

April 6, 2017

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 thanked everyone for coming and asked that the record reflect that all Councilmembers were present.

Mayor McNinch wished a Happy Birthday to Chief Cox.

Councilman Porter made a motion to approve the minutes of the March 2, 2017 Regular Meeting, and the March 20, 2017 Working Session as presented, seconded by Councilman Branson, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's, and Communication

Correspondences – Legion Road Median Letter & Downtown Parking

Mayor McNinch mentioned, for the record, the Town having received some letters from the County Administrator pertaining to the Legion Road Median and the Downtown Parking request. The Mayor stated that the Council is working with the County on these items.

Proclamation - Lockerman Class of 1962

Mayor McNinch read a proclamation extending the Town Council's congratulation to the Lockerman Class of 1962, in celebration of 55 years.

Ordinances and Resolutions

Resolution #838 – Sustainable Community Renewal Application

A Resolution of the Town of Denton approving the submission an application for the renewal of the Town's designation as a Sustainable Community and a Sustainable Community Plan; to be approved either directly by the Department of Housing and Community Development of the State of Maryland or through the Smart Growth Subcabinet of the State of Maryland.

Councilman Branson made a motion to adopt Resolution #838, seconded by Councilman Johnson.

In discussion: Mr. Donald H. Mulrine, Town Administrator, provided a synopsis; sharing that the Town is required to reapply every 5 years, and that the designation allows the Town to be qualified to request and receive funding from the DHCD Community Legacy Program for the Strategic Demolition and Smart Growth (SDSG) Grants.

With no further discussion, Mayor McNinch asked for a vote on the motion, on the floor to adopt Resolution #838.

The motion passed unanimously.

Resolution #840 – Provident Financing New Building

A Resolution to authorize the purchase of building for investigative site. Chief Cox and the Town Attorney asked to delay discussion on this items for a few minutes.

Ordinance #684 – Conditional Use Permits

An Ordinance adding a new section to the Town Code, Chapter 128, Section 196, entitled, "Site Specific Approval Standards", otherwise known as Conditional Use Permits ("CUPS").

Councilman Lister made a motion to introduce Ordinance #684, seconded by Councilman Branson.

In discussion: Mr. Tom Batchelor, Senior Code Official, provided an explanation of the Ordinance, and answered questions about setbacks and the intent.

With no further discussion, Mayor McNinch asked for a vote on the motion, on the floor to introduce Ordinance #684.

The motion passed unanimously

Mr. Batchelor mentioned this Ordinance will go before the Planning Commission at their April meeting for final recommendation to be made to the Council in May.

Ordinance #685 – Nonconforming Lots of Record

An Ordinance amending the provisions in Chapter 128, Section 155, entitled, “Nonconforming lots of record”, of the Town of Denton Code.

Councilman Porter made a motion to introduce Ordinance #685, seconded by Councilman Branson.

In discussion: Mr. Batchelor provided an explanation of the Ordinance, and answered questions.

Mr. Chris Drummond, Town Attorney, provided some examples and details about non-conforming lots, stating this will give the Planning Commission authority to handle applications and avoid the applicant having to go before the Board of Appeals.

With no further discussion, Mayor McNinch asked for a vote on the motion, on the floor to introduce Ordinance #685.

The motion passed unanimously.

Mr. Batchelor indicated this Ordinance will go before the Planning Commission at their April meeting for final recommendation to be made to the Council in May.

Ordinance #686 – Steep Slopes

An Ordinance amending the provisions for steep slopes in Chapter 128, Section 149, entitled, “Environmental standards for all subdivisions and development requiring site plan approval”, of the Town of Denton Code.

Councilman Porter made a motion to introduce Ordinance #686, seconded by Councilman Branson.

In discussion: Mr. Batchelor provided an explanation of the Ordinance and what are Steep Slopes and answered questions.

With no further discussion, Mayor McNinch asked for a vote on the motion, on the floor to introduce Ordinance #686.

The motion passed unanimously.

Councilman Porter asked Mr. Batchelor to provide a picture of a steep slope to help visualize what this applies too.

Mr. Batchelor indicated this Ordinance will go before the Planning Commission at their April meeting for final recommendation to be made to the Council in May.

Ordinance #687 – FY2018 General Fund Appropriations

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year beginning July 1, 2017 through June 30, 2018.

Councilman Lister made a motion to introduce Ordinance #687, seconded by Councilman Branson.

In discussion: Mr. Mulrine provided an overview of the estimated changes in expenses and revenues over the prior year; State's Constant Yield Tax Rate has been applied raising the tax rate from \$.72 to \$.75; shared items not been included in the budget; payroll expenses and proposed salary increases. Mr. Mulrine answered questions.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to introduce Ordinance #687.

The motion passed unanimously.

Reports of Officers, Board, and Committees

Wastewater Treatment Plant Funding Update

Mr. Mulrine shared that the Town had previously received approval from USDA to obtain a \$1.9M loan, 1.375% for 40 years, to fund the WWTP cell liner replacement and Ultra Violet Upgrade.

Mr. Mulrine was happy to announce, that in working with Delegate Jeff Ghrist, Secretary Grumbles, and MDE, that the Town has been approved to receive \$600K in Bay Restoration Grant Funds for cell one and \$1.3M loan for the upgrades to the plant, at 1.2% for 30 years, with possible forgiveness of 50% upon completion. This is a significant savings over what USDA has approved. Town may also save by not having to obtain and pay interest on interim funding.

Mayor McNinch expressed gratitude to both Mr. Mulrine and Delegate Jeff Ghrist for working very hard to get this approved through the State.

Councilman Lister made a motion to approve funding through the State, seconded by Councilman Branson, passing unanimously.

Councilman Branson thanked the Mayor and Town Administrator for a job well done.

Resolution #840 - Provident Financing New Building

Chief Cox and Mr. Drummond were ready to discuss this item so the Mayor opened it up for discussion.

Mr. Drummond provided an overview, of the proposal, for the Town to borrow approximately \$66,000 from Provident State Bank, through a security interest filing on behalf of the Caroline County Drug Task Force, to assist the Task Force in purchasing a new building for an investigative site. Mr. Drummond explained that the CCDTF does not have the authority to borrow funds, so it is proposed for the Town to act as the pass through for the loan, and the CCDTF will make the loan payments. Mr. Drummond will ensure that there are securities in place to protect the Town's financial liability interest.

Mr. Drummond prepared a motion for the Council's consideration.

Councilman Lister made a motion (as drafted by the Attorney and read by Mr. Mulrine) - to authorize the Town of Denton to borrow \$66,000.00 from Provident State Bank under terms, set forth in the commitment dated Feb. 1, 2017, for the purpose of acquisition of a manufactured home for use by the Caroline County Drug Task Force; provided a Memorandum of Understanding is signed by the Task Force, guaranteeing payment of the loan, and a final Use Agreement with the Department of Natural Resources signed, and approved by the Town Attorney and the Assistant Attorney General for DNR, selecting financing Option #1. The motion was seconded by Councilman Branson, and passed with 4 votes; Councilman Johnson abstained due to being employed by one of the partnering agencies.

This action was taken by motion and not by Resolution.

Unfinished Business

Agenda #1- Tourism Lease

Mr. Mulrine provided an update on the proposed lease with Caroline County Tourism for use of the Crouse Park Visitor Center, and shared information received from the County regarding a prior grant requirement and their need to keep the Caroline County Tourism located in the Steamboat Museum. Mr. Mulrine shared options with the Council, to utilize the funds the Town has allocated in the budget for Tourism, to be used by the Town to run the Town's Visitor Center.

Councilman Branson made a motion to withdraw the offer to enter into a lease agreement with the CEDC and Caroline County Tourism, seconded by Councilman Lister, passing unanimously.

Mr. Mulrine suggested holding all funds allocated to CEDC Tourism, to use the funds for the Town to run the Wharfs at Choptank Visitor Center, to include the rest of the funds allocated for FY2017.

Councilman Branson made a motion to hold the \$7,000 as recommended, seconded by Councilman Porter.

Additional discussion was held sharing concerns for pulling the funding away from the CEDC Board in the middle of the year and it was recommended to reallocate the funding, designated for Tourism, beginning July 1, 2017.

With no further discussion, Mayor McNinch called for a vote on the motion on the floor to withhold the remainder of the FY2017 Tourism Funding.

The motion did not pass, 1 voting yes and 4 opposed.

The Council requested for the Town to send a formal letter to Caroline Economic Development and the County, to share the Town's proposed changes in funding for FY2018.

New Business

Agenda #1 – Strategic Plan

Mr. Mulrine shared the Council plan; indicating once adopted, Staff will work to breakdown the Council Plan and detail goals specific for each department.

Mayor McNinch spoke about the Council's efforts in creating a Strategic Plan for the Town, setting goals, and establishing the Town's future direction. Plan will be posted on the Town's website and made available to the public.

Councilman Porter asked for a wording change to the draft.

Councilman Porter made a motion to adopt the Strategic Plan with the wording change. Seconded by Councilman Johnson, passing unanimously.

Agenda #2 –Utility Commission Appointments

Mr. Adam Jones provided an email of interest to serve on the Denton Utility Commission.

Councilman Branson made a motion to appoint Mr. Adam Jones to serve on the Utility Commission, seconded by Councilman Porter, passing unanimously.

Agenda #3 - Denton Public Works – Bucket Truck Engine Purchase

Denton Public Works Department requested permission to purchase a replacement engine for the bucket truck at a cost of \$11,619.95. Quotes were requested, but only one was received and provided to the Council.

Mr. Mulrine shared that staff researched purchasing a new bucket truck instead of replacing the engine; and recommends going with a replacement engine that could potentially get another 5 years out of the truck. The truck is used for tree trimming and Summerfest, and asked for permission to use Highway CIP Funds to cover this cost.

Councilman Lister made a motion to approve the purchase of \$11,619.95 with an amendment to the CIP Budget, seconded by Councilman Branson, passing unanimously.

Agenda #4 - LGIT Board of Trustees – Election Ballot

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. The 2017 annual ballot was provided to the Council to appoint a representative, to cast a vote for the Town of Denton.

Councilman Branson made a motion to authorize the Town Administrator to cast a vote on their behalf, seconded by Councilman Porter, the motion passed unanimously.

Agenda #5 - National Fish and Wildlife Foundation Grant (NFWF)

Mr. Mulrine gave an overview, of a grant agreement, provided to the Council for consideration, that will pay for a study for treating existing storm water runoff that drains into the Choptank River from the south area of Town. The project will evaluate the technical details and develop cost effective and feasible projects to implement sustainable best management practices, to treat the nutrients and sediment accumulating in the drainage streams and rivers. The Grant total is \$50,000.00.

Councilman Branson made a motion to approve accepting the Grant, seconded by Councilman Johnson, passing unanimously.

Agenda #6 - GMB Engineering Services – Master Stormwater Improvement Plan

Mr. Mulrine provided a summary of an agreement between the Town and George Miles & Buhr, LLC (GMB) that outlines the engineering services GMB will provide as part of the NFWF Development Study Grant, for treating existing storm water runoff draining into the Choptank River.

Councilman Branson made a motion to approve the agreement, seconded by Councilman Porter, passing unanimously.

Agenda #7 - Caroline County Tax Differential Revenue

Mr. Mulrine shared that the FY2017 Tax Differential Offset Revenues have been received from the County, less miscellaneous deductions the County chose to withhold to pay for parking tickets, that have been issued to County Employees. The amount received was \$29,310.72.

The Council supported placing these funds in the Town's reserve, for use later.

Agenda #8 - FY2018 General Fund and Highway Fund Budget

The FY2018 General Fund Budget and Highway Fund Budget were presented. Discussion was held regarding the Budget, changes over prior year, raising the real property tax rate to meet the State's Constant Yield Rate of \$.7471 – actual rate proposed to be rounded up to \$.75 per \$100 of assessed value.

Mayor McNinch provide a legislative update on the continued cuts in State Highway User Revenues.

Mr. Mulrine added that for FY2018 – the General Fund Budget reflects a transfer of real estate tax monies to the Highway Fund of about \$140,000, which will help to offset the continued reduction in HUR and assist in the Town being able to do some road

repairs. If the additional HUR Grant Revenues are received, the plan will be to use them on additional road repairs.

Councilman Johnson made a motion to accept and acknowledge the draft version of the Fiscal Year 2018 General and Highway Fund Budgets. The motion was seconded by Councilman Lister, passing unanimously.

Council will continue discussion during the April 24, 2017 Working Session to work toward adoption.

Agenda #9 - 6th Street Contractor Bid Award

Bids received from contractors for the necessary 6th Street Sewer repairs were reviewed and presented to the Council for consideration.

Mr. Mulrine provide a summary of the project and it was recommended to award the project to the low bidder, Gateway Construction, using Capital Contingency Funding.

Councilman Porter made a motion to accept the low bid of Gateway, seconded by Councilman Branson, passing unanimously.

Miscellaneous

Mayor McNinch announced that the April Working Session date has been changed. The meeting will now be held on April 24, 2017 at 6PM, with an Executive Session to discuss personnel scheduled for 5:30 PM, prior to the Working Session.

Mr. Bill Jesmer, equity owner of 700 Gay St. and part owner of 12 N. Seventh St., commented on the Town's initiative to be more transparent and, expressed his support of the Town, for working on making the audio recordings of the meetings available on the internet for those unable to attend the meetings.

Mr. Jesmer commented on the Loan approved earlier and questioned why not address the drug addiction disease more and not just focus on punishing users.

Councilman Johnson mentioned that the State has many different divisions that handle non-criminal activities, and explained that the Town's action, taken tonight, was for a replacement building, which is a separate item.

Mayor McNinch shared this is a legitimate concern of the Council and the Town is working with other organizations to help provide awareness.

Mr. Jesmer made mention of a legal battle he is currently involved in against the Town, to make sure the citizens know how much this action may cost them.

Mayor McNinch thanked Mr. Jesmer for his comments.

Mr. Dean Danielson, resident of 1108 Cattail Commons Way, expressed his concerns about the County using tax payer money to pay parking meter violations for their employees.

Mr. Danielson announced the 1st Friday Night Car Show of the year will be held on May 12.

Mayor McNinch thanked Mr. Danielson for all he does in hosting the Car Shows.

Councilman Porter announced that the Caroline County Local Drug and Alcohol Abuse Council Coalition has an upcoming event called "Chasing the Dragon" – to host community forums in the area to help with awareness of the drug addictions issues.

Mr. Mulrine shared an ad of Downtown Denton Main Street that recently appeared in the Washington Post.

Mayor McNinch commended the Downtown Main Street on their success in getting Down Town Denton placed on the billboard on Route 50, near the intersection of Rt. 404.

Mayor McNinch congratulated Mr. Dustin Holt of the Times Record on receiving an award during the Fire Flies "100 Youth on the Move" Event.

Mayor McNinch said that it is so great to see the Sharp Road Park rocking with over 100 kids playing lacrosse on the fields, acknowledging Mr. Aaron Edwards efforts.

Mr. Mulrine shared the Town is working with MDE on some Environmental concerns at Sharp Road Park.

Councilman Johnson shared that Mallard Landing will be holding a clean-up day on April 22 – for Earth Day and promoting cardboard recycling.

Mr. Mulrine announced that the bulk trash collection bids are due tomorrow, April 7, 2017.

With no further discussion, Mayor McNinch adjourned the meeting at 8:47 PM.

Respectfully submitted,



*Karen L. Monteith,
Clerk - Treasurer*

