

**TOWN OF SMITHSBURG, MD  
MAYOR AND COUNCIL  
SPECIAL SESSION MINUTES  
January 21, 2025**

The Mayor and Council of Smithsburg, MD held a Special Session beginning at 6:32 PM on Tuesday, January 21, 2025. In attendance were Mayor Donald Souders, Councilmembers Roberto Gonzalez, Jon Snyder, James Fritsch, and David Dan. 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 Fritsch.

**Approval of Agenda:** On a motion by Councilmember Dan, second by Councilmember Gonzalez to approve the agenda, removing the executive session. Councilmember Dan stated the letter received from the Planning Commission was very unethical and it is impossible to be fair to Cathie and Chandler. Councilmember Dan asks Attorney Edward Kuczynski if it was unethical, and Mr. Kuczynski stated that was out of his scope and wouldn't involve himself. Councilmember Dan stated the only fair thing to do would be to let the residents decide. Councilmember Snyder called a Point of Order and called for a vote. With a 2-2 vote, with Councilmembers Snyder and Fritsch voting against the motion, the **motion did not pass.** On a motion by Councilmember Snyder, second by Councilmember Fritsch to approve the agenda, removing the executive session, and doing the Council interviews in open session, moving the appointment of Town Councilmember to the first item under old business, and adding the Charter amendment for the special election to the end of old business. **Motion carried.**

Mayor Souders stated there would be a break waiting for people to arrive for the meeting.

The meeting started again at 7:01 PM.

**Citizen's Comments:**

No Citizen Comments

**Interviews for Council Vacancy:** Mayor Souders stated there were 3 applications received for the vacant Town Council position, Chandler Fishack, Evonne (Bonnie) Renard and Catherine (Cathie) McCormick. Mayor and Council interviewed each applicant separately.

**OLD BUSINESS:**

**Consider Appointment to Town Council to Fill Vacancy:** Votes were done by a paper ballot. There were 2 votes for Evonne (Bonnie) Renard, 1 vote for Chandler Fishack and Councilmember Gonzalez abstaining, therefore Council was unable to appoint a candidate to the Council position. Former Councilmember and town resident Tracey Knight Simane said that in this instance she feels without filling the Council position it is stopping town business, because someone is always abstaining. Councilmember Dan stated Council is getting a lot of stuff done. Attorney Edward Kuczynski stated the issue of abstention has come up several times and his is not 100% done with his research but Maryland does not state how an abstention should be treated. Mr. Kuczynski stated Council has a responsibility and is not supposed to use an abstention to prevent an election. Councilmember Snyder said it is Council's job to decide not to defer. He doesn't disagree with a Charter change, but feels Council is elected by citizens of the town to make the best decision for the town. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to proceed with a run off of the 2 candidates that received votes. **Motion died** with Councilmember Dan voting against the motion and Councilmember Gonzalez abstaining. **On a motion** by Councilmember Snyder, second by Councilmember Fritsch to abandon all further Charter changes until the vacant Council seat has been filled. **Motion died** with Councilmember Dan voting against the motion and Councilmember Gonzalez abstaining. Mayor Souders thanked the candidates and said at this time the vacancy will not be filled.



**Approve Ordinance 2024-07 Addendum to Access Road Agreement:** On a motion by Councilmember Dan, second by Councilmember Fritsch to approve Ordinance 2024-07 Addendum to Access Road Agreement. **Motion carried.**

**Discuss Text Amendment for Section 405.7 (Planning Commission):** Planning Commission Chairperson. Greg White stated at the last meeting he asks for a continuance to make corrections/ changes to the text amendment. The corrections/ changes were made at the last Planning Commission meeting and have been submitted to the Mayor and Council. At this time, Mr. White is asking to have a Public Hearing for the text amendment. Daniel Cross, owner of Cloverly Development presented a presentation for the Convenience Store that is being proposed on his property. There will be a Public Hearing on this item before the February 18, 2025 Special Meeting. The Public Hearing will start at 6:30 PM.

**Consider Adoption of Ordinance 2025-02 Town Utility Billing Policy Changes:** Town Manager, Brian Brandt, stated he would like to make a change to the door posting 48 hours before shut off. The majority of delinquent accounts are not paid until the day of shut offs. Clerk/ Treasurer suggested posting doors for the non-owner-occupied dwellings. **On a motion** by Councilmember Snyder, second by Councilmember Dan to approve Ordinance 2025-02 with all delinquent non-owner-occupied dwellings to be posted 48 hours before shut offs. **Motion carried.**

**Discuss/ Consider Charter Amendment for Special Election:** Attorney Edward Kuczynski is working on this the amendment. Mr. Kuczynski stated there would need to be a Public Hearing and would need to give at least 21 days advance notice for the hearing, and a 50-day waiting period for the Charter amendment to take effect. Mr. Kuczynski will provide the amendment to Mayor and Council via email.

#### **NEW BUSINESS:**

**Discuss/ Consider Park Commission MUCFC Tree Grant Request for Veterans Park:** This item was tabled until the February 4, 2025 Mayor and Council meeting.

**Discuss/ Consider Park Commission request for new sign at Lions Park:** This item was tabled until the February 4, 2025 Mayor and Council meeting.

**Discuss/ Consider Police Equipment Purchase (Speed Camera):** Chief Robert Marker provided a quote from DELL, in the amount of \$10,172.15, for 5 new computers for the Police Cruisers, four will replace the existing computers and a new one for the new hire. **On a motion** by Councilmember Snyder, second by Councilmember Dan to approve the purchase of the 5 new computers for \$10,172.15. with funds coming from Speed Camera. **Motion carried.**

**Discuss/ Consider Naming Driveway Lions Park:** Chief Robert Marker would like to name the driveway to Lions Park "Chief George Knight Way", in honor of former Smithsburg Police Chief George Knight. **On a motion** by Councilmember Gonzalez, second by Councilmember Dan to approve the request to name the driveway to Lions Park "Chief George Knight Way". **Motion carried.**

**Discuss Pubic Works Sewer Complaint/ Issue:** Town Manager, Brian Brandt, stated multiple emails were received regarding a sewer line complaint from a town resident. Mr. Brandt stated he spoke to the resident regarding the issue and tried to inform them they were taken by the contractor. He continued to email mayor and Council. There is nothing wrong with the line and it will not be replaced. The Town Manager showed the video of the line. Mayor and Council thanked Mr. Brandt for his diligent work that was done. Mr. Brandt said he was glad the town purchased the camera, for issues like this. Mr. Brandt said he ask Mayor Souders to forward the document from the town website, regarding the connections and responsibilities, to the town attorney to check the validity of the document.

MOTION TO ADJOURN

**On a motion** by Councilmember Fritsch, second by Councilmember Snyder to adjourn the meeting at 10:02 PM. **Motion carried.**

Respectfully submitted,

Jenni House  
Clerk/Treasurer