

For:  
Introduction 5/4/20  
Public Hearing N/A  
Adoption 5/4/20

**THE TOWN OF MOUNT AIRY, MARYLAND**

**TOWN COUNCIL  
RESOLUTION NO. 2020-5**

**FOR THE PURPOSE OF ALLOCATION OF  
THE TOWN'S AVAILABLE WATER AND SEWER  
CAPACITY YIELD AMONG ALLOCATION CATEGORIES  
PURSUANT TO THE TOWN CODE, SECTION 109-19.4A  
FOR 2020-2021**

**WHEREAS**, pursuant to Section 109-19.2B, beginning in 2014, and every two years thereafter, on or before the Planning Commission's regular meeting in February, the Town Engineer shall prepare a report making recommendations as to a division of the Available Capacity Yield among the Allocation Categories set forth in Section 109-19.4C; and

**WHEREAS**, Section 109-19.4A states that beginning in 2014 and every two years thereafter, at its regularly scheduled meeting in March, with due notice and after a public hearing, and with due consideration of the Town Engineer's recommendations, the Town Planning Commission shall make a recommendation to the Town Council as to allocation of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield among Allocation Categories in accordance with that Section; and

**WHEREAS**, Section 109-19.4A further states that the Planning Commission's recommendation shall thereupon be transmitted to the Town Council for consideration at the Town Council's regularly scheduled meeting in April and that the Town Council may either approve, disapprove or modify the Planning Commission's recommendation, and further that if the Town Council elects to disapprove the Planning Commission's recommendation without modifying it, the Town Council may provide to the Planning Commission a written statement of reasons for disapproval and request that the Planning Commission reconsider its allocation recommendation; and

**WHEREAS**, the Town Council, by Town Council Resolution 2020-2 approved on February 3, 2020, set the Town's Available Water and Sewer Capacity Yield for the calendar years 2020 through 2021 upon receipt and consideration of recommendations from the Town's Water and Sewer Commission and the Town Engineer; and

**WHEREAS**, due to the COVID-19 State of Emergency, the Town Council extended the deadline for the Planning Commission to make its recommendation as to the allocation of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield among Allocation Categories to the Planning Commission's regular April meeting by passing Emergency Ordinance 2020-14; and

**WHEREAS**, Emergency Ordinance 2020-14 further extended the deadline by which the Town Council shall receive, consider and decide upon the Planning Commission's recommendations as to allocation among Allocation Categories to the Town Council's regular May meeting; and

**WHEREAS**, the Town Planning Commission, by Planning Commission Resolution 2020-2, adopted on April 27, 2020 after a public hearing and which is attached hereto, voted to recommend that the Town Council adopt the Town Engineer's recommendations as to the division of the Town's Available Water Capacity and Sewer Capacity Yields for calendar years 2020 through 2021, which are attached hereto as Exhibit 1 to Planning Commission Resolution 2020-2 and made a part hereof, and transmitted same to the Town Council for consideration at its regularly scheduled meeting on May 4, 2020.

**NOW**, therefore, having duly considered the recommendations of the Town's Planning Commission, be it **RESOLVED**, by the Town Council:

- (1) That the Town Planning Commission and the Town Engineer's recommendations as to the division of the Town's Available Water Capacity Yield and Available Sewer Capacity Yield for calendar years 2020 through 2021 be and are hereby approved; and
- (2) That the Town's Available Water Capacity and Sewer Capacity Yields shall be divided among the Allocation Categories described in Section 109.19.4C as set forth in Exhibit 1 to the Planning Commission Resolution 2020-2 attached hereto and made a part hereof.

**ADOPTED:**

This 4th day of May, 2020 by a vote of \_\_\_ in favor and \_\_\_ opposed.

**ATTEST:**

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Larry Hushour, President of the Council

Approved this 4th day of May, 2020.

**ATTEST:**

\_\_\_\_\_  
Jason Poirier, Secretary

\_\_\_\_\_  
Patrick T. Rockinberg, Mayor

Reviewed and approved as to legal sufficiency.  
This \_\_\_\_ day of \_\_\_\_\_, 2020.

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Thomas V. McCarron, Town Attorney

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