

**May 2, 2019**

**Regular Meeting**

*Vice Mayor Branson 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.*

*Vice Mayor Branson thanked everyone for coming and asked that the record reflect that all Councilmembers were present, with the exception of Mayor McNinch who would be late arriving.*

*Councilman Lister made a motion to approve the minutes of the April 4, 2019 Regular Meeting and the April 22, 2019 Working Session as presented; seconded by Councilman Johnson, passing unanimously.*

**Public Hearing**

**Ordinance #698 – Zoning Regulations for Chickens**

*Vice Mayor Branson opened a Public Hearing at 7:03 PM to receive public comments on Ordinance #698 - An Ordinance amending Sections 128-8, 128-64, and 128-77 of the Town of Denton Code, generally outlining provisions for allowing residents to keep or maintain chickens as an accessory use within the Town of Denton and providing penalties for the violation thereof.*

*Vice Mayor Branson asked for comments from the State: there were none*

*Vice Mayor Branson asked for comments from the County: there were none*

*Vice Mayor Branson asked for comments from the Council:*

*Councilman Johnson, Councilman Lister and Vice Mayor Branson thanked the Planning Commission, and Planning Staff for their efforts to draft this legislation, and the public for their input.*

*Vice Mayor Branson asked for comments from the Public:*

*Comments, concerns and recommendations were received regarding the fence requirements from several residents, including Mrs. Candy Minner of S 2<sup>nd</sup> St., Mr. Johnathan Annand of Market St., Mr. Dale Minner of S. 2<sup>nd</sup> St. and Mrs. Joann Redden, also of S 2<sup>nd</sup> St.*

*Mr. Chris Drummond, Town Attorney, and Mr. David Renshaw, Senior Codes Enforcement Officer, offered additional information pertaining to the requirements.*

*Discussion was held on keeping the chickens contained within their yards and protected from predators, different types of chicken coops, and having a run area for the chickens.*

*Councilman Lister mentioned this is a historic prospective for Denton to strive to protect the citizens rights, which has been difficult to get to this night. He added that the Caroline County Humane Society takes care of cats and dogs, but does not do anything with chickens; therefore, the legislation, as drafted, will help solve any issues. They can work with the Ordinance and always come back and recommend changes.*

*Councilman Johnson added that the Planning Commission has taken a very hard look at drafting this legislation to allow chickens and that it was not without opposition.*

*Vice Mayor Branson stated that prior Councils did not agree or approve allowing chickens in Town in the past.*

*Mrs. Minner suggested requiring an enclosed fenced run, as opposed to requiring the owner to double fence the yard.*

*Mr. Minner asked about repercussions and how they will be applied.*

Councilman Lister explained that the fees will be established by Resolution, with an increase for multiple violations.

Ms. Danielle Wooters, resident of S. 3<sup>rd</sup> St. asked about land size requirements and where to find this information.

Mr. Drummond advised that size of the lot can be found through the Maryland Department of Assessments and Taxation.

With no further comments, Vice Mayor Branson closed this Public Hearing at 7:26 PM.

#### **Ordinance #699**

Vice Mayor Branson opened a Public Hearing at 7:27 PM to receive public comments on Ordinance #699 - 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, 2019 through June 30, 2020.

Vice Mayor Branson asked for comments from the State: there were none

Vice Mayor Branson asked for comments from the County: there were none

Vice Mayor Branson asked for comments from the Council:

Councilman Johnson commented on the efforts taken to balance the budget without raising Town Taxes to meet the State's Constant Yield recommendation of \$.79. He added that property owners may still see a tax increase, as the County is proposing to raise real estate taxes within the municipalities.

Vice Mayor Branson asked for comments from the Public: there were none

With no further comments, Vice Mayor Branson closed this Public Hearing at 7:29 PM.

#### **Petitions, Remonstrance's, and Communication**

##### **Proclamation – Municipal Clerks Week**

Vice Mayor Branson read a proclamation recognizing May 5<sup>th</sup> - May 11<sup>th</sup>, 2019 as the 50<sup>th</sup> Anniversary of the National Municipal Clerks Week, expressing their gratitude for the hard work and dedication of our Town Clerks and the vital services they provide to our community.

##### **Proclamation – Children's' Mental Health Awareness Week**

Councilwoman Wilson read a proclamation announcing May 5<sup>th</sup> - May 11, 2019 as Children's Mental Health Awareness Week. A week dedicated to increase the importance of awareness and understanding, and to encourage the community to learn more about how to help children and youth with mental health needs and their families.

#### **Ordinances and Resolutions**

##### **Ordinance #698 – Zoning Regulations for Chickens**

An Ordinance amending Sections 128-8, 128-64, and 128-77 of the Town of Denton Code, generally outlining provisions for allowing residents to keep or maintain chickens as an accessory use within the Town of Denton and providing penalties for the violation thereof.

Councilman Lister made a motion to accept Ordinance #698, seconded by Councilman Johnson.

Mayor McNinch arrived at 7:36 PM.

Vice Mayor Branson presided over the remainder of the meeting.

*Discussion was held in which Mr. Christopher Drummond, Town Attorney, suggested an amendment to Section 128-77.2 (D) to address the fencing concerns mentioned during the Public Hearing.*

*Mr. Drummond suggested to replace the language in section 128-77.2 (D) with “Property to be a minimum of 10,000 square feet. An area in the rear yard of at least 200 square feet shall be fenced to prevent predation unless the property owner can demonstrate that a coop or covered enclosure will be installed that serves the same purpose.”*

*Councilman Lister made a motion to amend the Ordinance with the language recommended by the Attorney, seconded by Councilman Johnson.*

*Additional discussion was held. Councilman Johnson wanted to clarify that it will not require the property owner to have to put up a second fence.*

*Mr. Drummond tweaked the language again to “Property to be a minimum of 10,000 square feet. An area in the rear yard up to 200 square feet shall be fenced to prevent predation unless the rear yard is already fenced, or the property owner demonstrates that a coop or covered enclosure will be installed that serves the same purpose.”*

*Councilman Lister amended the motion to amend the Ordinance with the Attorney’s new language (striking the second sentence of 128-77 (D) and replacing it with the language recommended by the Attorney and read by Councilman Johnson). The amended motion was seconded by Councilman Johnson, passing unanimously.*

*Councilman Lister made a motion to adopt Ordinance #698 as amended, seconded by Councilman Johnson, passing unanimously.*

**Ordinance #699 – FY2020 General Fund Appropriations**

*An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget adopted and setting the Tax Rates for Fiscal Year beginning July 1, 2019 through June 30, 2020.*

*Councilman Lister made a motion to adopt Ordinance #699, seconded by Councilman Johnson, passing unanimously.*

**Resolution #861 – Licensing and Violations Fees for Keeping Chickens**

*A Resolution establishing the fees for licensing and violations for the keeping of chickens within the Town of Denton to be added to the Fee Schedule for Zoning, Building Permits and Plan Review Services.*

*Councilman Lister made a motion to accept Resolution #861, seconded by Councilman Johnson.*

*Discussion about the fees was held, fees based on research of other communities and to help cover staff time.*

*The motion passed unanimously.*

**Reports of Officers, Boards, and Committees**

*Mayor McNinch recently attended the Eastern Shore Association of Municipalities Dinner, hosted here in Denton, in which over 45 Municipal Elected Officials were present.*

*Mayor McNinch announced National Day of Prayer was held earlier today and the event was well attended.*

*Councilman Johnson mentioned that His Hope Ministries held an Open House for their new Resource Center this afternoon, sharing the yearly statistics of having served*

over 175 people in Caroline County this year, over 4600 bedded nights. Concerns on seeing a rise in mental health issues.

Councilwoman Wilson attended the First Maryland Youth Homeless Symposium, where the discussion focused on mental health and the need for resources. She stated that we are fortunate to now have a Resource Center here in Caroline County.

Councilman Johnson added that Councilwoman Wilson, Karen Monteith and himself are presently volunteering on the His Hope Ministries Board.

Councilman Johnson announced that the Calvary Baptist Church will be hosting the Law Enforcement Officers Lodge #118, Law Enforcement Candlelight Vigil on May 7, 2019 at 6PM.

Mayor McNinch, and several Staff Members attended Shore Regional Health's Grand Opening Ceremony and Ribbon Cutting Ceremony this evening, sharing that it was well attended, and the facility is amazing.

Vice Mayor Branson mentioned having heard that the Chesapeake Bay water level is expected to increase 2' by 2050.

### **Unfinished Business**

#### **Agenda #1- Fuel Management Systems**

Staff provided a history on the Town's Fuel Provider and recent cost increases. Staff researched several options and requested consideration to switch vendors and establish an account with Royal Farms to reduce vehicle expenses.

Councilman Lister made a motion to accept staff's recommendation to establish an account with Royal Farms. The motion was seconded by Councilman Johnson, passing 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 for a three-year term. The 2019 annual ballot was provided to the Council to appoint a representative to cast the vote for the Town of Denton.

Councilman Johnson made a motion to authorize Mayor McNinch to cast the vote on behalf of the Town. The motion was seconded by Councilman Lister, passing unanimously.

#### **Agenda #2 – MOU – DDMS and Town**

A Memorandum of Understanding between the Town of Denton, the Downtown Denton Main Street (DDMS), and the Caroline County Council of Arts was presented. The MOU outlines details for the administration of the state designated Denton Main Street Program and Denton Arts & Entertainment Districts.

Vice Mayor Branson inquired about the amendments previously asked for.

Councilman Johnson made a motion for the following amendments to be made to Sections:

(1) **Term of Agreement** - to be for 1 year instead of 2; correct (180) days and replace with (60) days.

(4) **Funding** – strike the duplicate “for the”; replace “shall” fund with the word “may” fund.

Councilman Lister seconded the motion to amend the MOU, passing unanimously.

Councilman Lister made a motion to accept the amended MOU, seconded by Councilman Johnson. The motion passed unanimously.

**Agenda #3 - Cambio Dark Fiber Agreement**

A Dark Fiber Agreement with Cambio and their use of Town owned fiber lines was presented and discussed. Terms of the lease, one-year, taxes, renewal and fees.

Mr. Drummond will continue to research and work on the lease agreement and write a formal Franchise Agreement.

**Agenda #4 - Cambio Lease Agreement – 323 Market St.**

A lease outlining the terms for Cambio to rent space at 323 Market St. was discussed, along with leases for other tenants.

Mayor McNinch made a motion to approve a one-year Commercial Lease with Cambio, with rent to be set at \$90.00 per month. Seconded by Councilman Johnson, the motion passed unanimously.

**Agenda #5 - Hot Desk Lease Agreement – 323 Market St.**

An agreement to enter into a one-year lease for units 201 and 202, at 323 Market St., located in the Micro-Enterprise Center with Mike Thielke, of HotDesks, was discussed.

Councilman Johnson made a motion to approve entering a one-year Lease with Mike Thielke of HotDesks, with zero rent for the first 12 months. The motion was seconded by Councilwoman Wilson, passing 4-1, with Councilman Lister voting No.

**Agenda #6 - Sharp Road Park Phase 2**

Public Works requested bids for grading and seeding Phase 2 of Sharp Rd Park, and only 1 Bid was received. The bid received from Duvall Bros. is for \$58,595, which also includes installing 500 foot of walking trail.

Mayor McNinch made a motion to approve, seconded by Councilman Lister.

In discussion; Mr. Mulrine provided an overview and explained that he would like to decrease the length of the walking trail, to reduce the cost, and use the available \$50,000 Bond Funding to cover the cost. He recommended saving the accumulated Open Space Funds and Park CIP Funds for the well and building needs.

The motion to approve passed unanimously.

**Agenda #7 - EWIP Project Fee Amendment**

Mr. Mark Chandler, Superintendent of Water & Waste Water Department, provided an update on the EWIP Mixer Replacement Project at the Wastewater Treatment Plant. He mentioned that in working with the Maryland Department of the Environment, the Town must meet additional requirements to seek the final permits, which has resulted in a \$6,041 increase in engineering fees. This brings the total GMB expense to \$11,921. Mr. Chandler and GMB have submitted a request to MDE for final approval to use the remaining grant funds to cover the overage.

Councilman Lister made a motion to approve the increase in engineering fees of \$6,041, seconded by Councilman Johnson. The motion passed unanimously.

**Agenda #8 - Arlene Carroll – Sno Angels Lease Agreement – 323 Market St.**

An agreement to enter into a lease for units 101 and 102 of 323 Market St. with Ms. Arlene Carroll, Sno Angels, for \$181 per month was discussed.

Councilman Johnson made a motion to discuss, seconded by Councilman Lister.

*Councilman Johnson made a motion to lower the monthly rent for the first year to \$120 a month, then \$181 a month for the second and third year, seconded by Councilman Lister.*

*Mayor McNinch made a motion to eliminate the security deposit and leave the rent at \$181 a month.*

*Ms. Carroll was given the opportunity to speak about her business. She shared that she welcomes a reduction in the monthly rent and that she has already paid the security deposit.*

*In light of the security deposit having been paid, Mayor McNinch withdrew her motion.*

*Councilman Johnson amended his motion, to enter into a three-year lease with Ms. Carroll, with the rent to begin on June 1, 2019, with the rent set at \$120 a month for the first year, and then \$181 a month for the second and third year. The amended motion was seconded by Councilman Lister, passing unanimously.*

**Agenda #9 - Lockerman Pump Station Pump Replacement**

*Mr. Chandler shared that the existing pump for the Lockerman Street Pump Station is 11-years old, worn out and operating with very low efficiency, recommending replacing the pump. Mr. Chandler presented a quote received from Xylem Water Solutions for \$4,798.41 for the new pump, and shared this replacement is scheduled and was approved in the Capital Outlay Budget for FY19. He added that the old pump will be put into storage and used in the event of an emergency.*

*Councilman Johnson made a motion to approve the purchase, seconded by Councilman Lister, passing unanimously.*

**Miscellaneous**

*Mr. Gary Bigelow of Siesta Drive inquired about the status of the Parking Ordinance discussed a few months ago.*

*Councilman Lister advised that after several amendments, the Ordinance was adopted and is available on the Town website.*

*Councilman Johnson shared that the primary goal of the Ordinance was to remove and eliminate inoperable motor vehicles, trailers, etc. from being left on the roadways. The Police Department has been out enforcing and they are seeing improvement when traveling the streets.*

*Mr. Mulrine mentioned that Mr. and Mrs. Dennis Farina, owners of 4 South First Street, recently received notice from the Maryland Department of Natural Resources that the American Elm on their property, has officially been recorded with the Maryland Big Tree Program as a Caroline County Champion.*

*With no further discussion, Vice Mayor Branson adjourned the meeting at 9:01 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*