

June 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.

Councilman Clendaniel made a motion to approve the minutes of the May 4, 2015 Regular Meeting and May 18, 2015 Working Session with a correction to where the minutes reflected Vice-Mayor Clendaniel to be changed to Mayor Pro-Tem. The motion was seconded by Councilman Porter, passing unanimously.

Public Hearing

Ordinance #671 – Density & Dimensional Regulations

Mayor McNinch opened a public hearing at 7:02 PM to receive public comments on Ordinance #671 – 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.

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

There being no comments, Mayor McNinch closed this public hearing at 7:03

PM.

Ordinance #672 – Property Maintenance Code Update

Mayor McNinch opened a public hearing at 7:04 PM to receive public comments on Ordinance #672 – An Ordinance of the Town of Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Zoning with respect to Property Maintenance.

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

There being no comments, Mayor McNinch closed this public hearing at 7:04

PM.

Petitions, Remonstrance's and Communication

Proclamation –Officer Mark Snyder

Mayor McNinch presented a Proclamation recognizing Officer Mark Snyder for lending life-saving assistance to a citizen in need of CPR and medical attention, due to cardiac arrest, and helping to revive the victim. Officer Snyder's training and dedication to the public was commended.

Proclamation – Mr. Jason McFarland

Mayor McNinch presented a Proclamation recognizing Mr. Jason McFarland for lending life-savings assistance to a citizen in need and performing CPR until medical

assistance arrived. Mr. McFarland was commended for stepping in to help a stranger in need.

APPI Energy Presentation

Mr. Les Katona from APPI Energy made a presentation to the Council. APPI has been the Town's Energy Consulting Firm for several years now and Mr. Katona advised that the Town's Direct Energy Contract will be expiring in October. Mr. Katona asked the Council for consideration of allowing APPI to represent the Town in seeking and obtaining the best energy rates for the next contract period.

This item was informational only, no action was taken.

Ordinances and Resolutions

Ordinance #671 - Density & Dimensional Regulations

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.

Councilwoman Lightner made a motion to adopt Ordinance #671, seconded by Councilman Branson.

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

The motion passed unanimously.

Ordinance #672 – Property Maintenance Code Update

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

Councilman Branson made a motion to adopt Ordinance #672, seconded by Councilman Porter.

In discussion: Mr. Mulrine provided an overview mentioning that this legislation adopts the State Code with a few exceptions.

Councilman Clendaniel shared a concern over the language for PM 304.21.

Mr. Chris Drummond, the Town Attorney, recommended striking the language "and the guards and devises and maintained to protect such plantings", since it was not very clear.

Councilman Branson amended his motion to also approve removing language from PM 304.21 as recommended by the Attorney. The motion was seconded by Councilman Porter and passed unanimously.

Mayor McNinch recommended revisiting this topic during a working session for additional discussion on the property maintenance code details.

Mr. Drummond stated that the law has to be specific for the courts and is fair to the Town, Staff and the property owner.

Ordinance #673 – 2015 Building Code Update

An Ordinance amending the Denton Building Code, Residential Code, Mechanical Code, Existing Building Code and Energy Conservation Code provisions contained in Chapter 38 of the Denton Town Code with respect to building construction.

Councilman Clendaniel made a motion to introduce Ordinance #673, seconded by Councilman Lightner, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business**Agenda #1- Town Council Health Care**

Discussion was held on changing and reducing health care benefits provided for the Council Members.

Staff and the Attorney specified that a Council Member can voluntarily pay more of the cost, however, in order for it to be policy, the law would need to be amended and taken to referendum to be voted on by the people. Any changes in the law will not affect the current Council Members, but would apply to anyone elected into office during the next election.

Additional discussion on this item will be placed on the July meeting.

Agenda #2 – Letter for State Highway Administration

Mr. Mulrine provided information on a letter received from the State Highway Administration regarding Highway User Revenues and shared that, as a result of the recent legislation process, additional funds were reinstated for municipalities to begin receiving in FY2016. This item was informational only.

Agenda #3 – Blacktop Patch on Kerr Avenue and South Second Street

Mr. Mulrine provided an overview on a request from the Denton Public Works Department. Since the cost for the Fountain and Third Street Resurfacing Project came in way under budget, DPW received a quote from Rick Breeding Excavating, Inc. for an add on to also resurface portions of South Second Street and Kerr Avenue for \$20,786. The left over available funds will cover this added expense and take care of another troubled area in Town.

Councilman Porter made a motion to approve the request, as seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 – New Intermediate School Location

Mr. Mulrine provided an update on the Board of Education's request for the Town to continue to keep a hold on land owned by the State Highway Administration, for a couple more weeks, while they finalize their study.

Councilwoman Lightner made a motion to hold on to the lot for the School Board, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 – LEOPS

Discussion was held with Officer Franklin regarding the Police Officers request for the Town to share the cost with other municipalities for an actuarial study to be completed to determine what it would cost the Town to enroll the officers into the State of Maryland Law Enforcement Officers Pension System. Previously the Council had approved to cost share with 3 other Towns, however, the Town of Greensboro has decided not to participate.

Councilman Porter made a motion to authorize spending up to \$2,500 for the actuarial study and for Mr. Drummond to prepare a cost sharing agreement for all of the Municipalities to sign. The motion was seconded by Councilwoman Lightner, passing unanimously.

New Business**Agenda #1 – 406 Market St. Water & Sewer Allocation**

The Council reviewed a request from Mr. Michael McCrea, owner of 406 Market LLC, for one-half of an ERU for an additional one bedroom apartment to be located at 406 Market St.

Mayor McNinch abstained from the discussion due to a possible conflict, as a former partner of Mr. McCrea's.

Councilman Porter made a motion to approve the allocation, seconded by Councilman Clendaniel. The motion passed with 4 yes votes. Mayor McNinch abstained from voting.

Agenda #2 –Auto Zone Water & Sewer Allocation

The Council reviewed a request from Kevin Murphy for one water and sewer allocation on behalf of AutoZone Development, LLC, for a retail store to be located at 5 Denton Plaza.

Councilwoman Lightner made a motion to approve the allocation as requested, seconded by Councilman Clendaniel.

In discussion: Mr. Mulrine gave an update on the status of this project.

The motion passed unanimously.

Agenda #3 – Wright Real Estate – 227 Market St., Sewer Abatement

Mr. Jeff Wright came before the Council appealing a decision made by staff denying an abatement request on the January-March water/sewer billing for one of the units located at 227 Market St. A pipe froze and burst within the unit, addressed as 5 N. Third St., which caused a higher than normal water/sewer billing.

Staff did not see the leak and the plumber's statement did not certify that the water did not enter the sewer system, therefore, based on Town Policy staff was unable to approve the abatement request as submitted.

Mr. Wright asked to have this abated to a normal billing, even though it was an interior leak, expressing that the water exited through the basement and did not enter the sewer system.

Councilman Porter provided the history and explanation of Town Policy and staff limitations.

Councilman Clendaniel made a motion to grant the request, seconded by Councilman Branson, passing unanimously.

Mayor McNinch summarized what documentation is needed when a leak occurs in the future.

Miscellaneous

Mayor McNinch shared a request received seeking a donation from the Town for the Denton Elementary School 5th Grade Celebration.

Councilman Clendaniel made a motion to provide chips and drinks for the 5th Grade Celebration, which was supported by all members of the Council

Mayor McNinch shared that she recently spoke to about 100 students during Career Day about Government.

Mayor McNinch announced that the Caroline County Council of Arts, Arts & Entertainment District expansion was awarded by the State.

Mr. Mulrine mentioned that he has received an estimate of about \$50,000 for replacing some of the HVAC Unit in the Town Hall Building. There is enough funding left over from the renovations to cover this expense. This item will be placed on the July agenda for consideration.

Mr. Mulrine mentioned that the cell one liner at the WWTP has failed and is in need of repair and that staff is researching what it will cost to fix.

Mr. Scott Getchell, former Superintendent of Public Works, currently the Town's Engineer, was in attendance and was able to provide some history and describe the condition of the liner. He expressed that the repair is critical and while staff is researching cost, they will continue to make operational adjustments to get by.

Mr. Mulrine indicated that this item will be placed on the July agenda for additional discussion, when a cost is received.

Mr. Mulrine reminded everyone that the Alta Planning & Design, a company out of Baltimore, will be in Town next week conducting a business study to provide recommendations for ways to improve the main street area. The Study is being sponsored by the Owners of Victor Stanley, the parent company of Uni-Site Design.

Councilwoman Lightner announced that she participated in the Danny's Walk – Make-A-Wish Event held in Ridgely, and mentioned that the Event raised around \$8,000.

Mr. Mulrine announced that a new magazine – Maryland Eastern Shore, will be available soon and it highlights a number of local businesses.

Mayor McNinch reminded everyone to attend the Maryland Municipal League Convention that is being held June 29, 30 and July 1.

Councilman Porter asked for an update on the stormwater backup issue in the Gateway/South Second Street area.

Mr. Mulrine shared that everything has been cleaned up. Staff is looking into ideas from where the open ditch area over flowed to help prevent in the future.

Councilman Clendaniel commended Officer Komenda for spotting the rising water and reporting to public works.

With no further discussion, Mayor McNinch adjourned the meeting at 8:43 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*