

September 2, 2021

**Executive Session**

At 6:30 PM, Mayor McNinch opened a meeting of the Denton Town Council and asked for a motion to hold an executive session, by Authority, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) (i) to discuss Personnel as it related to hiring and compensation matters.

Councilwoman Wilson made a motion to hold an Executive Session to discuss personnel. The motion was seconded by Councilman Lister, passing unanimously. This session was held at the Denton Town Hall, 4 N. Second St., second floor training room.

**Present:** Mayor McNinch, Councilman Branson, Councilman Lister, Councilwoman Wilson, Don Mulrine, Town Administrator and Karen Monteith, Clerk-Treasurer. Councilman Johnson arrived at 6:45 PM.

**Discussion:** The Town Administrator share information on the applicants for the Planning & Codes Director position, interview results, and salary compensation desired by all the applicants is great than the salary compensation policy.

Per the Town Personnel Policy the Town Administrator discussed the entry pay and asked for support to negotiate the salary higher than the entry level for the applicant selected.

No action was taken during this session.

At 6:56 PM, with no further discussion, Councilwoman Wilson made a motion to close the Executive Session, seconded by Councilman Johnson, passing unanimously.

The Executive Session was closed, and the Council relocated to the Council Chambers to prepare for their Regular Monthly Meeting.

**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 mentioned that there are some problems with the online meeting access tonight, staff will continue trying to get that up and running.

Mayor McNinch asked that the record reflect that all Councilmembers were present.

Mayor McNinch announced that the Town Council held an Executive Session this evening to discuss Personnel related to hiring and compensation. The session started at 6:30 PM and ended at 6:56 PM, during which time no action was taken.

Councilman Lister provided a brief synopsis of the discussion that was held during the Executive Session with the Town Administrator regarding compensation for the hiring for the Town Planning Director.

Councilman Lister made a motion to authorize the Town Administrator to be able to negotiate within the appropriate pay scale with candidates seeking to be the Town Planning Director. The motion was seconded by Councilman Johnson, passing unanimously.

Councilman Branson made a motion to approve the minutes of the August 5, 2021, Regular Meeting as presented; seconded by Councilwoman Wilson, passing unanimously.

**Public Hearing**

*No public hearings were held.*

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

**Citation- What New Shop Celebrates 40 Years of Business**

*Mayor McNinch read a Council Citation to congratulate Mrs. Janice Clere, owner of the What's New Shop, in celebration of her 40 years of success as a business in downtown Denton.*

*Councilman Branson will present the Council Citation to Mrs. Clere.*

**Citation – Mentee of the Year Makayla Bellamy**

*Mayor McNinch read and presented a Council Citation to Ms. Makayla Bellamy, congratulating her for being awarded the Maryland United 4 Youth Conference Mentee of the Year through her participation in the YMCA Caroline Mentoring Program.*

**Proclamation – Caroline Goes Purple**

*Mayor McNinch issued a Proclamation of the Town Council to recognize the month of September as Caroline Goes Purple month. A month-long campaign to educate the public about the dangers of opioid addiction and what people can do to prevent it.*

**Sharp Road Park Basketball Court Project**

*Mr. Terae Warner, owner of Not A Phase Clothing, presented an idea for bringing the community together to paint the basketball court at Sharp Road Park, sharing designs of the Play In Color Project that took place in Easton. Mr. Warner proposed to host fund raisers and seek sponsors to raise between \$5,000 to \$7,000 to decorate the courts and integrate local kids to come up with designs. Once completed, he would host a reveal party at the park, with games.*

*Mr. Mulrine offered to help with kick off meetings and putting together a committee when they are ready to start outreach.*

*Councilman Johnson encouraged also including the basketball court behind the Police Dept.*

*Councilman Johnson made a motion to move forward with allowing the project, seconded by Councilman Branson, passing unanimously*

**Ordinances and Resolutions**

**Resolution #882 – FY21 General Fund Budget Amendment**

*A Resolution of the Town of Denton to amend the General Fund Budget for Fiscal Year July 1, 2020 through June 30, 2021 was presented.*

*Councilman Lister made a motion to adopt Resolution #882, seconded by Councilman Johnson, passing unanimously.*

**Resolution # 883 – 4<sup>th</sup> Street Park Community Parks & Playground Phase II**

*A Resolution of the Town of Denton approving the application and receipt of Community Parks & Playgrounds grant funds in Denton to be funded either directly by the Maryland Department of Natural Resources or through other departments or agencies of the State of Maryland.*

*Mr. Mulrine mentioned that the application is seeking \$145,000 Phase II of the 4<sup>th</sup> Street Park Renovation Project to install new playground Crabtrap equipment, borders, and site work.*

*Councilman Lister made a motion to approve the adoption of Resolution #883, seconded by Councilman Johnson, passing unanimously.*

**Ordinance # 721 - Denton Water Main Project**

*An Ordinance of the Denton Town Council authorizing the issuance and sale by the Town of its general obligation bond in the amount of \$633,388.00 pursuant to the authority of the Maryland Water Quality Financing Administration Act pertaining to the Denton Water Main Replacement Project.*

*Councilman Lister made a motion to introduce Ordinance #721, seconded by Councilman Branson.*

*In discussion, Mr. Mulrine shared additional details about the project upgrading and enhancing some of the oldest sections of water lines in the Town.*

*Mr. Chris Drummond, the Town Attorney, provided information pertaining to the Bond Counsel requirements.*

*With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #721.*

*The motion passed unanimously.*

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

*Mr. Drummond provided an update on the inquiry received last month from Mrs. Lacklen, and the potential annexation of 114 Siesta Drive. Mr. Drummond shared that he has confirmed that the property is not within the Denton Town Limits and per policy would require the annexation of this property and a neighboring property to be contiguous to consider annexation.*

*Mr. Phil Clark, Superintendent of Public Works, shared that with the rains recently the Town is seeing an increase in tonnage for residential trash collection. He shared concerns about the larger 96-gallon trash cans being too heavy, recommending changing the code to be 2/64-gallon cans or 4/32-gallon cans. Staff will look at amending the Town Code.*

*There was discussion about enforcing and making sure they can have lids on them to help reduce the tonnage.*

*Councilman Johnson recommended using social media to share with the public the cost and explain why the Town is asking residents to comply with code, and if that does not work then revisit lid enforcement.*

*Mr. Mulrine shared the County Administrator is asking for the Town and County to hold a working session to discuss the potential annexation of the Double Hills Farm.*

*Councilman Johnson had a conversation with Commissioner Porter and asked them to provide a plan on the layout of the land.*

*Mayor McNinch announced that Summerfest was a big success, thanking Town and the CCRP staff for all their hard work. She also shared a thank you card she received from Petrea MacDonald.*

*Mayor McNinch mentioned the anniversary of 911 and asked if there was anything happening.*

*Councilman Johnson announced on Sept. 26, 2021, Calvary Baptist Church will be holding a First Responders Day event.*

*Councilman Johnson mentioned that Mr. Becker continues to email complaints about the basketball courts. Councilman Johnson reached out to neighbors, they all support keeping the courts open at the location.*

*Chief George Bacorn shared that the Police Department has not received any complaints, and the courts are being opened and closed on time.*

Mayor McNinch as the MML Chairman of the Legislative Committee provided an update.

**Unfinished Business**

**Agenda #1- Tyler Holdings Lien Position Request**

As requested last month, additional information was provided pertaining to a request from Provident State Bank asking the Town to consider subordinating the Tyler Holdings business loan from the current 2<sup>nd</sup> lien to 3<sup>rd</sup> lien position.

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

**Agenda #2 – 902 Old Camp Road Public Works Agreement**

Mr. Drummond drafted a new Public Works Agreement as discussed last month, and as of this date, the owner and tenants of 902 Old Camp Road have declined to sign the agreement. Mr. Drummond mentioned that Mr. Echard's first name needs to be corrected and the term for the connection should be changed to be one year as per previous motions, and he discussed the next steps.

Councilman Lister made a motion to authorize file court action for the owner having defaulted on the current Public Works Agreement. The motion was seconded by Councilman Johnson passing unanimously.

Mr. Drummond mentioned that if the owner, Ms. McCaw and the Echard's decide to sign the agreement then the Town will not have to take them to court.

Councilman Lister made a motion to authorize the Mayor to sign a corrected agreement, if they will sign it, seconded by Councilman Branson, passing unanimously.

**Agenda #3 - 323 Market Street Lease – Cambio/Veloce**

Discussion was held with Mr. Stephen Kirby, formerly Cambio Broadband, regarding leases he currently has with the Town for rental space in 323 Market St. and the Dark Fiber. Mr. Kirby advised of the business status and changes for starting a new company called Veloce Networks, LLC., asking the Council to consider entering new leases changing the tenant to Veloce as he is dissolving Cambio.

Councilmembers shared many concerns with Mr. Kirby about resident service issues, and unfulfilled commitments to the Town.

Councilman Lister supported the office space lease for the remainder of the term but asked for some additional milestones in place to consider entering into a new lease for the Dark Fiber.

Mayor McNinch asked the Council for consideration on the request for a new lease for the office space rental lease for 323 Market St. with Veloce.

Councilman Branson made a motion to approve, seconded by Councilman Lister. There was discussion on the status of Cambio, business partners, operating agreement in which Mr. Kirby stated that he is the managing member of the LLC.

Mr. Drummond clarified that Mr. Kirby is asking that Cambio, of whom Mr. Kirby is the managing member, be released of the obligations of the lease for 323 Market St., and for those obligations to be transferred to Veloce of which he is also the managing member.

Mr. Mulrine mentioned that the lease expires June 2022.

With no further discussion, Mayor McNinch called for a vote on the motion on the floor.

The motion died with 1 yes vote by Councilman Lister and 4 no votes.

**Agenda #4 - Dark Fiber Lease – Cambio/Veloce**

*Mayor McNinch asked for consideration on the Dark Fiber Lease request.*

*Councilman Branson made a motion to discuss, seconded by Councilman Lister.*

*In discussion, Councilman Lister shared concerns that several conditions were not met under the previous contract and that he is not comfortable deciding tonight without some changes and having additional information on what the new company is planning to do. He shared that his mission is to find the most efficient, fast, and cost-effective way to provide internet for the people who live and work in the Town. And to do so, he thinks the Town needs to explore all options before approving a new Dark Fiber lease.*

*Councilman Branson was concerned about not having a tenant.*

*Mr. Drummond clarified that Cambio is still the tenant, that the Town has just decided not to enter into a new lease with the new company.*

*Mayor McNinch called for a vote on the motion for entering into a new lease. The motion died with 4 no votes and Councilman Lister abstained due to not having enough information.*

### **New Business**

#### **Agenda #1 – Planning Commission Appointment**

*Mrs. Lauren Shilling recently moved out of Town and resigned from the Planning Commission. Staff submitted a request to have the alternate member, Mr. George Schwaeble appointed to fill the Regular Member vacancy for the remaining term which will expire December 31, 2024.*

*Councilman Lister made a motion to appoint Mr. Schwaeble to serve as a Regular Member on the Planning Commission, seconded by Councilman Johnson, passing with 4 votes. Councilman Branson was out of the room at the time the motion and vote was taken.*

#### **Agenda #2 – Planning Commission Alternate Appointment**

*Mr. David Burroughs submitted a letter requesting appointment to the Planning Commission. Staff submitted a request to have Mr. David Burrough appointed to fill the unexpired Alternate Member Mr. Schwaeble's term which expires December 31, 2023.*

*Mayor McNinch introduced Mr. Burroughs who was attending the meeting.*

*Councilman Lister made a motion to appoint Mr. Burroughs to serve as the Alternate Member on the Planning Commission, seconded by Councilman Johnson, passing unanimously.*

*Mayor McNinch shuffled the agenda around some to accommodate some guest in the audience.*

#### **Agenda #8 - Legion Road Left Turn Closure**

*Mr. Nick Nistazos, owner of Dunkin Donuts, presented a proposal and discussed his plan to help with the traffic stacking issues on Legion Road.*

*Councilman Lister made a motion to suspend the left-hand turn closing on Legion Road for 30 days and re-evaluate before taking action. The motion was seconded by Councilman Branson.*

*Further discussion was held in which Councilman Johnson recommended giving 60 days, 30 days to implement the changes and another 30 days for the Chief of Police and Public Works to review and evaluate how well the changes work.*

*Councilman Lister amended his motion to be for 60 days, seconded by Councilman Branson, passing unanimously.*

*Mayor McNinch and the Council thanked Mr. Nistazos for being the first one to come to the Council with a plan and for trying to help with the traffic issues.*

**Agenda #10 - 322 Market Street Property Presentation**

Mr. Brett Davis, of Davis Strategic, a Commercial Real Estate Company, recently became the owners of 322 Market Street, and they rebuild infrastructure. Mr. Davis presented a proposal to the Council of their interest in demolishing the older building in the back and turning it into a municipal parking lot that would connect to the Denton Development Corporation Franklin St. Parking Lot that the Town currently leases.

Councilman Branson announced for the record that he owns the neighboring property and clarified with Mr. Drummond that it would not be a conflict of interest for him to participate in these discussions.

Mr. Davis explained that the lot would provide about 9 parking spaces. Users would enter the parking area from S. 4<sup>th</sup> St., and exit through the DDC lot, which would require giving up two parking spaces in the DDC lot. Mr. Davis proposed to continue to own their parking lot but possibly consider entering into a lease with the Town to use it as a municipal lot. This would all be done at no cost to the Town.

Mr. Davis also shared the building will be a strategic point of presence for their Simple Fiber Company, which would bring jobs to the community with their advanced technology and improve internet connectivity in the area. Davis is working with the State of Maryland to house Maryland Broadband Data Center in this building.

Discussion was held on the benefits of having their company in Town and possible options for assisting with the Town's goal to have alternative internet options, fiber, and Wi-Fi.

Councilman Johnson made a motion, that if the DDC approves and supports the parking lot proposal, the Town supports 106 N. Division St., LLC and the DDC to move forward. The motion was seconded by Councilman Lister, approving unanimously.

Mr. Mulrine will discuss with the DDC about the parking lot proposal.

**Agenda #3 - Public Works Purchase – 5500 Ram Dump Truck**

Mr. Clark submitted a request to move forward with replacing the 2007 one-ton dump truck with a 2020 Dodge Ram that is on MD regional contract and is \$76,689. This item was approved for \$85,000 in the Fiscal Year 2022 budget with a cost share from the water, sewer, and highway funds. This vehicle is used weekly for special collections and for winter storms.

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

**Agenda #4 - Public Works Street Sweeper Repair**

Mr. Clark shared the street sweeper is currently out of commission and needs to have the pickup head and pony motor replaced. The total cost of the repairs is \$28,000.50. Staff researched replacing the sweeper and found that a new one will cost \$150,000 to \$175,000, neither of which was budgeted for.

Councilman Branson made a motion to repair the truck, seconded by Councilman Johnson, passing unanimously.

Councilman Lister confirmed this is a general fund expense and the carry over will be used to cover the expense.

The motion passed unanimously.

**Agenda #5 - Water Meter Rate Increase**

Discussion was held on the cost of water meters rising and the Utility Commission and staff's recommendation to raise the fees to cover the price increase. New 1-inch meters

are \$520 and ¾ inch meters are \$440. It is recommended to raise the quarterly meter fees from \$4 per quarter to \$6 and raise the fees for meters for new homes from \$350 to \$600 to cover the costs of the increases. With the Council support, staff will draft an Ordinance for consideration.

Mayor McNinch made a motion to move forward with raising the cost to cover the expense, seconded by Councilman Branson. Passing 4-1 with Councilman Johnson voting no.

**Agenda #6 - MOU - County Emergency Alert System Use**

A Memorandum of Understanding between the Town and Caroline County Government outlines the use of their emergency alert phone system to alert Denton residents of emergency situations.

Councilman Branson made a motion to approve signing the MOU, seconded by Councilman Johnson, passing unanimously.

**Agenda #7 - Police Dept. New Security Door Lock System**

Chief George Bacorn submitted a request seeking approval to purchase a new security door lock system for the Denton Police Department. He shared that the speed camera funds designated in the budget to purchase new radios was not going to be needed and recommended using these funds to cover the cost for the new security upgrades.

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

**Agenda #9 - Building Code Update to ICC 2021**

Mr. David Renshaw, Senior Codes Enforcement Officer, discussed with the Council aligning the Town Code with International Building Code and Maryland Fire Marshal Codes regarding sprinklers for commercial properties. Staff shared that the Town Code is more restrictive and adds considerable additional costs to small businesses planning additions. Letters from businesses that are currently being affected by Code were provided.

Staff will provide some additional information and work on drafting an Ordinance.

**Agenda #11 - Wheatley Property**

Mr. Mulrine shared that the Maryland Department of Transportation is asking \$33,235 for the 6.3 acres of land they are looking to dispose of on Gay St. Staff believes the parcel is land locked with no direct access and may include some wetlands, however since it is adjoining to other land the Town owns, and it could be beneficial to acquire for future use.

Councilman Lister made a motion to offer the State \$10,000 for the property, seconded by Councilman Johnson, passing unanimously.

**Agenda #12 - WWTP HVAC System Purchase Request**

Mr. Mark Chandler, Water & Wastewater Superintendent, advised the Council that the HVAC system at the WWTP failed. Shorely Comfortable Air assessed and stated the outdoor unit and indoor unit needed to be replaced due to being 22 years old. Staff obtained three quotes from Shorely Comfortable Air, Steele's Heating and Air and Conner's. Staff compared each quote and the efficiency of the units, proposed and recommended awarding to Conners for the high efficiency model for \$10,392.

Councilman Lister made a motion to follow staff recommendation to go with Conner's 92% efficiency unit for \$10,392, seconded by Councilman Branson.

Councilman Lister amended his motion to not exceed \$12,000, seconded by Councilman Branson, passing unanimously.

**Miscellaneous**

*Councilman Johnson asked Staff to look at the location for the crosswalk on Sharp Road, that he has received several concerns that it is not in the right location. He recommended to include the School Resource Officer and possibly State Highway Administration to review it with them to see if they can look at some other options.*

*Mayor McNinch talked about the Lockerman School car rider line and commended the Denton Police Dept. on doing a great job assisting with the increased traffic.*

*Staff provided an update from last month on the Deford sewer abatement request sharing that Conners had provided the proper documentation certifying that a repair had been made indicating that the leak had occurred outside qualifying for a billing adjustment.*

*With no further discussion, Mayor McNinch adjourned the meeting at 9:45 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*