

May 4, 2015

Regular Meeting

Mayor McNinch called the regular meeting of the Denton Town Council to order at 7:00 PM on this date, leading everyone in the Pledge of Allegiance to the Flag.

Mayor McNinch asked that the record reflect that all Council members were present, with the exception of Councilwoman Lightner, who was unable to attend.

Councilman Clendaniel made a motion to approve the minutes of the March 26, 2015 Working Session, the April 2, 2015 Regular Meeting and the April 13, 2015 Working Session as presented. The motion was seconded by Councilman Branson, passing unanimously.

Public Hearing

Ordinance #669 – Clinics

Mayor McNinch opened a public hearing at 7:01 PM to receive public comments on Ordinance #669 - An Ordinance of the Town of Denton to amend the Official Use Table of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to hospitals, clinics, and other medical treatment facilities.

Mayor McNinch asked for comments from the State: there were none

Mayor McNinch asked for comments from the County: there were none

Mayor McNinch asked for comments from the Council: there were none

Mayor McNinch asked for comments from the Public: there were none

With no further comments, Mayor McNinch closed this public hearing at 7:02

PM.

Ordinance #670 – FY2016 General Fund Appropriations

Mayor McNinch opened a public hearing at 7:02 PM to receive public comments on Ordinance #670 - An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget being adopted for Fiscal Year beginning JULY 1, 2015 through JUNE 30, 2016.

Mayor McNinch asked for comments from the State: there were none

Mayor McNinch asked for comments from the County: there were none

Mayor McNinch asked for comments from the Council: there were none

Mayor McNinch asked for comments from the Public: there were none

With no further comments, Mayor McNinch closed this public hearing at 7:03

PM.

Resolution #813 - CDBG SFY 2016 Grant Application

Mayor McNinch opened a public hearing at 7:03 PM to receive public comments on Resolution #813 - A Resolution of the Town of Denton approving the application and receipt of financing for a Community Development Block Grant SFY 2016, to be funded by the Department of Housing and Community Development (the "Department") of the State of Maryland, for the acquisition and demolition of 808 S. Fifth Ave.

Mayor McNinch asked for comments from the State: there were none

Mayor McNinch asked for comments from the County:

Mrs. Kathy Mackel, Director of Caroline County Department of Tourism, spoke in support for the Resolution for a great project.

Mayor McNinch asked for comments from the Council: there were none

Mayor McNinch asked for comments from the Public:

Mr. JOK Walsh, President of the Caroline County Historical Society, spoke in support of the project, and expressed that the Historical Society would like to partner with the Town to save the historic building on the property.

Mr. Walsh, serving as the Denton Development Corporation Chairman, expressed that the DDC also supports this project.

With no further comments, Mayor McNinch closed this public hearing at 7:06 PM.

Petitions, Remonstrance's and Communication

Proclamation – Municipal Clerks Week

Mayor McNinch read a proclamation to recognize the week of May 3 through May 9, 2015 as Municipal Clerks Week, expressing appreciation to all of the Town's Municipal Clerks for the vital services they perform and their exemplary dedication to the community they represent.

Mayor McNinch presented the proclamation to the Town Clerks present, Ms. Joanna Reedy, Mrs. Emily Spencer and Mrs. Karen Monteith.

Proclamation – National Police Week

Mayor McNinch read a proclamation to recognize the week of May 10 through May 16, 2015 as National Police Week, expressing appreciation for the hard work and dedication our police officers provide daily to Denton residents.

Mayor McNinch presented the proclamation to Chief Rodney Cox.

Mayor McNinch announced that a Police Unity Bicycle Group visited the Town earlier on this date and encouraged everyone to attend the police unity candlelight vigil ceremony to be held on the Courthouse steps on May 11, 2015, 7p.m. in honor of all local law enforcement.

ESAM Award

Councilman Branson presented Mayor McNinch with the Eastern Shore Association of Municipalities – Maryland Municipal League Certificate of Appreciation for her dedicated service on the 2015 convention communication committee.

Councilman Branson also announced that Mayor McNinch was recently appointed to serve as the Vice President Elect on the ESAM Board.

Ordinances and Resolutions

Resolution #812 - Prettyman Manor Nutrient Credit Transfer

A Resolution approving a Nutrient Credit Transfer Agreement between the Town and Prettyman Manor, LLC.

Councilman Porter made a motion to approve Resolution #812, authorizing the Mayor to sign the agreements, seconded by Councilman Clendaniel.

In discussion: Mr. Donald Mulrine, Town Administration, provided an overview of the Resolution for the public.

Councilman Porter added that the agreement authorizes the trading of nutrient credits for phosphorus.

With no further discussion, the motion passed unanimously.

Resolution #813 - CDBG SFY 2016 Grant Application

A Resolution of the Town of Denton approving the application and receipt of financing for a Community Development Block Grant SFY 2016, to be funded by the

Department of Housing and Community Development (the "Department") of the State of Maryland, for the acquisition and demolition of 808 S. Fifth Ave.

Councilman Branson made a motion to approve Resolution #813, seconded by Councilman Porter, passing unanimously.

Ordinance #669 – Clinics

An Ordinance of the Town of Denton to amend the Official Use Table of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to hospitals, clinics, and other medical treatment facilities.

Councilman Branson made a motion to adopt Ordinance #669, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #670 – FY2016 General Fund Appropriations

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget adopted for Fiscal Year beginning JULY 1, 2015 through JUNE 30, 2016.

Councilman Porter made a motion to adopt Ordinance #670, seconded by Councilman Branson.

In discussion: Councilman Clendaniel confirmed that the Ordinance, as presented, maintains the current Real Estate Tax rate of \$.71.

Mayor McNinch commended the Maryland Municipal League for working so hard to get the Highway User Revenues back to the municipalities, which is helpful in reducing the General Fund contribution to balance the Highway Fund.

With no further discussion, the motion passed unanimously.

Ordinance #671 – Density and Dimensional Requirements

An Ordinance of the Town of Denton to amend the Official Table of Density and Dimensional Regulations of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to density and dimensional requirements and zoning districts.

Councilman Branson made a motion to introduce Ordinance #671, seconded by Councilman Porter.

Mr. Mulrine provided a brief overview.

With no further discussion, the motion passed unanimously.

Ordinance #672 – 2015 International Property Maintenance Code

An Ordinance amending the Town of Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to Property Maintenance.

Councilman Clendaniel made a motion to introduce Ordinance #672, seconded by Councilman Porter.

In discussion: Mr. Mulrine provided an overview of the Ordinance.

With no further discussion, the motion passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Sharp Road Park Tree Planting Agreement

Councilman Branson made a motion to approve the Sharp Road Park Tree Planting Agreement, seconded by Councilman Porter.

In discussion: Mr. Mulrine provided an overview.

With no further discussion, the motion passed unanimously.

Mayor McNinch mentioned working with Sue Simmons of Caroline County Recreation and Parks to apply for Program Open Space Grant Funds to help get the park construction going. She is also working with the Choptank Athletic Association, who currently leases the park.

Councilman Branson said they need to keep in mind that Program Open Space only provides funding for construction, not maintenance.

Agenda #2 – Sharp Road Park Tree Planting Project

Mr. Mulrine mentioned that this project went out to bid in April, however, no bids were received. He has received approval from the County for moving forward with the planting by using Town Staff, seeking a reimbursement for labor.

Agenda #3 - Hotel Tax Credit

Mayor McNinch shared the discussion she recently held with the County Chief of Staff and suggested allowing the Hotel Tax Credit Revenue Share to remain the same until the next budget cycle.

This item was informational only

Agenda #4 - Tax Differential

Mayor McNinch shared her conversation with the County Chief of Staff and anticipates receiving the information from the County as requested.

Councilman Branson explained how important the tax differential is for the citizens.

This item was informational only.

Agenda #5 - Osprey Property Company LLC

Mr. Mulrine provided an overview of the project, indicating that last August the Osprey Property Company made a presentation to the Denton Town Council requesting support for the renovation and new construction of affordable housing at County Village Apartments. At that time, the Council issued a letter of support for the project and committed to offering a waiver or reduction in fees, as the Town's contribution, in order to receive federal funding. Mr. Mulrine mentioned that federal funding has been awarded and this item is on the agenda for discussion and to seek direction from the Council on what the Town's local contribution is going to be.

Mr. Mulrine presented one proposal that staff pulled together that could reduce the cost of the project. Explaining that if the Town waives the Town building permit fees and outsources everything through MDIA, MDIA will waive the building plan review fee, if they perform all of the inspections for the renovations and the new construction. With this option the developer could potentially save about \$20,000 on the project. Mr. Mulrine added, that the Town cannot waive the water/sewer connection fees or the impact fees.

Councilman Branson made a motion to waive the Town's building permit fees and approve outsourcing the inspections to MDIA and for MDIA fees to be applied for this project, seconded by Councilman Clendaniel.

In discussion, staff further clarified that the Osprey Property Company will reimburse the Town for all MDIA cost, and expenses processed through the Town.

The motion passed unanimously.

Mr. Andrew Hanson, of Osprey Property Company, provided an update on the project planned, reiterating that funding has been awarded for the project through the

State Department of Housing and Community Development. The Osprey Property Company is planning to turn in the preliminary site plan by June 1 for the Planning Commission's review. The project proposes to add a community center, renovate the existing units and add additional units to include ADA accommodations. Mr. Hanson thanked the Town Council for their support of the project and for reducing the fees.

Agenda #6 - FY2016 General Fund and Highway Fund Budget

The Fiscal Year 2016 General Fund and Highway Fund Budgets have been amended, as was last discussed during the April 13, 2015 Budget Working Session. Both budgets are currently balance and, in conjunction with the adoption of Appropriations Ordinance #670, were presented for consideration of final adoption.

Councilman Branson made a motion to adopt the FY2016 General Fund and Highway Fund budgets as presented, seconded by Councilman Porter. The motion passed unanimously.

Agenda #7 - Trash Collection Service Bid Award

Mr. Mulrine stated that the dumpster trash collection services went out to bid in April and provided the Council a listing of the bids received. A review of the bids received was conducted and Town Staff recommends awarding the contract to the lowest bidder, Eastern Shore Waste & Recycling.

Councilman Porter made a motion to award the bid to Eastern Shore Waste & Recycling, seconded by Councilman Clendaniel. The motion passed unanimously.

Agenda #8 – South 3rd St. and Fountain Ave Project Bid Award

Mr. Mulrine stated the South 3rd & Fountain Street road construction project went out to bid in April and provided the Council with a listing of the two bids received. A review of the bids was conducted and it was recommended to award to Rick Breeding for \$65,948.12.

Councilman Branson made a motion to award the bid for the South 3rd & Fountain Ave. road construction as presented, seconded by Councilman Clendaniel, the motion passed unanimously.

Agenda #9 - Denton Police Officers – LEOPS

As a follow up to the last meeting, Mayor McNinch mentioned that the Town of Greensboro has decided to not participate and cost share in the LEOPS Actuarial Study for the MD State Retirement LEOPS Program. What was approved at the April meeting was contingent upon 4 municipalities sharing the cost, now it is down to 3.

Mr. Mulrine will look into finding out what the new cost would be to the Town.

New Business

Agenda #1 - Letter of Support – Community Garden Gala

Mrs. Marina Dowdall, of the Caroline County Council of Arts shared that the Community Demonstration Garden is planning a fundraiser to complete the handicap ramp in the community garden. The date for the Gala is Saturday June 20, 2015 4p.m. - 8p.m. The event will be held at the Demonstration Garden at 4th and Gay Street and will have food, wine, beer, music, kid's activities, and teen activities. As part of the Gala planning, they would like to apply to the Caroline County Liquor Board for a temporary license to serve alcohol and came seeking a letter of support from the Town Council, as the owners of the land, to include in their application.

Councilman Porter made a motion to authorize the Mayor to sign the letter of support, seconded by Councilman Clendaniel. The motion passed unanimously.

Agenda #2 - LGIT Board of Trustees – Election and Ballot

Annually LGIT's Nominating Committee meets and submits to the LGIT Board of Trustees a list of candidates for nomination to serve as members on their board for a three year term beginning July 1, 2015. The Town, as a member of LGIT, is being asked to appoint a Council person to cast the vote on Denton's behalf.

Mayor McNinch nominated Councilman Branson to cast the vote for Denton, seconded by Councilman Clendaniel, the nomination passed unanimously.

Agenda #3 - 406 Market LLC – Business Loan Partnership Modification - Release

The Town has been notified of a partnership change for 406 Market LLC. The LLC will remain intact, however, the partnership is being dissolved. Seeking Council's approval to release Mrs. Abigail McNinch from the Individual Guarantee that was executed on both of their business loans with the Town.

Mayor McNinch recused herself and stepped out into the audience.

~~Vice~~-Mayor **Pro Tem** Clendaniel presided over this agenda item.

~~Vice~~-Mayor **Pro Tem** Clendaniel made a motion to release Mrs. Abigail McNinch from the Individual Guarantee, subject to the receipt of a formal assignment of partnership interest agreement being received. The motion was seconded by Councilman Branson and passed with three yes votes. Mayor McNinch remained recused.

Miscellaneous

Mayor McNinch rejoined the Council and presided over the remainder of the meeting.

May 15, 2015 - Flags for Hero's flyer was shared

May 11, 2015 – 10:30 anticipating about 450 bicyclist on the Policy Unity Ride to stop at the DVFD, with the Chesapeake Culinary to provide the lunch.

May 11, 2015 – 7 PM Police Unity Candle Lighting Ceremony at the Court House.

May 8, 2015 – Joviality Fairy Garden to support the Denton Child Development Center.

With no further discussion, Mayor McNinch adjourned the meeting at 8:20 PM.

Respectfully submitted,

Karen L. Monteith,
Clerk – Treasurer

Page #3384 – Adopted as corrected and amended “~~Vice~~ removed and **Pro Tem** added”.