

June 3, 2021

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.

Councilman Johnson made a motion to approve the minutes of the May 6, 2021, Regular Meeting and the May 24, 2021, Working Session as presented; seconded by Councilwoman Wilson, passing unanimously.

Public Hearing

No Public Hearing was held.

Petitions, Remonstrance's, and Communication

Proclamation – Cindy Draper

Mayor McNinch presented a Proclamation to Mrs. Cindy Draper, congratulating her for 26 years in business in the downtown, thanking her for the many years serving the community and wished her the best as she enters retirement

Proclamation – Pride Festival June 12

Mayor McNinch presented Mr. Angel Perez a Proclamation to recognize his efforts for the upcoming Caroline County Pride Festival that will take place June 12 in downtown Denton, calling up all citizens to respect and include all people equally in the community.

Citation – Mason Shilling & George Schwaeble

Mayor McNinch presented Council Citations recognizing Mason Shilling and George Schwaeble for organizing a two-day community clean up in Savannah Overlook, during which they removed 380 lbs. of trash and beautified their neighborhood.

Council Citation – DFC Brent Beck

Acting Chief George Bacorn presented a Council Citation to Deputy First Class Brent Beck of the Caroline County Sheriff's Office for his heroic lifesaving actions with Cpl. Snyder of the Denton Police Dept.

Communication – Set Date for Joint Meeting with Planning Commission

The Denton Planning Commission and the Denton Town Council will hold a joint meeting September 27, 2021, to discuss the goals and schedule for the new Comprehensive Plan. The meeting will be held at the Visitor Center at 6:00p.m. and if necessary, a second meeting will be held on October 25, 2021.

Ordinances and Resolutions

Ordinance #718 – Bullocks Rezoning Classification

An Ordinance of the Town of Denton granting the application of J. Richard Bullock and Elizabeth J. Bullock to rezone Parcels 998 and 1000 on Caroline County Tax Map 103 from Town Scale Residential (TR) To General Commercial (GC).

Councilman Johnson made a motion to introduce Ordinance #718, seconded by Councilman Branson.

Mr. Don Mulrine, Town Administrator, provided an overview of the rezoning request, provided the Findings of Facts, and requested each Council Member to conduct a site visit before the public hearing is held next month.

With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #718.

Motion passed unanimously.

Ordinance #719 – Official Zoning Map Amendment

An Ordinance of the Town of Denton amending the Official Zoning Map of the Town of Denton to apply the General Commercial (GC) Zoning District to parcels of land rezoned from Town Scale Residential (TR) in the Town of Denton located on Caroline County Tax Map 103, Grid 12, Parcels 998 and 1000.

Councilman Lister made a motion to introduce Ordinance #719, seconded by Councilman Johnson.

Mr. Mulrine provided an overview, as this relates to Ordinance #719.

With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #719.

The motion passed unanimously.

Ordinance #720 – Vehicles and Traffic Amendment

An Ordinance of the Town of Denton to amend the provisions contained in Chapter 120 of the Denton Town Code with respect to designating one-way and two-way streets and on-street parking thereon and eliminating the Code Enforcement Officer as authorized to enforce the provisions of §120-48 of the Town Code.

Councilman Lister made a motion to introduce Ordinance #720, seconded by Councilman Johnson.

Discussion was held, Mr. Mulrine provided an overview.

Councilmen Lister and Johnson spoke in support of the Ordinance and giving flexibility to the Chief of Police to decide what is best for the community.

Councilman Johnson added that four comments were posted online against making Briarwood One-Way.

With no further discussion, Mayor McNinch called for a vote on the motion to introduce Ordinance #720.

The motion passed unanimously.

Reports of Officers, Boards, and Committees

Discussion was held pertaining to a complaint received pertaining to the basketball court located behind the Police Dept., foul language, trash, balls traveling into the street and neighboring yards. Councilman Johnson suggested looking into putting up additional fence on the Third St. side to keep the balls from going into the street.

Staff will research and seek an estimate for additional fence.

Discussion was held pertaining to recent trash collection issues and coming up with a backup plan for when there is an equipment failure.

Discussion was held on the prior request from Mr. Wooleyhand regarding tree removal on Sharp Rd. Staff shared the cost for three bids received, lowest was \$2,400 which it was decided it would cost more to conduct a survey than to remove the tree. The Town Attorney was asked to prepare a hold harmless agreement for the property owner to sign. Once the agreement is signed, Staff will move forward with having the tree removed by the lowest bidder.

Mr. Mulrine announced that the Town has received notice from the Maryland Dept. of Transportation, State Highway Administration of their intent to sell surplus property that adjoins to lands the Town already owns. The State notice provides an

opportunity for the Town to submit a request if the Town has interest in acquiring the land for the Town to use.

Discussion on showing interest for park planning to occur in the area.

Councilman Lister made a motion to authorize for the Town Administrator to submit a letter to communicate with the State of the Town interest in the property, seconded by Councilman Johnson, passing unanimously.

Unfinished Business

Agenda #1- Briarwood Circle Survey

Councilman Johnson shared the outcome from the survey sent out a few weeks ago pertaining to proposed traffic and parking changes in the Briarwood Circle neighborhood. With 32 surveys received, 61% support two-way traffic and no on street parking, the rest voted for one-way traffic and allow on street parking, while 53% felt that there is not enough off-street parking available. Ordinance #720 once adopted will allow the Chief of Police to decide what is the best travel plan for the community.

Agenda #2 – DHCD Grant Agreement – Water/Sewer Funding for Hospice House Project

Mr. Mulrine presented a Dept. of Housing and Community Development Community Legacy Grant Agreement, seeking approval for the Mayor to sign. This authorizes the funding of \$100,000 that has been awarded to the Town to assist Compass Regional Hospice with the water/sewer work on the new Hospice House Project to be in Denton.

At the November 5, 2020, Town Council meeting, Resolution #879 was approved requesting \$200,000 of which \$100,000 was awarded by DHCD.

Councilman Branson made a motion to authorizing the Mayor to sign the agreement, seconded by Councilman Lister, passing unanimously.

New Business

Agenda #1 – LGIT Election Ballot

The ballot for LGIT's upcoming annual election was shared and discussed.

Councilman Johnson made a motion to appoint Councilman Lister as a representative of the Council to vote in favor for all four candidates. The motion was seconded by Councilman Branson, passing unanimously.

Agenda #2 – EV Charging Station ROW – 3rd and Gay Street

A Delmarva Power Right of Way Agreement providing for a two-vehicle charging station to be placed in the municipal parking lot at N. 3rd and Gay Street was presented.

Councilman Lister made a motion to approve the execution of the Right of Way Agreement with Delmarva Power, seconded by Councilman Johnson, passing unanimously.

Agenda #3 -Sharp Road Park – Bond Bill 3

Mr. Mulrine initiated discussion on Sharp Road Park and how the \$300,000 in Grant Funds recently awarded by the State can be utilized.

The consensus was to prioritize the installation for public restrooms, and to continue to work to identify what should be next on the list for improvements.

Agenda #4 - Portable Audio/Video Recorders Policy

Planning & Codes Staff submitted a draft policy for implementing a Portable Audio/Video Recorder Program, seeking support to implement a Body Camera Program.

Understanding the intent to protect staff and the community, the pros/cons, concerns about liability and needing adequate training was discussed. Discussion led into the need to hire a Planning Director to manage the Department, handle complaints and oversee training. The need to have Directors for each Department under the Town Administrator instead of him trying to manage every employee.

Councilman Lister made a motion to hold off implementing a body camera program for P&C until the Town hires a Planning Director and to re-evaluate the need then. The motion was seconded by Mayor McNinch.

Further discussion, currently the Town Attorney could only find policy as it relates to police officials, and not code enforcement. Police rules are different, to implement such a policy for codes, would require specialized training to avoid the penalties for not applying correctly, as the penalties are very severe.

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

The motion passed 4-1, with Councilman Johnson voting no.

Agenda #5 - Enterprise Vehicle Purchase Contract

Mr. Mulrine, following up on prior discussion, presented the Enterprise Fleet Management Contract for consideration to move forward with purchasing 2 police vehicles and 1 public works truck as approved in the upcoming budget.

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

Agenda #6 - Personnel Manual Amendment

Discussion on the Personnel Manual, Salary Administration Section 5-9 Pay Rate Adjustments, 5-9.6 Compensation During Temporary Assignment was held. Recognizing that per the existing policy the two employees currently fulfilling Acting positions are not receiving enough compensation for the duties that are taking care of.

Councilman Lister made a motion to pay the Acting Chief and Acting Lieutenant a pay at the level at the step in the higher position, making the pay adjustment retroactive to the date they were both appointed to the acting position. The motion was seconded by Councilman Johnson, passing unanimously.

The Council expressed that some sections of the Personnel Manual seem to be outdated and would like to spend time during upcoming working session to address different sections of the policy, and to encourage employees to comment and participate in the updates.

Executive Session Announcement

Mayor McNinch requested a motion to go into an Executive Session, per the Open Meetings Act, Maryland Code Annotated, General Provisions Article, § 3-305 (b) (2014) (1) discuss: (i) Personnel – Appointment.

At 8:34PM Councilman Lister made a motion to enter a Closed Session to discuss Personnel, seconded by Councilman Branson, passing unanimously.

The Executive Session was held in the Training Room.

Present: Mayor McNinch, all Council Members, Mr. Mulrine, Town Administrator, Chris Drummond, Town Attorney, George Bacorn, Acting Chief of Police, and Karen Monteith, Clerk Treasurer.

Discussion was held pertaining to filling the Chief of Police Position, Employment Contract and having a Written Plan for the Police Department.

With no further discussion, Councilman Johnson made a motion at 9:10 PM to close the Executive Session and relocate to reconvene the Regular Meeting, seconded by Councilman Lister, passing unanimously.

Everyone relocated back to the Council Chambers.

Regular Meeting Reconvened

Mr. Drummond announced that during the Executive Session the Council held discussion regarding the filling of the Police Chief Job, no decisions were made, and no deliberation occurred.

At 9:14 PM, Councilman Johnson made a motion acknowledging Mr. Drummond's announcement and reopened the Regular Meeting, Seconded by Councilman Lister, passing unanimously.

Mayor McNinch asked for consideration for filling the Police Chief Job that has been vacant for 9 months.

Councilman Lister made a motion to as of the July 1, 2021 Meeting to offer the Acting Chief George Bacorn the Police Chief's Job with a Contract to be prepared by the Attorney with a five year duration. And for in the subsequent 30 days after, to hold a meeting in August, asking the Police Chief to put together a S.W.A.T. analysis of strategic goals of strengths and weaknesses for the Police Department and to provide a more detailed advance plan of where he plans the Police Department to go in the next five-years. The motion was seconded by Councilman Johnson, passing unanimously.

With no further discussion, Mayor McNinch adjourned the meeting at 9:16 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*