

MINUTES OF THE SPECIAL MEETING  
OF THE  
MAYOR AND COUNCIL  
OF THE TOWN OF SMITHSBURG, MARYLAND

Tuesday, January 7, 2025  
7:04 PM

The Mayor and Council held a Public Hearing on Tuesday, January 7, 2025 for the purpose of receiving comments regarding the Proposed Text Amendment for Section 405-7 Zoning Code: Proposed Language for revised definition of Convenience Store. In attendance were Mayor Donald Souders, Councilmembers David Dan, James Fritsch and Jon Snyder. Councilmember Roberto Gonzalez was absent. Also in attendance were Town Manager Brian Brandt, Clerk/Treasurer Jenni House, Police Chief Robert Marker and Town Attorney Edward Kuczynski.

Greg White, Chairperson for the Planning Commission, residing at 11 Grove Creek Circle Smithsburg, MD stated the Planning Commission after discussing this topic with the Planning Commission, thought it would be in the towns best interest to request a continuance of the Public Hearing that was to happen this evening. Mr. White stated the continuance would allow the Planning Commission to revisit the language at their next meeting on the January 14, 2025. Mr. White stated after receiving feedback from the public the Planning Commission felt the intent of the text amendment was not what they had envisioned. Possibly a mistake on the Planning Commission to align it with acreage or a percentage of the acreage, it was meant to restrict the amount of building on a smaller commercial lot. When the land of Cloverly was annexed into the town there was a corner that was not included with the MXD overlay. There are 5 smaller lots in Cloverly that were designated for commercial growth in Smithsburg. Mr. Cross came to the Planning Commission in November or December and requested they revisit the convenience store definition only in this discussion. We looked at the convenience store definition, looking at the surrounding Counties, and other ordinances and we came up with the amendment. The Planning Commission is feeling the language needs to be tightened up. The Commission will then come back to Council at the Special Session on January 21, 2025 and discuss the revised amendment, if Council deems the amendment appropriate then the Commission would request a Public Hearing in either February or March. Even though this was not a true Public Hearing Council decided to allow questions from themselves and the public.

Councilmember Dan had several comments/ questions for Planning Chairperson Greg White. Below is a summary of the questions and answers:

- Currently the amendment is tied to lot size, it isn't clear if the Planning Commission intended to use the recorded lot size definition. Mr. White stated the intend was to use the recorded lot size definition.
- Convenience store includes gas pumps, car wash would they be included in the square footage, Mr. White stated the canopy, pumps, car water would be excluded.
- Would the sit-down eating area be included in the square footage; Mr. White stated it would be included in the square footage.
- When do you go from a convenience store to a shopping center. Mr. White stated a shopping center is defined like a strip mall, Councilmember Dan stated he doesn't want people to start with a convenience store and end up with a strip mall.
- Text amendment says overnight parking of any type of vehicle is prohibited, who will enforce that, currently the town does not have a definition of truck stop. Mr. White stated the town does not have a definition of truck stop, however under the advice of Council the Planning Commission was encouraged

to address this at the same time as the convenience store, but not necessarily in the same text amendment.

- There was a member of the Planning Commission that voted against the motion, who was that. Mr. White stated that was him and he wanted to include the canopy in the square footage.

There were no Public Comments

Mayor Souders closed the Special Meeting at 7:27 PM.

Respectfully submitted,

Jenni House,  
Clerk/Treasurer

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
REGULAR MEETING MINUTES  
January 7, 2025**

The regular meeting of the Smithsburg Mayor and Council was held on Tuesday, January 7, 2025 at 7:31 PM with Mayor Donald Souders, Councilmembers James Fritsch, Jon Snyder, and David Dan. Councilmember Robert Gonzalez was absent. Also in attendance was Town Manager Brian Brandt, Clerk/Treasurer Jenni House, Police Chief Robert Marker and Town Attorney Edward Kuczynski. The meeting was opened with the Pledge of Allegiance led by Councilmember Dan.

**Approval of Agenda:** On a motion by Councilmember Snyder, second by Councilmember Fritsch to approve the agenda as presented. **Motion carried.**

**Approval of Meeting Minutes:**

- Regular Meeting Minutes – December 3, 2024
- Regular Meeting Minutes – November 12, 2024
- Executive Session Minutes – October 29, 2024

**On a motion** by Councilmember Dan, second by Councilmember Fritsch to approve the regular meeting minutes for December 3, 2024, with one correction. Councilmember Fritsch, not Councilmember Dan voted against the motion to use \$25,000.00 from the Main St/ EDC Coordinator line item and move it to the Police budget to hire a new full time police officer. **Motion carried.**

**On a motion** by Councilmember Dan, second by Councilmember Fritsch to approve the regular meeting minutes for November 12, 2024 as presented. **Motion carried.**

**On a motion** by Councilmember Snyder, second by Councilmember Fritsch to approve the executive session meeting minutes for December 3, 2024 as presented. **Motion carried.**

**Approval of Treasurers Reports:** On a motion by Councilmember Fritsch, second by Councilmember Snyder to approve the treasurers report as presented. **Motion carried.**

**COMMUNITY ORGANIZATION REPORTS:**

**SEMS Report:** Dale Fishack submitted the following report for December 2024: Total calls for service were 135 calls with 28 calls out of county, with 20 calls in Franklin County and 8 in Frederick County.

**Smithsburg Fire Co: Smithsburg Fire Co** – The following report for December 2024 was submitted: Total number of calls 38. Mutual aid given, Frederick County 4, Franklin County 3.

**MAYOR'S REPORT:** Mayor; Donald Souders presented the following report:

- Participated in the annual Smithsburg Police Department Shop with a Cop event. It was another great event that was coordinated with our Smithsburg Police Department, EDC members, the Dixie Eatery as well as countless volunteers who helped to provide much joy during the Christmas season here in Smithsburg. our Police Department and their officers do a great job with this community event year after year. There are so many to thank but if not thanked individually, please know that your support of our community is appreciated.
- Along with Town Manager Brian Brandt, EDC Chair Liz Farmer, met with a business owner who has expressed an interesting potentially bringing their family style business to our community. The conversation was encouraging and I believe there is a good opportunity to eventually bring another business to our local economy and community.
- While there may not be a lot on my mayor's report for the month of December, I want to extend my sincere thank you to our staff who do a great job providing services to our community each and every day. Unfortunately, I was not able to attend this year's tree lighting ceremony, but many residents have reached out to express their gratitude to our SCAC volunteers, staff and those who help to make our town have a true holiday spirit.

**TOWN MANAGER'S REPORT:** Town Manager, Brian Brandt reports the following:

- Attended Shop with a Cop.
- Meeting with Mayor Souders and new MRDC Administrator, Abigal.
- Attended the tree lighting at Veterans Park.
- Attended Washington County Planning meeting for Federal Lookout Rd. project.
- Hosted two MRW training classes.
- Multiple meetings with Mike Scott.
- Multiple meetings with Comcast to discuss upcoming installation project.
- Multiple meetings with RK&K MS 4 team to discuss possible projects for the upcoming year, also spoke with the City of Hagerstown Head Engineer, Jim Bender about possible upcoming stream project on City property.
- Numerous meetings with residents around town for concerns, compliments, and planning.

**APPROVAL OF DEPARTMENTAL REPORTS:**

Planning & Zoning Department

Police Department

Public Works Department

Economic Development Coordinator

**On a motion** by Councilmember Snyder second by Councilmember Fritsch to approve the departmental reports as presented. **Motion carried.**

**APPROVAL OF COMMISSION REPORTS/ MINUTES:**

Economic Development Commission

Parks Commission

Planning Commission

SCAC

Library Advisory Board

**On a motion** by Councilmember Fritsch, second by Councilmember Dan to approve the commission reports as submitted. **Motion carried.**

**Citizen Comments:**

Leigh Zahm, town resident, ask Council to consider changes to the Town Sign. Mr. Zahm stated the sign is currently blue and his thought is that blue almost signifies that Smithsburg is a subdivision of Boonsboro. With signs they are a symbol and help to build a community. Mr. Zahm stated he moved here in 2006 with 3 children and went through all of the Smithsburg schools and sporting events, Steam & Crafts and all of the different events and it has given him a sense that this is community. Thinks if you had to come up with official colors, it would be purple and gold, and he would ask for consideration in revising the sign. In addition, Mr. Zahm thinks another sign will be placed at Whispering Hills. Mayor Souders stated this will go back to the EDC Commission and Cathie McCormick stated she would see that it was added to their agenda.

Shaun Porter asks how the Planning Commission came up with the revision of the convenience store, Planning Commission chair, Greg White stated Mr. Cross has 4 lots on the corner and came to the Planning Commission for the change. Mr. Porter ask who would be coming in and Greg stated there has been no disclosure. Mr. Porter ask how the corner of 66 and 64 across from AC&T went from denied to approved, no one at the meeting had the answer to this question.

**OLD BUSINESS:**

**Approval of Ordinance 2025-01; Repeal of Town Code Section 284 "Peddling & Soliciting":** **On a motion** by Councilmember Snyder, second by Councilmember Dan to approval of Ordinance 2025-01; Repeal of Town Code Section 284 "Peddling & Soliciting". **Motion carried.**

**NEW BUSINESS:**

**Discuss/ Consider Changes to Town's Utility Biling Policy: Ordinance 2025-02; Amend Chapter 390 Water and Sewer Rates and Hookup Fees, Article VIII, 390-23 Billing and Disconnections:** Mayor Souders stated there were

some changes that needed to be made, the town does not send disconnection notices, we send late noticed, therefore that needs to be amended. There was no timeframe provided for when the late notices needed to be posted on the property, therefore that will be changed to 48 hours before disconnect. **On a motion** by Councilmember Snyder, second by Councilmember Dan to Introduce Ordinance 2025-02 Town's Utility Billing Policy: Ordinance 2025-02; Amend Chapter 390 Water and Sewer Rates and Hookup Fees, Article VIII, 390-23 Billing and Disconnections. **Motion carried.**

**Update on Council Vacancy Applications:** Clerk/ Treasurer, Jenni House reported to Council that there were 3 Council applications received for the vacancy. Cathie McCormick, Bonnie Renard and Chandler Fishack. Mayor Souders stated interviews would be done on January 21, 2025, and the Clerk/ Treasurer would reach out to each applicant with an interview time. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to close the window to receive applications. **Motion carried.**

#### **Councilmember Remarks:**

**Councilmember Dan:** Stated that he would like to consider a full time Town Planner. The County is working on their Comprehensive Plan and comments are due by the end of the month and feels the town has missed the opportunity. Mayor Souders stated a full time Town Planner was going to be budgeted for FY26, but can expedite that.

**Councilmember Fritsch:** Thanked the 3 people that applied for the Council vacancy. Reminded everyone that winter is here, be careful.

**Councilmember Snyder:** Thanked the 3 people that applied for the Council vacancy. Stated that is the same way he became a council member and hope it works as well for the new appointee.

- Next Special Session Meeting: Tuesday, January 21, 2025, 7:00 PM, Council Chambers

#### **Next Commission Meetings:**

- Economic Development Commission: Thursday, January 16, 2025, 7:00 PM, Council Chambers
- Smithsburg Community Activities Commission: Tuesday, January 21, 2025, 7:00 PM, SCAC Meeting Room.
- Parks Commission: Monday, January 13, 2025, 7:00 PM, 1<sup>st</sup> Floor Council Chambers
- Planning Commission: Tuesday, January 14, 2025, 7:00 PM, Planning Room

#### **MOTION TO ADJOURN**

**On a motion** by Councilmember Snyder, second by Councilmember Fritsch to adjourn the meeting at 8:24 PM. **Motion carried.**

Respectfully submitted,

Jenni House  
Clerk/ Treasurer