

July 7, 2016

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.

Councilman Clendaniel made a motion to approve the minutes of the June 2, 2016 Regular Meeting and the June 20, 2016 Working Session as presented, seconded by Councilman Branson, passing unanimously.

Public Hearing

Ordinance #681 – Abandoned Properties

Mayor McNinch opened a Public Hearing at 7:02 PM to receive public comments on Ordinance #681 - An Ordinance amending Chapter 94, Property Maintenance, of the Town of Denton Code regarding abandoned properties and adding a new Chapter 29, entitled “Abandoned Properties” of the Denton Town Code.

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:

Mrs. Mary Fowler, of 508 Market Street, shared concerns about the Ordinance.

Mr. Bill Jesmer, of 12 N 7th St., commented on several sections of the proposed Ordinance and shared his concerns.

Mayor McNinch thanked everyone for their comments.

With there being no further comments, Mayor McNinch closed this public hearing at 7:18 PM.

Petitions, Remonstrance’s and Communication

Proclamation – Katie Thomason

Mayor McNinch presented Mrs. Katie Thomason with a proclamation in recognition of her hard work in raising over \$80,000 for the Leukemia and Lymphoma Society during the LLS 10-week fundraising and awareness event. Mrs. Thomason was also commended on receiving the Angela M. Bullock Citizenship Award.

Mrs. Thomason took a moment to thank everyone in the community for their support.

Introduction of Denton Police Departments New Police Officers

Lt. George Bacorn introduced Ciaran Mayo and Joseph Eddy, the two newest officers joining the Police Department. Recruit Mayo will begin the Police Academy on July 11, 2016 and Officer Eddy will begin departmental training next week.

CCRP Boat Ramp Permit Program Update

Mrs. Sue Simmons, Director of Caroline County Recreation and Parks, provided an update on the Caroline County Boat Ramp Permit Program. Sharing the history of revenues and capital projects the funding has been used on.

Summerfest

Mrs. Sue Simmons spoke briefly about the upcoming Caroline Summerfest - “Jazzin Up the Streets” and shared advertising rack cards with the Council.

Bates Trash Removal

Mr. Bruce Bates, owner of Bates Trash Removal, introduced himself and some of his team members. Mr. Bates shared that his company recently acquired a contract from Eastern Shore Waste and they have been handling the dumpster collections for the Town.

Discussion was held in regard to concerns and issues the Town has been experiencing since Bates began collection; the contract and the need to improve communications.

Mr. Bates assured the Town that his company was working to resolve the issues; stating that they will have the new dumpsters in place by Aug. 10, 2016, and how they hope to be able to continue providing their services to the Town.

Staff will continue to monitor and keep the Council updated.

Ordinances and Resolutions

Resolution #832 - St. Martin's Ministries Program Support

A Resolution of the Town of Denton supporting the participation of St. Martin's Ministries in the Maryland Department of Housing and Community Development, Community Investments Tax Credit Program.

Councilman Clendaniel made a motion to approve Resolution #832, seconded by Councilman Branson.

In discussion: Ms. Sue McLernon, Director of Finance for St. Martins Ministries, provided an explanation of the benefits they provide, and thanked the Council for their continued support.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to approve the adoption of Resolution #832.

The motion passed unanimously.

Resolution #833 - Strategic Demolition and Smart Growth Grant Application

A Resolution of the Town of Denton approving the application and receipt of financing for a Strategic Demolition & Smart Growth Impact Fund Project in Denton, Maryland to be funded either directly by the Department of Housing and Community Development of the State of Maryland or through other departments or agencies of the State of Maryland.

Councilman Branson made a motion to approve Resolution #833, seconded by Councilman Lister.

In discussion: Mr. Don Mulrine, Town Administrator, provided the history on the program.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to approve the adoption of Resolution #833.

The motion passed unanimously.

Ordinance #681 – Abandoned Properties

An Ordinance amending Chapter 94, Property Maintenance, the Town of Denton Code regarding abandoned properties and adding a new Chapter 29, entitled "Abandoned Properties" of the Denton Town Code.

Councilman Branson made a motion to adopt Ordinance #681, seconded by Councilman Porter.

In discussion: Council members and staff talked about the changes to the code and responded to comments raised during the Public Hearing.

Mr. Thomas Batchelor, Acting Director for Planning & Codes, provided an overview of the Ordinance. He requested to have Article IV, Section § 29-8.3 b. & c. modified to remove language “in accordance with § 29-7.2”, and to replace the word “transfer” with the word “donation” in Section § 29-8.3 d.

Mr. Batchelor and Mr. Chris Drummond clarified the intent of the law; explained the registration requirements and stated that “If a property owner maintains their property, then there is no reason to have to register it with the Town, other than where State Law may apply.”

Considerable discussion was held on the content of Article VI § 29-10.1 c. – as per a concern raised by Mr. Jesmer during the Public Hearing. This section specified signage requirements. It was the consensus of the Council to strike § 29-10.1 c. from the Ordinance and renumber the adjoining paragraphs.

Councilman Lister made a motion to make the amendments to § 29-8.3 Section b. to remove “in accordance with § 29-7.2”; and in Section c. to “remove in accordance with § 29-7.2”; and in Section d. to change “Donation” to “Transfer”; and to remove § 29-10.1 c. The motion was seconded by Councilman Clendaniel. The motion, as amended, passed unanimously.

The Mayor called for a vote on the motion to adopt Ordinance #681 as amended.

The motion to adopt the Ordinance as amended was passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Crouse Park Upgrades – CIP Funded

Mr. Mulrine submitted a request seeking approval to use CIP Funds to cover the expense for electric, security, solar lighting, and knox box installations at Crouse Park.

Councilman Branson made a motion to approve the request, seconded by Councilman Clendaniel.

In discussion: Councilman Branson questioned the financial responsibility of monthly fees once installed.

Mr. Mulrine shared that the monthly cost will be included in the lease with Caroline County Tourism. Mr. Mulrine provided an overview on the items being requested and answered questions with regard to the benefit of using solar. Total package cost is \$40,089.

The Mayor called for a vote on the motion to approve the request.

The motion passed unanimously.

New Business

Agenda #1 – Water & Sewer Allocation

Ercument Arslan and Kamil Kuru, owners of Pizza Empire, are requesting approval for an additional three (3) ERU’s for their business relocation at 328 Market Street. The cost of 3 ERU’s is \$27,000.

Councilman Porter made a motion to approve the 3 ERU’s for Pizza Empire, the motion was seconded by Councilman Clendaniel.

In discussion: Mr. Batchelor gave an overview of how the ERU’s were calculated and said that they may not need it all.

Mayor McNinch called for a vote on the motion to approve.

The motion passed unanimously.

Agenda #2 – McCaw – Water & Sewer Connection

Ms. Debra McCaw, the new owner of 902 Camp Road, submitted a request seeking consideration for a waiver or an extension on the time frame the property is required to hook the dwelling up to the Town's water and sewer system. The property was required to connect within 90 days following settlement, however due to the dwelling being approximately 450' from the Town's main utility lines, the initial estimates reflect that it will cost in excess of \$32,000 to connect.

Staff provided a history on the property and explained the previous waiver is non-transferrable to the new owner. Staff recommended for the Council to consider a 2-year extension on the connection, so long as the current water and sewer systems do not fail, and to have the Town Attorney prepare an agreement listing all the terms for all parties to sign. Staff explained that a 2 year extension would allow the property owner and Town Staff to look for funding that may be available that could possibly help get the property connected.

Staff confirmed that there are about 17 properties within the Town that are still on septic, with similar requirements to connect, if sold or should their current well or septic systems fail. However, the majority of the other dwellings are closer to the main utility lines, so the cost to connect could be a lot less. Discussion was held about sending notice to the other property owners, requiring them to disclose the requirement to connect, should they go to sell their properties.

Councilman Porter made a motion to grant a 2-year extension on the connection, as long as the current water and sewer systems do not fail, and to have the Town Attorney prepare the appropriate agreement to be signed by all parties. The motion was seconded by Councilman Branson.

Additional discussion was held, in which Mr. Drummond shared that the benefit of the agreement will be that a document will be recorded among the land records, helping to secure the Town's interest. Then there was discussion as to whether the Council should review the agreement before signed.

Councilman Porter amended his motion to have the Attorney draft an agreement to be brought back next month to the Council for review. Councilman Branson seconded the amended motion.

The motion as amended passed unanimously.

Councilman Branson inquired about doing a motion on the other properties.

The Mayor recommended to give staff time to research and to place this item for discussion during a working session.

Agenda #3 - FY2017 Water and Sewer Fund Budgets

As a follow up to the June 20, 2016 Working Session discussion, the FY2017 Water and Sewer Fund Budgets were presented for discussion and consideration of adoption.

Councilman Lister made a motion to accept the FY2017 Water and Sewer Fund Budgets as presented. The motion was seconded by Councilman Clendaniel.

In discussion: Mr. Mulrine shared the highlights of the budgets and announced that the Town will not be raising any water and sewer rates at this time.

The Mayor asked for a vote on the motion to accept the FY2017 Water and Sewer Fund Budgets.

The motion passed unanimously.

Agenda #4 - Computer Server Upgrades

Corsica Technologies made a presentation during the June 20, 2016 Working Session on the need to upgrade the Town Servers. The cost for the servers is \$31,630. The Office 365 setup and migration, plus SharePoint backups cost is \$7,553. CIP Funding designated for Finance, Planning & Codes, and the Police Dept. will be used to cover a portion of the cost for the upgrades and implementation. Water and Sewer Capital Funds will be used for the remainder. Monthly fees have been reflected under the computer expense line items that were approved in the FY2017 Budgets.

Staff asked for authorization to move forward with the purchase and installation for the new servers for the Town Office Building and the Police Dept., as well as the implementation and monthly fees for the Office 365.

Councilman Lister made a motion to go forward with the purchase, seconded by Councilman Branson. The motion passed 4-1, with Councilman Porter abstaining since he was not in attendance for the presentation.

Agenda #5 - Caroline Co. Council of Arts (CCCA) – Loan Payment Deferment Request

Ms. Angela Visintainer, President of CCCA, submitted a letter to the Council requesting a 3 month deferment on their loan payments due the Town.

Councilman Branson made a motion to discuss the request, seconded by Councilman Porter.

In discussion: Mr. Mulrine gave an overview of the request and shared some background on the loans.

The Council had some questions and concerns, and would like to see an updated business plan, balance statement.

Councilman Lister amended the motion to not vote on allowing for the deferment until the appropriate business plan and documentation is presented to the Council. The amended motion was seconded by Councilman Branson, passing unanimously.

Agenda #6 - Jeremy Fisher – Boy Scout Troop 165 House

Mr. Jeremy Fisher, an Eagle Scout from Boy Scout Troop 165, came before the Council to share his plans to construct a 12'x20' new storage building on land owned by the Town that would be located next to the Boy Scout Club House for his 4-H Diamond Clover Service Learning Project. Mr. Fisher shared the names of the contributors for his project and asked the Council for their consideration to waive the \$50 permit fee.

Mr. Batchelor gave an overview of the Town's involvement with Mr. Fisher on this project and indicated they worked with Mr. Al Kampmeyer, who helped in delineating the wetlands so there would not be any wetlands impact. Mr. Batchelor advised that the Planning & Codes Dept. will issue the permit.

Councilman Lister made a motion to waive the fees for the permit, seconded by Councilman Branson, passing unanimously.

Agenda #7 - Courthouse Parking

- 1) *Discussion was held in regard to drafting a proposal and working with the County Commissioners on offering parking permits at a discounted rate to employees of the Court House.*

Councilman Lister shared ideas he received while attending the MML Convention on digital payment processing for the meters and recommended the Town explore.

The Council agreed to research alternative metering options; to work on drafting a parking proposal, and to continue discussion during the October Working Session. The Mayor will send the County a letter letting them know the Town is working on a proposal and welcomes any suggestions they may have.

- 2) *Discussion was held in reference to a letter received from the County Commissioners in regard to expanding their parking areas behind the Court House.*

Mr. Mulrine shared the County will need to obtain approval from the State Critical Area Commission and the Town's Historic Review Board.

The Mayor will send the County a letter with the Town's feedback and requirements.

Agenda #8 - Legislative Requests for General Assembly

Notice was received from the Caroline County Commissioners indicating they are accepting suggestions for State Legislative issues for discussion for the FY2017.

The Council discussed priorities, and the Mayor will send the County a letter.

Miscellaneous

Mayor McNinch announced that the Town recently received the Healthy Easting & Active Living Award.

Mayor McNinch announced the Town continues maintaining the MML Banner City Designation.

Additional comments were discussed regarding the parking at the Court House and concerns when late in the day, or into the evening, and confirmed the Police Dept. can be called for an escort.

Mayor McNinch announced that Governor Hogan's visit to Denton was well attended, very positive and there was terrific support from the community. Commending Mr. Mulrine on all his efforts, going above and beyond, as well as the Town Staff, thanking everyone for making this event so great.

Mayor McNinch mentioned upcoming events:

- *July 8 - 3rd Friday Night Car Show*
- *July 8 - Downtown Businesses Shop Local Poker Run*
- *7/21 - Third Thursdays – Corn Hole*

Mayor McNinch announced she is now the President of the Eastern Shore Association of Municipalities.

Mayor McNinch opened the meeting for public comments:

Mrs. Terenda Thomas came before the Council seeking a letter of support. The Eastern Star & Masonic Organization hold their meetings in the building at 408 Lincoln Street. It has come to their attention that the building will be 150 years old next year and they have discovered the building was formerly "The Denton Colored School". The building is registered with the Maryland Historical Trust. Because of the buildings historical history, the two organization are working together to submit an application to apply for the "African American Heritage Grant". They are seeking \$100,000 to renovate and restore the building. Mrs. Thomas indicated they are not seeking any financial commitment from the Town, just a letter of support.

Councilman Porter made a motion to draft a letter for the Mayor to sign in support of this project. The motion was seconded by Councilman Clendaniel, passing unanimously.

Mr. Bill Jesmer referenced a prior discussion pertaining to a complaint form. He acknowledged that he found the form on the website, and suggested it would be more accessible, if it was on the main page. Staff advised that the information will be relocated as part of the project for the reconstruction and redesign of the web that is underway.

Mayor McNinch provided an update on having the audio recordings of the meetings online.

Mr. Jesmer shared additional concerns and recommendation on the process for the adoption of Ordinances.

Discussion continued between Mr. Jesmer, the Council, and the Town Attorney on the democracy of government and the Town's processes; openness in adopting legislation; the Council's receptiveness to public feedback; listening to the community; actions being taken for the benefit of all residents; individual responsibilities and the Board Members willingness to meet with any citizens that have questions before the meetings.

The Mayor expressed that everyone is here for the better of the community and encouraged for all citizens to become involved; inviting them to join and serve on the many Town Boards.

Mr. Drummond announced that the Town has received a counter claim from Mr. Jesmer's Attorney that is under review.

Mr. Dean Danielson mentioned that the Citizens have a responsibility to become involved and for taking care of their properties.

Mrs. Fowler shared some additional comments about Board vacancies and being a good neighbor.

Mrs. Maggie Rodgers thanked the Council and expressed appreciation for their support on Jeremy Fisher's project. She provided an explanation on what is required for the 4-H Diamond Clover Program and earning the award.

With no further discussion or public comments, Mayor McNinch adjourned the meeting at 9:43 PM and thanked everyone for their comments.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*