

February 3, 2022

**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 Councilman Johnson was attending virtually and that all other Councilmembers were present in person.

Councilman Branson made a motion to approve the minutes of the January 6, 2022 Regular Meeting and the January 24, 2022 Working Session as presented; seconded by Councilwoman Wilson, passing unanimously.

**Public Hearing**

**Ordinance #726 – Property Maintenance Code 2021**

Mayor McNinch opened a public hearing at 7:01 PM to receive public comments on Ordinance #726 - An Ordinance to amend the Town of Denton Property Maintenance Code contained in Chapter 94 of the Denton Town Code with respect to property maintenance.

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 Johnson asked for the language to be fixed where the Ordinance mentions unlicensed vehicles; it needs to be changed to mirror State Law and should be unregistered vehicles.

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 #727 – Building Codes 2021**

Mayor McNinch opened a public hearing at 7:03 PM to receive public comments on Ordinance #727 - An Ordinance to amend the Town of Denton Building Code, Residential Code and Mechanical Code provisions contained in Chapter 38 of the Denton Town Code with respect to building construction.

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**

**Citation – Jim Baker 90<sup>th</sup> Birthday**

Mayor McNinch presented Mr. Jim Baker a Citation who celebrated his 90<sup>th</sup> birthday on February 1, 2022.

**Letter of Support – DDMS Grant Application**

Councilman Lister made a motion to authorize a letter of support for the Downtown Denton Main Street to go with their DHCD Community Safety Works Business Grant application. The motion was seconded by Councilman Branson, passing unanimously.

**Ordinances and Resolutions**

**Resolution #884 - DHCD Community Safety Works Grant**

*A Resolution of the Town of Denton approving the application and receipt of financing for a **Community Safety Works Business District Improvement Grant** in Denton, Maryland to be funded either directly by the Department of Housing and Community Development (the "Department") of the State of Maryland or through other departments or agencies of the State of Maryland.*

*Mr. Don Mulrine, Town Administrator, and Chief George Bacorn shared that they are applying for grant funds to enhance security cameras and upgrade lights in the downtown area. Mr. Mulrine added that they are also working with Delmarva Power for additional funding.*

*Councilman Branson made a motion to approve Resolution #884, seconded by Councilman Lister, passing unanimously.*

**Ordinance #726 – Property Maintenance Code 2021**

*An Ordinance to amend the Town of Denton Property Maintenance Code contained in Chapter 94 of the Denton Town Code with respect to property maintenance.*

*Councilman Branson made a motion to adopt Ordinance #726, seconded by Councilman Johnson.*

*In discussion, Councilman Johnson asked to have the language for unlicensed vehicles changed to unregistered.*

*Councilman Branson amended his motion to accept the language changes as requested by Councilman Johnson. The amended motion was seconded by Councilman Johnson, passing with 4 yes votes, and Councilman Lister voting no.*

**Ordinance #727 – Building Codes 2021**

*An Ordinance to amend the Town of Denton Building Code, Residential Code and Mechanical Code provisions contained in Chapter 38 of the Denton Town Code with respect to building construction.*

*Councilman Johnson made a motion to adopt Ordinance #727, seconded by Councilman Lister, passing unanimously.*

**Ordinance #728 – Critical Area**

*An Ordinance of the Town of Denton to repeal and reenact Chapter 128 Article VIII Special District: Critical Area Overlay District and amend Chapter 128 Article II Definitions, Article III Zoning Districts and Zoning District Maps, and amend Article XX Amendments of the Denton Town Code with respect to the Critical Area.*

*Councilman Lister made a motion to introduce Ordinance #728, seconded by Councilman Branson, passing unanimously.*

**Ordinance #729 – Critical Area Map**

*An Ordinance of the Denton Town Council to repeal and reenact a new Official Critical Area Map for the Town of Denton.*

*Councilman Lister made a motion to introduce Ordinance #729, seconded by Councilman Branson, passing unanimously.*

**Ordinance #731 – Stormwater Utility**

*An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 105, Stormwater Utility of the Town Code.*

*Councilman Branson made a motion to introduce Ordinance #731, seconded by Councilman Lister, passing unanimously.*

**Ordinance #730 – Erosion & Sediment Control**

*An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 49, Erosion and Sediment Control of the Town Code.*

*Councilman Lister made a motion to introduce Ordinance #730, seconded by Councilman Branson, passing unanimously.*

**Ordinance #732 – Stormwater Management**

*An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 106, Stormwater Management of the Town Code.*

*Councilman Lister made a motion to introduce Ordinance #732, seconded by Councilman Branson, passing unanimously.*

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

*Mr. Mulrine provided updates on the ARPA requirements and downtown streetlight replacements.*

*Mayor McNinch and Mr. Mulrine shared information from a recent discussion on the idea of having the YMCA located on the former Southern State Properties. They will schedule a meeting to seek community input to help come up with plans for use of the property.*

*Councilman Johnson shared input received on the new traffic patterns from owners in the Fairfield and Sandy Meadows Community, and HOA happenings.*

*Councilman Lister gave a report on the Utility Commission meeting.*

*Mayor McNinch shared that the Martin Luther King March was well attended, and very inspirational.*

*Mayor McNinch, Council Branson and Mr. Mulrine attended the Eastern Shore Association of Municipalities meeting, sharing highlights of the discussion.*

*The Caroline County Association of Municipalities meeting is scheduled for next week.*

*Mayor McNinch gave an update on the Maryland Municipal League's Legislative Committee.*

**Unfinished Business**

*None*

**New Business**

**Agenda #9 - ERU Request**

*Mrs. Nancy Minahan, a representative of the Denton Restaurant Association shared their vision for creating an upscale restaurant at 406 Market Street. The 406 Market Street LLC requested an additional 5.5 ERU's for Caroline's upscale restaurant with a maximum seating capacity of 88, for the small auxiliary building, indoor and outdoor seating.*

*Mrs. Minahan expressed that the Town fee structure for the additional 5.5 ERU's is \$49,500 was high and way more expense than anywhere else she has explored. She also stated that the Town's business loan program is not easy to maneuver through. Mrs. Minahan asked the Council to approve the request for the additional ERU's, but to look at the fees to see if they could be reduced.*

*Mayor McNinch recused herself from the discussion as a former owner of 406 Market St.*

*Councilman Lister made a motion to approve the additional ERU's for 406 Market Street, seconded by Councilman Branson. The motion passed with 4 votes, and Mayor McNinch abstained.*

**Agenda #1 – Public Works Agreement**

*The Public Works Agreement for 5001 SHR, L.C., for the proposed Denton Plaza II stores and restaurant to be located next to the existing Denton Plaza was submitted for consideration.*

*Councilman Lister made a motion to approve the Mayor to sign the Public Works Agreement with 5001 SHR, L.C. The motion was seconded by Councilman Branson.*

*Discussion was held to clarify that the Town is not taking on any additional cost for this project, the maintenance of the Plaza continues to be the responsibility of the Owner.*

*Mr. Chris Drummond, Town Attorney, shared that escrow funds will be held by the Town to cover the Town's engineering and legal cost while the project is going on and that in the future, they may create a maintenance agreement.*

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

*The motion passed unanimously.*

**Agenda #2 – Stormwater Management Agreement**

*The Inspection and Maintenance Agreement of Private Stormwater Management Facilities for 5001 SHR, L.C., for the proposed Denton Plaza II stores and restaurant to be located next to the existing Denton Plaza was submitted for consideration.*

*Councilman Lister made a motion to authorize the Mayor to sign the Stormwater Management Agreement, seconded by Councilman Johnson, passing unanimously.*

**Agenda #3 - 323 Market Street Lease Renewal – HotDesks**

*The Eastern Shore Entrepreneurship "HotDesks" office lease for 323 Market St. expires April 13, 2022. As per the terms of the Lease, HotDesks would like to extend the lease for 1 additional year.*

*Councilman Lister made a motion to approve the additional year for HotDesks, seconded by Councilman Branson, passing unanimously.*

*Mayor McNinch reiterated that the Council would like for a representative of HotDesks to come and meet with the Council.*

**Agenda #4 - State of MD LIHWAP Memorandum of Agreement**

*Staff shared that the Maryland Department of Human Services is implementing a new Program – "Low Income Household Water Assistance Program" (LIHWAP). The Program provides benefits for water and wastewater cost for low-income households. The State will assist qualifying residents who are more than 30 days past due on their water/sewer bills with payments to avoid a disruption of utility services.*

*Staff presented a Memorandum of Agreement between the State and the Town and a Contract Affidavit for consideration for the Town to be registered as a Vendor so that our residents can apply for funding assistance through the Program. Seeking further discussion and consideration to approve Staff to execute the Memorandum of Agreement and complete the necessary forms to register the Town to participate in the Program.*

*Councilman Branson made a motion to approve the request, seconded by Councilwoman Wilson, passing unanimously.*



**Agenda #5 - Industrial Park – One Maryland – Department of Commerce**  
**Approval of Memorandum**

*Staff has been working with the Dept. of Commerce seeking approval for an extension on debt coming due associated with Industrial Park Lots. The Official Approval of Memorandum between the State and the Town was presented for consideration.*

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

*Discussion about marketing and selling the Industrial Park lots was held, and to also look at reviewing and updating the covenants.*

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

*The motion passed unanimously.*

*At 8:17 PM Councilman Johnson arrived in person.*

**Agenda #6 - LEOPS – Actuary Study**

*Staff has been working with the Maryland State Retirement Agency on the final submission of an application to have an Actuarial Study done to estimate the cost to transfer our Law Enforcement Officers from the State Pension System and enroll in the Law Enforcement Officers Pension System.*

*Chief Bacorn provide additional information about the benefits of considering LEOPS, how it would enhance the Town with recruiting new officers and asked for consideration to approve the Actuary Cost that will be approximately \$7,000.*

*Councilman Lister made a motion to approve having the Actuary Study done, seconded by Mayor McNinch, passing unanimously.*

**Agenda #7 - 4th Street Park – Phase 1 Funding Approval**

*At the January 24, 2022 Working Session a presentation was made to the Town Council for Phase I of the 4<sup>th</sup> Street Park Renovation Project. The price estimate has been updated as requested and came before the Council for consideration to move forward with Phase I.*

*Councilman Johnson made a motion to approve to move forward with Phase I, seconded by Councilman Lister. The motion passed with 4 votes, as Councilman Branson had stepped out of the room for a minute.*

**Agenda #8 - Dark Fiber Lease Extension**

*Mr. Mulrine asked the Council for consideration to extend the Dark Fiber Lease with Cambio through June 30, 2022. Discussion was held on the revised lease and the Town services that are currently utilizing the connection.*

*Councilman Lister made a motion to extend the Lease to June 30, 2022, seconded by Councilwoman Wilson. The motion passed 4-1, with Councilman Johnson voting No.*

*With no further discussion, Mayor McNinch adjourned the meeting at 8:37 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*