

May 3, 2018

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.

Councilman Branson made a motion to approve the minutes of the April 3, 2018 Working Session, April 5, 2018 Regular Meeting, April 16, 2018 Working Session, and the April 23, 2018 Working Session as presented; seconded by Councilwoman Wilson. The motion passed with 4 voting in favor. Councilman Johnson abstained from voting on the minutes due to be him having been absent for some of the meetings.

Public Hearing

Ordinance #690 – Table of Density & Dimensional Regulations Amendment

Mayor McNinch opened a Public Hearing at 7:02 PM to receive public comments on Ordinance #690 - An Ordinance of the Town of Denton amending Chapter 128 Zoning, Appendix VIII Table of Density and Dimensional Regulations, of the Code of the Town of Denton for the purpose of increasing the maximum height of multifamily housing in the Mixed Residential (MR) and Mixed Industrial (MI) Zoning Districts to 40 feet and 3 stories.

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:

Mr. Patrick Thomas, of the MacLeod Law Group and representative for Mr. Billy Seay spoke in support of the Ordinance and asked the Council to consider approving the Ordinance as proposed.

With no further comments, Mayor McNinch closed this public hearing at 7:05 PM.

Constant Yield Tax Rate

Mayor McNinch read the contents of the Constant Yield Tax Rate Public Hearing Notice. The current tax rate for Fiscal Year 2017-2018 is \$.75 per \$100 of assessed value. The State Certification shows the Constant Yield Tax Rate should be \$.7435 to maintain the same revenues for the upcoming Fiscal Year 2018-2019. The Council is proposing to set the FY19 tax rate at \$.77 per \$100 of assessed value.

Mayor McNinch opened a Public Hearing at 7:07 PM to receive public comments on the Fiscal Year 2019 Constant Yield Tax Rate.

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:

Councilman Branson spoke in support of the proposed tax rate increase, sharing that a new pay schedule is being implemented for all employees; the new pay schedule will be better and will be beneficial to the Police Department and help to attract qualified applicants to fill the empty positions.

Councilman Lister spoke in support of the tax increase for many of the same reasons Councilman Branson mentioned. Explaining that in prior years the Council has

tried to maintain the tax rates for the citizens, and cut the budget to maintain those rates, however, the values of properties have dropped. The values dropping has benefited the residents, but it has cost the Town revenues, which has created an undue burden on the Town in general, having held open multiple employee positions all to stay underneath the budget. Councilman Lister stated the Council has taken the opportunity this year to make the budget as lean as possible and to make an investment into the Town's future. Making an investment through Public Works, Police and through their support of the local fire department to make the community a safer, more economic and a more beneficial place to live, which all requires raising taxes by the smallest amount possible to maintain the services and provide for a better future.

Councilman Johnson clarified that the salary increase does not include the Town Council. And that it is important to provide the needs for the employees and support the volunteer fire department.

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

Mayor McNinch asked if the Council was ready to set the tax rates for Fiscal Year 2019.

Councilman Branson made a motion to set the tax rate at \$.77 per \$100 of assessed value, seconded by Councilman Lister, passing unanimously.

With no further comments or action, Mayor McNinch closed the Public Hearing at 7:15PM.

Ordinance #691 – Fiscal Year 2019 General Fund Budget

Mayor McNinch opened a Public Hearing at 7:15 PM to receive public comments on Ordinance #691 - 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, 2018 through JUNE 30, 2019.

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 7:15 PM.

Resolution #851 – CDBG Grant Application – Southern States Property

Mayor McNinch opened a Public Hearing at 7:16 PM to receive public comments on Resolution # 851 - A Resolution of the Town of Denton approving the application and receipt of financing for a Maryland Community Development Block Grant, to be funded by the Department of Housing and Community Development of the State of Maryland. If awarded, the funding will be used to purchase the property known as the Southern States property.

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:

Councilman Lister spoke in support for applying for the grant funding to get this blighted property for the safety of the community.

Councilman Johnson stated that this grant will not be a burden for the Town, and that, if awarded, the Town would be required to maintain ownership of the property for five-years. After five-years the Town can sell the property without being obligated to pay

any of the grant funds back. Councilman Johnson spoke in supports of applying for the grant to take care of the blight.

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

With no further comments, Mayor McNinch closed this public hearing at 7:18

PM.

Petitions, Remonstrance's, and Communication

Proclamation – Municipal Clerks Week

Mayor McNinch read a Proclamation and presented it to Karen Monteith, Clerk-Treasurer, recognizing May 6-12, 2018 as National Municipal Clerks Week. The Mayor and Council expressed their gratitude for the hard work and dedication of our Town Clerks and the vital services they provide to our community.

New Business #7 – Denton Volunteer Fire Dept.

Mayor McNinch adjusted the agenda and moved this item up so that Mr. Berneski could attend another meeting.

Mr. Todd Berneski, President of the Denton Volunteer Fire Dept, provided an update on the Fire Dept.'s budget, operating status, ongoing initiatives, and the mandated equipment replacements that are coming due.

Mr. Berneski asked for approval to draw on the accumulated CIP Funds allocated for the Fire Dept.

Councilman Lister made a motion to authorize the CIP transfer of \$13,500 to the Denton Volunteer Fire Dept. The motion was seconded by Councilman Johnson, passing unanimously.

Ordinances and Resolutions

Resolution #850 - DHCD Grant Application – Southern State Demolition

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. If awarded, these funds would be used to demolish the blighted buildings on the Southern States property. This funding is dependent on the CDBG Grant approval to purchase the property. Councilman Branson made a motion to adopt Resolution #851, seconded by Councilman Lister.

In discussion, Councilman Johnson, and Branson both shard their support for seeking grant funding to get rid of the hazard on the property.

Mr. Mulrine, Town Administrator, talked about the conditions of the building.

With no further discussion, Mayor McNinch called for a vote on the motion to adopt Resolution #850.

The motion passed unanimously.

Resolution #851 - CDBG Grant Application – Southern States Property

Purchase

A Resolution of the Town of Denton approving the application and receipt of financing for a Maryland Community Development Block Grant, to be funded by the Department of Housing and Community Development of the State of Maryland. Grant funds requested, if awarded, will be used to purchase the Southern States property in Denton.

Councilman Branson made a motion to adopt Resolution #851, seconded by Councilman Johnson, passing unanimously.

Ordinance #690 – Table of Density and Dimensional Regulations Amendment

An Ordinance of the Town of Denton amending Chapter 128 Zoning, Appendix VIII Table of Density and Dimensional Regulations, of the Code of the Town of Denton for the purpose of increasing the maximum height of multifamily housing in the Mixed Residential (MR) and Mixed Industrial (MI) Zoning Districts to 40 feet and 3 stories. The Denton Planning Commission forwarded a positive recommendation to the Town Council on 4/24/18 amending the proposed ordinance to eliminate the multifamily, 20 acres or more category in the MR District and changing the height to 40 feet and 3 stories to all multifamily in the MR District and MI District.

Councilman Branson made a motion to adopt Ordinance #690, seconded by Councilman Johnson.

Mr. Chris Drummond, Town Attorney, suggested Councilman Branson amend his motion to include the changes recommended by the Planning Commission.

Councilman Branson amended his motion to adopt Ordinance #690 to include amendments made by the Planning Commission. The motion as amended, was seconded by Councilman Johnson.

Discussion was held on the zoning and potential affect for future development projects.

With no further discussion, Mayor McNinch asked for a vote on the motion to adopt Ordinance #690 as amended.

The motion passed unanimously.

Ordinance #691 – FY2019 General Fund Appropriations

Action on this Ordinance was deferred to be handled with the General Fund Budget item.

Reports of Officers, Boards, and Committees

Councilman Lister gave a report on the recent Utility Commission Meeting. Sharing that the Commission reviewed the new water and sewer rate study, infrastructure needs and will be making a recommendation to the Council to change the rates.

The Utility Commission will be looking at the Broadband opportunities and discussing the State's approval for the utility gas line and any affect on the Town at a future meeting.

Councilwoman Wilson sits on the Caroline County Board of Education Excellence and Equity and Education Committee. She shared this year they have been looking at the disproportionality amongst equity and the strategic plans, and the curriculum in the school. They will be holding an open meeting on June 13 at the Culinary School.

Councilman Johnson announced that on May 7th the Law Enforcement Officers Memorial will be held at the Calvary Baptist Church at 6PM.

Councilman Johnson and Mayor McNinch attended the National Day of Prayer that was held earlier today and there was a great turn out.

Mayor McNinch shared that the Eastern Shore Association of Municipalities recently held their meeting at the Market St. Public House and was well attended. The Mayor was elected as the MML District Vice President for this region and she will be serving again as the Secretary for ESAM.

Councilwoman Wilson was recently awarded Queen Anne's County NAACP – African Americans and Mental Health Award.

Councilwoman Wilson recently attended the 100 African Men of Distinction Ceremony.

Mayor McNinch attended the Denton Police Dept.'s Citizen Police Academy on Wednesday evening. Lt. George Bacorn, of the Denton Police Dept., shared an overview of the Academy that is being held over 4 weeks from 6-8PM at the Visitor Center.

Councilman Johnson and Sgt. Hall will be attending Denton Elementary School's Career Day tomorrow.

Mayor McNinch will be hosting the Webelo Scout Troup at the Town Hall soon.

Unfinished Business

Agenda #1- FY2019 General Fund & Highway Fund Budget & Appropriations

Ordinance

The FY2019 General Fund Budget and FY19 Highway Fund Budget were presented to the Town Council for continued discussion and consideration of adoption.

Councilman Branson made a motion to adopt the General Fund Budget, seconded by Councilman Lister.

Discussion was held: Council Johnson explained the budget was originally presented at \$4,016,025, mentioned changes that have been made to bring the budget to the current total of \$3,771,933.

Councilman Lister provided some additional details on the cuts that were made; sharing that budget does increase the Police Dept to a force of 14 Officers.

Mayor McNinch stated that the budget has been cut every year since she has been on board and expressed this year the Council has reviewed the budget carefully to make responsible decision for the better of the Town.

Councilman Johnson added that there is an increase in the cost for trash collections, which in Denton is included in the taxes and not billed separately.

Discussion was held on the Police Departments efforts to hire and maintain officers.

With no further discussion, Mayor McNinch asked for a vote on the motion to adopt the FY19 General Fund Budget.

The motion to adopt the budget passed unanimously.

Ordinance #691 – FY2019 General Fund Appropriations Ordinance

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, 2018 through JUNE 30, 2019.

Councilman Branson made a motion to adopt Ordinance #691, seconded by Councilman Lister.

In discussion: Mr. Mulrine asked the Council to consider language to limit the salary increases dependent on employees receiving a satisfactory Performance Evaluation.

Councilman Branson amended his motion, seconded by Councilman Lister.

The motion was amended and passed unanimously.

New Business

Agenda #1 – 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 2018 annual ballot was provided to the Council to appoint a representative, to cast a vote for the Town of Denton.

Councilman Lister stepped out of the room for a minute.

Councilman Johnson made a motion to appoint himself to cast Denton's vote, seconded by Councilman Branson, the motion passed unanimously.

Agenda #2 – Personnel Sick Leave Policy Amendment

Councilman Lister returned.

The Council and Staff held discussion on amendments to the Town's Personnel Manual to comply with the State's recently adopted Safe and Sick Leave Act. Staff will draft the personnel amendment for consideration at the June meeting.

Councilman Branson stepped out of the room for a minute.

Agenda #3 - Public Works Paving Project

Public Works presented bids received for resurfacing 3rd St. from Franklin to Fountain; 3rd St. from Fountain to Carter; and Randolph from 3rd St. to 4th St., project to be completed by June 30. One bid was received from David A. Bramble, Inc. for \$88,820. A second bid was received from Rick Breeding Excavation for \$85,541.53.

Councilman Branson returned.

Mr. Mulrine shared that last year Bramble's was able to do get more road surface done for the approved contract price than was in the original scoped and has confirmed they will be able to complete the project by June 30.

Councilman Johnson made a motion to accept the bid from David A. Bramble, seconded by Councilman Branson, the motion passed unanimously.

Mayor McNinch provided an update that the State approved to start reinstating the Highway User Revenues to the Municipalities, which will aid the Town in being able to move forward with some much need road repairs.

Agenda #4 - Public Works Vehicle Purchase

The Town Administrator is seeking approval to purchase a 2018 Dodge Durango, which will allow the 2017 pickup truck to be transferred to the Public Works Facilities Crew. The cost of the Durango with all the lights and other options is \$28,627. The FY 18 Budget currently includes purchasing a Utility Truck for the Utilities Crew using Highway, Water, and Sewer Funds – total budgeted \$36,000.

Councilwoman Wilson made a motion to approve the purchase, seconded by Councilman Branson.

In discussion – Councilman Johnson inquired if this was through the State Contract. Mr. Mulrine shared that the vehicle is less than the Explorer, which was another option.

With no further discussion, Mayor McNinch called for a vote on the motion to approve the purchase of a 2018 Dodge Durango.

The motion passed unanimously.

Agenda #5 - CIP Fund Request – Lighting 4th Street Tennis Court

Mr. Mulrine requested approval to spend \$3,331 from the CIP Parks Fund to purchase the lights to finish the upgrades at the 4th Street Tennis Court.

Mayor McNinch inquired about the delays in having the courts opened for use. Mr. Mulrine shared that the Police Dept and Public Works are working on scheduling.

Mr. Mulrine shared that the tennis court resurfacing will be done soon.

Councilman Johnson made a motion to approve the use of CIP Fund to purchase the lights, seconded by Councilman Lister. The motion passed unanimously.

Agenda #6 - Solid Waste and Recycle Bids

The contract for the household trash collection expires on June 30, 2018. Public Works received bids and provided a summary for household trash collection and recycling beginning July 1, 2018. Staff asked each Bidder to provide proposals for 3 different scenarios. One to continue providing general household collection services, like is being done now. Another to provide the same service and to include trash containers, so everyone in Town has the proper sized cans. And the third scenario was to provide the containers and add a recycling service.

Mr. Mulrine, and Mr. Phil Clark, Supervisor of Public Works, both recommended going with Eastern Shore Environmental and to continue providing the current level of service. The cost to provide containers and or to consider implementing a recycling program was outside of the budget constraints. Mr. Mulrine stated that maybe the Town can consider changing to provide containers later in the year, if funding becomes available.

Discussion was held about the bids and contractor qualifications. Mr. Drummond asked for Staff to reach out to Eastern Shore Environmental to obtain a copy of their Articles of Organization, and confirm proof of insurance, and ownership of equipment.

Action on this item was tabled - deferred until next month.

Miscellaneous

Mr. Ray Jenkins, Executive Director of the Tuckahoe Habitat for Humanity, thanked Councilwoman Wilson for participating in the dedication of their 17th home and the ground breaking for the 20th home.

Tuckahoe Habitat for Humanity will be sponsoring their National Woman's Build on May 5th in Centreville and on May 12 in Denton on the corner of 5th & High, from 9-3.

May 11th – Police Unity Tour, will be cycling through Town.

May 11th – Car Show

May 12th – Downtown Denton Main Street – Spring Thing

Mr. Mulrine announced that notice has been received from the Maryland State Highway Administration giving approval for the “Road to Nowhere” request – staff will prepare the application to submit to the State.

Mr. Drummond announced the Memorandum of Understanding for the Fiber Optic and Conduit Use Agreement has been signed by the Caroline County Commissioners. The agreement is now ready for the Mayor to sign.

With no further discussion, Mayor McNinch adjourned the meeting at 8:40 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*