

# MAYOR AND CITY COUNCIL



CHRISTOPHER G. MILLER  
MAYOR

JAMES L. McCARRON  
MAYOR PRO TEM

JAMES A. WIEPRECHT  
CITY MANAGER

BARRI R. AVALLONE  
TREASURER

CLARA KALMAN  
CLERK

## COUNCIL MEMBERS

JUDITH K. FULLER

DIANE A. FOSTER

ELIZABETH W. CHANEY

CHRISTOPHER R. TILLMAN

## AGENDA MAYOR AND CITY COUNCIL MEETING MONDAY, NOVEMBER 13, 2023 7:30 PM

Opening – Pledge of Allegiance and roll call ▶

Reading of the Closed Session minutes from November 8, 2023 ▶

**Approval of Minutes** – Approval of the minutes of the October 4, 2023 combined Mayor and Council Meeting and November 8, 2023 Closed Session. ▶

Introduction of Police Chief Adrian Baker ▶

Council member statement regarding conflicts of interest on agenda items ▶

Resolution, Ordinances and Agreements ▶

### Introduction:

**Ordinance 09 – 2023** – Backyard Chickens ▶

**Ordinance 2023 – 10** – Amendment to Officers and Employees Section of the City Code ▶

### Adoption:

**Resolution 2023 – 16** – Water allocation for November ▶

**Resolution 2023 – 17** – Check Signature Authorization ▶

**Resolution 2023 – 18** – Public Records Custodian ▶

City Manager Report ▶

Department Reports ▶

New Business ▶

1. Monthly Financial Report ▶
2. Accounts Payables ▶
3. Dewatering Project change order ▶
4. Engineering Services for Fiscal Year 2024 Sewer Rehabilitation Projects ▶
5. Comprehensive Plan Upgrade outsourcing ▶
6. Ratification of Purchase: Taneytown Police Department Body Worn Camera hardware ▶
7. Nomination to Planning and Zoning Commission ▶
8. Approval of Special Event Permit Application – Woofstock – June 22, 2024 ▶
9. Approval of Lease Agreement – T-Mobile ▶

Council member Reports ▶

Adjournment ▶

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3 **CITY OF TANEYTOWN**  
4 **ORDINANCE 09-2023 BACKYARD CHICKENS**  
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7 WHEREAS, Section 5-213 of the Local Government Article of the Maryland Annotated Code and  
8 Section C-401(B)(62) of the Charter of the City of Taneytown grants the Mayor and City Council  
9 with the authority to adopt zoning regulations; and

10  
11 WHEREAS, the Mayor and City Council of Taneytown have adopted Zoning Regulations for the  
12 City of Taneytown contained in Chapter 205 of the Code of the City of Taneytown; and

13  
14 WHEERAS, Article V – Supplementary District Regulations of the Zoning Code regulates  
15 accessory uses ; and

16  
17 WHEREAS, the Mayor and City Council of the City of Taneytown believe it is in the best interests  
18 of the citizens of Taneytown to implement zoning regulations to define, regulate and permit the  
19 raising of Backyard Chickens, under certain conditions and circumstances as defined by this  
20 Ordinance; and

21  
22 WHEREAS, the Taneytown Planning and Zoning Commission have reviewed this Ordinance at  
23 their **November 27, 2023** meeting and voted to recommend that the Mayor and City Council for  
24 the City of Taneytown approve and adopt the ordinance; and

25  
26 WHEREAS, pursuant to the requirements of Section 4-203 of the Land Use Article of the  
27 Maryland Annotated Code, the Mayor and City Council of the City of Taneytown have advertised  
28 and held a public hearing on this ordinance on **December 6, 2023** to receive public comment; and

29  
30 WHEREAS, after considering the matter, and the Planning and Zoning Commission’s  
31 recommendation and public comment related this ordinance have found that it is in the best  
32 interests of the citizens of Taneytown to adopt said Ordinance.

33  
34 NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY  
35 OF TANEYTOWN THAT:

36  
37 Section 1. That Section 205-1 be amended as follows to add:

38  
39 **BACKYARD CHICKENS** – Chickens that are raised in the City which meet the requirements of  
40 the zoning ordinance. Said practice shall not be considered animal husbandry as referenced in the  
41 zoning code.

42  
43 Section 2. That Section 205-35.5 be added as follows:

44  
45 205-35.5 Backyard Chickens

46 Raising of chickens is permitted in residential districts subject to the following:

- 47
- 48 A. A maximum of six (6) chickens may be kept. Roosters are prohibited.
- 49 B. A chicken coop is required. A chicken coop is defined as a small enclosed area or structure
- 50 in which the chickens are kept. The minimum coop size shall be 4 square feet per chicken
- 51 and enclosed on all sides.,
- 52 C. A chicken run is required. A chicken run is defined as an outdoor enclosed area attached
- 53 to a chicken coop in which the chicken is allowed to range freely. A run of 10 square feet
- 54 per chicken is required.
- 55 D. Coops and runs shall be considered as accessory buildings or structures in conformity with
- 56 all other requirements of the code.
- 57 E. The minimum setback for a coop or run shall be 20 feet from any lot line,
- 58 F. Coops and runs must be a minimum of 10 feet from any dwelling on the property.
- 59 G. Coops must be in the rear yard of the property.
- 60 H. A Backyard Chicken Keeper Certificate or equivalent shall be required and submitted with
- 61 any permit application. A certificate shall be required of both property owner and tenant
- 62 for any leased property.
- 63 I. Commercial activities, such as, but limited to selling eggs, is prohibited.
- 64 J. Issuance of a City zoning certificate shall be required prior to obtaining any chickens.
- 65 K. Prior to obtaining a zoning certificate, a copy of the registration for the backyard chicken
- 66 with the Maryland Department of Agriculture shall be submitted to the City
- 67 L. Compliance with all other County and State regulations.

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70 INTRODUCED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023

71 \_\_\_\_\_

72

73 CLARA KALMAN, CITY CLERK

74

75 PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023 BY A VOTE OF \_\_\_\_\_

76 COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_ COUNCILMEMBERS

77 OPPOSED.

78

79 \_\_\_\_\_

80 CLARA KALMAN, CITY CLERK

81 APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

82

83 \_\_\_\_\_

84 CHRISTOPHER G MILLER, MAYOR

85

86 APPROVED AS TO FORM AND LEGAL SUFFICIENCY

87 THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

88

89 BY: \_\_\_\_\_

90 JACK A. GULLO, JR., CITY ATTORNEY

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**CITY OF TANEYTOWN  
ORDINANCE 10-2023**

**AMENDMENT TO OFFICERS AND EMPLOYEES SECTION OF THE CITY  
CODE**

WHEREAS, Chapter 34 Officers and Employees of the City Code outlines various positions, duties and information related to certain officers and employees of the City; and

WHEREAS, the Mayor and City Council of Taneytown desire to amend certain provisions of Chapter 34.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF TANEYTOWN THAT:

Section 34-3 Attorney shall be amended as follows:

- A. Appointment; qualifications; removal. The Mayor, with the approval of the Council, shall appoint a City Attorney. The City Attorney shall be a member of the bar of the Maryland Court of Appeals. The City Attorney shall be removed by vote of the City Council.

\*\*

- C. Powers and duties.

- (1) The City Attorney shall be the legal advisor of the city and shall perform such duties in this connection as may be required by any members of the Council or the Mayor. When required by the Mayor, City Manager, Council or a member of Council, the City Attorney shall furnish written or verbal opinions upon any legal affairs of the City.

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INTRODUCED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

PASSED THIS \_\_\_\_<sup>DAY</sup> OF \_\_\_\_\_ 2023 BY A VOTE OF  
\_\_\_\_\_  
COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_  
COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK  
APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
JACK A. GULLO, JR., CITY ATTORNEY

Underline is new language  
~~Strikethrough is deleted language~~

Pursuant to Section C – 209 (B) of the City Charter of the City of  
Taneytown, the City Council declares that such conditions exist to require this  
ordinance to be passed as an emergency ordinance.

INTRODUCED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

PASSED THIS \_\_\_\_\_<sup>DAY</sup> OF \_\_\_\_\_ 2023 BY A VOTE OF  
\_\_\_\_\_ COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_  
COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK  
APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
JACK A. GULLO, JR., CITY ATTORNEY

Underline is new language  
~~Strikethrough is deleted language~~

**RESOLUTION NO. 2023-17**  
**CHECK SIGNATURE AUTHORIZATION**

WHEREAS, Article VII, Section 708 of the Charter of the City of Taneytown, Maryland states that the City Council may designate who may sign and countersign checks issued by the City: and,

WHEREAS, Article III, Section 304(a) of the Charter of the City empowers the Mayor as the Chief Executive Officer; and,

WHEREAS, Article II, Section 205 of the Charter of the City empowers the Mayor Pro Tem to serve as Mayor in the Mayor's absence.

WHEREAS, Article VI, Section 603(L) of the Charter of the City empowers the City Manger to have custody of all public moneys, belonging to or under the control of the City; except as to funds in the control of any set of trustees, and have custody of all bonds and notes of the City; and

WHEREAS, Article VI, Section 605 (F) of the Charter of the City empowers the City Treasurer to assist the Mayor, Council, and City Manager in relation to the fiscal or financial affairs of the City; and

WHEREAS, the Mayor and City Council do strive for sound financial management practices in the safeguard and efficient receipt and disbursement of public funds; and,

WHEREAS, sound financial management practices require two (2) signatures for each check issued by the City; and,

NOW, THEREFORE, be it resolved by the Mayor and Council of the City of Taneytown that the holders of the offices within the City of Taneytown of the Mayor, Mayor Pro Tem, City Manager, and City Treasurer are hereby authorized by position to be the official signature for all checks issued by the City and that any two (2) of the aforestated elected or appointed officials may sign checks on behalf of the City.

BE IT FURTHER RESOLVED, that this act shall take effect upon the date of its adoption.

INTRODUCED this 13<sup>th</sup> Day of November, 2023.

\_\_\_\_\_  
CLARA KALMAN, CLERK.

PASSED this 13<sup>th</sup> Day of November, 2023.

\_\_\_\_\_  
CLARA KALMAN, CLERK.

APPROVED this 13th day of November, 2023

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CHRISTOPHER G. MILLER., MAYOR

APPROVED for legal sufficiency  
this 13th Day of November, 2023

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JACK A. GULLO, JR, CITY ATTORNEY



**CITY OF TANEYTOWN  
RESOLUTION NO. 2023-16**

WHEREAS, the Charter of the City of Taneytown gives the City Council power to operate and maintain a water system and take all necessary steps for the efficient operation thereof; and

WHEREAS, the Charter of the City of Taneytown gives the City Council the powers to exercise planning and zoning authority, under which the City has established a process for granting zoning certificates and building permits which serves to regulate construction and development within the City; and

WHEREAS, from time to time the City, based on water usage demand, improvements made to the water system, and other related factors, shall reassess the formula and calculations used to calculate available water capacity; and

WHEREAS, such a re-evaluation was conducted in August 2017 by the City and its Engineer and have used such findings in the creation of Exhibit A attached hereto; and

WHEREAS, the City Council of the City of Taneytown makes the following findings:

- A. The City of Taneytown has a limited water supply. The amount of water available for allocation to new or expanded uses is provided on Exhibit A, attached hereto and made a part hereof.
- B. It is necessary for the City of Taneytown to protect its limited water supply to allocate water capacity to existing, pending and future development within its jurisdictional boundaries to ensure the continuing economic development and stability of the City, and to ensure that development will not generate water demands which exceed available capacity.
- C. Substantial harm to the public health, safety and general welfare of the City in the form of premature exhaustion of its water supply and economic hardships will result from the issuance of unlimited development approvals.
- D. Under the mandate of State law the City has adopted a Water Capacity Management Plan to guide the development, use and allocation of drinking water appropriate for use by the City and its residents. The terms of the Water Capacity Management Plan require that the City give specific attention to water allocation.
- E. This Resolution is a fair and reasonable means of achieving, and substantially advances a public purpose and has been adopted to provide the controls necessary to accomplish this purpose.
- F. In making these findings the City Council has reviewed the background documentation and presentations by City staff and concludes that it reasonably supports these findings.

WHEREAS, the Mayor and City Council deem it in the best interest of the citizens of the City of Taneytown to use an allocation process for water currently available for new and expanded uses.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF TANEYTOWN that:

1. An allocation shall be made of the existing water supply for any existing lot of record where the owner has made application for a zoning certificate for improvements to said lot and the lot conforms in all ways to the Code of the City of Taneytown, or has already received the necessary waivers, variances, or special exceptions.
2. An allocation shall be made of the existing water supply for any development project that has received approval from the Taneytown Planning and Zoning Commission and has recorded plats.
3. An allocation shall be made of the existing water supply for any development to which water capacity was addressed under the terms of a Development Rights and Responsibilities Agreement.
4. The calculations used in forming this allocation plan are provided on Exhibit A.
5. This Resolution shall become effective upon passage of this Resolution.
6. This Resolution for the allocation of water supply shall expire as provided on Exhibit A.
7. Upon the expiration of this Resolution all allocations made under this Resolution, but not utilized shall be null and void. A reallocation of any existing water supply shall be made after that date by action of the Council.
8. This Resolution and the water allocation made thereunder does not in any way create a contract, agreement or other promise by the City to any party, to provide the water allocated beyond the effective dates of this Resolution. Any plans, decisions or determinations made in reliance of the allocations made in this Resolution or on the available water shown in Exhibit A are made at the parties own risk.
9. The City Staff is hereby empowered to enact policies necessary for the effective administration and enactment of the goals contained in the Resolution.

INTRODUCED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

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CLARA J. KALMAN, CITY CLERK

PASSED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023 BY A VOTE OF  
\_\_\_\_\_ COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_  
COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA J. KALMAN, CITY CLERK

APPROVED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 2023.

\_\_\_\_\_  
CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
JACK A. GULLO, JR., CITY ATTORNEY

Exhibit A.

Resolution 2023-16  
November 13, 2023  
Water Allocation Plan

	<u>EDU</u>	<u>GPD</u>
Available Gallons per Day (GPD)		42,585
Allocated		
Infill	1 @ 250 gpd	250
Total Allocated		250
Available GPD Less Allocated		42,335
Projects with Preliminary Plan Approval		<u>0</u>
Remaining GPD		42,335

This allocation plan shall expire on December 11, 2023

**CITY OF TANEYTOWN  
RESOLUTION NO. 2023-18**

**RESOLUTION DESIGNATING A CUSTODIAN OF PUBLIC RECORDS**

WHEREAS, Title 4 of the General Provisions Article of the Maryland Annotated Code – Public Information Act contains various requirements related to the retention and release of information; and

WHEREAS, the role central to this process is the “Custodian” of public records; and

WHEREAS, the statute defines Custodian as (1) the official custodian; or (2) any other authorized individual who has physical custody and control of a public record; and

WHEREAS, Section C-606 of the Charter of the City of Taneytown states that the duty of the City Clerk is to serve as the record manager for all City files and records.;

WHEREAS, to clarify any confusion that may exist, the Mayor and City Council wish to officially designate the City Clerk as the Custodian of Public Records under the terms of the Public Information Act.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF TANEYTOWN that:

1. The City Clerk, shall be the Custodian of Public Records for the City of Taneytown under the terms of the Maryland Public Information Act.

INTRODUCED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

PASSED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023 BY A VOTE OF  
\_\_\_\_ COUNCILMEMBERS IN FAVOR AND \_\_\_\_\_  
COUNCILMEMBERS OPPOSED.

\_\_\_\_\_  
CLARA KALMAN, CITY CLERK

APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

\_\_\_\_\_  
CHRISTOPHER G. MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY  
THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023.

BY: \_\_\_\_\_  
JACK A. GULLO, JR., CITY ATTORNEY