

July 7, 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.

Invocation by Chris Jensen of Calvary Baptist Church.

Mayor McNinch thanked everyone for coming and asked that the record reflect that Councilman Johnson was attending virtually and that everyone else was present in person.

**Executive Session Announcement**

Mayor McNinch announced that on July 5, 2022 at 1:00 PM, the Denton Town Council held a Closed Meeting/Executive Session at the Wharves of the Choptank Visitor & Heritage Center. This session was held under the Authority of the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) to discuss: (i) Personnel & (ii) Personnel Matters.

**Minutes**

Councilman Lister made a motion to approve the minutes of the June 2, 2022 Regular Meeting, and the June 27, 2022 Working Session as presented; seconded by Councilman Branson, passing unanimously.

**Public Hearing**

None

**Petitions, Remonstrance's, and Communication****Citation – Eagle Award Aiden Amalfitano**

Mayor McNinch read a Citation to recognize Aiden Amalfitano from Boy Scout Troup 165 for earning his Eagle Scout Award. The ceremony is scheduled to be held on July 10<sup>th</sup> at the Parish Family Life Center of St. Benedict's Roman Catholic Church, 408 Central Ave. Ridgely.

**Ordinances and Resolutions****Resolution #887 - Sustainable Community Renewal Application**

A Resolution approving the renewal application of the Denton Sustainable Community Plan for another 5 years.

Councilman Lister made a motion to adopt, seconded by Councilwoman Wilson, passing unanimously.

**Ordinance #735 – Critical Area Amendments**

An Ordinance of the Town of Denton amending the Denton Town Code by amending § 128-8 Definitions, amending § 128-36 Supplemental Use Standards, adding § 128-42.4 Water-dependent Facilities, and amending §128-175 GA Growth Allocation Floating Zone with respect to the Critical Area Program in the Town of Denton.

Councilman Branson made a motion to introduce Ordinance #735, seconded by Councilman Johnson, passing unanimously.

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

Councilman Lister announced that members of the Denton Utility Commission will be meeting at Easton Utilities on July 19<sup>th</sup> and invited members of the Council to join them.

**Unfinished Business****Agenda #1- 323 Market Street Lease – Caroline Pride LLC**

A revised lease agreement for the Caroline Pride Organization to rent space, known as Suite 102 at 323 Market St. Microenterprise Building for 1 year was presented for consideration.

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

There was discussion on the uses of the first floor retail space instead of non-profit; moving with allowing Downtown Denton Main Street to take over management of the rentals in the future. DDMS is not in a place to take over the management yet.

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

The motion passed 3-2, with Councilman Johnson and Councilman Lister voting no.

### **New Business**

#### **Agenda #1 – Financial Software Upgrades**

As per the FY2023 Budget, a proposal to upgrade and transition the InCode Financial Software to the Cloud was presented. The Tyler Technologies quote of \$22,263 for the migration and annual maintenance for the cloud service. Staff shared that the current annual maintenance of \$11,075 would be reduced, and the actual net increase cost that was budgeted would be \$11,188.

Mr. Chris Drummond, Town Attorney, commented on his legal review of the agreement and explained the liability limitations and limited consequential damages. Tyler Technologies amended the agreement and removed language to the Investment Summary Section of the Agreement that did not apply to the Town as requested by Mr. Drummond.

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

#### **Agenda #2 – Election Supervisor Alternate Vacancy**

Two Town residents, Mrs. Candy Jordan of 1118 Osprey Lane, and Mrs. Audrey Clemens of 213 S. Fifth Ave both expressed interest in filling the vacancy for a 2-year term that would expire June 30, 2024 to serve as an Alternate Election Supervisor. The alternate is on standby to assist with the Elections in the event one of the regular members is unavoidably absent.

Councilman Lister made a motion to accept Mrs. Jordan and Mrs. Clemens to serve as Alternates, with Mrs. Jordan being the first alternate and Mrs. Clemens the second alternate to the alternate. The motion was seconded by Councilwoman Wilson.

Councilman Johnson asked if there would be any issue if any of the members are related to employees of the Town, in which Mr. Drummond said that is part of being a small town and that it would not be an issue.

With no further discussion, Mayor McNinch asked for a vote on the motion to appoint the Election Supervisor Alternates.

The motion passed unanimously.

#### **Agenda #3 - Water and Sewer Allocation – Denton Project, LLC**

Denton Project, LLC submitted a request for approval for forty-four (44) ERU's for the proposed townhouse subdivision to be located at 812 Camp Road.

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

In discussion, Mr. Kevin Shearon of DMS & Associates, working with Denton Project, LLC, and Mr. George Bailey, a representative of Denton Project, LLC, shared information on the proposed project for 44 new residential units that is scheduled to go before the Planning Commission on July 26<sup>th</sup>.

It was confirmed with Staff that the project reflects the new road width legislation requirements.

*With no further discussion, Mayor McNinch called for a vote on the motion to approve. The motion passed unanimously.*

**Agenda #4 - Water and Sewer Allocation**

*A request from Mid-Atlantic Real Estate Investments, Inc., requesting approval for two (2) ERU's for the new retail building to be located on the existing pad site at the Denton Plaza was reviewed. This is for a new commercial retail building planned for two (2) retail units at 41 & 43 Denton Plaza.*

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

**Agenda #5 - 920 Market LLC – Property Management Agreement**

*A Property Management Agreement appointing 920 Market LLC to act as the Town's agent for the purpose of managing the property that will be leased by the State was presented.*

*Mr. Drummond provided an explanation for the additional Agreement and how it will help reduce the Town's involvement in managing the property.*

*Councilman Lister made a motion to adopt the Property Management Agreement and authorize the Mayor to sign it, seconded by Councilman Branson, passing unanimously.*

**Agenda #6 - Sludge Treatment Process PER/ER agreement with Rummel, Klepper & Kahl, LLP**

*Mr. Mark Chandler, Water & Wastewater Operations Supervisor, submitted an agreement from RK&K Engineering to conduct a Sludge Management Upgrade Study for the Wastewater Treatment Plant.*

*Councilman Lister made a motion to adopt the Engineering Agreement with RK&K for the Engineering Study, seconded by Councilman Branson, passing unanimously.*

**Agenda #7 - Small Business Loan – Fiber Arts Center**

*The Fiber Arts Center of the Eastern Shore (FACES) has submitted a Small Business Loan Application to purchase the 7 N 4<sup>th</sup> Street building in Denton from Caroline County Council of Arts (CCCA). The loan request is for \$60,000, at 3% for 25 years. All three members of the Business Loan Review Committee recommend approving the loan.*

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

**Agenda #8 - Brodie Bankruptcy**

*Mr. Drummond provided an update on the status of the Brodie Property Bankruptcy proceedings. Mr. Drummond has alerted the Bankruptcy Trustee about the long-standing issues involving the Legion Road Properties and the road to Gay Street connectivity so that all prospective bidders are aware of the Town's intentions.*

*No action was taken on this item.*

**Agenda #9 - Middle Department Inspection Agency Agreement**

*Mr. David Renshaw, Senior Codes Enforcement Officer, presented the Middle Department Inspection Agency Renewal Agreement to continue to perform all electrical and plumbing inspections for the Town and other building inspections as needed. The new contract period begins in July 2022 and runs through December 1, 2025. Staff will work on adjusting the Town's Fee Schedule to cover any expenses.*

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

*Councilman Johnson asked when Staff prepares the adjusting fee schedule to provide the Town's cost and time involved in processing the permits and inspections.*

**Agenda #10 - Water and Sewer Allocation**

*A request from Mr. Albert Retowsky of TRAAD, LLC, was submitted requesting approval for one (1) additional water and sewer allocation for a proposed multifamily dwelling to be built at 202 North Sixth Street.*

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

*In discussion, Mr. Renshaw provided an overview of the proposed 4-plex unit modified apartment building, to be built following the merger of three existing lots.*

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

*The motion passed unanimously.*

**Agenda #11 - New Police Officer Salary**

*Chief Bacorn announced that he is working on hiring a Certified Police Officer seeking approval for flexibility to hire at a Grade 8 up to a Step 5 salary.*

*Councilman Lister made a motion to give the Police Chief the latitude to work with the Town Manager to offer a negotiated starting pay up to a Grade 8 Step 5. The motion was seconded by Councilman Branson, passing unanimously.*

**Agenda #12 - Administrator Recruitment Consulting Proposals**

*Proposals from Consulting Firms to assist the Town Council in the recruitment of the next Town Administrator were provided to the Council for direction and consideration to award.*

*Councilman Johnson made a motion to pass on the proposals.*

*Councilman Lister stated that he felt it needs to be a motion to table.*

*Councilman Johnson rescinded his motion.*

*Councilman Lister stated that since starting the outreach for assistance the Council has met with a potential Candidate that they would like to make an offer to, and they will no longer need the services of a recruitment firm if the offer is accepted.*

*Councilman Lister made a motion to offer the position to the Candidate and table action on the proposals until they have a resolution from the Candidate. The motion was seconded by Councilwoman Wilson, passing unanimously.*

*Councilman Lister shared that as they go through the contract it may be necessary to hold an Executive Session.*

**Miscellaneous**

*With no further discussion, Mayor McNinch adjourned the meeting at 8:22 PM.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*