

April 2, 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, with the exception of Councilman Branson who was out of town.

Councilman Clendaniel made a motion to approve the minutes of the February 26, 2015 working session and the March 12, 2015 regular meeting as presented. The motion was seconded by Councilwoman Lightner, passing unanimously.

Public Hearing

Ordinance #667 – Zoning Amendment Family Child Care or Adult Care

Centers

Mayor McNinch opened a public hearing at 7:02 PM to receive public comments on Ordinance #667 - An Ordinance of the Town of Denton to amend the Official Use Table of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to family child care and child or adult care centers.

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 #668 – Conveying 522 Gay St. to Caroline Co. Habitat for Humanity

Mayor McNinch opened a public hearing at 7:03 PM to receive public comments on Ordinance #668 – An Ordinance of the Town of Denton authorizing the conveying of 522 Gay Street to Caroline Co. Habitat for Humanity.

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.

Petitions, Remonstrance's and Communication

Proclamation – Zach Jones – Eagle Scout presentation

Mayor McNinch read a Proclamation congratulating Zach Jones in recognition of earning the Eagle Scout Award, after having recently completed a handicap ramp project at the Church of the Brethren. The Proclamation will be presented in May.

Proclamation – Walter Palmer III

Mayor McNinch read a Proclamation recognizing Mr. Walter B. Palmer, III for his dedication and leadership to the Scouts Program in Denton. Having been a Scout since 1965, earning the Eagle Scout Award in 1972, then serving as Assistant Scoutmaster from 1979 to 1980, and as Scoutmaster from 1980 to 1987 and from 1990 to the present, Mr. Palmer has had 44 Eagle Scouts pass through under him. The Proclamation will be presented to Mr. Palmer in May.

Communication – Embassy Letter

The Council reviewed a letter received from the Embassy of the People's Republic of Bangladesh pertaining to street names. This item was informational only, no action was taken.

Other Letters

Councilman Porter shared a thank you note received from Mrs. Joyce B. Andrews and Family for flowers sent in memory of former Sheriff Andrews.

Mayor McNinch mentioned that the Council recently received a letter of concern from a resident and that the Town is working with that resident to address the concerns.

Ordinances and Resolutions

Ordinance #667 - Zoning Amendment Family Child Care or Adult Care

Centers

An Ordinance of the Town of Denton to amend the Official Use Table of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to family child care and child or adult care centers.

Mr. Don Mulrine, Town Administrator, provided an overview of the original Ordinance that was previously provided to the Council with the agenda packet and shared the Planning Commission's recommended changes.

Mr. Dean Danielson, Planning Commission Board Member, was present and able to provide additional details regarding the Planning Commission's recommendations.

Mr. Drummond gave a synopsis of the roll of the State Board of Child Care Administration in licensing care centers; their concerns are for the safety of the children and the square foot space available for the children. Also provided was guidance on the Planning Commission and the Board of Appeal's requirements and limitations.

Councilman Porter made a motion to adopt the original Ordinance #667 as presented in the packets, which does not require special exceptions as recommended by the Planning Commission. The motion was seconded by Councilwoman Lightner and passed unanimously.

Ordinance #668 - Conveying 522 Gay St. to Caroline Co. Habitat for Humanity

An Ordinance of the Town of Denton authorizing the Town to convey 522 Gay Street to Caroline County Habitat for Humanity, Inc.

Councilwoman Lightner made a motion to adopt Ordinance #668, seconded by Councilman Clendaniel, passing unanimously.

Mayor McNinch commended Mr. William Clemens, Director of Habitat for Humanity, for the wonderful event held last weekend and for all the good they have done in the community.

Councilwoman Lightner mentioned how great the Smiles by Holsinger and Higgins event is and expressed that it is the result of a wonderful partnership.

Mr. Clemens shared that the event raised \$68,000.

Ordinance #669 – Zoning Amendment for Medical Clinics

An Ordinance of the Town of Denton to amend the Official Use Table of the Denton Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to hospitals, clinics, and other medical treatment facilities.

Councilwoman Lightner made a motion to introduce Ordinance #669, seconded by Councilman Porter.

In discussion: Mr. Mulrine provided an overview of the amendments.

With no further discussion, Mayor McNinch called for a vote on the motion on the

floor to introduce Ordinance #669.

The passed unanimously.

Ordinance #670 – FY2016 General Fund Appropriations

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, 2015 through June 30, 2016.

Councilman Porter made a motion to introduce Ordinance #670, seconded by Councilwoman Lightner.

In discussion: Mr. Mulrine provided an overview of the proposed budget, indicating that it currently reflects a \$128,000 deficit. Mr. Mulrine announced that the Town was notified by MML that the State has approved to increase the Highway User Revenues to Municipalities. Denton anticipates receiving an additional \$72K. These funds can be used to reduce the amount of real estate tax revenues proposed to be transferred from the General Fund to balance the Highway Fund, and will help to balance the General Fund.

The budget working session is scheduled for Monday, April 13, 2015 at 1:00 P.M.

With no further discussion, Mayor McNinch called for a vote on the motion on the floor to introduce Ordinance #670.

The motion passed unanimously.

Reports of Officers, Board and Committees

Mr. Mulrine shared that Choptank Community Health Systems has expressed gratitude to the Denton Public Works Dept. for coming to their rescue and assisting with resolving a major sewer issue they recently experienced.

Unfinished Business

Agenda #1- Non-Binding Impasse – Denton Police Department

(The Council just received a copy of the Attorney's letter in reference to the Proposed Police Officers Labor Code along with a written summary of updates from Officer Franklin)

Officer Dan Franklin, representing the Officers of the Denton Police Dept. gave an overview and provided updates on the Non-Binding Impasse (Collective Bargaining) Agreement that was previously presented to the Council. Officer Franklin highlighted the reasons behind the agreement; explained the summary provided, benefits, retirement, Garcia – overtime computations. He stated that it will not cost the Town anything to implement the agreement but that it will serve as an attraction for all officers, and new recruits.

Officer Franklin shared concerns over the Town's State Retirement Program and expressed that the officers would like to participate in the State LEOPS (Law Enforcement Officers Pension System). Officer Franklin has explored the initial steps involved to participate in LEOPS and mentioned that it will cost the Town approximately \$10,000 to have an actuarial study done to determine the cost to enroll and change retirement systems. Rather than have each municipality pay a large sum to explore, Officer Franklin asked the Council to consider having a joint study done and share the cost with other municipalities that are interested. By combining and partnering with Federalsburg, Ridgely and Greensboro the study is estimated to cost a total of \$7,975 and the Towns could split the cost. The cost to Denton would be about \$2,000 to \$2,500

instead of \$10,000. Federalsburg is the only Town completely committed to doing the study, Greensboro and Ridgely are seeking approval as well.

Discussion was held to see if the funding is available. The Mayor suggested giving staff direction to see if the funds are available and if we have a commitment from the other towns to request the study at the reduced rate.

Councilman Porter commented a statement made earlier about cost and clarified that there will be a cost to the Town for legal to review, implement and administer the agreement.

Councilwoman Lighter made a motion to ask staff to find approximately \$2,500 to contribute to the 4-town agreement that will be drafted, to fund the actuarial study for LEOPS specifically, and asked Chief to explore if he has the funding available.

When asked for a second, Councilman Porter questioned if the motion was clear enough.

Councilwoman Lightner amended her motion. She moved that we, the Town Staff, work within the existing money budget available in conjunction with the Chief to find approximately \$2,500 and at the same time we continue to get the commitment of Federalsburg, Ridgely, and Greensboro to go along with the Town, in a written agreement, to do this feasibility study.

Councilman Clendaniel clarified that as long as it was clear that this required the commitment from the other Towns, and that they will share in the cost, he seconded the motion.

The motion as amended Councilwoman Lightner and seconded by Councilman Clendaniel passed unanimously.

Mayor McNinch stated that in light of having just received the letter of response from the Town Attorney and the written summary from Officer Franklin that the Council will review and continue to look into the collective bargaining agreement.

Councilwoman Lighter suggested that ideally it would be good if Officer Franklin could ask the Town of Federalsburg to write the agreement for all of the Towns to sign.

Officer Franklin said that he would work on that.

Mayor McNinch thanked all of the officers for coming.

Agenda #2 – Tax Differential

Mayor McNinch provided an update on the Association of Municipalities meeting discussion on the Tax Differential, and relayed that the small towns are not interested in participating.

Mayor McNinch suggested requesting the County provide their information on duplicated services as was requested from the Towns.

Mr. Drummond will prepare a letter to discuss with the County Attorney in regards to the Town's request.

With Commissioner Dan Franklin still in attendance, the Council moved to Unfinished Business #5.

Agenda #5 - Hotel Tax

Mayor McNinch asked Commissioner Franklin if he had any updates on the Town's request to negotiate the Hotel Taxes.

Commissioner Franklin stated that the County Commissioners discussed the Hotel Tax Agreement about three weeks ago and they want to keep the same terms. He indicated that County Staff will follow up.

Mr. Drummond confirmed that no correspondences has been received.

Mayor McNinch shared what the hotel tax is and how the taxes could be of great value to the downtown and that the Council would like to see more of these funds being used here in town.

Commissioner Franklin will reach out to his staff.

Agenda #3 - Council Health Care Benefit

The Council reviewed the Attorney response in reference to how to handle amendments for Council Health Care Benefits.

Mr. Drummond provided a brief summary and discussed options.

Mayor McNinch supported deferring any action on this item until May when Councilman Branson could be present.

Councilman Clendaniel mentioned that he would not be in attendance for the May meeting.

Staff was directed to place this item on the June agenda.

Agenda #4 - FY2016 General Fund Budget

The FY2016 General Fund Budget was presented and discussed earlier under the Appropriations Ordinance.

Councilwoman Lightner made a motion to introduce the FY2016 General Fund Budget, seconded by Councilman Porter, passing unanimously.

Mr. Drummond mentioned that the hotel tax with the County needs to be resolved sooner than later for budgeted purposes and that without an agreement the County should be giving all hotel taxes to the Town. He recommended that any changes should begin at the beginning of the fiscal year.

The Council acknowledged the need to review and update the MOU.

Councilwoman Lightner gave specific instructions to the Town Attorney on what to include in a letter to the County outlining the Town's intent on handling the Hotel Tax in the future.

Mayor McNinch accepted Councilwoman Lightner's direction for the Town Attorney to issue a letter to the County pertaining to the Hotel Tax as a motion, and asked for a second. The motion was seconded by Councilman Porter, passing unanimously.

New Business

Agenda #1 - Middle Department Inspection Agreement

The Middle Department Inspection Agency agreement was provided to be renewed to continue inspection services for the Town of Denton.

Councilwoman Lightner made a motion to approve the MDIA agreement, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 - Sharp Road Park Tree Planting RFP

In an effort to create a buffer along Sharp Road between the street and Sharp Road Park, Mr. Mulrine would like to advertise the attached (RFP) request for proposal to plant trees along the roadway. The grant funding for this project is through the Caroline County Department of Planning and Codes.

Mr. Mulrine provided a summary of the project.

Councilman Clendaniel made a motion to approve moving forward with seeking bids for this project, seconded by Councilwoman Lightner, passing unanimously.

Agenda #3 -Deforesting Town Property

Mr. Mulrine asked the Council for approval to have a logger come in and deforest parts of the Waste Water Treatment Plant and the Industrial Park properties. He stated that the Town can harvest the mature trees and make some money. Adding that by removing the trees it will provide added security by creating a clear buffer for the WWTP and provide additional funds to the town for the sale of the trees.

Councilwoman Lightner made a motion to approve to let Don make money and improve security, seconded by Councilman Clendaniel, passing unanimously.

Mr. Mulrine stated that he has already had Forest Conservation and Trista North and her folks select the trees.

Mr. Dean Danielson recommended waiting until the fall or winter to have the trees removed when they have less sap in them. By doing so the Town will receive more money for the trees when they weigh less. Speaking from experience, he indicated that removal of the trees in the spring, will result in less revenues for the Town.

Agenda #4 - CDBG Revolving Loan Funds Program

Mr. Mulrine provided a summary of the letter received outlining the State's intent to modify its compliance procedures for revolving business loans. The Town currently utilizes these loans for small businesses to borrow from.

Councilman Clendaniel made a motion to continue with the program, seconded by Councilwoman Lightner, passing unanimously.

Agenda #5 Doherty Line Revision

The Council reviewed a request from Jack and Florence Doherty for a lot line revision for their properties located at 109 Riverton Avenue and 108B Randolph Street. These two properties are separated by an unimproved alley without a deed confirming ownership.

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

The Doherty's expressed their gratitude for Donna Todd's time researching and assisting on this.

Miscellaneous

Upcoming Events

April 18th – Danny's Walk - Make A Wish Event at Martin Sutton Park in Ridgely.
North Caroline High School Musical is coming up

Smiles by Holsinger and Higgins White-A-Thon Event to benefit Caroline County Habitat for Humanity is scheduled for May 6th

May 1st & May 8th - Fairy Garden Event will be held from 6:30 – 9:00, at Joviality to support Denton Child Development Center,

May 11th – 500 Bikers will be riding through Denton and plan on stopping by the Chesapeake Culinary School for refreshments.

The Explore Caroline Magazine is out, Dustin Holt from the Times Record has done a great job putting this together and promoting Denton and Caroline County.

May 2nd – Friday Night Cruise-In Car Show

May 7th & 9th – Caroline County Habitat for Humanity Woman Build Event

May 31st – DVFD will cease EMS Services

Lt. Bacorn updated the Council on the PNC Bank Robbery that occurred earlier on this date.

Councilman Porter updated the Council on the house fire at 514 Market St.

With no further discussion, Mayor McNinch adjourned the meeting at 8:56 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*