

**March 3, 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.

The record reflects that along with Mayor McNinch, Councilman Branson and Councilman Clendaniel were also present. Councilman Porter arrived later around 7:12PM, and Councilman Lister was absent.

Mayor McNinch mentioned before moving forward that someone may be recording the meeting and asked for that person to state their name and address for the record.

Mr. Billy Jesmer of 700 Gay St. acknowledged the Mayor's request.

Councilman Branson made a motion to approve the minutes of the February 4, 2016 Regular Meeting and the February 22, 2016 Working Session as presented, seconded by Councilman Clendaniel, passing unanimously.

**Public Hearing**

No public hearing was held.

**Petitions, Remonstrance's and Communication**

**Proclamation – Thelma Nichols' 90<sup>th</sup> Birthday**

Mayor McNinch read a Proclamation to honor Ms. Thelma Nichols who will be celebrating her 90<sup>th</sup> birthday on May 16, 2016. This Proclamation will be presented to her on her birthday.

**Communication – Letter from Katie Thomason**

Council and Staff reviewed and discussed a letter received from Mrs. Katie Thomason, Owner of Parlor 7 on 6<sup>th</sup> St., regarding concerns and recommendations to simplify the Town Codes to better serve the business community.

Mr. Don Mulrine, Town Administrator, and Mr. Tom Batchelor, Senior Codes Enforcement Officer, provided some background and acknowledged they are currently working on some zoning code modifications that will address many of the items referenced in the letter.

No action was taken on this item.

**Communication – Letter from Mr. Jesmer**

Council, Staff and the Town Attorney reviewed and discussed a letter received from Mr. William Jesmer, of 700 Gay St., regarding a request for the Town to initiate an Official Grievance Process for the residents and business owners.

Mr. Mulrine shared, that staff has been working with the Town Attorney and has started researching this topic. Staff will pull together information for the Council to review.

No action was taken on this item.

Councilman Porter arrived at 7:12 PM.

**Ordinances and Resolutions**

**Ordinance #674 – Vacant and Abandoned Properties**

An Ordinance repealing the Town of Denton provisions for unsafe, abandoned, vacant and foreclosed properties of Chapter 94, Property Maintenance, and reenacting to add a new Chapter 119, entitled, "Vacant and Abandoned Properties" of the Denton Town Code.

Councilman Branson made a motion to introduce Ordinance #674, seconded by Councilman Clendaniel.

Discussion was held: Mr. Batchelor provided an overview. If approved the Ordinance will be available on the Town Website for public review, and placed on the April Agenda for consideration of adoption.

The motion to introduce Ordinance #674 passed unanimously

**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 Branson made a motion to introduce Ordinance #675, seconded by Councilman Porter.

Discussion was held: Mr. Batchelor provided an overview of the Ordinance. If approved the Ordinance will be available on the Town Website for public review, and placed on the April Agenda for consideration of adoption.

The motion to introduce Ordinance #675 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 Branson made a motion to introduce Ordinance #675, seconded by Councilman Porter.

Discussion was held: Mr. Batchelor provided an overview of the Ordinance. If approved the Ordinance will be available on the town website for public review, and placed on the April agenda for consideration of adoption.

The motion to introduce Ordinance #676 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 Branson made a motion to introduce Ordinance #675, seconded by Councilman Porter.

Discussion was held: Mr. Batchelor provided an overview of the Ordinance.

The motion to introduce Ordinance #677 passed unanimously.

**Reports of Officers, Boards and Committees**

None

**Unfinished Business**

**Agenda #1- Public Works Uniforms**

Mr. Mulrine presented additional information pertaining to the Public Works Departments request from last month; seeking approval to enter into a contract with UniFirst for uniform rental for staff.

Mr. Chris Drummond, Town Attorney, previously reviewed the contract and his recommended amendments to the contract have been made.

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

**New Business****Agenda #1 – Wharves at Choptank Crossing – Contractor Selection**

Mr. Mulrine announced that three sealed bids were received on Friday, February 26, 2016 at 2p.m. for the Wharves at Choptank Crossing Project. A full review of the bids was conducted by Town Staff and the Town Engineer. It was recommended awarding to Harper & Sons for \$1,633,000, provided that approval is received from the State Highway Administration and the Federal Highway Administration.

Mr. Mulrine provided additional details.

Councilman Branson made a motion to approved awarding to Harper & Sons for \$1,633,000 pending State Highway Administration and Federal Highway Administration approval. The motion was seconded by Councilman Porter, passing unanimously.

**Agenda #2 – Water & Sewer Allocation**

Mr. Mulrine requested approval for the required water and sewer allocation of 1.5 ERUs for the Wharves at Choptank Crossing Visitor Center. The cost of 1.5 ERUs is \$13,500 and would be funded using Parks Capital Improvement Funds or Grant Funding, if identified.

Councilman Porter made a motion to approve the 1.5 ERUs for the Wharves at Choptank Crossing for the Visitor Center. The motion was seconded by Councilman Branson, passing unanimously.

**Agenda #3 - Multifunction Wide Format Printer/Scanner Acquisition**

Mr. Mulrine and Mr. Batchelor requested approval to purchase a Canon multifunction wide format printer/scanner for the amount of \$9,115 with a three-year warranty for the Planning & Codes Department. This item was included in the FY2016 Budget and will replace a unit that is out of service.

Councilman Clendaniel made a motion to approve the purchase, seconded by Councilman Branson.

Additional discussion was held pertaining to how the equipment is used, and other options explored, and the alternative for contracting out the copies.

With no further discussion, the motion to approve the purchase passed unanimously.

**Agenda #4 - Public Works Purchase – Skid Loader Attachments**

As a follow up from the prior Working Session, the Public Works Department submitted a request seeking permission to buy 2 attachments for the Caterpillar Skid Loader. (A planner for milling streets for repairs and a snow blower to assist cleaning up curb lines and parking spaces around the business area). Cost for the attachments is \$17,985.97; funding to be taken out of the Capital Improvement Fund to pay for them.

Councilman Porter made a motion to approve the purchase, seconded by Councilman Branson, passing unanimously.

Mayor McNinch shared an update on the Maryland Municipal League's push to get the Highway User Revenues reinstated.

**Agenda #5 - Water Tower Contract**

As a follow up from the Working Session regarding the Town's Water Tower Maintenance Contract that is up for renewal this year, the Public Works Dept. submitted a recommendation to advertise for new proposals and to send notice to terminate the current contract.

Councilman Porter made a motion to send notice to terminate the current Water Tower Maintenance Contract and seek bids. The motion was seconded by Councilman Clendaniel, passing unanimously.

**Agenda #6 - Public Works Purchase Request - Pressure Washer**

The Public Works Department submitted a request seeking permission to purchase a gas powered, wet steam & hot water pressure washer with \$2,499.99 in CIP Funds. This will serve to clean off and sanitize equipment, after working in sewer projects to protect the employees and the equipment.

Councilman Porter made a motion to approve the purchase, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #7 - Village Circle LLC Public Works Agreement**

A request for the Town Council to authorize the Mayor to sign the proposed Public Works Agreement for Village Circle LLC was submitted for consideration.

Councilman Porter made a motion to authorize the Mayor to sign the PWA for Osprey, pending final approval by the Town Attorney. The motion was seconded by Councilman Clendaniel, and passed unanimously.

**Agenda #8 - DVFD CIP Funding Request**

The Denton Volunteer Fire Company submitted a request seeking approval to draw on the designated CIP-FIRE Funds that are currently being held in the Town's Escrow Account. Presently there is \$15,187 available. The Funds will be used for the purpose of procuring and retrofitting a replacement for the Tower Truck that is now out of service.

Councilman Porter, also present DVFD Chief, provided an update on the disposal of the old tower truck and the plans for the replacement truck.

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

**Agenda #9 - Caroline County Tax Differential Balance Payment**

The Caroline County Commissioners submitted a request for each Town to decide how they would like their Town's Tax Differential Balance Payment to be handled for FY2017. Last year the County forwarded these funds to the Fire Dept., and in the prior years, the funding was sent directly to the Town.

Mayor McNinch, Councilman Porter, and Mr. Mulrine attended the County Tax Differential meeting and provided an update.

Councilman Clendaniel made a motion for the Mayor to sign a letter to the County requesting the funds be distributed directly to the Town. The motion was seconded by Councilman Branson, passing unanimously.

**Miscellaneous**

Mayor McNinch opened the meeting for other miscellaneous items.

Additional discussion was held pertaining to the Highway User Revenues and State restraints.

Mr. Mulrine provided an update on the Sharp Road Park Project, indicating that letters of support are still being gathered for the House and Senate Hearings that are scheduled for March 12 and 14<sup>th</sup>. The designation of \$35,000 of the CIP-Park Funds to cover the Town's match for the Bond Bill.

*Mr. Drummond provided some insight on a legislative bill that MACCO is opposing that is being discussed. The bill pertains to the level of standing someone has to have to go to court to complain about planning and zoning: for challenges on property maintenance complaints for comprehensive plans and comprehensive zoning changes. Mr. Drummond indicated that he does not think the bill is going to pass, but recommended for staff to take a look at it, just in case.*

*Mayor McNinch provided an update on the response for the Maryland Municipal League "If I Were Mayor Essay Contest" for fourth graders and proposed the Town Council also judge the essays and invite the winner to come to the Town meeting and receive a local award.*

*Mr. Bill Jesmer, of 700 Gay Street and owner of 12 N. Seventh Street, had a few questions and asked, "If the Town happened to be sued, where would the funds come from?"*

*Mr. Drummond responded, "that it would depend upon the nature of the lawsuit, could possibly be paid by insurance or the Town."*

*Mr. Jesmer questioned "If the Town were to pay the funds, where would the funds come from?" And it was acknowledged that it would come from the tax payers.*

*Mr. Jesmer questioned filing a dispute about an invoice he received.*

*Mayor McNinch mentioned that this is a legal matter and deferred to the Town Attorney.*

*Mr. Drummond suggested, again, to Mr. Jesmer to get advice from an Attorney. "It would be very helpful to him in prosecuting, what he may think has been a wrong done to some personal property that he owned. If he does not want to get an attorney as has been previously suggested, and if he feels the Town has done something wrong, he needs to ask the Circuit Court for relief."*

*Mr. Jesmer asked, "But the Town will not investigate it then?"*

*Mayor McNinch stated that if Mr. Jesmer did not have any comments other than what has been discussed over and over again, then she thanked him for his time.*

*With no further comments or discussion, Mayor McNinch adjourned the meeting at 8:17 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*