

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, FEBRUARY 12, 2024 7:30 PM

Opening – Pledge of Allegiance and roll call ▶

Approval of Minutes – Approval of the minutes of January 3, 2024 and January 8, 2024 regular meetings and the January 8, 2024 closed session. ▶

Council member statement regarding conflicts of interest on agenda items ▶

Resolution, Ordinances and Agreements ▶

Introduction:

Ordinance 04 – 2024 – Fiscal Year 2023 – 2024 – Budget Amendment - 3 ▶

Adoption:

Resolution 2024 – 02 – Water allocation for February ▶

City Manager Report ▶

Department Reports

New Business ▶

1. Monthly Financial Report ▶
2. Accounts Payables ▶
3. Morton Building, Inc. – Memorial Park Proposal ▶
4. Funding discussion for proposed Public Works facility ▶

Council member Reports ▶

Reading of Presiding Officers Closing Statement ▶

Closed Session: pursuant to § 3 – 305 (b) (7) of the General Provisions Article of the Maryland Annotated Code, to consult with counsel to obtain legal advice and § 3 – 305 (1) (i) (ii) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals.

Return to open session ▶

Resolution 2024 – 3 - Resolution Concerning the City Attorney ▶

Reading of the closed session minutes ▶

New Business (continued)

5. Actions items from closed session ▶

Adjournment ▶

ORDINANCE NO. 04 - 2024
FISCAL YEAR 2023 - 2024 - BUDGET AMENDMENT – 3

PURSUANT to Article VII, §C-702 and C-703 of the Charter of the City of Taneytown, the Mayor and City Council shall adopt an annual budget that provides a complete financial plan for the budget year and contains estimates of anticipated revenues and proposed expenditures.

WHEREAS, a budget fulfilling the requirements of the Charter was prepared and adopted by the Mayor and City Council; and

WHEREAS, the Mayor and City Council deem it in the best interest of the operation of the City to adopt a Budget Amendment reflecting these financial changes in the Operating Budget for the remainder of the fiscal year.

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

Section One: That the Budget Amendment attached hereto and incorporated herein is hereby adopted.

INTRODUCED THIS ____ DAY OF _____ 2024

CLARA KALMAN, CITY CLERK

PASSED THIS ____ DAY OF _____, 2024

CLARA KALMAN, CITY CLERK

APPROVED THIS ____ DAY OF _____, 2024

CHRISTOPHER MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS ____ DAY OF _____, 2024.

BY: _____
CITY ATTORNEY

City of Taneytown
Fiscal Year 2024
February 2024 Budget Amendment #3 - General Fund

GENERAL FUND

Revenues

Decrease	Increase	Notes
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Grant Revenue

Grant Revenue Police

		72,374	GL4711	Body Worn Cameras Grant
		0		
\$ -		\$ 72,374		

Fund Balance

0		181,500		Land Purchase
\$ -				
\$ -		\$ 181,500		

Decrease / Increase of Revenues	\$ -	\$ 253,874
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GENERAL FUND

Expenditures

Decrease	Increase	Notes
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City Hall

Land Purchase

		181,500	GL5999	Allendale Lane Purchase
		\$ 181,500		

Police

Salary

4,000			GL5000	Salaries not used FY24
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Payroll Taxes

306				Salaries not used FY24
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Pension

172,236			GL5110	Pension funds not used FY24
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Police K9 Unit

		18,000	GL5225	Dog, training and equipment
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Travel, Training and Education

		15,000	GL5240	Physical Fitness Incentive 1k per Officer
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Equipment

		81,842	GL5312	Body Worn Cameras
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Police Radios/Operating Equip

		71,268	GL5440	Police APX 6000 Radios 12 units
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Contractual

		27,500	GL5510	Lexipol Policy 23k, Safe Tracker EMS 4.5k
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Capital Projects

		6,000	GL5999	Dutch Barn Storage Shed
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Capital Projects

		25,000	GL5999	Additional Upfitting Costs Police Cars
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\$ 176,542		\$ 244,610		
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Crossing Guard

Salary

		4,000	GL5000	Additional Guard partial year
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Payroll Taxes

		306	GL5100	Additional Guard partial year
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\$ -		\$ 4,306		
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Decrease / Increase of Expenditures	\$ 176,542	\$ 430,416
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Introduced this _____ Day of _____, 201 2024

Clara Kalman, City Clerk

Passed this _____ Day of _____, 201 2024

Clara Kalman, City Clerk

Approved this _____ Day of _____, 2 2024

Christopher Miller, Mayor

Approved as to Legal Sufficiency this _____ Day of _____, 2024

City Attorney

CITY OF TANEYTOWN
RESOLUTION NO. 2024-02

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 _____, 2024

CLARA J. KALMAN, CITY CLERK

PASSED THIS _____ DAY OF _____ 2024 BY A VOTE OF
_____ COUNCILMEMBERS IN FAVOR AND _____
COUNCILMEMBERS OPPOSED.

CLARA J. KALMAN, CITY CLERK

APPROVED THIS _____ DAY OF _____ 2024.

CHRISTOPHER G MILLER, MAYOR

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS _____ DAY OF _____, 2024.

BY: _____

Exhibit A.

Resolution 2024-02
February 12, 2024
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 March 11, 2024

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

Notice of Closed Session February 12, 2024 during the Mayor and Council Meeting beginning at 7:30 PM

Closed Session pursuant to § 3 – 305 (b) (7) of the General Provisions Article of the Maryland Annotated Code, to consult with counsel to obtain legal advice and § 3 – 305 (1) (i) (ii) to discuss the appointment, employment, assignment, promotion, discipline, demotion, compensation, removal, resignation, or performance evaluation of an appointee, employee, or official over whom it has jurisdiction; or any other personnel matter that affects one or more specific individuals.

The Mayor and City Council will reconvene in open session.

CITY OF TANEYTOWN
RESOLUTION NO. 2024-03

Resolution Concerning the City Attorney

WHEREAS, the Charter of the City of Taneytown in Section C-304.B authorizes the Mayor, with the approval of Council, to appoint all committees and the heads of all departments and agencies of the city government, as established by said Charter or by ordinance, and said subsection further states that all department and agency heads shall serve at the pleasure of the Mayor, unless otherwise provided in said Charter; and

WHEREAS, the City Council finds that the City Attorney is not a department or agency head and that certain department and agency heads are expressly enumerated in the City Charter, but said charter does not create or reference the Office of City Attorney unlike the Model Municipal Charter that was once codified in Article 23B of the Annotated Code of Maryland; and

WHEREAS, the City Council further finds that the Office of City Attorney was created by ordinance as codified in Section 34-3 of the City Code and is otherwise silent on the removal power for that office but nonetheless infers if not expressly states that the City Attorney is to be retained and compensated through "an hourly fee schedule" which is defined to accompany an instrument such as a contract that specifies a fee fixed by law to be paid for services rendered by a public officer; and

WHEREAS, the City Council concludes that the City Attorney serves the City according to the terms of a contract and can only be removed from office according to the terms of said contract; and

WHEREAS, the City Council further finds that Section 46-5 of the City Code provides that all contracts for professional services, such as accounting, architectural, auditing, engineering, land surveying, planning, legal and insurance services, in excess of \$10,000 shall not be subject to the competitive bids provided in said chapter but shall be approved on an individual basis by the Mayor and Council; and

WHEREAS, the City Council further finds that City Attorney Jack A. Gullo, Jr. was appointed when his offer or Proposal for Legal Services dated February 24, 2004, was approved by the Mayor and City Council on or about March 8, 2004, as memorialized in an acceptance letter from City Manager Gary W. Hardman to Mr. Gullo on or about March 16, 2004; and

WHEREAS, the City Council further finds that the decision of the Mayor on or about November 12, 2023, to remove the City Attorney as memorialized in a letter from the City Manager to Mr. Gullo dated November, 21, 2023 was an *ultra vires* act, exceeded the Mayor's powers and was a nullity and that Mr. Gullo shall continue to serve as the City Attorney at the pleasure of the Mayor and Council pursuant to the terms of his contractual relationship.

NOW THEREFORE, BE IT ENACTED AND RESOLVED BY THE CITY COUNCIL

OF THE CITY OF TANEYTOWN that:

1. The alleged removal of the City Attorney last November shall be considered to have been an unauthorized act that is deemed to be null and void.
2. Mr. Gullo's status and indefinite term of Office as City Attorney previously retained as an independent contractor shall be considered to have remained effective continuously since he was retained in 2004 and shall be further deemed to continue indefinitely at the pleasure of the Mayor and Council according to the terms of said contract.
3. Copies of this Resolution shall be posted in a conspicuous place in city hall and made available for distribution to the public upon request.

INTRODUCED AND PASSED BY A VOTE OF 4-0 THIS
12th DAY OF FEBRUARY 2024


CLARA KALMAN, CITY CLERK

APPROVED THIS 12th DAY OF February 2024


JAMES L. MCCARRON, MAYOR PRO TEM

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
THIS 12th DAY OF February, 2024.

BY:


KEVIN J. BEST, SPECIAL COUNSEL