

December 9, 2019

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.

Mayor McNinch announced the Council held an Executive Session on November 18, 2019 at 5:30 PM; By Authority 2014 MD Code, State Government 3-305 (b) (1) (i), (ii) to discuss Personnel Matters.

Councilwoman Wilson made a motion to approve the minutes of the November 7, 2019 Regular Meeting, seconded by Councilman Johnson, passing with three votes. Councilman Branson and Councilman Lister abstained from voting, as they were absent for the November 7th meeting.

Councilman Branson made a motion to approve the minutes of the November 18, 2019 Working Session as presented; seconded by Councilman Johnson, passing unanimously.

Public Hearing

none

Petitions, Remonstrance's, and Communication**Proclamation – Bryan Ebling**

On behalf of the Denton Town Council, Mayor McNinch read a proclamation, congratulating Mr. Bryan Ebling, Director of the Caroline County Department of Emergency Services, on his upcoming retirement, thanking him for his 40 years of dedicated service to the community.

Mayor McNinch added that she has had the privilege to work with Bryan on the LGIT Safety Committee for several years now.

AT&T Water Tower and Lease Buy-Back Program

Mr. Don Mulrine, Town Administrator, shared a letter received from AT&T in reference to a Lease Buy-Back Program to purchase the Town's Water Tower. No action was taken on this request.

Proclamation – Patricia Guida –

On behalf of the Denton Town Council, Mayor McNinch read a proclamation, recognizing Mrs. Patricia Guida for her many years of historic research of people and properties for our community and for future generations. Most recently having conducted research on the former Southern State Property, Mrs. Guida's talent and attention to details is very valuable.

Mr. JOK Walsh accepted the proclamation for Mrs. Guida.

Mr. Walsh presented the Mayor with the original Town of Denton Seal that he had received from former Senator Colburn.

Ordinances and Resolutions

None

Reports of Officers, Boards, and Committees

Mr. Mark Chandler, Water & Waster Water Superintendent, advised the Council that an emergency repair was necessary to replace a pump and control box that failed at

the Second St. Pump Station. Mr. Chandler worked with Hill's Electric Motor Service to repair the pump at a cost with freight of \$12,080.

Mr. Mulrine asked the Council to authorize payment to Hill's for the emergency repair.

Councilman Johnson made a motion to approve payment, seconded by Councilman Lister.

Longevity of the repair, budgeting for a new pump was discussed.

The Mayor called for a vote on the motion to approve payment for the repair

The motion passed unanimously.

Mayor McNinch is serving on the Maryland Municipal League's Legislative Committee again in 2020 and provided an update. 2020 priorities include reinstatement of highway user funds and the aesthetics of 5G Cell Towers.

On Friday, the Mayor and Attorney will be attending a differential meeting with all the county seats on the Eastern Shore to discuss disparities. A letter has been sent to Caroline County of the Town's perspective of the differential requests for 2020.

Mayor McNinch thanked Town Staff on pulling together another great parade.

Councilman Johnson announced that the Neighbors United to Serve had another successful Thanksgiving Day Dinner; preparing approximately 1148 meals for the County, of which the Denton Police Department and volunteers delivered 258 meals in the Town of Denton on Thanksgiving morning.

Mayor McNinch announced that Small Business Saturday and the Holiday Market Place held at the Visitor Center was well attended.

Grand Opening and Ribbon Cutting Ceremony's were held for Fat Ricky's Pub & Grub and the Purple Peake LLC., new CBD Oil Retailer.

Unfinished Business

Agenda #1-Sewer Abatement Request – 406 Market St. & 1108 Canvasback Ln.

The Town Council previously deferred requests received from the property owners of 406 Market St. & 1108 Canvasback Lane, seeking sewer abatements for excess usage for outside watering to the Utility Commission for a recommendation.

The UC met on Nov. 20, 2019 and discussed the requests with the Property Owners. It was the consensus of the UC that the Town Code is specific in only allowing abatements for certifiable exterior leaks. And that the Code was amended previously to make a provision to allow a property owner the option to install a separate irrigation meter to properly register usage for outside watering, that would discount a sewer fee being assessed. The UC expressed that the system in place is fair and reasonable and did not make any recommendations to support allowing any adjustments.

Mr. Don Reedy, resident of 1108 Canvasback Lane, spoke with the Council regarding the UC process. He understands having to pay for the excess water, however expressed that he does not feel the assessment of sewer for outside watering is a fair process. Mr. Reedy suggested the Town consider a way to adjust the law to allow for outside watering and not overcharge the homeowner to have to pay for sewer.

The Mayor and Councilman Lister explained that the water and sewer funds are enterprise funds. There is a provision in place for what qualifies for an abatement; and a provision that allows for a way for the homeowner to put in an irrigation meter. The provisions govern the way water is used and can fairly certify what does not enter the

sewer system. There is not a better way to certify what does or does not enter the sewer system.

Mr. Chris Drummond, Town Attorney, shared that the Town cannot allow an adjustment for one and not others. He recommended that if Mr. Reedy feels strongly that a revision should be considered that he should start with lobbying the Utility Commission to recommend a change. The UC has the discretion of whether a change is supported or not.

Councilman Johnson reviewed how abatements are handled in many others municipalities and found that some have the same rule in place as Denton and that others do not allow for any abatements at all.

Councilman Branson shared that abatements are established in the Code and that to do anything differently would set a precedence that may not be justified.

Mr. Reedy cited where the Town Code allows the Council to make a decision.

Councilman Lister stated that the Code does allow the Council to make the ultimate decision, and in this situation, they value the recommendation from the UC. He mentioned that the UC can consider, if it wishes, to make a recommendation for future amendments, but that would not be retroactive and help with these abatement requests. The UC and the Council can work toward improving legislation and providing awareness for irrigation for the future.

No action was taken.

Agenda #2 – Veterans Parade Update

Mr. Royce Ball, with the Mid-Shore Veterans Group, provided an update on the planning for the April 3, 2020 Denton Veterans Parade.

Mr. Ball attended the Denton Holiday Parade, observing the logistics and is looking to recruit Town Staff to help with Coaching assistance for the Veterans Parade.

Lineup staging is tentatively schedule to be held at St. Luke's Church. Parade to begin at 5:30 PM with an Honor Celebration immediately following at the Courthouse. Event notices and advertising is scheduled to start in January.

New Business

Agenda #1 – 2020 Council Meeting Schedule

The 2020 Town Council Meeting Schedule was reviewed and discussed. The scheduled was adjusted to include holding a Sharp Road Park Meeting for January 13, 2020 at 6:30, to seek input from community sports organizations and the public on the project.

Councilman Lister made a motion to adopt the 2020 Meeting Schedule as adjusted, seconded by Councilman Johnson, passing unanimously.

Agenda #2 – Cambio Fiber Extension Request

Discussion was held regarding a request from Cambio Broadband seeking additional access to the Town Fiber to extend fiber from the Town Office to Wright Real Estate.

The Council took no action pending entering into an agreement with Cambio on the use of the fiber.

Agenda #3 - His Hope Ministries Subrecipient Agreement – 1000 Market St

Ms. Lynn Keckler, Director of His Hope Ministries, shared a proposal for the use of 1000 Market St. for transitional housing for homeless seniors.

Mr. Mulrine shared that since the property was acquired using Community Development Block Grant Funds, a subrecipient agreement, received from the Department of Housing and Community Development is being presented for consideration.

Councilman Johnson and Councilwoman Wilson disclosed that they both serve on the His Hope Ministries Board and will abstain from voting. Councilman Johnson also disclosed that his wife is an employee of His Hope Ministries.

Councilman Lister made a motion to accept the Subrecipient Agreement, seconded by Councilman Branson, passing with 3 votes. Councilman Johnson and Councilwoman Wilson abstained due to a potential conflict.

Mr. Drummond will draft a Memorandum of Understanding between the Town and HHM to outline the details of the use of the property.

Agenda #4 - T2 Systems Digital IRIS Agreement & Quote

Staff presented a Digital IRIS Customer Agreement, governing the provisions and use of the Digital IRIS Services, Wireless Data Services and related support for the T2 Parking Kiosk equipment being installed in the downtown. The T2 monthly subscription combined cost for all three units is quoted at \$165 per month.

The Agreement has been reviewed by the Attorney and was presented for consideration for approval to execute.

Councilman Johnson made a motion to approve the agreement, seconded by Councilman Lister.

Further discussion was held in which Staff explained the next steps for setting up the Credit Card Merchant Account; and that the Police Dept. is working on legislation that will amend the code to include language for the kiosks.

With no further discussion, the Mayor asked for a vote on the motion to approve executing the T2 Agreement.

The motion passed unanimously.

Agenda #5 - Sharp Road Park Project

Mr. Mulrine provided an update on the Sharp Road Park Project and asked for approval for modifications: 1) to the scope of work previously awarded to Duval Bros; and 2) for approval to utilize the DNR CP&P Grant Funds to issue payment to Lifetime Well Drilling for \$9,470 for the Well, and 3) to use the remaining \$24,000 in grant funds to move forward with extra walking path.

He explained that by deferring the earth work and paving approved in the original Duvall contract that cannot be completed until spring and focusing on extending the walking path base from 500' to approximately 2100', plus using the remaining grant funds to work toward connecting the pathway to the Choptank Property, will allow the best use of the grant funds that will expire soon. Mr. Mulrine suggested the additional Bond Funds can be used for the other items being deferred until spring.

Councilman Lister made a motion to approve the three items as presented, seconded by Councilman Johnson, passing unanimously.

Mr. Drummond, asked to go back to the Subrecipient Agreement with His Hope Ministries. He wanted to confirm for drafting the MOU that HHM will be expected to work on the house to bring it up to code.

Mr. Mulrine said that "Yes, HHM will be responsible for any repairs needed and the maintenance of the property while being used".

Mr. Drummond will draft a Memorandum of Understanding between the HHM and the Town.

Agenda #6 - Sandy Meadow II, LLC & Miron's Utility Easement

Tracy Schulz, Managing Member of Sandy Meadow II, LLC, submitted a request seeking the Town's approval to enter into a Utility Easement Agreement pertaining to a fence on Lot 15, that is located within the utility easement area in the Sandy Meadow Subdivision.

Mr. Drummond explained the circumstances leading up to the agreement, stating it is not perfect solution, but is a solution that has been affecting the Developer and the property owner for most of this year. The agreement allows Sandy Meadows to remove a portion of the fence, to allow for final grading of the nearby drainage swale as required by the Town, and to reinstall the fence in order for the Town to consider accepting the dedication of the infrastructure. The agreement allows the fence to remain for so long as Mr. Miron owns the property.

Councilman Lister questioned and mentioned that surrounding neighbors, have complied and relocated their fences out of the utility easement area, why is this different.

Mr. David Renshaw, Senior Codes Enforcement Officer, explained the other property owners installed their fences knowingly in the easement area, some without permits. In this case, Mr. Miron bought the property after the fence was installed. All was done under different staff. Staff has now included additional language on permits, further regulating stake out location for all fences.

Councilman Johnson expressed an opinion on monitoring and following up on permits, understanding that these fences were installed under former staff.

Mr. Renshaw mentioned that code requires fence post to be 24" deep and upon inspection of this fence, staff has found that not all the post meet code, and it is obvious that the installer knew it did not meet code, but kept on installing. He shared that if you look at this one in particular, the fence post is actually sitting on top of storm drain pipe, and stated when the fence portion is taken down and reinstalled the post will have to be reinstalled.

Mr. Marcus Parizo, resident of 118 Briarwood Circle, Vice President of the Sandy Meadows Home Owners Association, shared that the HOA has agreed to allow this agreement as an exception, in hopes to be able to move forward with the remaining subdivision infrastructure, and work toward getting the infrastructure dedicated to the Town.

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

Further discussion was held in which Mr. Drummond provided additional guidance.

Mr. Parizo asked to make sure the agreement covers who is responsible for the maintenance in the future for this lot.

Councilman Johnson shared concerns and suggested the agreement be amended to establish time perimeter, and that if any future cost associated with having to remove the fence occurs that the property owner will be responsible for all cost associated with problems and or repairs.

Mr. Drummond recommended to table pending amendments.

Councilman Johnson made a motion to table any action at this time to have amendments to the agreement as discussed, seconded by Councilman Branson, passing unanimously.

Agenda #7 - 920 Market Street, LLC

Mr. Kevin Sills, owner of 920 Market Street, LLC, spoke with the Council about the proposed Caroline County Department Social Services Building Project and the need for additional parking. Options to meet code would be to either purchase the 10th Street paper road adjacent to 920 Market Street; request the Town to consider an easement and or a set-back variance. Research is still to be done to determine if any of the adjoining land was purchased with Program Open Space Funds.

Mr. Drummond has been in touch with Mr. Ryan Showalter, Mr. Sill's Attorney, and suggested to hold off until the research is completed and added that requests for set-back variances will need to be submitted directly to the Town's Board of Appeals, not the Town Council.

Agenda #8 - Supplemental Census Grant

Mrs. Karen Monteith, Clerk-Treasurer, currently serving on the Caroline County Census Complete Count Committee, working together on ways to increase the 2020 Census response rate. The Town of Denton had a 79% response rate during the 2010 Census. Staff would like to apply for a grant, being sponsored by the Maryland Department of Planning to provide community awareness to increase the response rate for the 2020.

Councilman Johnson made a motion to authorize Staff to submit a Grant Application to promote Census awareness, seconded by Councilman Branson, passing unanimously.

Agenda #9 - Computer Replacements

Mrs. Monteith submitted a request to purchase five new Windows 10 computers from Corsica Technologies, to replace older units that are operating on Windows 7. The existing units are running slow and staff is experiencing processing issues. The total cost for the new computers, installed is \$8,020, and were included in the 2020 budget.

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

Miscellaneous

With no further discussion, Mayor McNinch adjourned the meeting at 8:48 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*