

December 10, 2015

Regular Meeting

Mayor McNinch called the regular meeting of the Denton Town Council to order at 7:05 PM on this date, leading everyone in the Pledge of Allegiance to the Flag.

Mayor McNinch asked that the record reflect that three Council members were present. Councilwoman Lightner was absent and Councilman Clendaniel was excused due to medical reasons.

Councilman Porter made a motion to approve the minutes of the November 5, 2015, Regular Meeting and November 19, 2015, Working Session minutes as presented, seconded by Councilman Branson, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's and Communication

Proclamation – Betty Jean Mumford

Mayor McNinch read a Proclamation for Betty Jean Mumford extending gratitude for the years of service to the Town of Denton Public Works Department in recognition of her upcoming retirement.

Proclamation – Gary Carpenter

Mayor McNinch read a Proclamation for Gary Carpenter extending gratitude for the years of service to the Town of Denton Planning and Codes Department in recognition of his upcoming retirement.

Proclamation – Clancy Richardson – Eagle Scout Award

Mayor McNinch read a Proclamation congratulating Clancy Richardson in recognition of earning the Eagle Scout Award, after completing a handicap ramp for a local resident.

Ordinances and Resolutions

Resolution #826 – Qualification of Members of Council Amendment

Mr. Don Mulrine, Town Administrator, provided an overview of the purpose of the amendment is to establish payment procedures for Council Members that participate in the Town's Group Health Care Program.

Councilman Branson made a motion to adopt Resolution #826, seconded by Councilman Porter. The motion passed unanimously.

Reports of Officers, Board and Committees

Mr. Don Mulrine, Town Administrator, informed the Town Council of the Caroline County Association of Towns' dinner on Wednesday, December 16, 2015. The guest speakers are John Ewald, Superintendent of Caroline County Schools, and Dave Dahlstrom, State Planning Representative.

Unfinished Business

Agenda #1 – Denton Volunteer Fire Department Siren Calls

Councilman Porter provided an overview of the Fire Chiefs and EMS Officers Meeting in response to the citizen's request to lower the volume of the fire siren near the Denton Volunteer Fire Company Station. Three motions were made to mitigate the siren and all motions died for lack of support. One motion was to decrease the length of the cycle; another for eliminating the activation of the siren if all the equipment is active within five minutes; and the final motion was

for eliminating sirens for nonemergency calls. He added that due to the inability to change hardware/software features, consistency must be maintained throughout all stations.

Councilman Branson noted that the siren is not activated for ambulance calls and only blows a cycle for fire calls.

Mr. Don Mulrine, Town Administrator, added that Brian Ebling, EMS Coordinator, will review this request at a future date when the upgrades are made to the computer system.

Agenda #2 - Email Communications – Open Meetings Act

Mr. Chris Drummond, Town Attorney, provided comments on a recent question after the last election when a member of the Election Board may not have been able to attend the last election, and it was asked if a replacement for an Election Board Member could be voted on by email. Mr. Drummond's opinion was this would violate the Open Meetings Act and email communications between staff and elected officials must comply with the Open Meetings Act if it includes making a decision or a discussion on a situation that should happen at a public meeting.

Mr. Drummond provided additional information on a case in Queen Anne's County involving a decision made electronically for an Appeals Case. At this time, there is not enough case law to make a determination on email communications.

Mr. Don Mulrine, Town Administrator, informed the Council that MML is also reviewing legislation for electronic communications this session.

New Business

Agenda #1 - Water & Sewer Allocation – Christopher & Kimberly Schall

Mr. Christopher Schall & Mrs. Kimberly Schall submitted a request for approval of two (2) water and sewer allocations for a Physical Therapy Clinic to be located at 103 South 7th Street.

Councilman Porter made a motion to approve the allocation for two (2) ERU's, seconded by Councilman Branson, passing unanimously.

Agenda #2 - Water & Sewer Allocation – Jeff Wright

Mr. Jeff Wright, owner of 223 Market Street, submitted a request for a ¼ (.25) of a water and sewer allocation for Salon 223 to be located at 223 Market Street.

Ms. Jasmine Riley, owner of Salon 223, requested information for the calculation of ERU's.

Mr. Tom Batchelor recommended scheduling a meeting.

Councilman Porter made a motion to approve the allocation for ¼ (.25) ERU, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Planning Commission Appointments

Mrs. Sue Cruickshank requested reappointment for another five (5) year term expiring December 31, 2020. Mr. Nicholas Iliff, Jr., requested appointment to the Planning Commission. Mr. Matthew Breedlove, Alternate Member, resigned and his unexpired term ends December 31, 2018.

Councilman Branson made a motion to reappoint Ms. Sue Cruickshank to fill her regular member position and appoint Mr. Nicholas Iliff, Jr., to fill the alternate member's unexpired position. Councilman Porter seconded the motion. The motion passed unanimously.

Agenda #4 - Historic & Architectural Review Commission Appointments

Mr. Keith Bobbick requested reappointment for another three (3) year term expiring December 31, 2018. Mrs. Katherine Houchins-Holsclaw's term expires December 31, 2015, and is not seeking reappointment creating one vacancy.

Councilman Branson made a motion to reappoint Mr. Keith Bobbick to fill another term, seconded by Councilman Porter, passing unanimously.

Mr. Jim Adair introduced himself and expressed his interest in serving on the Historic & Architectural Review Commission. Mr. Adair has an extensive background in historic restoration and architecture and will submit a written request for appointment.

Agenda #5 - Board of Appeals Appointments

Mr. Troy Livingstone requested reappointment for another three (3) year term expiring December 31, 2018. Mr. Dallas Lister was elected to the Town Council resulting in one vacancy, and his unexpired term ends December 31, 2017. Ms. Jennifer Shull requested appointment to the Board of Appeals.

Councilman Branson made a motion to reappoint Mr. Troy Livingstone for another term and appoint Ms. Jennifer Shull to fill the unexpired term, seconded by Councilman Porter, passing unanimously.

Agenda #6 - Annexation Petition – Penguin Ventures, LLC

Mr. Barry Griffith, Lane Engineering, made the presentation on behalf of Mr. Thomas Prete, Jr., Penguin Ventures, LLC. The petition for annexation is for property located on Tax Map 107, Parcel 130, approximately 2.16 acres. Mr. Griffith referred to an exhibit of the proposed development for a medical facility which will be combined with the adjoining parcel 2300. The combined parcels will be approximately 4 acres. This annexation will provide the additional land to accommodate the stormwater management, parking, and Open Space requirements for the proposed development.

Mr. Chris Drummond spoke with Mr. Ryan Showalter, applicant's attorney, regarding the proposed annexation, additional information, and proposed agreements.

Councilman Porter made a motion to forward the annexation petition to the Planning Commission for a recommendation, seconded by Councilman Branson, passing unanimously.

Agenda #7 - 2016 Council Meeting Schedule

Mr. Don Mulrine, Town Administrator, requested approval for the 2016 Town Council Meeting Schedule and Holiday Schedule. The schedules were discussed at the November Working Session.

Councilman Porter made a motion to approve the 2016 Town Council Meeting Schedule and Holiday Schedule, seconded by Councilman Branson, passing unanimously.

Agenda #8 - Accrued Leave Carry Over

Mr. Don Mulrine, Town Administrator, has over 160 hours of accrued leave and requested approval to carry forward the excess to be used in the next calendar year.

Councilman Porter made a motion to approve the carryover of excess leave into the next year, seconded by Councilman Branson, passing unanimously.

Agenda #9 - Denton Municipal Tree Harvesting Project – Bid Award

Mr. Don Mulrine, Town Administrator, provided a brief overview of the three bids received for the tree harvesting project. Staff recommended for the bid to be awarded to Johnson Logging Company, Inc., in the amount of \$7,000, because it includes site cleanup. This amount will be awarded to the Town.

Councilman Branson made a motion to award the tree harvesting bid to Johnson Logging Company, Inc., seconded by Councilman Porter, passing unanimously.

Staff will forward contract to the Town Attorney for review.

Miscellaneous

Councilman Porter informed the public of the recent catastrophic event with the ladder truck. The driver suffered a medical emergency, two civilians sustained injuries, three of the four firefighters were injured, and the fire truck will probably be totaled. The Denton Volunteer Fire Company appreciates the support of the community.

Mayor McNinch provided a brief overview of the meeting of the Eastern Shore Association of Municipalities. MML has identified five legislative projects for the municipalities to work on together.

Councilman Branson share the five action items: 1) for the State to fully reinstate the funding to Municipalities from the gas tax that is to be used for paving roads; 2) Seeking for Open Space Program Funding to be reinstated to provide for soccer and baseball fields; 3) Police Body Cameras; 4) Foreclosure and Vacant Properties; and 5) legislation pertaining to the Tax Differential between the Town and the County. The State has been using some of these funds to balance the budget and municipalities are not receiving the funds as were originally allocated.

Mayor McNinch shared that the Town has submitted the annual letter to the County seeking a change in the tax differential formula.

The Mayor extended a warm welcome to Tom Batchelor returning to the Planning and Codes Department.

The Mayor, Don Mulrine, and Tom Batchelor attended Career Day at the Lockerman Middle School.

Mayor McNinch attended a Roundtable at the Gables. Residents are searching for any small projects that will assist the Town and give back to their community.

Mayor McNinch extended thanks to the Town staff for the successful parade.

Mr. Tom Batchelor updated the Town Council on the Planning and Codes strategic goals to be accomplished.

Mr. Bill Jesmer addressed the Town Council about 700 Gay Street and the recent court proceeding. Mr. Jesmer requested support from the Town Council for the resolution and completion of 700 Gay Street.

Mr. Chris Drummond informed Mr. Jesmer that Town has no control over the ownership of the property, which ultimately is an issue for permitting purposes. The ownership needs to be resolved, so that it has no effect on any permitting on this property.

Mr. Dean Danielson requested a joint meeting with the Planning Commission and Town Council.

Mayor McNinch and the Council thanked Main Street, expressing that Patti and Diane have been instrumental in putting together the Holiday Market Place which has been very successful this year.

With no further discussion, Mayor McNinch adjourned the meeting at 8:00 PM.

Respectfully submitted,

*Donna R. Todd
Administrative Aide II*