

Mayor & Council of Sharpsburg-Meeting Agenda

August 2, 2021

Meeting Minutes-Approved 10/04/2021

- I. Call meeting to order at 6:04 and pledge was led by John Hammond
- II. Meeting minutes from July 2021 to approve, Ed motioned for approval, Jake seconded the motion, all were in favor.
- III. In attendance: Russ Weaver, John Hammond, Tim Lung, Mia Parsons, Ed Beeler, Jacob Martz, Carrie Estell, Adam Oates, Ernie Wetterer, Chris Vincent, Jen Bruni, Officer Tracey Peyton and Perry Jamieson.

PUBLIC HEARING CHICKEN ORDINANCE (Zoning ordinance text amendment-two minutes per person)

This portion of the meeting started with Tim highlighting the major components of the chicken ordinance that has been posted for public review, (Post Office, Facebook and Town's website), that ordinance is also attached. The reason for this ordinance was that there was no ordinance that allows chickens, no chickens are allowed as the ordinances are currently written. The town was getting many questions from potential buyers and new residents that asked about having chickens. The ordinance was then drafted with some similarities from other Washington County municipalities, this draft was revised several times by the planning commission. Russ read Randy Short's email message pertaining to chickens; he was not able to attend. His message is:

We've kept poultry for almost a decade. First in Anne Arundel County. When we considered buying in Sharpsburg we read the town ordinance and all we could find is a sentence saying you weren't allowed to keep livestock for profit in town. We then called the (old) town clerk who checked for us and told us backyard poultry was allowed. Simply driving around town seemed to confirm this as we saw many flocks. If there haven't been complaints about chickens in peoples yards, why make such a restrictive ordinance? We don't need more rules for the sake of rules. Change the current ordinance to allow poultry for personal use. Something like, "Backyard poultry are permitted on properties inside town limits for non-commercial purposes." This allows residents to keep the right number of birds to feed their particular family. Some people prefer quail or other fowl eggs. This should be a backyard poultry ordinance (if indeed we need one) and not a chicken ordinance. Each family consumes a different number of eggs. The government should not have the authority to tell a citizen how many eggs their family should consume. Therefore, residents should be allowed to have the number of birds right for them. No one keeps more birds than they need as then they have to waste or give eggs away. It drives up the production cost of the eggs they do use and is a waste of money. A chicken hen lays 200-250 eggs a year, depending on breed. So six hens do not produce six eggs a day for the household. It's closer to four a day. That assumes all hens are currently laying. Young chickens, old chickens and hens that go broody do not reliably lay eggs. The reality of six hens is an average 3-4 eggs a day. Chickens also lay less eggs in winter. So that number easily becomes three or less a day. Chickens die, limiting the number of birds means that when a bird dies, the egg production of the flock is reduced 17% (based on 6 hens) for almost a year, requiring the family to buy eggs to maintain their consumption level. When you get new chicks, you don't know if you have a rooster for some months. If limited to six birds, a new chicken owner may end up with only three hens. No one wants three roosters, so they will be taken care of without an ordinance. Multiple roosters add nothing but expense to a small flock. Why would the ordinance restrict the size of the chicken run to 96 ft? More run can lead to healthier chickens. If people can't fence in their yard so they can let the poultry roam their whole yard, a larger run is a good idea. That 96 sf limits an individual bird to a 4' by 4' space. With hawks in abundance, letting your chickens loose in your fenced yard comes with risk, a rooster can watch for hawks, or you keep them in your run all the time. Larger runs can protect the chickens from hawks. Skimping on space requirements for a flock of chickens can cause stress, cannibalism and pecking issues. Who will enforce the bird limit? Will someone be employed to come on to people's private property to count birds? How is this not an infringement on landowner's rights? What if someone refuses to let this poultry police officer come on their property? Is this something we really want to get involved with? So if the town is not prepared to enforce a bird limit, then a limit is meaningless. So let the resident decide how many birds they need. Thanks-Randy Short

Russ also reiterated that the town will not police the ordinance and may only enforce it if a formal complaint is received. Drafted ordinance was entered into the hearing record. Mr. Perry Jamison asked about a neighbor and if her chickens would be affected by the ordinance; the neighbor does not live in the town's limits. Mr. Jamison also noted that neither he nor his other neighbor have any objections to chickens. The point Mr. Short made in his email about other birds was discussed as some folks raise and enjoy duck, quail and other poultry. The ordinance will be renamed the poultry ordinance to cover this. Residents with larger lots would have the ability to request a variance from the Board of Zoning Appeals to allow more poultry. John motioned for the resolution of adoption with the change of name to Poultry Ordinance and Ed seconded the motion. Adopting the poultry ordinance, there were three yes votes, (John Hammond, Mia Parsons and Ed Beeler), and one no vote, (Jacob Martz), the vice mayor stated that he understands the purpose of the ordinance and why it is needed, but thinks that the ordinance was too restrictive as written.

Mayor's Report

- **Budget/QuickBooks, Financial Meeting**-QuickBooks is on track and being reconciled each month, income is coming in from taxes. Finances will be combined in two months, (July & August), during the Mayor and Council meeting in August.
- **Little League**-Russ spoke with Matt and all bills, (water/sewer and Potomac Edison), will be paid by the Little League. Other municipalities only offer the land and do not pay for upkeep and utilities. The latest water/sewer bill was close to 2K.
- **Communication**-going very well, would like for the Town Crier and Facebook to highlight the Project Open Space and land/lot purchases for the betterment of the town. Town's citizens need to know what we're working on and how we're trying to better the community. Russ would like councilmembers to get in touch with Susan Buchman, at the county, she is well versed in the available grants. Russ to introduce via an email with members.

Zoning with Tim

- Continue to work on items related to the Chicken Ordinance
- Items related to the historic walls, the town spring and stormwater drainage issues in the vicinity of the EMS station. There was a field meeting with the town's attorney and Fred Fredrick. The concern is water backing into a citizen's property and how to resolve the issue. Mr. Frederick stated that the culvert box is not very deep and need to be cleaned out. To remedy situation, a broader fix would be to replace the pipe. He will be providing a scope and estimate of said job.
- Issues related to the filing of a special exception request to establish a medical tattoo office in the old church building on E. Main Street, since withdrawn.
- Processing of the special exception request for a Short-Term Rental use at 110 S. Mechanic St. The Air B&B special exception will be heard during the Board of Zoning Appeals on August 26, 2021 at 6 pm at Town Hall.
- Investigated and Issued 2 correction notices for tall grass weeds. There is 10-day compliance period, certified mail was sent out to the property owners this afternoon.
- Followed up on several inquiries regarding the possible need for permits.
- The County issued the permit to replace the dangerous exterior steps at a rental property at 103 E. Main.

Council comments

- **John Hammond-Building and Infrastructure**-Light holders are completed and the lights for the parking lot will be installed within the month. John asked about the next steps to take
- **Robbie Waters-parks, railroad station, town operations, town safety**-not in attendance. Russ mentioned that the pavilion was painted and Robbie and his crew did a great job on repairing the basketball court from the spray-painted graffiti, fixed the tree issue at Chapline and Mechanic. Officer Peyton had dropped off his schedule for August, Carrie will email to councilmembers.
- **Jacob Martz-Vice Mayor, communications, Memorial Day Parade, grants**-Jake praised Suzanne Grobbel's efforts and work with the grant writing for Project Open Space. David Guiney will be providing a visitor experience workshop, the intentions planning meeting will be soon. Lutheran Church Cemetery will be a nonprofit and with donations should be self-sufficient not utilizing it. The Memorial Day Parade committee will begin meeting for the 2022 parade starting in September, their first meeting will be on Tuesday the seventh.
- **Ed Beeler-Historical Planning, town archives, communications, grants**-there will be a 1500.00 donation given to the Friends of the Lutheran Church Cemetery. The paperwork was submitted for the 501-C and Dave Peters said it would take between four and six weeks. There is a three-four-year time frame for the analyzation of the cemetery and for it to be put into historical shape. Ed and Adam, (the museum's intern), walked the cemetery and placed grave markers of nine Civil War soldiers. Museum had 229 visitors in July.

- **Mia Parsons-Planning-(Streetscape), grants-tree survey** was presented to all councilmembers and the ones who were able to read over were very impressed with the results, suggestions and actual report. The survey acts as a great starting point to start with maintenance schedule/cycle to keep the trees healthy. The Planning Commission will also research and report on other streetscape items, including polls, flowers and lighting to name a few.
- **Joe Kudla-streets, roads, culverts-not in attendance**

Chris Vincent-Battlefield Adv. Committee

- The committee met on Wednesday, July 21, 2021.
 Due to COVID-19 this meeting was conducted via Zoom. Superintendent Trail discussed the site work for the rehabilitation project of the Visitor's Center. The sewer and power lines have been connected to the temporary building. The parking lot is now one-way and the slots have been angled with a new sidewalk installed on the left side of the lot and walkways. Seven trailers have been connected to allow space for visitor services, the bookstore, a small theater, restrooms, offices and storage space. Once the move is completed, the old building will be turn over to the contractor to begin the work inside the building. 30% of the project is now completed and the completion date is still set at July 2022. The interpretive staff has resumed daily/weekly programs and living history program has started back. The Observation Tower open in June and the Burnside Bridge project is complete and the sidewalk and overview area are open. The next project at the bridge will involve the old road bed and cleaning up some vegetation along the creek.
 Other Projects: HPTC is conducting a preservation project on the Piper house roof replacement and some of the exterior. The wooden trellises on the rostrum in the National Cemetery are being replaced and the entrance gate was painted. A Scope of Work is being reviewed for a project at the Rohrbach Youth Campground.
 Trail Rehab Project continues in the Cornfield and West Woods using park staff. The trail connects the Cornfield Trail into the East Woods, through the Miller pasture and into the West Woods. The next step of the project will be to include trail head signs and guides.
 Events: As of now, the Memorial Illumination is planning to be held this year.
 The next meeting is scheduled for Oct. 7th, 2021.

Mike Arant-Town Crier-not here but the Crier will soon start with a paper distribution, estimates are being sought.

Old Business/ACTIONS

Light in the municipal parking lot-updated during John's report
 High Street signs-Russ to talk to Joe and Mick Carr

Projects

Lot purchases-ordinance to purchase without a surveyor as the property is surrounded by town owned land; the only additional service in need would be for a title search. John put the motion to vote on Jake seconded the motion and all were in favor or purchasing the lot for 55K.

Main Street Walls-Senator Corderman's office is trying to set up an appointment with interested parties.

POS project @ Main/Church Street purchase-

Big Spring Repair-Joe, Jake and John to meet with home owner and determine boundary line. They will place survey stakes to assist with the project. John suggested near the spring house to allow for maneuverability.

Security-Russ to reach out to the owner of Dynamark as they came to give an estimate to update security, but the elevator was out of commission for two-three days due to their negligence.

Street Scape-Mia and Planning Commission to discuss further. Russ and the council are all very excited to start beautifying the town's main street.

New Business-no new business was addressed, Ed motioned to adjourn and Mia seconded, meeting was adjourned at 7:21 pm.

Proposed Zoning Text Amendments

Town of Sharpsburg, MD

521 Domestic Chickens

A. Purpose

The purpose of this Section is to regulate the keeping and/or raising of domestic chickens on property within the incorporated boundaries of the Town of Sharpsburg. These regulations are designed to prevent nuisance and prevent conditions that are unsanitary and/or unsafe.

- B. Design Provisions and requirements
 - (1) Permitted. Animal husbandry activities related to the keeping and/or raising of domestic chickens shall be permitted in accordance with Article 4, Section 406 and Article 4, Section 407 Principle Permitted uses and Structures.
 - (2) Number. No more than six (6) hens shall be permitted per lot of record.
 - (3) Roosters. Male chickens are not permitted to be kept and/or raised within the incorporated limits of the Town of Sharpsburg.
 - (4) Setbacks. Coops, cages, or other enclosed structures housing chickens shall be setback a minimum of twenty-five (25) feet from any dwelling or occupied structure not including the owners dwelling. In addition, any enclosed structures housing chickens shall be setback a minimum of ten (10) feet from side and rear property boundaries. The greater of the two setbacks shall prevail. Enclosed structures housing chickens are prohibited from being located in a front yard.
- C. Enclosures
 - (1) Chickens shall have access to an outdoor structure and roaming area that is adequately fenced so as to contain the chickens on the property. Free range chickens are prohibited.
 - (2) The structure and roaming area shall provide a minimum space of two (2) square feet per hen but shall not exceed ninety-six (96) square feet.
 - (3) The outdoor enclosure shall also be designed in a manner that will prevent predator access to the chickens (i.e. covering the top of the enclosure, burying the fencing to prevent burrowing, etc.)
 - (4) The use of scrap boards, sheet metal or similar materials is prohibited. The enclosed structure shall be properly maintained.
- D. Sanitation
 - (1) The enclosed structure housing the chickens as well as the outdoor enclosure shall be kept in a sanitary condition and free from offensive odors.
 - (2) Chickens must have access to clean water at all times.
 - (3) All areas used by the chickens shall be cleaned on a regular basis so as to prevent the accumulation of waste and excess feed.
 - (4) The property owner shall take all necessary action to reduce the attraction of potential infestation of scavengers, insects, and parasites that may result in unhealthy conditions to human habitation.
 - (5) Waste provisions. Provisions shall be made for the storage and removal of animal waste. All stored manure shall be kept in a covered, fully enclosed container or compost bin that limits odor and dispersal of the waste. No more than one, twenty (20) gallon container of manure shall be stored on any one property housing chickens. All other manure shall be removed. In addition, the housing structure and roaming area must be kept free from trash and accumulated droppings.
 - (6) Outdoor slaughtering of chickens is prohibited.
- E. Permits
 - (1) Zoning permits. Any person engaged in the housing of domestic chickens within the incorporated boundary of the Town of Sharpsburg is required to file a zoning permit application with the Zoning Administrator.
 - (2) Application Content. An application shall be filed by the property owner (or by the applicant with a signed affidavit from the property owner) in compliance with the provisions of this Ordinance. The application shall at a minimum include:
 - (a) The name, address, and phone number of the Applicant.
 - (b) If the Property Owner(s) is/are different than the applicant, the name address and phone number of the Property Owner along with a signed affidavit that the Property Owner(s) is/are aware of, and agree to, the conditions of the application.
 - (c) A proposal showing:
 - (i) The size and general dimensions of the lot where the chickens will be housed.
 - (ii) The number of hens the applicant seeks to keep on the property.
 - (iii) The precise location and dimensions of the enclosed structure housing the hens and the outdoor enclosure.
 - (iv) Dimensions showing the distances of the enclosed structure from any dwellings or occupied structures and from property lines so that a determination that setbacks have been met can be made.
 - (v) Method of storage and disposal of waste.

406 “TR” Town Residential District

A. Principle Permitted Uses and Structures:

5. Domestic Chickens (subject to the requirements of Section 521)

407 “TC” Town Commercial District

A. Principle Permitted Uses and Structures:

21. Domestic Chickens (subject to the requirements of Section 521)

