

August 2, 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 Johnson made a motion to approve the minutes of the July 5, 2018 Regular Meeting and the July 23, 2018 Working Session as presented; seconded by Councilman Lister, passing unanimously.

Public Hearing

Ordinance #692 – Zoning Map Text Amendment

Mayor McNinch opened a Public Hearing at 7:02 PM to receive public comments on Ordinance #692 - An Ordinance of the Town of Denton granting the application of Denton Project LLC to rezone parcel 903 on Caroline County Tax Map 104, Grid 13 from Recreation and Parks (RP) to Mixed Residential (MR).

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 mentioned that since the school is no longer proposed to be constructed on this specific parcel, the RP Zoning is no longer necessary, recognizing a mistake in the zoning, this will be changed back to MR.

Mayor McNinch asked for comments from the Public:

Mr. Patrick Thomas, Attorney for the property owner, announced that he has reviewed the proposed findings of fact prepared by the Town Attorney and expressed his clients support of the mistake in zoning, and explained changing it back to the prior zoning is consistent with the surrounding neighborhood and the Town's Comprehensive Plan.

Mr. JOK Walsh, resident of Denton, mentioned that the property abuts up to some industrial parcels and suggested that if the property comes up for development the Council should require a Buffer Zone.

With no further comments, Mayor McNinch closed this public hearing at 7:09 PM.

Ordinance #693 – Official Zoning Map Amendment

Mayor McNinch opened a Public Hearing at 7:10 PM to receive public comments on Ordinance #693 - An Ordinance of the Town of Denton amending the Official Zoning Map of the Town of Denton to apply the Mixed Residential (MR) Zoning District to a parcel of land rezoned from Recreation and Parks (RP) in the Town of Denton located on Caroline County Tax Map 104, Grid 13, Parcel 903 and consisting of 21.34 acres of land, more or less.

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 7:11 PM.

Petitions, Remonstrance's, and Communication

Proclamation – Caroline Summerfest 30th Anniversary

Mrs. Sue Simmons, Director of Caroline County Recreation and Parks, read a Proclamation to commemorate the upcoming 30th Anniversary of Caroline Summerfest scheduled for August 17 & 18, 2018. The Mayor & Council executed the Proclamation, which will be presented to the County Commissioners.

Proclamation – Forrest Geisel - Eagle Scout

Mayor McNinch read a Proclamation to recognize Forrest Geisel for his Eagle Scout Project at Federalsburg Elementary School. The Mayor will present the Proclamation to Mr. Geisel's Eagle Ceremony scheduled to take place on August 4, 2018.

Proclamation – President Franklin D. Roosevelt Speech - 80th Anniversary

On September 5, 1938 President Roosevelt came to deliver a speech in Denton, directly across the street from the Courthouse on Market Street.

Mayor McNinch read a Proclamation to recognize September 5, 2018 as a historic day 80 years ago.

Mr. JOK Walsh shared the history of the President's visit to Denton, and talked about the plans for the celebration.

A rendering of the historic monument to be installed on the anniversary was shared.

The ceremony to celebrate the 80th Anniversary will be held on Market St. on September 5, 2018. The Mayor invited the public to attend the event.

Ordinances and Resolutions

Resolution #852 – Revising Building and Zoning Fee's

A Resolution to revise and correct omissions to the Fee Schedule for Building Permits, Zoning & Plan Review Services.

Mr. David Renshaw, Senior Codes Enforcement Officer, gave an update on the revised Resolution, indicating that any reference to residential fee increases have been removed. The Resolution only reflects increases for commercial development.

Councilman Branson made a motion to adopt Resolution #852, seconded by Councilwoman Wilson.

Additional details of the changes were discussed, with the increase to help cover the cost for staff time involved for larger projects, removing the burden from the tax payers.

With no further discussion, Mayor McNinch called for a vote on the motion to adopted Resolution #852.

The motion passed 3-2, with Councilman Johnson and Councilman Lister voting – no.

Resolution #853 – FY2018 General Fund Budget Amendment

The Clerk Treasurer provided an overview of Resolution #853 to amend the General Fund Budget for Fiscal year July 1, 2017 through June 30, 2018.

Councilman Branson made a motion to adopted Resolution #853, seconded by Councilman Lister, passing unanimously.

Ordinance #692 – Zoning Map Text Amendment

An Ordinance of the Town of Denton granting the application of Denton Project LLC to rezone parcel 903 on Caroline County Tax Map 104, Grid 13 from Recreation and Parks (RP) to Mixed Residential (MR).

Councilman Lister made a motion to adopt Ordinance #692, seconded by Councilman Johnson, passing unanimously.

Ordinance #693 - Official Zoning Map Amendment

An Ordinance of the Town of Denton amending the Official Zoning Map of the Town of Denton to apply the Mixed Residential (MR) Zoning District to a parcel of land rezoned from Recreation and Parks (RP) in the Town of Denton located on Caroline County Tax Map 104, Grid 13, Parcel 903 and consisting of 21.34 acres of land, more or less.

Councilman Lister made a motion to adopt Ordinance #693, seconded by Councilman Branson, passing unanimously.

Ordinance #694 – Sewer Rate Increase

Based on the 2018 Water and Sewer Rate Study completed by the Maryland Center of Environmental Training – the Utility Commission is recommending to increase the Sewer Rates. An Ordinance of the Town of Denton to Increase the Sewer Rates for Usage and the Base Fee was presented.

Councilman Johnson made a motion to introduce Ordinance #694, seconded by Councilman Branson.

In discussion: Mr. Mulrine and Mr. Phil Clark, Superintendent of Public Works, provided an explanation for the proposed sewer rate increase.

With no further discussion, Mayor McNinch called for a vote on the motion on the floor to introduce Ordinance #694.

The motion passed unanimously.

Ordinance #695 – Water Meter Fee Rate Increase

An Ordinance proposing to increase the fees charged for Water Meters to help offset the cost for purchasing meters from the supplier.

Councilman Branson made a motion to introduce Ordinance #695, seconded by Councilman Johnson.

In discussion: Mr. Mulrine shared the cost to purchase new meters has increased and the current fee being assessed for new home no longer covers that cost, by raising the meter fee for new homes to \$350 will cover the cost of purchasing the meters. The meter fee assessed on current users will remain unchanged at this time.

With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #695.

The motion passed 4-1, with Mayor McNinch voting no.

Reports of Officers, Boards, and Committees

Discussion was held pertaining to an email correspondence received from the Caroline County Chief of Staff in regard to the parking meter discount discussions. The Mayor and Staff will prepare a follow-up response stating the facts of the conversation held with the County Commissioners.

Councilwoman Wilson announced the July 12th National Learning Day event was very successful.

Councilman Johnson participated in the Calvary Baptist event as a Human Smore.

Mayor McNinch announced the Dept. of Social Services will hold an event tomorrow, August 3rd.

The next Eastern Shore Association of Municipalities meeting is scheduled for Sept. 25, the regional meeting

Mayor McNinch has been appointed as the Vice Chair of the Legislative Committee for the Maryland Municipal League.

Sharp Road Park meeting will be held at the Town Office on Aug. 9 at 7:30 PM.

Councilman Johnson thanked the Police Dept. for their assistance with a personal matter.

Mark Snyder was commended by his efforts with the electronic tag reader.

Unfinished Business

Agenda #1- FY2019 Water and Sewer Fund Budgets

Councilman Branson made a motion to adopt the FY2019 Water and Sewer Fund Budgets, seconded by Councilman Lister.

In discussion, Councilman Lister proposed to defer adoption of the Water and Sewer Budgets to give the Utility Commission more time to review.

All action was tabled.

Agenda #2 – WWTP Disinfection and System Upgrades - Construction Bid

Award

The Waste Water Treatment Plant Ultra Violet Disinfection and System Upgrade recently went out to bid.

Staff and GMB reviewed the bids received and provided an outline of the bid process and findings for the Council to review. All of the bids came in higher than the current grant funding approved. It was recommended for the Council to approve and award the bid to M2 Construction contingent upon additional funding being secured through MDE for the project.

Councilman Lister shared the Utility Commission's recommendation.

Councilman Lister made a motion to accept the bid from M2 Construction, contingent upon additional funding being secured. The motion was seconded by Councilman Branson, passing unanimously.

Agenda #3 - Waste Recycling

Discussion continued on waste collection and recycling.

New Business

Agenda #1 – Water and Sewer Allocation

A request was submitted by 404 Self-Storage LLC requesting approval for an additional (1.25) ERU's for an additional office space to be located within the existing storage facility located at the Denton Industrial Park, 24 Engerman Avenue. The cost of the additional (1.25) ERU's is \$11,250.

Councilman Lister made a motion to approve the allocation, seconded by Councilman Branson, passing unanimously.

Agenda #2 – EWIP Grant Award

Denton Wastewater Treatment Plant has been awarded an EWIP Grant from MDE. The Grant funds will pay for replacement of the plants Post Anoxic Mixers. The purpose of the EWIP Grant is to pay for any equipment that will save at least 20% in energy costs. These mixers will save up to 66% in energy. These mixers run 24 hours a day, 7 days a week. The Grant amount will be \$70,405.00 to cover the cost of the mixers

and any installation costs. MDE requires that the Town pay for the Project up front and then be reimbursed through pay requests.

Councilman Lister made a motion to approve the purchase of the mixers for \$70,405, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Industrial Park Water Tower - WIFI Agreement

A draft agreement of the preliminary details for a WIFI Agreement with Cambio WIFI of Delmarva, LLC was presented to the Council.

Councilman Lister made a motion to accept the Tower Agreement with Cambio WIFI of Delmarva, seconded by Councilman Johnson.

In discussion: Mr. Mulrine provided an update on the fiber connectivity in Town, shared the need for WIFI, and his research, recommending the Council consider entering into a Water Tower Lease Agreement with Cambio WIFI of Delmarva, LLC.

Mr. Mulrine introduced Mr. Steve Kirby, President of Cambio WIFI of Delmarva, LLC. Mr. Kirby provided information about his company and explained how the system works.

Discussion on the details for the WIFI Agreement, tower access, free WIFI downtown, advantages for private residents, and the community were discussed at length.

Councilman Lister amended his motion to accept the Tower Agreement with Cambio, to include waiving the Tower Fees for 3-years. The amended motion was seconded by Councilman Johnson, passing unanimously

Agenda #4 - Choptank Community Health – Fee Adjustment Request

Mayor McNinch, Councilman Lister and Mr. Mulrine recently met with Choptank Community Health in reference to their request for a reduction in ERU fees for their new planned facility.

Mr. Mulrine shared why the Town has not allowed adjustments of allocations in the past.

Councilman Lister shared the Utility Commission discussion on this request.

Councilman Lister made a motion to deny the request, seconded by Councilman Branson, passing with 4-yes. Councilman Johnson abstained from voting due to his association with the Calvary Baptist Church, who previously submitted a similar request that was denied as well.

Miscellaneous

None

With no further discussion, Mayor McNinch adjourned the meeting at 8:59 PM.

Respectfully submitted,

Karen L. Monteith,
Clerk - Treasurer