

April 5, 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, except Councilman Johnson who was absent.

Councilman Lister made a motion to approve the minutes of the February 26, 2018 Working Session, the March 1, 2018 Regular Meeting, and the March 26, 2018 Working Session as presented; seconded by Councilman Branson, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's, and Communication

Proclamation – Edwin Pelosky

Mayor McNinch read a proclamation extending the Council's deepest condolences to the family of the former Town Manager, Mr. Edwin Pelosky. Mr. Pelosky lived in Denton for over 30 years having served in the US Army and as the Denton Town Manager from 1979-1986. He passed away October 28, 2017; his services are scheduled for April 7, 2018 in Virginia.

National Public Safety Telecommunications Week

Mayor McNinch read a proclamation to recognize April 8th – 14th as National Telecommunications Week. Mr. Troy Plutschak and Ms. Kayla Harvey accepted the proclamation on behalf of the Caroline County 911 Dispatcher.

Chief Cox thanked each for their hard work and expressed how valuable their assistance is to the Police Dept. with each response.

Letter – Sidewalk on Camp Road

The Council reviewed a letter received from Ms. Raeder regarding the lack of sidewalks along Camp Road.

Mr. Mulrine, Town Administrator, mentioned staff is working with the engineer on options and he will convey to the Ms. Raeder.

Downtown Denton Main Street New Main Street Coordinator

Mrs. Heather Tinelli, Downtown Denton Main Street's New Coordinator, introduced herself to the Town Council. Mrs. Tinelli provided an overview of upcoming programs, events, and discussed with the Council her plan to assist the downtown businesses.

Ordinances and Resolutions

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 Zoning District to 40 feet and 3 stories on lots consisting of 20 acres or more.

Councilman Branson made a motion to introduce Ordinance #690, seconded by Councilman Lister.

In discussion: Mr. Mulrine provided a synopsis of the amendments, and Mr. Chris Drummond, Town Attorney, talked about the 2010 Comprehensive Plan and Zoning. Indicating the amendment will be applied to 20 acres plots in the mixed residential zone,

working to reestablish the MR Zone on a parcel that was changed to parks and probably should not have been.

With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #690. The motion passed unanimously.

Ordinance #691 – FY2018 General Fund Appropriations

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget for Fiscal Year beginning July 1, 2018 through June 30, 2019.

Councilman Lister made a motion to introduce Ordinance #691, seconded by Councilwoman Wilson, passing unanimously.

Reports of Officers, Boards, and Committees

PILOT Agreement – The Mayor announced that the Town and County recently held a joint Working Session to discuss a request for both agencies to enter into a Payment In Lieu of Taxes (PILOT) Agreement for the proposed Power Plant Project. Both agencies supported having a study done, if one does not already exist.

Councilman Lister explained that at this time the Town can not currently enter into such agreement. The Town has worked with Delegate Ghrist and Senator Hershey to submit legislation to allow the Town to enter into PILOT Agreements. The legislation passed both the House and Senate and is pending the Governor's approval.

Mayor McNinch clarified that nothing has been approved on this project, that it is still pending approval from the Maryland Energy Commission.

Councilman Lister assured the public that the Council is doing their due diligence to protect the Citizens and protect a fair tax break for the Town.

Unfinished Business

Agenda #1- FY2019 General Fund and Highway Fund Budget

The FY2019 General Fund Budget and Highway Fund Budgets were presented. Discussion was held about the proposed budgets, changes from prior years which include increasing the Police Dept. Staffing, implementing a new salary plan, real estate tax billing, and capital needs.

Councilman Lister provided an explanation for the method for focusing on getting the employee salaries where they should be, the need for additional police officers and the importance of employee retention. He expressed that to implement all of this may require a real property tax rate increase and he wanted to inform the public.

Discussion on the budgets will continue at the upcoming Working Sessions which are scheduled for April 16th at 9:00 AM and then again on April 23rd at 6:00 PM.

New Business

Agenda #1 – Choptank Community Health System, Inc.

The Town Council reviewed a request to authorize the Mayor to sign the proposed Public Works Agreement, Inspection and Maintenance Agreement of Private Stormwater Management Facilities, and the Forest Conservation Easement Document for Choptank Community Health System, Inc. The Town Attorney has reviewed the documents for legal sufficiency.

Councilman Lister made a motion to authorize the Mayor to sign the Public Works Agreement with Choptank Community Health Systems, seconded by Councilman Branson.

In discussion, Mr. Mulrine and Mr. Drummond provided additional information pertaining to the project and the purpose of the agreements.

Councilman Lister amended his motion to also include the Public Works Inspection and Maintenance Agreement of Private Stormwater Management Facilities, and the Forest Conservation Easement Document. The amended motion was seconded, passing unanimously

Agenda #2 –Fiber Network

Mr. Mulrine shared that the Town has a grant to run fiber lines throughout specific areas of Town and asked to modify one of the sections to run to the Micro Enterprise Center at 323 Market St. instead of from 5th Ave. to the 2nd Street pump station. This redirection would provide fiber lines to the businesses at the Micro Enterprise Center building. The estimate to run the fiber is \$33,000. The grant is for \$52,000.

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

Agenda #3 - Water and Sewer Allocation

GEM III Real Properties, LLC, owner of the Food Lion Plaza, submitted a request for approval for 13.25 ERU's for a proposed Dialysis Clinic to be located at 842 South Fifth Avenue.

Councilman Branson made a motion to discuss and approve, seconded by Councilwoman Wilson.

In discussion: Mr. Mulrine provided a synopsis.

With no further discussion, Mayor McNinch asked for a vote on the motion on the floor to approve the allocation.

The motion passed unanimously.

Agenda #4 - Public Works Mini Excavator Purchase

Public Works submitted a request to move forward with the purchase of a 2018 Caterpillar Model 305.5E2 Mini Excavator and a Tow Master Trailer. This is a sole source bid through NJPA at Alban. The Mini Excavator was approved in the budget at \$80,000. Staff is recommending financing \$77,640.14 through Shore United Bank that came through the lowest bid at 5 years 3.23% interest. And to purchase the trailer out right for \$6,860 using money left from the budget for excavator and money out of the vehicle budget in water and sewer.

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

In discussion, Mr. Mulrine shared that the current unit is over 20 years old, and the maintenance is becoming expensive.

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

The motion passed unanimously.

Mayor McNinch mentioned to everyone that the digging happening on Franklin St., is being done by State Highway and not the Town.

Agenda #5 - Gay Street Extension

Mr. Mulrine asked for consideration to authorize a letter outlining a request to Maryland Department of Transportation to include in the Priority Road Construction Projects the expansion of Gay Street from Legion Rd. to Maryland Route 404.

Councilman Branson made a motion to send a letter to Secretary Peter Rahn of the Maryland Department of Transportation and to the Caroline County Commissioners, seconded by Councilman Lister, passing unanimously.

Agenda #6 Denton Project LLC

Mr. Patrick Thomas, Attorney for Denton Project LLC, and Mr. Billy Seay, submitted a request for a reclassification of zoning on property located on Caroline County Tax Map 104, Parcel 903, on Market Street, zoned Recreation and Parks (RP). The Applicant has requested the zoning classification for the property to be changed back to Mixed Residential instead of parks.

Mr. Thomas shared a rendering of the proposed project.

Mr. Drummond explained what constitutes a mistake in the Comprehensive Plan and the procedure for a zoning map amendment which requires the Town Council to refer the request to the Planning Commission for an investigation and recommendation to the Town Council.

Councilman Branson made a motion to forward the zoning reclassification to the Planning Commission for consideration. Councilwoman Wilson seconded the motion, which passed unanimously.

Agenda #7 - 323 Market St. Office Lease – Denton Main Street Organization

Mr. Mulrine shared a draft lease that pertains to office space on the 2nd floor of 323 Market Street that the Denton Main Street Organization wishes to use. The lease reflects the first 3 months free rent, after that, rent will be charged monthly for 12 months.

Councilman Branson stepped out of the room for a few minutes.

Councilman Lister made a motion to accept the lease, seconded by Councilwoman Wilson, passing unanimously.

The Council took a short 2-minute recess.

Agenda #8 - PILOT Letter

The Council reviewed and discussed with the Town Attorney a letter drafted to be sent to Eastern Shore Energy Center, LLC., outlining the status of the negotiations between the Town and Eastern Shore Energy Center, LLC.

Councilman Lister made a motion to approve the Mayor to sign the letter to Eastern Shore Energy, pending final approval of the edited letter which will be reviewed at the April 16th Working Session. The motion was seconded by Councilwoman Wilson, passing unanimously.

Further discussion was held regarding the County's request for a Study to be conducted by The Sage Group at the Developers expense for the PILOT agreement. The Town already has some of the information the proposal includes, what the Town needs is to obtain an assessed value of the project.

Mr. Drummond was instructed to contact the Caroline County Attorney to make sure the study will provide the Town the information it needs.

Agenda #9 - Toro Z400 Mower

Public Works submitted a request to purchase a Toro Z400 air ride zero turn mower from Atlantic Tractor under the NJPA contract for sole sourcing. The mower will replace the 2004 model currently being used. The cost after trade-in is \$7,968.27, which was budgeted in the Highway Capital and General Fund for Parks.

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

Miscellaneous

Mayor McNinch shared dates for events happening:

- *April 17th Eastern Shore Association of Municipalities*
- *April 18th Caroline County Association of Municipalities*
- *April 19th Third Thursdays – Cornhole returns*
- *April 24th ESAM at the Shorebirds Stadium*
- *April 3rd The Town hosted the Local Government of Insurance Trust renewal work at the Visitor Center, Mayor McNinch attended.*
- *April 3rd – Mayor McNinch attended Shore Health’s Toppings Event for their new project on Blades Farm Road.*

Councilwoman Wilson attended the Tuckahoe Habitat for Humanity project unveiling, witnessing the new owner use sledge hammer to kick off the demolition.

Councilman Lister, Councilman Johnson and the Town Administration attended the Caroline County Tax Differential meeting in Preston. Councilman Lister shared that he learned a lot by attending the meeting; the formula is of no use to anyone, and the County will be freezing the Tax Differential Offset for the upcoming year because they need the funds. Mayor McNinch shared that the County is still deducting from the Town’s differential offset the amount the County is paying for the employees parking tickets.

Mr. Drummond is working on an easement with the County for the locations for the parking kiosk.

Councilman Lister shared that the school Jazz Bands will be performing on April 7 at 6PM.

Chief Cox shared information about the Departments recruitment for officers.

Mayor McNinch commended the Police Dept. on their phenomenal presence at the School.

With no further discussion, Mayor McNinch adjourned the meeting at 9:03 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*