

April 7, 2016

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 Branson made a motion to approve the minutes of the March 3, 2016 Regular Meeting as presented, seconded by Councilman Lister, passing unanimously.

Councilman Lister made a motion to approve the minutes of the March 21, 2016 Working Session as presented, seconded by Councilman Clendaniel, passing unanimously.

Public Hearing

Resolution #827 – Amalfitano Annexation

Mayor McNinch opened a public hearing at 7:01 PM to receive public comments on Resolution #827 - A Resolution of the Denton Town Council providing for the annexation into the Town of Denton of a parcel totaling 2.160 acres of land, more or less, comprised of Parcel 130 of Caroline County Tax Map 107, in the Third Election District of Caroline County, Maryland, located on the northerly side of Deep Shore Road adjacent to the existing corporate limits of the Town of Denton and owned by Anthony Louis Amalfitano.

Mayor McNinch asked for comments from the State:

For the record Mayor McNinch acknowledged a letter received from the Maryland Dept. of Planning with regard to the annexation.

Mayor McNinch asked for comments from the County:

For the record Mayor McNinch announced that a letter of “Express Approval” of Zoning Designation for this parcel has been received from the Caroline County Commissioners. The County Commissioners hearing on the zoning change will be held on May 3, 2016.

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

Mayor McNinch asked for comments from the Public:

Mr. Ryan Showalter, Counsel representing Anthony Amalfitano and DMB, LLC, was present along with a representative from Shore Health Systems and Lane Engineering to answer any questions.

With no further comments, Mayor McNinch closed this public hearing at 7:03 PM.

Ordinance #674 – Vacant and Abandoned Properties

Mayor McNinch opened a public hearing at 7:04 PM to receive public comments on Ordinance #674 - An Ordinance amending Chapter 94, Property Maintenance, the Town of Denton Code regarding unsafe, abandoned, and vacant properties and adding a new Chapter 119, entitled “Vacant and Abandoned Properties” of the Denton Town 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:

Mr. Bill Jesmer of 700 Gay St., and Co-Owner of 12 N. 7th St., spoke referencing that the Ordinance was broad; that it does not explain what happens if a property owner does not pay the fees? He also shared concerns with the language pertaining to a property being vacant over 30 days, questioning what if someone is in the hospital or out of Town for more than 30 days. He expressed that it seems unfair for a property owner to run the risk of losing their properties that may not be abandoned.

Mr. Stan Rodi said he was an owner of a rental house in Denton (the address was not stated). He shared comments that this seems like an extension of the Town's robust code enforcement rules. He has seen houses boarded up in Town and understands the Council trying to find a solution. He shared concerns about having fees applied to the first year and being so high; supports if the Council would like to amend the code to disallow boarded windows, etc., anything longer than six months, suggesting to continue using existing code enforcement to be effective.

Mr. Vaughn Estwick, representing Angela Estwick of 722 Gay St., mentioned that he frequently stays here and sometimes travels for an extensive amount of time. He shared concerns with how this may affect this living arrangements, and asked the Council to reconsider to make this easier so that he will not be assessed a fee and risk losing the home.

Mrs. Mary Fowler of 508 Market St., spoke in disagreement with the Ordinance, stating that it is unfair and that all property owners should receive a letter in the mail about this before it is passed.

With no further comments, the Mayor closed this public hearing at 7:14 PM. The Mayor thanked everyone for their comments.

Ordinance #675 – Water Table Amendment

Mayor McNinch opened a public hearing at 7:15 PM to receive public comments on Ordinance #675 - An Ordinance repealing and reenacting the Town of Denton Water Table 1 and Table 2, Multipliers of Single Family Residential Hook-Up Charges for Commercial Users.

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 on behalf of Ordinance #675 and #676, stating these both reflect the Town's efforts to try to reduce impact fees to the community as it related to commercial and residential development. This is an effort to reduce these fees as much as possible to allow everyone to do more with their properties at the cheapest possible rate.

Mayor McNinch asked for comments from the Public:

Mrs. Mary Fowler, of 508 Market St., spoke against raising the water bill.

Mayor McNinch asked to only provide comments that related to this Ordinance.

Mrs. Fowler said that she thought that it was to increase the water bill and by multiple factors.

Councilman Lister clarified that this is reduction of the multiplier used for new installations and has nothing to do with the usage fees.

With there being no further comments, Mayor McNinch closed this public hearing at 7:16 PM.

Ordinance #676 – Sewer Table Amendment

Mayor McNinch opened a public hearing at 7:17 PM to receive public comments on Ordinance #676 - An Ordinance repealing and reenacting the Town of Denton Sewer Table 1 and Table 2, Multipliers of Single Family Residential Hook-Up Charges for Commercial Users.

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 took a moment to reinforce his comments mentioned with Ordinance #675, that this is the sewer half of the presentation of the continued efforts to try to reduce the fees for new residential and commercial development.

Mayor McNinch asked for comments from the Public:

Mrs. Mary Fowler of 522 Market St. questioned if this Ordinance is to reduce fees; she thought the intent was to raise fees.

Councilman Lister clarified that these Ordinances bring the Town multiplier in-line with the State's recommendation, which will reduce the water and sewer fees that apply to new construction.

Mayor McNinch and Councilman Porter added that this applies to Commercial and will not affect water and sewer usage or the bills.

With no further comments, Mayor McNinch closed this public hearing at 7:19 PM.

Ordinance #677 – Zoning Definition Amendment

Mayor McNinch opened a public hearing at 7:20 PM to receive public comments on Ordinance #677 - An Ordinance of the Denton Town Code amending the provisions contained in Chapter 128, Article II, related to definitions and word usage.

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. Jesmer, of 700 Gay St., raised a question as to what the prior definition was.

Mayor McNinch expressed that this was a time for public comment, not to answer questions and that he could ask his question when that agenda item is brought up for consideration.

With no further comments, Mayor McNinch closed this public hearing at 7:21 PM.

Petitions, Remonstrance's and Communication

Proclamation – Black Anchor Tattoo

Mayor McNinch invited Mr. Mike Stevens and Mr. Ken Motter, Owners of Black Anchor Tattoo, to join her up front as she read and presented them with a Proclamation, extending the Council's congratulations in recognition of Black Anchor Tattoo celebrating 10 years in business in downtown Denton. The Mayor recognized and thanked them for their continued activity in the community in hosting a number of events, including their annual March of Dimes Tattooing to Save Babies.

Proclamation – 40th Anniversary – Bullock's Ice Cream, Deli, & Grill

Mayor McNinch read a proclamation to recognize and extend the Council's congratulations to Bullock's Ice Cream, Deli, & Grill on celebrating 40 years of business

in Denton. The Mayor expressed how grateful the Town is to have them in our community and encouraged everyone to continue to support this wonderful family run establishment.

Proclamation – Municipal Clerks Week

Mayor McNinch read a Proclamation to recognize May 1-7, 2016 as National Municipal Clerks Week. The Mayor and Council extended their appreciation for the hard work and dedication of the Town Clerks and the vital services they provide to our community.

Communication – Letter from Mrs. Fowler

Mrs. Mary Fowler came before the Council to address some questions and recommendations she had included in a letter she recently submitted.

Mayor McNinch acknowledged with Mrs. Fowler that some of the items on the letter had already been addressed with regards to the Ordinances.

Discussion was held pertaining to other items such as the Ethics Commission; ways the Town could improve on communications via using electronic technology; and putting more items on the Town website; updating the Library copy of the Town Code; re-establishing the Community Relations Board; utilizing the Old Town Hall for community meetings; the ownership of the Culinary School Building – grant requirements; and a letter Mrs. Fowler had received from Mr. Drummond.

Mrs. Fowler referenced a letter received from Mr. Drummond with regard to bringing a personal issue with Councilman Clendaniel up in a Council meeting. She resents that Mr. Drummond may have been compensated by the Town for this letter, and expressed that what she felt was done was inappropriate of someone on the Council representing her as a citizen.

Councilman Clendaniel went on the record to say to Mrs. Fowler that “we (him nor his tenant) didn’t pull your stake up”. He explained for benefit of others in audience that this is an ongoing property dispute that he and several other property owners have with Mrs. Fowler.

Mayor McNinch thanked Mrs. Fowler for coming before the Council with her questions and concerns, and said the Town will look into the recommendations.

Staff will update the Town website to include the Ethics Commission Board Members and research the cost to have the meeting recordings available electronically and look into potentially having podcast of the meetings.

Community Demonstration Garden

Mrs. Marina Dowdall, of the Caroline County Council of Arts, also the Secretary of the Downtown Denton Main Street Board, provided a history and update on the Denton Community Demonstration Garden. Sharing the names of the founding and funding partners, and key volunteers that help keep the garden going. Mrs. Dowdall thanked the Town for providing the land for the garden space and for their continued in-kind support.

Ms. Lisa Spears, a master gardener that is new to the community, came and spoke to the Council. She also thanked the Town and expressed that the Community Garden is a nice space to give the opportunity to address nutrition and education for the community. They are presently updating the garden boxes to be more ADA compliant and easier to access.

Mrs. Dowdall also took a moment to promote the upcoming Garden Gala that is scheduled for May 20, 2016, and announce that the CCA will be hosting a ribbon

cutting ceremony on the expansion for the Arts and Entertainment District on April 23, at 2nd & Market St.

Communication – Letters from Mr. Bill Jesmer

Mr. Bill Jesmer came before the Council to address some questions and share recommendations in reference to letters he recently submitted.

Mr. Jesmer mentioned that some of the items he previously requested had already been addressed – such as the Community Relations Board and the Ethics Commission.

Discussion was held pertaining to Mr. Jesmer’s requests to make the audio of the meetings available electronically; to have a Code Book present during Council meetings for reference; concerns about accessing the code online and having an unabridged copy of the Town Code available on the website; and to give consideration for posting all letters addressed to the Town Council on the Town website.

Councilman Lister talked about public petitioning and his view on releasing public letters. He and other Council Members support finding the right logistical technology for improving the Town’s outreach for putting things on the internet, as it relates audible recordings.

Discussion continued about technology.

Councilman Porter recommended everyone continue to work on coming up with a solution, to continue discussion in a Working Session and suggested moving on.

Mayor McNinch thanked Mr. Jesmer for his comments

Ordinances and Resolutions

Resolution #827 -Amalfitano Annexation

A Resolution of the Denton Town Council providing for the annexation into the Town of Denton of a parcel totaling 2.160 acres of land, more or less, comprised of Parcel 130 of Caroline County Tax Map 107, in the Third Election District of Caroline County, Maryland, located on the northerly side of Deep Shore Road adjacent to the existing corporate limits of the Town of Denton and owned by Anthony Louis Amalfitano.

Councilman Porter made a motion to adopt Resolution #827, seconded by Councilman Lister.

In discussion, Mr. Mulrine provided an overview.

Mr. Robert Frank, Senior VP of Shore Regional Health Systems, provided an overview of two projects they have going on. He shared that Shore Regional Health is planning to build a medical complex to consolidate their medical agencies into one building that is proposed to be constructed on this parcel being considered for annexation. Their second project, which is already under development, for an Urgent Care Center to be located in the Denton Plaza and opened around the end of May.

With no further discussion, the motion to adopt Resolution #827 passed unanimously.

Councilman Porter made a motion to authorize the Mayor to sign the Annexation and Public Facilities Agreement, seconded by Councilman Lister, passing unanimously.

Ordinance #674 – Vacant and Abandoned Properties

An Ordinance amending Chapter 94, Property Maintenance, the Town of Denton Code regarding unsafe, abandoned, and vacant properties and adding a new Chapter 119, entitled, “Vacant and Abandoned Properties” of the Denton Town Code.

Councilman Branson made a motion to adopt Ordinance #674, seconded by Councilman Porter.

In discussion, Mr. Tom Batchelor, Senior Codes Enforcement Officer, explained that the Vacant and Abandoned Property Legislation was originally enacted in 2011 and has been part of Chapter 94. With this Ordinance, Staff recommended making this a separate chapter in the Town Code. Mr. Batchelor provided an overview and answered questions on the intent and scenarios of how it would apply.

After considerable discussion, the Mayor called for a vote on the motion to adopt Ordinance #674 – Mayor McNinch and Councilman Branson voted Yes, while Councilman Clendaniel voted – No. Councilman Porter abstained wanting additional information.

Councilman Lister stated he was considering abstaining for more clarity.

Mr. Drummond provided some guidance on how they could move forward.

Councilman Lister made a motion to table for clarity. The motion to table was seconded by Councilman Porter.

Further discussion was held in which Councilman Clendaniel mentioned that he understood the legal need for the detailed Ordinance, however, he requested to have a short summary prepared of what the Ordinance does so that it is simplified and not too complicated to understand, which was supported by Councilman Lister.

The motion to table this Ordinance for clarification passed unanimously.

Staff will put together a summary for the Council to review.

Ordinance #675 – Water Table

An Ordinance repealing and reenacting the Town of Denton Water Table 1 and Table 2, Multipliers of Single Family Residential Hook-Up Charges for Commercial Users.

Councilman Porter made a motion to adopt Ordinance #675, seconded by Councilman Lister.

In discussion: Mr. Batchelor provided an overview of the legislation.

Councilman Porter amended his motion to strike the words “Plus additional per” language on the Table 1 on the first line under Apartment Buildings. The amended motion was seconded by Councilman Lister.

Mr. Batchelor added that it will be a great benefit for banquet type establishments Barber Shops and Churches.

With no further discussion, Mayor McNinch asked for a vote on the amended motion to adopt Ordinance #675.

The motion passed unanimously.

Ordinance #676 – Sewer Table

An Ordinance repealing and reenacting the Town of Denton Sewer Table 1 and Table 2, Multipliers of Single Family Residential Hook-Up Charges for Commercial Users.

Councilman Lister made a motion to adopt Ordinance #676, with the amendment referenced on the rate table previously, seconded by Councilman Clendaniel.

In discussion: Councilman Branson commended staff for the time and efforts put into researching and preparing this adjustment.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to adopt Ordinance #676.

The motion passed unanimously.

Ordinance #677 – Zoning Definition Amendment

An Ordinance of the Denton Town Code amending the provisions contained in Chapter 128, Article II, related to definitions and word usage.

Councilman Porter made a motion to adopt Ordinance #677, seconded by Councilman Branson.

In discussion: Mr. Batchelor provided an overview of the definition change. Councilman Porter also acknowledged receiving the Planning Commission recommendation for adoption.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to adopt Ordinance #677.

The motion passed unanimously.

Ordinance #678 – FY2017 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, 2016 Through JUNE 30, 2017.

Councilman Branson made a motion to introduce Ordinance #678, seconded by Councilman Lister.

In discussion: Mr. Mulrine provided an overview of the General Fund Budget Appropriations Ordinance for Fiscal Year 2017. Discussion to work on balancing the budget are scheduled to continue at the next working session.

The Mayor called for a vote on the motion on the floor to introduce Ordinance #678.

The motion passed unanimously.

Reports of Officers, Board and Committees

Mr. Mulrine announced the upcoming ESAM Dinner Meeting, the Mayor, Councilman Branson and Mr. Mulrine are scheduled to attend.

Unfinished Business

None

New Business

Agenda #1 – Garden Gala – Letter of Support

Mrs. Marina Dowdall was present and shared that the Downtown Denton Main Street Organization is hosting the 2nd annual Garden Gala on May 20, 2016 from 6-9p.m. in the Community Demonstration Garden on 4th Street. As part of their event, they will have a designated area for wine and beer and are seeking a liquor license for the event and asked for a letter of support from the Town Council.

Councilman Porter made a motion to authorize the Mayor to sign a letter of support, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 – Caroline County Department of Social Services - New Building Support

Mr. Mulrine shared that the Department of Social Services has requested a letter of support from the Town for a proposed new building.

Discussion was held on the potential affects to the Town.

Ms. Monique Rich, a resident of 609 Gay St., who also is currently serving on the DSS Board, shared some additional insight about the DSS plan for wanting to acquire a building where they can combine all of their services into one location and expressed that they are planning to stay in Denton to be close to the clients they serve.

Councilman Porter made a motion to send a letter to invite the Director of the Dept. of Social Services to come and talk with the Council about their plan. The motion was seconded by Councilman Branson, passing unanimously.

FY2017 General Fund Budget

Mr. Mulrine presented the FY2017 General Fund Budget and provided an overview of the content; shared changes from the prior year which represent operational needs and information gathered from previous working session presentations. The proposed budget currently reflects a deficit of \$180,200. Discussions to work towards balancing the budget will continue and are scheduled to be held on April 18, 2016 at the 1:00 PM Working Session.

Miscellaneous

Letter from Denton Volunteer Fire Department

The Council reviewed a letter received from the DVFD requesting to draw \$17,667 from the Capital Impact Fees designated for the fire company. The funds will be applied towards purchasing replacement equipment.

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

LEOPS

Staff provided an update on the LEOPS (Law Enforcement Officers Pension System) Actuarial Study and shared that notice has been received from the State that the LEOPS Actuary Study will cost more than was originally estimated. The original cost for three towns was not to exceed \$7,500. The State now estimates the cost will not exceed \$11,520. This is about \$1,340 more than originally approved.

Staff shared that the Town's current debt to the State for the initial \$445,000 of which \$258,000 is for the General Fund. The current debt is scheduled to be paid off in 2019.

Councilman Clendaniel made a motion to approve the extra \$1,320, unless the other Town's deny the added cost. The motion was seconded by Councilman Lister, passing with 3 Yes votes – Councilman Porter and Council Branson voted no.

With no further discussion, Mayor McNinch adjourned the meeting at 9:02 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*