

May 4, 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 announced that the Executive Session originally scheduled for 6:30 pm this evening was canceled.

Mayor McNinch asked that the record reflect that all Councilmembers were present, except for Councilman Porter, who was running late.

Councilman Lister made a motion to approve the minutes of the April 6, 2017 Regular Meeting and the April 24, 2017 Working Session as presented, seconded by Councilman Branson, passing unanimously.

**Public Hearing**

**Ordinance #684 – Site Specific Approval Standards**

Mayor McNinch opened a public hearing at 7:01 PM to receive public comments on Ordinance #684 - An Ordinance adding a new Section, Chapter 128, Section 196, entitled, "Site Specific Approval Standards, otherwise known as Conditional Use Permits (CUPS)."

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 on Ordinance #684 at 7:02 PM.

**Ordinance #685 – Nonconforming Lots of Records**

Mayor McNinch opened a public hearing at 7:02 PM to receive public comments on Ordinance #685 - An Ordinance amending the provisions in Chapter 128, Section 155, entitled, "Nonconforming Lots of Record," of the Town of Denton 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: there were none

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

**Ordinance #686 – Environmental Standards**

Mayor McNinch opened a public hearing at 7:03 PM to receive public comments on Ordinance #686 - 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 arrived at 7:03 PM.

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 7:04 PM.

**Ordinance #687 – FY2018 General Fund Budget Appropriations**

Mayor McNinch opened a public hearing at 7:05 PM to receive public comments on Ordinance #687 - An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the adopted General Fund Budget for Fiscal Year beginning July 1, 2017 through June 30, 2018.

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 7:05 PM.

Mayor McNinch adjusted the order of agenda items to accommodate Councilman Johnson needing to leave early.

**Unfinished Business**

**Agenda #1-FY2018 General Fund Budget and Highway Fund Budget (1)**

The FY2018 General Fund Budget was brought before the Town Council for continued discussion and for consideration of adoption.

Councilman Branson made a motion to open for discussion and adoption, seconded by Councilman Lister.

Mr. Donald Mulrine, Town Administrator, provided an update on the budget; made Councils recommended changes to balance the budget at \$3,536,854.

Councilman Branson commented for the public, that the budget includes going with the Constant Yield Tax Rate at \$.75, as recommended by the State. Raising the tax rate from \$.72 to the constant yield of \$.75 is necessary to be able to provide the same services as in the prior year. The assessments went down and to equalize the revenues it is necessary to raise the tax rate to \$.75.

Councilman Lister added that assessment values dropped approximately \$13M, about 2/3's of the properties will see a reduction in value. He provided some details about changes and what steps have been taken to balance the budget.

Mayor McNinch called for a vote on the motion to adopt the FY2018 General Fund Budget.

The motion passed unanimously.

Moving to consideration of adopting the FY2018 General Fund Appropriations Ordinance.

**Ordinance #687 – FY2018 General Fund Appropriations**

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

In discussion, staff acknowledged that the Ordinance was introduced at the April meeting, and has been slightly modified to account for the changes in the employee health care contribution, and the increase in the County Tax Administrative fee.

The Mayor called for a vote on the motion to adopt Ordinance #68.

The motion passed unanimously.

**Back to Unfinished Business Agenda #1 – Highway Fund Budget (2)**

Councilman Branson made a motion to adopt the FY2018 Highway Fund, seconded by Councilman Johnson.

Councilman Branson announced that \$140,000 in tax revenues have been taken out of the General Fund Budget to balance the Highway Fund Budget, and recommended taking the County Tax Differential and designating it to Highway for roads.

Mr. Mulrine mentioned that the Town does not know what the FY2018 differential will be; once that is determined, it will be brought before the Council for consideration.

Mayor McNinch announced that she recently went on a tour with the Dept. of Public Works to explore the road infrastructure, and complimented staff on their innovative techniques to get more roads done with less money. The Mayor encouraged members to take a tour as well.

With no further discussion, Mayor McNinch called for a vote on the motion to adopt the FY2018 Highway Fund Budget.

The motion to adopt passed unanimously.

Councilman Johnson left the meeting at 7:20 pm.

**Petitions, Remonstrance's, and Communication**

**Proclamation – Municipal Clerks Week**

Mayor McNinch read a proclamation to recognize May 7 through May 13, 2017 as National Municipal Clerks Week, and expressed gratitude for the hard work and dedication of our Town Clerks and the vital services they provide to our community.

**Response letter from US Department of Education**

Mayor McNinch shared a letter from the United States Department of Education in response to the Mayor's letter of interest in Education Innovation and Research Grant Application for Caroline County Public Schools. All applications will be reviewed and awards will be made no later than September 30, 2017.

**Ordinances and Resolutions**

**Resolution #841 His Hope Haven Shelter – ESG Grant Application FY17**

A Resolution of the Town of Denton approving the application and receipt of financing for an Emergency Solutions Grant (ESG) FY2017 for His Hope Haven for \$145,000, to be funded by the Department of Housing and Community Development of the State of Maryland.

Councilman Porter made a motion to adopt Resolution #841, seconded by Councilman Branson, passing unanimously.

**Resolution #842 – Lien Against Real Property**

A Resolution of the Town of Denton assessing the cost to remove and store personal property declared to be rubbish, as a lien against real property known as 700 Gay Street, Denton, Maryland and directing the Clerk/Treasurer to advise the Caroline County Finance/Tax Office of the Lien, which is to be collected in the same manner as property tax due to the Town.

Councilman Porter made a motion to adopt Resolution #842, seconded by Councilman Branson.

In discussion: Mr. Chris Drummond, Town Attorney, provided an overview.

With no further discussion, Mayor McNinch called for a vote on the motion to adopt Resolution #842.

The motion passed unanimously.

Mr. Drummond provided an update on Town's Board of Appeals hearing and the ongoing litigation on this property

**Ordinance #684 – Site Specific Approval Standards**

*An Ordinance adding a new section, Chapter 128, Section 196, entitled, "Site Specific Approval Standards."*

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

*In discussion, Mr. Mulrine and Mr. Thomas Batchelor of the Planning & Codes Department, provided an overview and shared the Planning Commission had reviewed and approved for recommendation.*

*With no further discussion, Mayor McNinch called for a vote on the motion to adopt Ordinance #684.*

*The motion passed unanimously.*

**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 adopt Ordinance #685, seconded by Councilman Branson.*

*In discussion, Mr. Batchelor provided an overview of the Ordinance.*

*With no further discussion, Mayor McNinch called for a vote on the motion to adopt Ordinance #685.*

*The motion passed unanimously.*

**Ordinance #686 – Environmental Standards**

*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 Lister made a motion to adopt Ordinance #686, seconded by Councilman Branson.*

*In discussion, Mr. Batchelor and Mr. Drummond provided an overview of the Ordinance.*

*With no further discussion, Mayor McNinch called for a vote on the motion to adopt Ordinance #686.*

*The motion passed unanimously.*

**Ordinance #687 – FY2018 General Fund Budget and Appropriations**

*Action taken earlier on this item.*

**Reports of Officers, Board, and Committees**

*None*

**Unfinished Business**

**Agenda #1 – FY2018 General Fund and Highway Fund Budget**

*Action taken earlier on this item.*

**Agenda #2 – Wharf's of Choptank Visitor & Heritage Center Budget**

*Mr. Mulrine provided the FY2018 proposed budget for the operation of the new Wharf's of Choptank Visitor & Heritage Center located in Crouse Park. And asked for consideration to hold all funding normally contributed to the CEDC for Economic Development and Tourism for Fiscal Year 2018, beginning July 1, 2017 to allocate the funds for the Town to use to operate and cover anticipated expenses of the visitor center, at least for one year.*

*Councilman Lister made a motion to accept the Visitor Center Budget, seconded by Councilman Branson.*

*Discussion was held pertaining to the budget line items, staff confirmed that the expenses will not exceed allocated funds available.*

*Mr. Mulrine shared that the Town will be looking to hire a part-time person to run the visitor center, for at least one year. As possibly next year, the CEDC Tourism Center can relocate to the Center and maybe work out an arrangement for operating the Center.*

*Mayor McNinch called for a vote on the motion to adopt the budget.*

*The motion passed unanimously.*

*Councilman Porter made a motion to hold all the funding, as recommended for FY2018, seconded by Councilman Branson, passing unanimously.*

*Councilman Porter raised a question as to whether the Town wants to continue to participate in the Boat Ramp Fee Program and asked to receive an update from Caroline County Recreation and Parks.*

### **New Business**

#### **Agenda #1 – Savannah Overlook Abatement of FY13 Taxes on Open Space Property**

*Mr. Mulrine and Mr. Drummond provided a history on the Garland & Hobbs LLC Open Space Lands and held discussion with the Council, seeking consideration for a Real Estate Tax Abatement of the FY13 Town Taxes on Open Space Property, and for consideration to pay the State's portion of the FY13 Taxes. Staff has been successful in working with the State and County to resolve the other taxes that were due. This is the final step necessary to resolve and assist in getting ownership of the Common Area successfully turned over to the HOA.*

*Councilman Branson made a motion to abate the Town's FY2013 Real Estate Taxes as requested, seconded by Councilman Porter. Motion was amended to include paying for the State's portion and recordation fees.*

*The amended motion passed unanimously.*

#### **Agenda #2 – Bulk Trash Collection Bids**

*Mr. Mulrine shared that two bids have been received for trash collection and dumpster service at Riverview Gardens, Edenton Elderly, Riverwood's, Mallard Landing, and the WWTP. Charlie's Waste Services bid \$1,620.00 and Republic Services bid \$1,324.98. The contract will take effect July 1, 2017*

*Councilman Branson made a motion to award the bid to Republic Services, seconded by Councilman Lister, passing unanimously.*

*Additional discussion was held about the Town considering recycling when the residential contract goes out to bid.*

#### **Agenda #3 - Sharp Rd. Park Bids**

*Mr. Mulrine shared that three bids have been received for layout, seeding, and grading the field at Sharp Rd. Park. Gateway Construction bid \$119,000 plus \$5,000 for silt fence, Rick Breeding bid \$92,986 plus \$6,658 for silt fence, and Duvall Brothers bid \$26,555 plus \$3.00 per foot for silt fencing.*

*Councilman Branson made a motion to award the bid to Duvall Brothers, seconded by Councilman Porter, passing unanimously.*

*Mr. Mulrine suggested, that since the bid came in under budget, to use the surplus to go ahead and pay for the sprinkler hookup now; which the Council supported.*

#### **Agenda #4 - Town Administrator Contract Renewal**

Councilman Lister made a motion to accept the new contract for the Town Administrator, seconded by Councilman Branson, passing unanimously.

**Agenda #5 – Police Dept. Emergency HVAC Replacement**

Mr. Mulrine requested ratification on an emergency expenditure incurred to replace the HVAC system at the Police Dept. Cost \$29,797.73 to be paid for from capital funding and personnel.

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

**Agenda #6 - WWTP USDA-GMB Engineering Agreement**

Mr. Mulrine submitted a request the Council seeking approval on an Engineering Agreement between the Town and GMB for \$344,776.46, for the design and construction services for the WWTP Ultra Violet Upgrade and Cell Liner Replacement. USDA has provided written approval accepting the GMB Engineering Agreement.

Councilman Lister made a motion to accept the agreement, seconded by Councilman Branson, passing unanimously.

**Miscellaneous**

Councilman Porter announced that on May 8<sup>th</sup> -DVFD will be hosting the Heroin Awareness "Chasing the Dragon" Event; on May 9<sup>th</sup> – will be the Police Candle Light Vigil at Calvary Baptist Church; May 11<sup>th</sup> – Annual Police Unity Tour.

Mayor McNinch shared May 11<sup>th</sup> – Habitat for Humanity will hold their annual Women Build Event.

Mayor McNinch attended the National Day of Prayer earlier on this date, and said that it was well attended.

Mayor McNinch attended the Board of Education Awards on May 3<sup>rd</sup>, and indicated that a lot of great kids are being recognized within the County. She also announced that 14 kids from the Caroline County FBLA will be representing the School in a competition in California.

Councilman Branson recently attended the ESAM Mtg. and shared that the MML presented awards and recognized the local Senators and Delegates for their efforts.

The Mayor asked if there were any comments from the Public.

Mr. Bill Jesmer, of 700 Gay St. and part owner of 12 N. Seventh St., stated that he has equity interest in 700 Gay St. He approached the Council about Chapter 45 of the Town Code – Development Rights and Responsibilities, would like to see if this chapter can be applied to 700 Gay St., even though this parcel is already developed.

Mayor McNinch asked Mr. Jesmer to submit a letter with his request, so the Council can research the Code.

Mr. Jesmer requested to meet with the Council, without attorney involved, to discuss.

Councilman Lister asked Mr. Jesmer to submit a letter of request, so this item can be placed on the agenda, need time to research.

Mr. Jesmer continued stating that he is seeking a permit to finish the house.

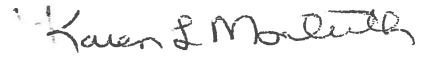
Mayor McNinch asked Mr. Jesmer again, to put his request in the context of a letter and the Town will review.

Mr. Jesmer then commented on Resolution #842, stating that "by no means does he want the Town to be out any money for storing his personal items, so he strongly suggested the Town to give him back his belongings."

*Mayor McNinch thanked Mr. Jesmer for his comments and asked if anyone had anything else.*

*With no further discussion, Mayor McNinch adjourned the meeting at 8:32 PM.*

*Respectfully submitted,*

A handwritten signature in black ink that reads "Karen L. Monteith". The signature is written in a cursive style with a small star-like mark at the beginning.

*Karen L. Monteith,  
Clerk - Treasurer*

