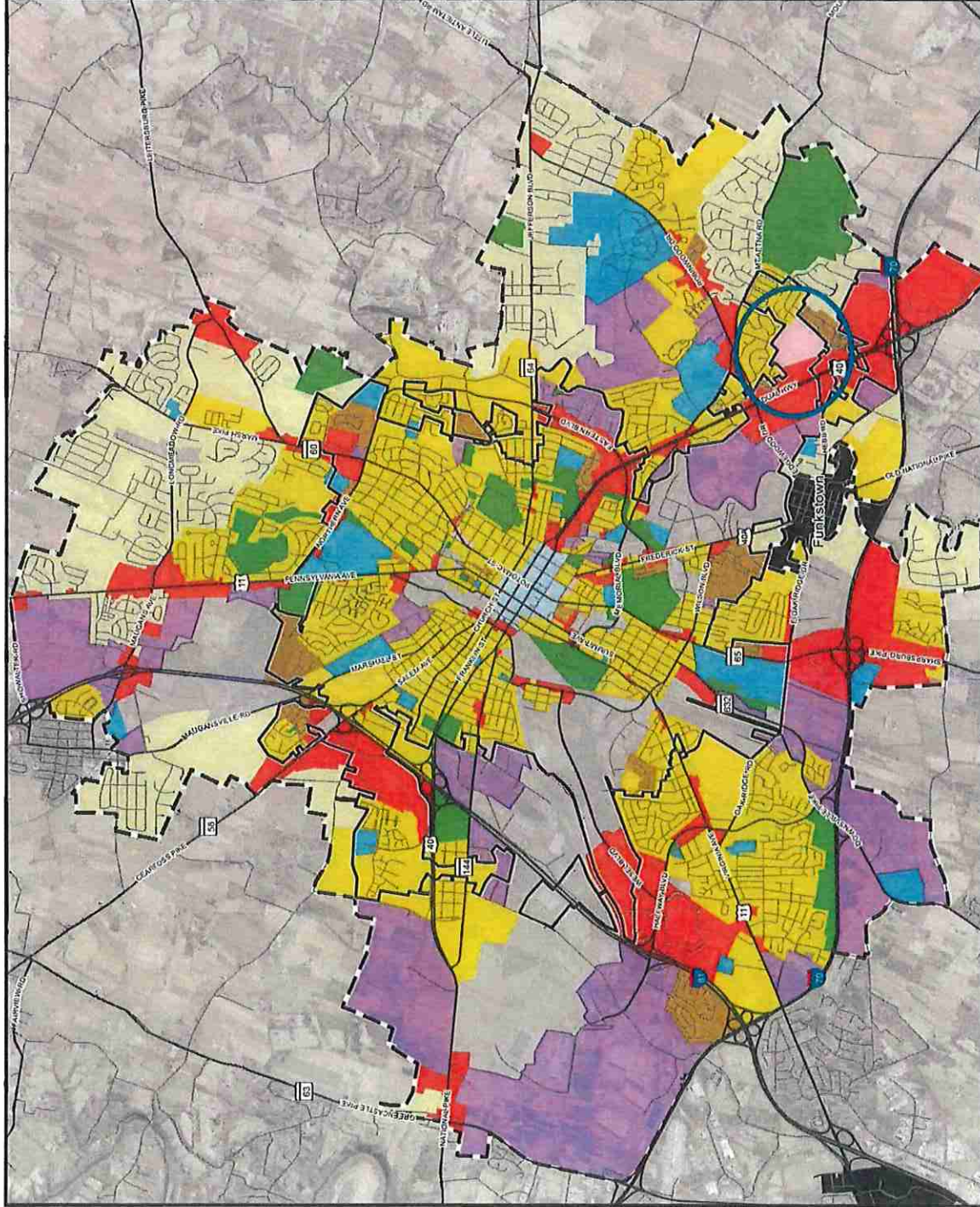
Exhibit #2





visionHagerstown 2035 Comprehensive Plan

Map 2-7: Future Land Use



- Major Road
- Street
- Corporate Boundary
- Medium-Range Growth Area
- Future Land Use Designation
- Moderate Density Residential
- Medium Density Residential
- High Density Residential
- Downtown
- Mixed Use
- Commercial General
- Business-Employment
- Industrial
- Institutional
- Parks/Rec/Open Space

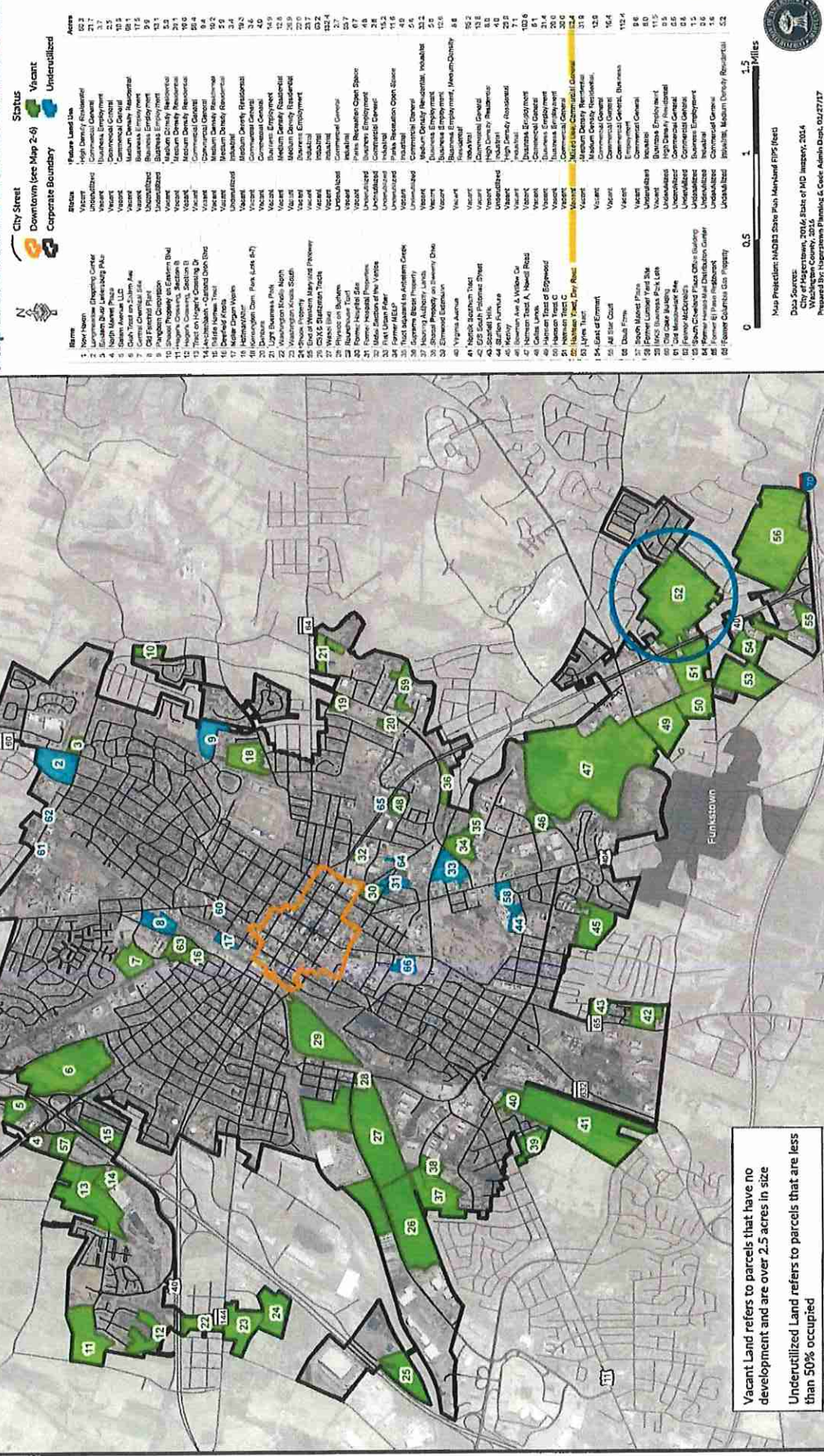
Future Land Use Designation	Acreage	% of Total
Moderate Density Residential	4,510	17.7%
Medium Density Residential	7,066	27.8%
High Density Residential	693	2.7%
Downtown	161	0.6%
Mixed Use	88	0.3%
Commercial General	3,067	12.1%
Business Employment	4,258	16.7%
Industrial	3,208	12.6%
Institutional	1,091	4.3%
Parks Recreation Open Space	1,297	5.1%
Total	25,429	100%

0 0.5 1 1.5 2 Miles

Map Projection: NAD83 State Plane Maryland FIPS (feet)
Data Sources:
Hagerstown, 2010; State of MD Imagery, 2014
Washington County, 2016
Prepared By:
Hagerstown Planning & Code Admin Dept, 10/16/15 (Rev. 10/27/17)

visionHagerstown 2035 Comprehensive Plan

Map 2-5: Vacant and Underutilized Land



Vacant Land refers to parcels that have no development and are over 2.5 acres in size
Underutilized Land refers to parcels that are less than 50% occupied

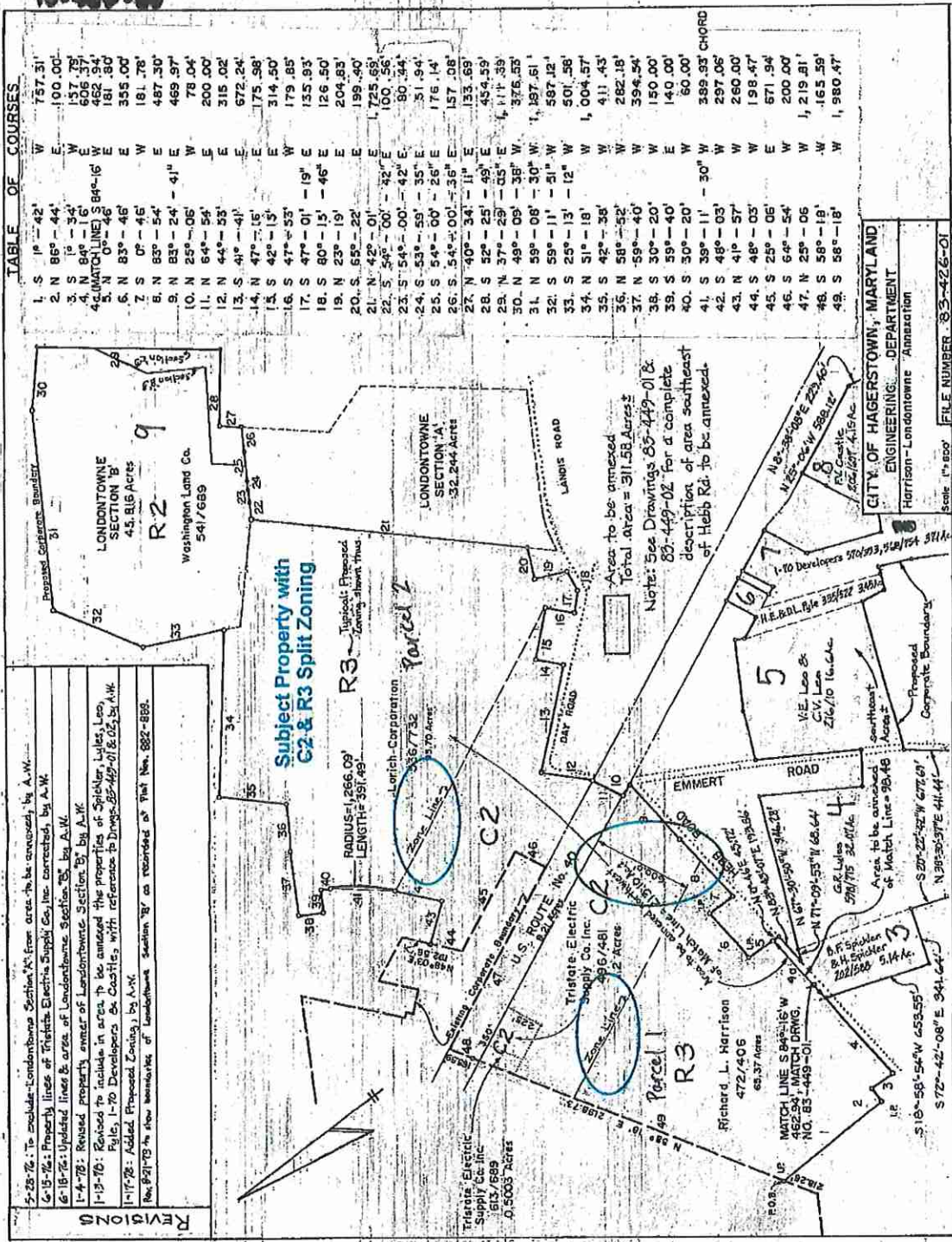


TABLE OF COURSES

1. S 1° - 42' - 31"	W 757.31'
2. N 86° - 44' - 10"	E 100.00'
3. S 1° - 34' - 17"	W 157.79'
4. N 84° - 16' - 16"	E 606.47'
4. (MATCH LINE) S 84° - 16' - 16"	W 462.94'
5. N 0° - 46' - 18"	E 181.80'
6. N 83° - 46' - 18"	E 355.00'
7. S 0° - 46' - 18"	W 181.78'
8. N 83° - 54' - 41"	E 487.30'
9. N 83° - 54' - 41"	E 469.97'
10. N 25° - 05' - 54"	W 78.00'
11. N 64° - 54' - 54"	E 200.00'
12. N 44° - 53' - 54"	E 315.02'
13. S 41° - 41' - 41"	E 672.24'
14. N 47° - 16' - 16"	E 175.98'
15. S 42° - 15' - 15"	E 314.50'
16. S 47° - 53' - 53"	W 179.85'
17. S 47° - 01' - 19"	E 135.93'
18. S 80° - 15' - 45"	E 126.50'
19. N 23° - 19' - 19"	E 204.83'
20. S 55° - 22' - 22"	E 199.40'
21. N 42° - 01' - 01"	E 725.63'
22. S 54° - 00' - 42"	E 100.56'
23. S 54° - 00' - 42"	E 80.24'
24. S 53° - 53' - 35"	E 51.94'
25. S 54° - 00' - 26"	E 176.14'
26. S 54° - 00' - 26"	E 157.08'
27. N 40° - 34' - 11"	E 133.69'
28. S 52° - 25' - 49"	E 454.59'
29. N 37° - 23' - 05"	E 111.39'
30. N 49° - 09' - 36"	W 376.35'
31. N 59° - 08' - 30"	W 187.61'
32. S 59° - 11' - 51"	W 587.12'
33. S 25° - 13' - 12"	W 501.58'
34. N 31° - 18' - 18"	W 1,004.37'
35. S 42° - 38' - 43"	W 411.43'
36. N 58° - 32' - 32"	W 282.18'
37. N 58° - 40' - 40"	W 394.54'
38. S 30° - 20' - 20"	W 150.00'
39. S 59° - 40' - 40"	W 140.00'
40. S 30° - 20' - 20"	W 60.00'
41. S 39° - 11' - 30"	W 389.33'
42. S 48° - 03' - 03"	W 297.06'
43. N 41° - 57' - 57"	W 260.00'
44. S 48° - 03' - 03"	W 198.47'
45. S 25° - 06' - 06"	E 571.94'
46. S 64° - 54' - 54"	W 200.00'
47. N 29° - 06' - 06"	W 1,219.81'
48. S 58° - 19' - 19"	W 165.59'
49. S 58° - 18' - 18"	W 1,980.47'

REVISIONS

5-25-76:	To include Londontowne Section 9, from area to be annexed, by A.W.
6-15-76:	Property lines of Tristate Electric Supply Co. Inc. corrected, by A.W.
6-18-76:	Updated lines & area of Londontowne Section 9, by A.W.
1-4-78:	Revised property owner of Londontowne Section 9, by A.W.
1-13-78:	Revised to include in area to be annexed the properties of Spiller, Lyles, Lee, by 1-70 Developers & Counties with reference to Dmps-85-449-01 & 02, by A.W.
1-17-78:	Added Proposed Conting., by A.W.
Rev. 8-21-79:	To show boundaries of Londontowne Section 9, as recorded as Plat No. 882-888.

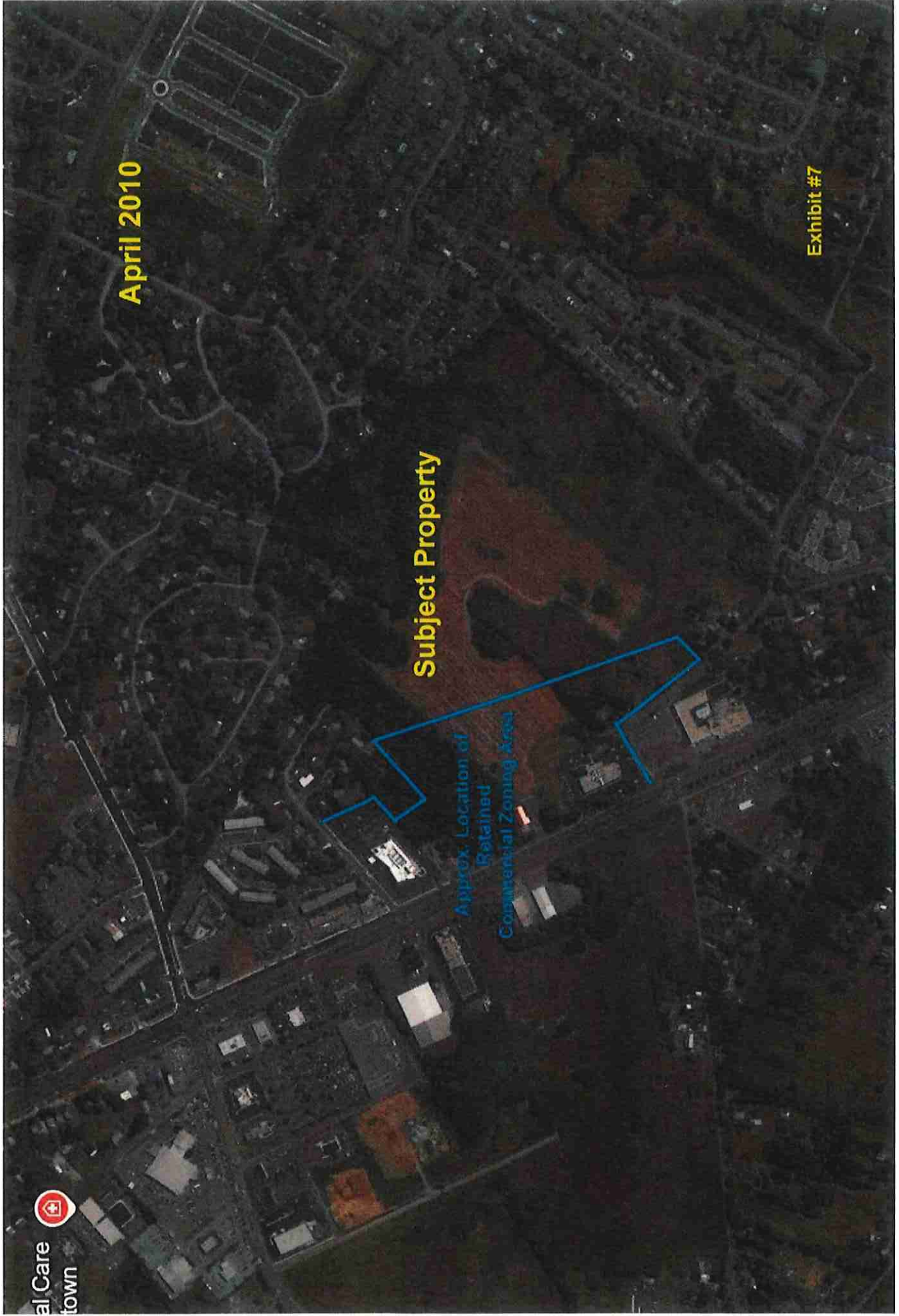
CITY OF HAGERSTOWN, MARYLAND
ENGINEERING DEPARTMENT
Harrison-Londontowne Annexation
Scale: 1"=600' FILE NUMBER: 83-426-01

April 2010

Exhibit #7

Subject Property

Approx. Location of
Retained
Commercial Zoning Area





TECHNICAL STAFF REPORT INDIVIDUAL REZONING REQUEST

Report Published:	August 22, 2025
Planning Commission Public Review Meeting:	August 27, 2025
Case Number:	ZM-2025-02
Applicant:	Currwood DH, LLC (Harris Lapato)
Applicant's Counsel:	Jason Divelbiss, Esq.
Property Owner:	Lorich Company, Inc.
Location:	East side of Dual Highway, north of Day Road, and east of Redwood Circle
City Tax Map, Block and Parcel:	Map 66, Block 01, Parcels 01 and 05
Deed Reference:	Liber 927, Folio 790
Address:	1912 Day Road
Area of Tract:	93.7 acres +/-
Area requested to be reclassified:	22 acres +/- (See Applicant's exhibit)
Current Zoning:	N-MU (Neighborhood Mixed Use) and CG (Commercial General)
Proposed Zoning:	Same, adjusting the zoning district line that bisects the property.
Vicinity and Proposed Zoning Map:	See page 2.

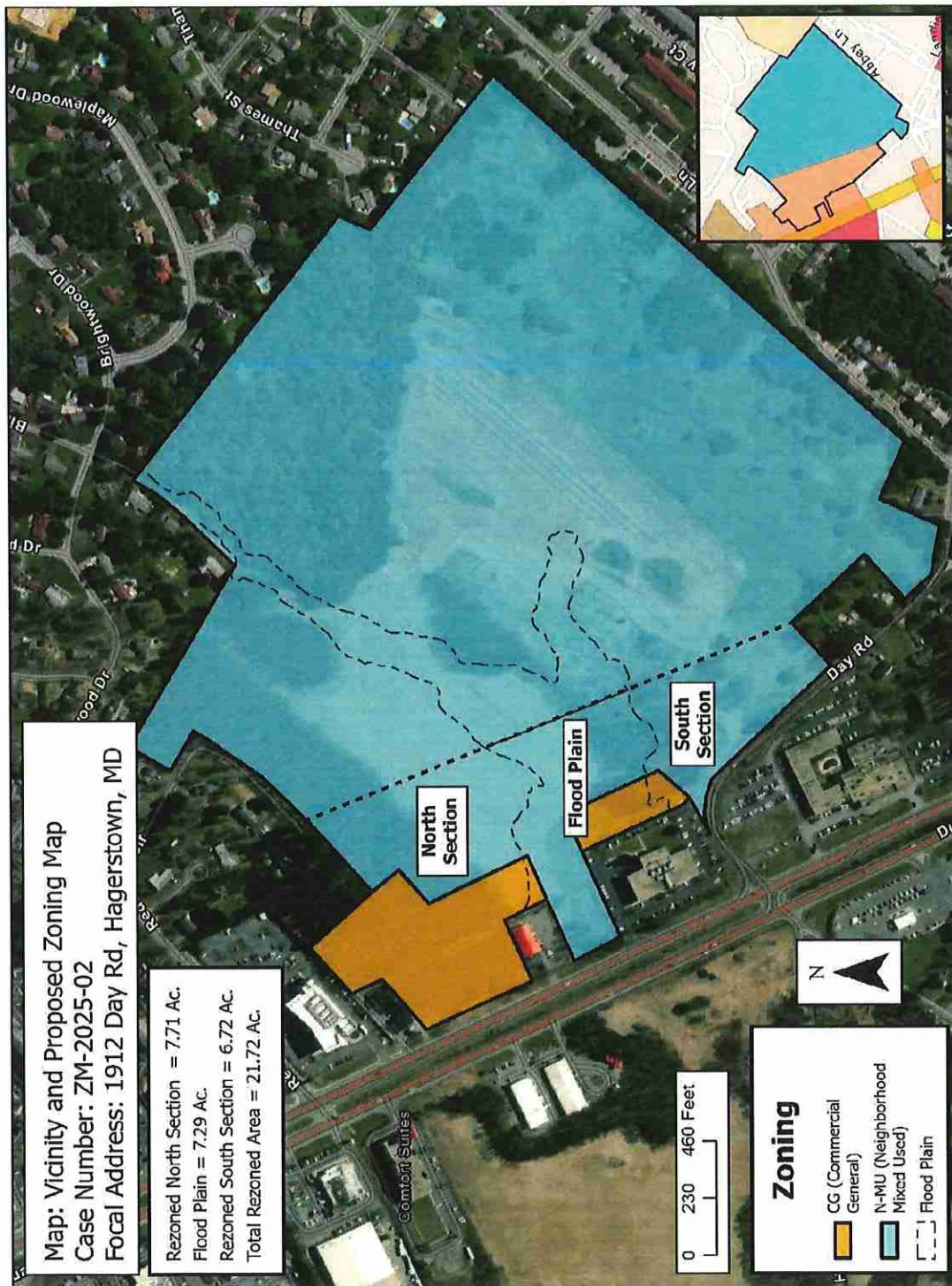
Description of Proposal:

The Applicant requests a zoning map amendment to rezone a portion of the subject property from CG (Commercial General) to N-MU (Neighborhood – Mixed Use). A sketch plan for development of the tract is under review by the Department of Planning and Economic Development. However, this zoning map amendment application is not tied to a development proposal.

Executive Summary:

The Applicant asserts in their application that the proposed zoning map amendment is justified based on a mistake in zoning ("Mistake") made during the 2010 and 2019 Comprehensive Zoning Plans. No argument is put forward in the application for change in the character of the neighborhood ("Change"). If the rezoning is approved, amending the map to include this area in the N-MU District is the most appropriate designation.

Vicinity and Zoning Map:



Proposal Narrative:

The tract is bisected by a zoning district boundary that divides the tract between the N-MU (Neighborhood – Mixed Use) Zoning District and the CG (Commercial General) Zoning District. This proposal would relocate that line to include approximately 22 acres of land currently zoned CG in the portion of the property located in the N-MU Zoning District. Of this 22+/- acre area, approximately 7.3 acres is located within the 100-year floodplain, which severely curtails its development regardless of how it is zoned. The property would remain bisected by a zoning district boundary.

The remaining CG zoned land would consist of two pad sites at the intersection of Dual Highway and Lois Harrison Boulevard and a one-acre area to the rear of the former "IBM Building" that would later be merged with that lot.

Due to contractual considerations and the terms of the original annexation which took effect in 1978, the Applicant seeks the following conditions be placed on this map amendment application if it is approved by the Mayor and City Council:

1. *The rezoning, if approved, shall not become effective until ten (10) days immediately following (i) transfer of the entire Property to the Applicant (defined below); or (ii) the recording of a final Subdivision Plat subdividing the Property into multiple parcels and ten (10) days after the transfer of the entire property to the Applicant and/or other third-party buyers; and*
2. *If the rezoning is approved but does not become effective prior to December 31, 2027 due to the failure of the condition above, then the rezoning shall automatically expire, terminate and not become binding upon the Property.*

The Applicant's supplement to their application cites City Code and State law demonstrating that these requested conditions are legally acceptable. The owner of the property supports this application but does not wish to be bound to the request should the pending contract of sale terminate without transferring the property.

Photographs of the Area to be Rezoned:



Photo 1: View north along Day Road, area to be rezoned to the right of the road.



Photo 2: View north from Dual Highway along Day Road. Area to be rezoned is beyond the parking lot on the left, and on the east side of Day Road.



Photo 3: View north from in front of adjacent office building, showing the “neck” that extends to Dual Highway. This area is designated as 100-year floodplain.



Photo 4: View along Dual Highway, looking southeast, showing the 100-year floodplain area.

Annexation and Zoning History:

A-1978-06 – Harrison-Londontowne-Tristate Annexation

The subject property was annexed into the City on May 18, 1978, along with other holdings in the region held by the Harrison family and others. The zoning assigned to this newly annexed tract was C2 and R3. The district line was drawn approximately parallel to the centerline of Dual Highway. See the attached 1977 Zoning Map as amended to November, 1983. The annexation was conditioned on the City not taxing the property at more than agricultural assessment until the land develops.

The subject property retained this designation and the zoning district line bisecting the property remained in place until the 2009 Comprehensive Zoning Plan (Phase II). Intervening text amendments re-labeled the C2 Zoning District "CG – Commercial General" and the R3 District was re-labeled "RH – Residential High Density".

ZM-2009-01 – Comprehensive Zoning Plan, Phase 2

The 2009 Comprehensive Zoning Plan proposed so many map amendments that it was processed in three phases. In Phase II, which took effect on February 25, 2010, the portion of the property located in the RH Zoning District was reclassified to the N-MU Zoning District. Also, the zoning district line that bisected the property experienced minor adjustment to draw a more rational line given the shape and configuration of the property. A small, narrow area behind existing houses outside of the corporate limits on Day Road was changed from CG to N-MU and a small narrow area adjacent to Day View Road was changed from RH to CG Zoning.

The zoning assignment and configuration of this property has been in place since February 25, 2010.

C-2025-01 – Sketch Plan for Mountain Crest

Staff is currently reviewing a sketch plan for the development of this tract. This Zoning Map amendment affects a minor portion of the overall tract.

If the sketch plan is approved, the portion of the tract that is subject to this rezoning includes 4 buildings of a 10-building apartment complex in the northern portion of the rezoning area. The center area is floodplain. The southern area to be rezoned adjacent to Day Road is shown on the sketch plan containing nine large single-family detached dwelling lots fronting Day Road with rear alley access and 16 townhouses included in two "sticks" and parts of a third stick. A subdivision road into the site is shown connecting to Day Road in this area.

The sketch plan will come forward for the Commission's review in the near future. Any approval of the sketch plan will require a condition that the portion shown with residential uses in the area currently zoned CG is subject to the rezoning being approved, and failure to secure the requested rezoning will require amendment of the sketch plan.

A sketch plan does not vest an applicant in any development rights.

Adjacent Properties:

The municipal boundary follows this tract's boundaries to the north and to the east and south. Many of the adjacent properties are located outside of the municipality.

West and South (Dual Highway)

Properties adjacent to this site along Dual Highway include (from east to west) a two-story office building (known as the former IBM building), A one-story building used for a real estate office, a former dwelling converted into office and retail uses, and a multi-story office building on the corner of Redwood Circle. These properties are within the City and zoned CG. A former hotel building is located between Dual Highway and Day Road, which is outside of City limits.

North

The areas served by Redwood Circle, Brightwood Drive, Bittersweet Drive and Maplewood Drive are improved with single-family detached homes and are located outside of City Limits.

East

The area to the northeast, served by Thames Street, Winston Drive and Fair Meadows Boulevard is also improved with single-family detached homes, but is located within the City and is located in the R-MED (Residential – Medium Density) Zoning District.

The area along Abbey Lane is improved with townhomes and apartments and is located outside of City limits. There are four lots on the north side of Day Road improved with single-family detached dwellings. These are also outside of City limits. A garden-style condominium development is located on the south side of Day Road, which is also outside of the City boundary.

Site Description:

The site consists of two parcels totaling approximately 93.7 acres. The property is mostly unimproved and used for cropland. The center of the property is designated floodplain on the FEMA floodplain map of 2017 (see next page).

There is a two-story, brick single-family farm-style dwelling on the property. It fronts Day Road. It is a nonconforming use since single-family dwellings are not permitted in the CG District. It is located within the area proposed to be rezoned to N-MU.

The house appears to have been constructed in the mid-19th Century and is listed on the Washington County Historic Sites Inventory as site WA-I-434. The historic report on this building - which was prepared in 1977 - is very brief and contains no site history or ownership history.

The tract is entirely surrounded by developed lands.

Floodplain:

Approximately 18.1 acres in the center of the parent tract is designated 100-year floodplain on the 2017 FEMA floodplain map for the City. Approximately 7.3 acres in the area to be rezoned is in the floodplain. The floodplain divides the area to be rezoned into three roughly equal parts, with the center third being the floodplain which will have no buildings constructed on it. Anecdotal accounts of flooding in the area do not report flooding occurs in this area.

Roads:

The tract fronts Dual Highway in two places. One is in the center part of the area to be annexed and is floodplain. The tract has approximately 360 feet of frontage on Dual Highway in the vicinity of the new intersection created with the construction of Lois Harrison Drive. Development of this tract will be served with a primary point of access created by the construction of a fourth leg of the existing three-legged signalized intersection of Dual Highway and Lois Harrison Drive.

The property fronts Day Road and an entry point to the development of the portion of the tract unaffected by the rezoning will be constructed along this frontage. The parent tract also fronts other existing streets to the north, which will be connected to when the property develops, in accordance with the requirements of the City's Subdivision Ordinance.

Water and Sewer Service:

Surrounding developments are served by Hagerstown's Water and Wastewater utilities. Development of this tract will be required to be served by City utilities.

Electric Service:

This tract is in the Potomac Edison service area. When the property develops, the streetlights would be serviced and maintained by the City Electric Department.

Fire and Police Service:

The parent tract has received protection provided by the Hagerstown Police Department since its annexation in 1978. First call station for fire protection is a dual assignment area assigned to the Funkstown Volunteer Fire Company and Hagerstown Fire Department Station 3 (Eastern Boulevard).

Schools:

The subject tract is in the attendance area of the following schools:

High School:	South Hagerstown High School
Middle School:	E. Russell Hicks Middle School
Elementary School:	Eastern Elementary School/ Ruthann Monroe Primary School

Hagerstown has no Adequate Public Facilities Ordinance for school capacity. Consideration of school capacity when determining the outcome of planning and zoning proposals in the City may subject that decision to legal challenge if no objective standards are codified in City Ordinances. No such objective standards are currently in effect.

Agency Comments:

As of the publication of this report, these agencies stated they have no comment:

1. Washington County Planning.
2. Washington County Health Department.
3. Washington County Soil Conservation District.
4. Washington County Public Schools.
5. Hagerstown City Engineer
6. Hagerstown Department of Public Works (which includes Parks and Recreation).
7. Hagerstown Light Department
8. Hagerstown Fire Marshal
9. Maryland State Highway Administration.

Please see comments from the following agencies:

Hagerstown Water Department and Wastewater Department (single letter)

Any additional comments received prior to the public review meeting will be provided to the Commission at that time.

Comprehensive Plan:

The area that is zoned CG appears on the Future Land Use Map (Map 2-7) of the 2018 Comprehensive Plan with a designation of "Commercial General". The area zoned N-MU appears on that map with a designation of "Mixed Use". The Comprehensive Plan describes the Mixed-Use designation as follows:

Mixed Use designations apply to areas where the city envisions a seamless combination of residential, commercial, office, and institutional uses, resulting from a special study or master planning efforts. This future land use is necessary to promote the comprehensive redevelopment of areas where a mix of several land uses is desired and to facilitate retention of areas containing mixed residential and commercial. The Future Land Use map identifies four MXD areas: the 0 and 100 Blocks of East Baltimore Street (south side of street), and the Potomac Ave/Maple Ave neighborhood, and on one of the Harrison Farm tract east of Dual Highway (US 40). The Mixed Use future land use can be used to encourage new Traditional Neighborhood Design (TND) development on a greenfield site. Residential densities in MXD areas will be determined through the planning process, but will likely be in the range of 6 to 10 units per acre.

The Comprehensive Plan described the Commercial General designation as follows:

Commercial General indicates land designed to accommodate a broad range of commercial purposes, especially retail uses and personal services, ranging from individual stores to shopping centers. Within existing corporate boundaries these areas include much of the Dual Highway corridor, Maryland Avenue, Leitersburg Pike, and Wesel Boulevard. It also includes a number of smaller commercial areas such as those along Eastern Boulevard, Northern Avenue, West Washington Street, Frederick Street, and Burhans Boulevard. In the growth area, major CG concentrations include Valley Mall, Prime Outlets, and Pennsylvania Avenue.

The tract appears and is described on the following Comprehensive Plan maps:

1. Map 2-3: Planned and Future Development – CG zoned area identified as "vacant land" and the N-MU zoned area is identified as "Future planned development. No approved plat or plan."

-
2. Map 2-5: Vacant and Underutilized Land – Identified as vacant and underutilized.
 3. Map 2-9: PlanMaryland Place Designations – Identified as a “targeted growth & revitalization area”.
 4. Map 4-1: Water and Wastewater Service Areas – Site shown as “served by City sewer lines and treatment plan.
 5. Map 4-2: Water and Wastewater Priority Areas – Site shown as a “Priority 1” area.
 6. Map 4-3: Growth Tier Designations – Site shown as a Tier 1 area.
 7. Map 5-3: Long Range Transportation Plan Recommended Upgrades – Recommends widening of Dual Highway.
 8. Map 5-5: Local Recommended (Transportation)Upgrades – Recommends connections through the parent parcel to Redwood Circle, Day Road and Fair Meadows Boulevard.
 9. Map 9-4: Future Park Needs – This site is within an area identified as being outside of a 0.25 mile radius from park space within the City.

Development of these vacant lands is supported by multiple policies of the Comprehensive Plan. Most prominently, Policy 2-6 of the Plan states *Development and redevelopment of Hagerstown’s vacant and underutilized land will be an important part of the City’s overall growth management approach and as such is Priority 1 for City water and wastewater service.* The Plan also calls for the well-designed and coordinated development of unimproved tracts. Compelling development that bifurcates the community across an arbitrarily drawn zoning district line does not achieve these policies and goals.

Evaluation of Justification for Map Amendment:

Relation to the General Plan and the Zoning Regulations

The area to be rezoned is designated Commercial General on the Future Land Use Map of the Comprehensive Plan and is immediately adjacent to parts of the same tract designated Mixed Use. The zoning line that was drawn bisecting the property when the property was annexed in 1978 was set at an arbitrary or uniform distance from Dual Highway. In 2010, that line was adjusted slightly to remove pockets of zoning rendered undevelopable due to the shape of the property. The Future Land Use Map is a generalized map.

The area is intended for development for a mixture of uses. In context of the overall tract, the proposed map amendment corrects an arbitrary decision made in the assignment of the zoning district boundary to this property. The Comprehensive Plan identifies this area as destined for a mix of commercial and residential uses. Numerous policies and maps of the Comprehensive Plan call for the thoughtful development of this tract for a mixture of commercial and varying types of residential uses. Thoughtful development of the tract as a whole is made difficult by adherence to a district boundary set in an arbitrary manner when the property was annexed nearly 50 years ago.

Evaluation of the Petition Concerning the Change Rule

To substantiate a change in character of the neighborhood, the Applicant must establish the "neighborhood" boundary and specify the changes that occurred after the comprehensive zoning that altered the character of the "neighborhood".

The Applicant does not allege a substantial change in the character of the neighborhood in their application, so the Applicant did not propose a defined "neighborhood" and staff did not evaluate the petition regarding the Change Rule.

Evaluation of the Petition Concerning the Mistake Rule

To substantiate a mistake in zoning, evidence must show that the zoning authority erred when it adopted the comprehensive zoning map. The Applicant asserts that development patterns and realities that have occurred since the property was rezoned in 2010 are conditions that result in the existing zoning for the subject area is mistaken. The position is that the area, which had significant amounts of undeveloped or unplanned lands have since either developed or plans are in place for the build out of those areas and these are conditions that could not have been foreseen.

The Applicant draws attention to surrounding development as follows:

As can be seen by the 2010 aerial photo of the Property and surrounding areas attached hereto as Exhibit #7, other than at the intersection of Edgewood Drive and Dual Highway there is very little, if any, commercial development along Dual Highway which extends beyond the buildings which front directly on the roadway.

Additionally, the first segment of R. Paul Smith Boulevard running along the west side of the commercial area at Edgewood Drive and Dual Highway was present in 2010 and the plan for its eastward extension to the Dual Highway was well known.

As such, it was reasonably foreseeable that when that extension was made, its intersection with Dual Highway would be where the commercial areas on the subject Property would be concentrated, not to the east or south side of the Property extending the whole way down Day Road to beyond the former Sheraton / Four Points Hotel Property.

The Applicant cites Maryland case law in this matter as follows:

"A comprehensive zoning or rezoning must be well thought out, the product of careful consideration and extensive study, and based upon considerations concerning the common needs of the particular area. It must be designed to control and direct the use of land and buildings according to present and planned future conditions, to accomplish as far as possible the most appropriate uses of land consistent with the public interest and the safeguarding of the interests of the individual property owners." *Mraz v. County Commissioners of Cecil County*, 291 Md. 81, 88-89 (1981).

In short, development patterns in recent years in the Dual Highway corridor and the seemingly arbitrary assignment of the zoning district line together create a mistake in that it hinders the logical development of the tract in a unified and well-coordinated manner.

Appropriateness of Zoning District

Per the Zoning Ordinance, the N-MU District was created to:

- (1) Accommodate mixed-use buildings serving retail, service, and other uses on the ground floor and residential units above the nonresidential space;
- (2) Allow for commercial uses of a scale and intensity compatible with a residential neighborhood;
- (3) Allow for exclusively residential buildings of a scale and intensity compatible with the City's traditional neighborhood building design;
- (4) Encourage development that exhibits the physical design characteristics of pedestrian- oriented, storefront-style shopping streets;
- (5) Provide flexibility for adaptive re-use of old, non-residential buildings in these areas; and
- (6) Promote the health and well-being of residents by encouraging physical activity, allowing for transportation alternatives, and providing for interaction of uses during day and evening hours.

Although it permits and promotes mixing commercial and residential uses, the N-MU district does not require commercial or residential elements. The logical location for commercial uses on this tract remains reserved in that portion of the property that will remain in the CG Zoning District. It does encourage the development in a manner that is consistent with the City's historic "grid" street patterns at urban densities.

Essentially, the bulk of this tract was zoned N-MU to encourage density and urban design. Assimilating most of the minority of the site that is CG zoned into the N-MU District will promote a seamless urban-scale development unfettered by an arbitrarily-drawn zoning line bisecting the property. If the subject area is to be rezoned, including it in the adjacent N-MU District on the same parcel is the only appropriate decision. Any other district could be interpreted as illegal "spot zoning."

Therefore, if the Planning Commission recommends and the elected body approves this map amendment request, the only appropriate district for it to be reclassified to is the N-MU District.

The burden of proof is on the applicant to demonstrate "change" or "mistake."

The act of amending the Zoning Map is a legislative act where the elected body acts in the interest of the general welfare of the City.

Stephen R. Bockmiller, AICP
Deputy Director for Planning and Zoning Administration
Department of Planning and Economic Development

Map: Vicinity and Proposed Zoning Map
Case Number: ZM-2025-02
Focal Address: 1912 Day Rd, Hagerstown, MD

Rezoned North Section = 7.71 Ac.
Flood Plain = 7.29 Ac.
Rezoned South Section = 6.72 Ac.
Total Rezoned Area = 21.72 Ac.

North
Section

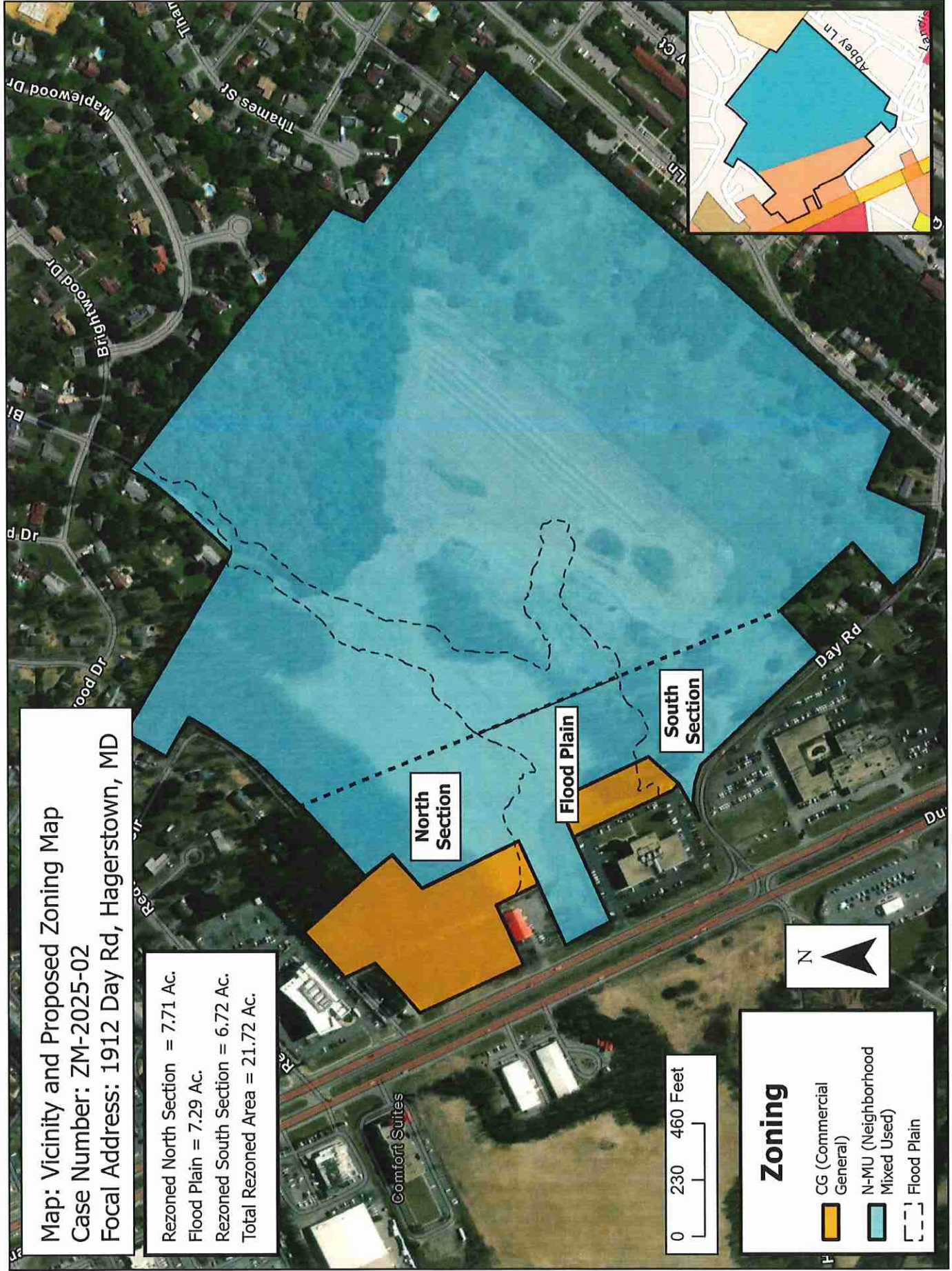
Flood
Plain

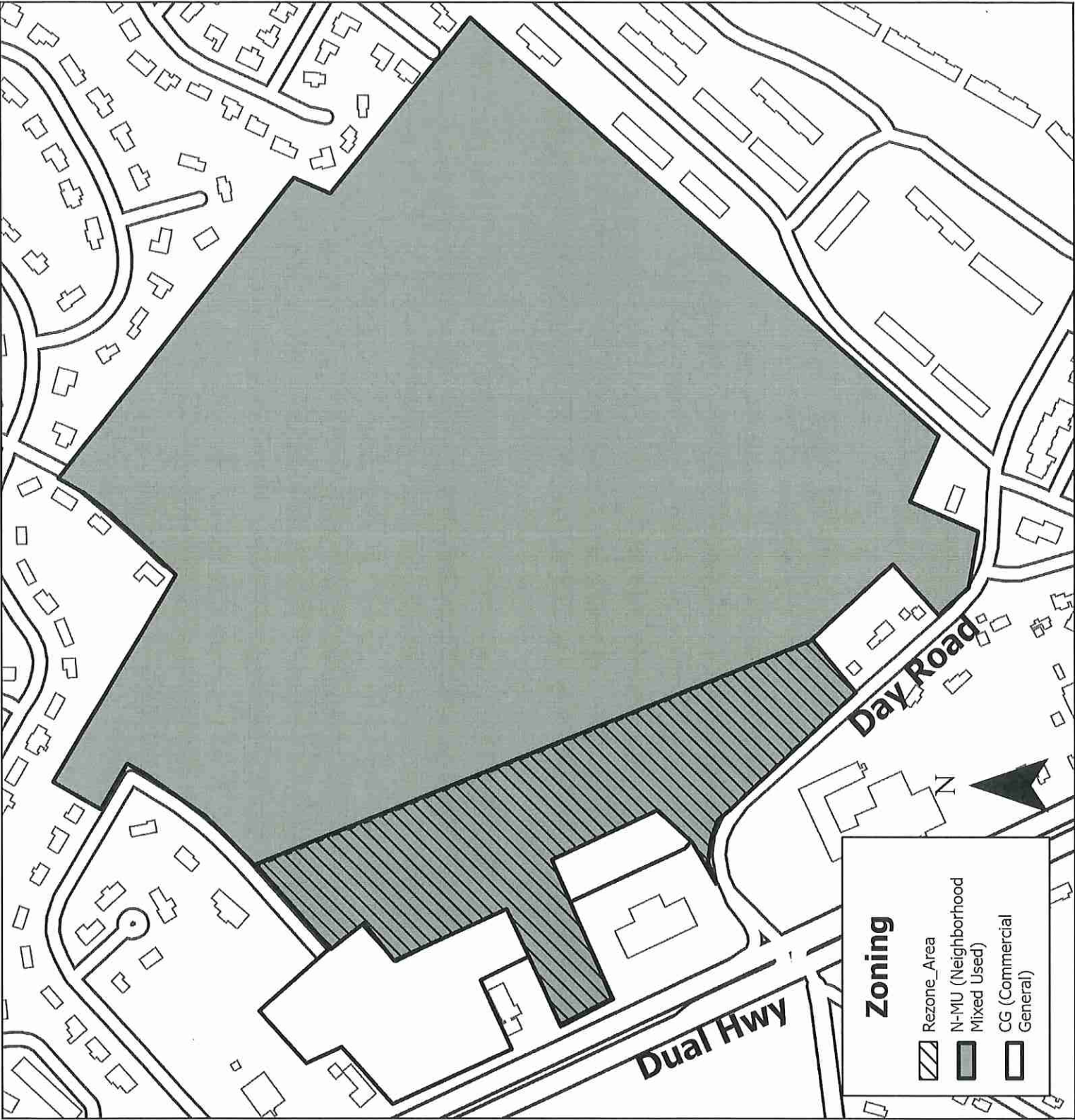
South
Section

0 230 460 Feet

Zoning

- CG (Commercial General)
- N-MU (Neighborhood Mixed Used)
- Flood Plain





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

Topic:

Discussion: Town of Smithsburg Request for Approval for a MS4 Stream Restoration Project on Crystal Falls Drive - *Nancy Hausrath, Director of Utilities*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates:

ATTACHMENTS:

File Name

MEMO_SMITHSBURG_MS4_REQUEST_11252025.docx

Description

MEMO MS4 REQUEST
FROM SMITHSBURG
11252025



CITY OF HAGERSTOWN, MARYLAND

Utilities Department

1 Clean Water Circle • Hagerstown, MD 21740

Telephone: 301-739-8577, ext. 650

Website: www.hagerstownmd.org

November 11, 2025

To: Scott Nicewarner, City Administrator
From: Nancy Hausrath, Director of Utilities
Action: Discussion ~ Town of Smithsburg
Stream Restoration Project – Beaver Creek

Brian Brandt, Smithsburg Town Manager reached to discuss the opportunity for a MS4/Stormwater partnership between the Town of Smithsburg and The City of Hagerstown. Per Mr. Brandt, the proposed project is a stream restoration on Beaver Creek located on City property (Crystal Falls Drive - Breichner Water Plant). As you are aware, this property is located within the corporate boundary of the Town of Smithsburg. Please see attached letter from Mr. Brandt.

Staff subsequently met with the Town of Smithsburg and RK&K Engineering to discuss a proposed stream restoration project on Beaver Creek at the Breichner Water Treatment Plant Property. This project will be funded by the Town of Smithsburg and they will be responsible for all permitting, design, bidding, etc. required should this project move forward. The Town of Smithsburg has assured the City that they are only requesting permission to do the project and, as such, will assume all responsibility as it pertains to this project to include ensuring the City has access at all times and restoration of the City property once construction is complete.

Staff has no objections to this project and will answer any questions during the November 18, 2025 Work Session. Should the Mayor and Council decide to move forward with approval of this request, staff will prepare a Motion for the November 25, 2025 Regular Session.

TOWN OF SMITHSBURG

21 West Water Street
Smithsburg, MD 21783

Phone: (301) 824 – 7234
Fax: (301) 824 – 6219



September 30, 2025

Dear Mayor and Members of the City Council of Hagerstown,

On behalf of the Town of Smithsburg, I am writing to respectfully request permission to construct a stream restoration project along Beaver Creek on the City of Hagerstown Reservoir property, extending from Crystal Falls Drive to Old Mill Road.

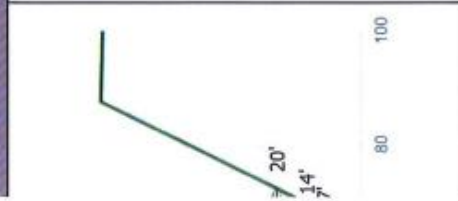
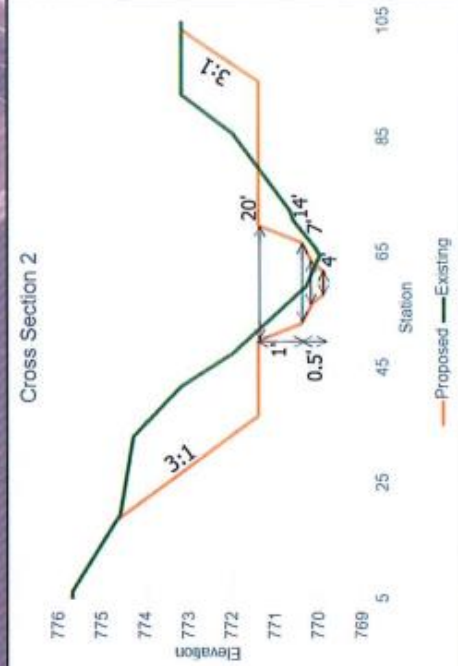
This project was identified through a recent watershed assessment that evaluated opportunities for water quality improvements within the Smithsburg Town boundary. The analysis highlighted this reach of Beaver Creek as a priority restoration site due to significant erosion and degradation throughout the stream valley and the channel's proximity to the Hagerstown Reservoir dam. The existing conditions not only compromise local water quality but also present a potential long-term risk to dam stability and other nearby infrastructure.

The proposed restoration will address these concerns by stabilizing and enhancing the stream channel that is encroaching on the reservoir dam, reducing erosion and instabilities, and improving overall watershed health. In addition, the project will improve aquatic and riparian habitats, contributing to ecological uplift and increasing resilience in the face of future storm events. This project will assist the Town in meeting its Chesapeake Bay impervious area restoration requirements, supporting regulatory compliance while delivering measurable environmental benefits to the community, including the City of Hagerstown. The project will be funded by the Town of Smithsburg at no cost to the City.

The project design will be mindful of the existing Reservoir toe of dam, outfall pipe, and fire hydrant discharge points. It will provide stable conveyance and ensure that this critical infrastructure may continue to function properly. We are committed to coordinating closely with the City throughout design and construction to ensure that the project is implemented responsibly and in alignment with shared priorities. Following project completion, the Town will assume responsibility for inspection and maintenance of the restored stream corridor to ensure long-term success. To formalize this partnership, a Memorandum of Understanding (MOU) will be drafted between the Town and City.

By proactively addressing these issues, the City and Town will safeguard important infrastructure, protect public resources, and strengthen community resilience. We appreciate your consideration of this request and look forward to the opportunity to partner with the City to improve the health and stability of Beaver Creek. Please do not hesitate to reach out if additional information or discussion is needed.

Brian S. Brandt
Town Manager
Town of Smithsburg



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

Topic:

Mayor and City Council Meeting Schedule for 2026 - *Mayor and City Councilmembers*

Mayor and City Council Action Required:

Discussion:

Financial Impact:

Recommendation:

Motion:

Action Dates: