

May 6, 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 joining the meeting in person and virtually and explained how to use the comments section online.

Mayor McNinch asked that the record reflect that Councilwoman Wilson was attending virtually, Councilman Lister was in attendance, Councilmen Johnson and Councilman Branson would be there shortly. Both did arrive before moving on to the minutes.

Councilman Lister made a motion to approve the minutes of the April 1, 2021 Regular Meeting as presented, seconded by Councilman Branson, passing unanimously. Councilman Lister made a motion to approve the minutes of the April 19, 2021 Working Session as presented, seconded by Councilman Branson, passing unanimously.

Councilman Branson made a motion to approve the minutes of the April 26, 2021 Working Session as presented; seconded by Councilman Johnson, passing unanimously.

Mayor McNinch stated that with so many guests in attendance for the Proclamations, that the presentations be made at this time so that any guests, who could not stay, for the meeting could leave when done.

Petitions, Remonstrance's, and Communication

Citations and Life Saving Awards

Acting Chief George Bacorn and Mayor McNinch presented Citations and Life Saving Awards to Sgt. Rick Starkey and Cpl. Mark Snyder for their heroic Life Saving Actions. The Officers performed lifesaving actions including use of AED and CPR until EMS arrived and took over. The victim was successfully resuscitated and transported to the hospital for further treatment. Without these actions, the victim would not have survived this emergency.

On the very same day, Cpl. Mark Snyder along with DFC Brent Beck, Caroline County Sherriff's Department, performed lifesaving actions with the use of the AED and CPR until EMS arrived and took over. DFC Brent Beck has been activated in the National Guard and will be presented with his citation later.

Citations – Riverview Gardens Michelle Boulden-Hammond

Mayor McNinch read and presented a Proclamation recognizing Michelle Boulden- Hammond, Volunteer of America Resident Service Coordinator, for her community service bringing community awareness of the 1st Behavioral Health Fair at Riverview Gardens Goes Purple and Minority Health Awareness Month Health Fair.

Proclamation – 52nd Municipal Clerk's Week

Mayor McNinch read and presented a Proclamation recognizing May 2nd- May 8, 2021 as National Municipal Clerks Week, expressing their gratitude for the hard work and dedication of our Town Clerks and the vital services they provide to our community.

Proclamation – National Public Work's Week

Mayor McNinch read and presented a Proclamation recognizing May 16th – May 22nd as National Public Works Week, expressing their gratitude for the hard work and dedication of the Public Works Staff in providing vital services to our community.

Proclamation Mental Health Awareness Week

Mayor McNinch read a Proclamation recognizing May 2nd – May 8, 2021 as National Children’s Mental Health Awareness Week. A child’s mental health is just as important as his/her physical health.

Public Hearing

Constant Yield Tax Rate

Mayor McNinch read the contents of the Constant Yield Tax Rate Public Hearing Notice. The current tax rate for Fiscal Year 2020-2021 is \$.77 per \$100 of assessed value. The State Certification shows the Constant Yield Tax Rate should be \$.7557 to maintain the same revenues for the upcoming Fiscal Year 2021-2022. The Council is proposing to set the FY22 tax rate at \$.76 per \$100 of assessed value.

Mayor McNinch opened a Public Hearing at 7:15 PM to receive public comments on the Fiscal Year 2022 Constant Yield Tax Rate.

Mayor McNinch asked for comments from the State: there were none received in advance of the hearing or during the hearing.

Mayor McNinch asked for comments from the County: there were none received in advance of the hearing nor during the hearing.

Mayor McNinch asked for comments from Council Members.

Councilman Lister remarked that with discussions from previous Working Sessions the Council is looking at setting the tax rate at \$.76, reducing the tax rate by one cent, staying close to the constant yield.

Councilman Johnson remarked that he agrees with Councilman Lister.

Mayor McNinch asked for comments from the public in person: there was none.

Mr. Mulrine stated that no comments have been received by mail or email.

Acting Chief Bacorn stated no comments were received online.

With no other comments Councilman Lister made a motion to establish the tax rate at \$.76, seconded by Councilman Johnson. The motion passed unanimously to set the tax rate at \$.76 per \$100 of assessment for the Fiscal Year 2021-2022.

With no further comments, Mayor McNinch closed this Public Hearing at 7:21 PM.

Ordinance 716- Chapter 73 Land Subdivision Amendment

Mayor McNinch opened the Public Hearing at 7:22 PM to receive public comments on Ordinance 716. An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 73, Land Subdivision of the Town Code.

Mayor McNinch asked for comments from the State: there were none.

Mayor McNinch asked for comments from the County: there were none.

Mayor McNinch asked for comments from the Council:

Councilman Johnson said that this is an Ordinance that will move forward and fix issues in subdivisions.

Councilman Branson remarked that this will fix the problems with the roads and hope in the future, that Planning and Codes have a plan set in stone.

Mayor McNinch asked for comments from the public: No comments were received in advance by mail or email, and none were received online.

With no further comments, Mayor McNinch closed this Public Hearing at 7:25 PM.

Ordinance 717- FY2022 General Fund Appropriations

Mayor McNinch opened the Public Hearing at 7:26 PM to receive public comments on Ordinance 717. An Ordinance to appropriate funds and estimate income in accordance with the General Fund Budget being adopted for Fiscal Year beginning July 1, 2021 through June 30th, 2022.

Mayor McNinch asked for comments from the state: there were none.

Mayor McNinch asked for comments from the County: there were none.

Mayor McNinch asked for comments from the Council:

Councilman Branson remarked that this is the first time in years that he has seen a decrease in tax rate.

Mayor McNinch asked for comments from the public:

Attorney Chris Drummond asked if the budget was based on the \$.76 tax rate and it was confirmed.

An online question was asked "did the Town lower the tax rate from \$.77 to \$.76 and it was confirmed that the tax rate was set at \$.76.

With no further comments Mayor McNinch closed Public Hearing at 7:28 PM.

Petitions, remonstrances and Communications Continued

Legion Road Median Turn- Brodie Holdings

Mr. Harry Kaiser, the grandson of Mr. Brodie, asked for an extension on the 6 months Brodie Holdings has to come up with a plan to fix the traffic problem at Dunkin Donuts. Mr. Kaiser is in a disagreement with the family, and they are having legal issues at this time. He does not know what to do with the rest of the family not cooperating. Mr. Kaiser said that his grandfather had plans for the Town of Denton. He would love to honor these plans, but his family has the money tied up. Mr. Kaiser remarked that he believes Covid is part of the problem, he just needs more time.

Mr. Chris Drummond, Attorney for the Town of Denton, said that 2 months ago the Town Council asked him to draft a letter addressing this problem. The Town should not have to deal with traffic issues because of a family dispute. He asked what would happen if the Town closed off the left turn off of Legion Road and it affects the business. Possibly the family would work together to avoid that issue. He suggested that the attorney for Brodie Holdings facilitate a meeting with all of the parties in the area and come up with a plan.

Mayor McNinch asked what the families plans were for the Town of Denton? This is a great location and a good economic opportunity for your family. This problem is affecting commercial and residential growth in the area. It is a safety issue that needs to be resolved now. The Town wants to be a partner in resolving this matter.

Councilman Lister said that the #1 complaint from citizens and businesses has been the traffic pattern at Dunkin Donuts. The Town has been dealing with this for over 10 years. Expectations were set back when Walmart was built and that has not happened. The Council has been discussing this for the last 18 months trying to find a solution to this problem. Public safety is an issue there. There is a lot of potential growth both commercial and residential for that area and the traffic problem needs to be solved. We are sympathetic and we would like to work with you, but Public Safety is an issue and needs to be resolved.

Councilman Branson said that the last 33 years Mr. Brodie was supposed to be getting something done and has not. He asked that they get together and get a solution.

Councilman Johnson said that the disagreement with family does not allow for this to be extended. They need to do something, or the left turn lane will be shut down and the cars will have to go to Walmart and make a U-turn.

In closing, Mayor McNinch said that we want to be your partner and help resolve the problem.

Mr. Kaiser remarked that he would like to get this done and will do his best.

Ordinances and Resolutions

Ordinance 716 - Chapter 73 Land Subdivision Amendment

Councilman Lister made a motion to adopt the Ordinance 716, seconded by Councilman Branson. No further discussion, motion was unanimously approved.

Ordinance #717 –FY2022 General Fund Appropriations FY 2022

An Ordinance to appropriate funds and estimate income in accordance with the General Fund Budget being adopted for Fiscal Year beginning July 1, 2021 through June 30th, 2022.

Councilman Branson made the motion to adopt, seconded by Councilman Johnson.

Councilman Lister has concerns about the Budget and since the Ordinance adopts the Budget, he was not ready to vote on the motion.

It was decided to defer the vote on the motion to adopt and discuss with Unfinished Business.

Reports of officers, board, and committees

Councilman Lister provided an overview of the Utility Commission meeting he recently attended.

Attorney Chris Drummond provided an update on the Ocean City Tax Differential. Caroline, Kent, and Wicomico have responded with their own Amicus Brief. He will update the Council when he hears from the Court of Appeals.

Mayor McNinch reported that Mr. Mulrine, Councilmembers Wilson, Lister, and herself attended the ESAM meeting and provided a summary.

Happy Birthday wishes were given to the Town Administrator, Don Mulrine.

Unfinished Business

Agenda #1 - Adoption of 2021-2022 General Fund Budget.

A vote on the earlier motion is on floor for adopting the Ordinance #717 and FY2022 General Fund Budget is now back up for discussion.

Councilman Lister shared his only concern with the Budget, as voiced before at previous working session, is that he does not support giving a COLA this year, suggest using the American Recovery Funds to give a one-time bonus instead.

Discussion continued about the half a percent COLA that is included in the Budget, inflation, retention, competitive pay, prior adjustments to the pay scale, whether to defer till January verses the earlier discussions for giving this increase now and reevaluating in January to potentially give more. Using some of the Covid Stimulus Money for a one-time bonus for employee's verses COLA, tax effects and having to adjust the pay scale again next year for the State's mandated minimum wage increase. The General Fund Portion of the half a percent COLA is \$9,164.

After discussion Mayor McNinch called for a vote on the on the floor to adopt Ordinance #717, the FY2022 General Fund Budget.

The motion passed 3-2, with Councilmen Lister and Branson voting no.

New Business:**Agenda #1 - Bond Council for Denton Water Main Project**

A motion was made by Councilman Lister, seconded by Councilman Branson to authorize the Mayor to sign the agreement for McKennon, Shelton & Henn LLP, who has been chosen as the Town's Bond Council for the Franklin Street Water Main Project.

No further discussion. Motion unanimously approved.

Agenda #2 - 323 Market St. Lease Renewal – Cambio Broadband LLC.

Councilman Branson made a motion to put on the floor for discussion, seconded by Mayor McNinch.

After discussion by Council, Councilman Branson rescinded his motion, approved by Mayor McNinch.

A new motion was made by Councilman Lister, seconded by Councilman Branson to renew the lease for Cambio Broadband LLC with raising the rent to \$210.00 per month and increasing the late fees to 25% and renew lease for 1 year.

Motion passed with a vote of 4-1 with Councilman Johnson voting No.

Agenda #3 - Corsica Technologies IT Contract Renewal

Staff has been working with Corsica on implementing enhanced security features and presented a 3-Year Contract for renewal.

Councilman Johnson made a motion to accept the contract, seconded by Councilman Branson.

After discussion, motion was unanimously approved.

Agenda #4 – Bullock's Rezoning Request-

The Bullock's request for 2 properties in the Town to be rezoned from Town Scale Residential (TR) to General Commercial (GC) for additional commercial spaces was recently approved at the March Planning Commission Meeting.

Motion made by Councilman Johnson, seconded by Councilman Branson to introduce legislation for the proposed change.

Only question raised so far, was as to right of way for an adjoining property, and there is no plan to do anything with existing agreements.

Attorney for Bullock family, Mrs. Sharon Van Emburgh, was present to answer questions, sharing that they are not alleging this is because of a mistake in zoning, the request is based on there has been a substantial change in the community, increase in housing and the need for more commercial opportunities.

Mr. Drummond stated that the request for rezoning is predicated on that the Town has increased in size since the last rezoning was approved and that the needs of the community has changed since the 2010 Comprehensive Plan. He also discussed how it could also be considered a mistake, due to the unanticipated increase in traffic, because of the additional housing units built in the community.

Mr. Drummond will move forward with preparing the paperwork and drafting the findings of fact for the legislative change.

With no further discussion, Mayor McNinch called for a vote on the motion to move forward with the proposed legislative change.

Motion passed unanimously.

Agenda #5 - WWTP Computer and Software Upgrade

To enhance security of the Wastewater Treatment Plant Operations, Staff recommended upgrading the computer system and software submitting a quote from Micro-Tech Designs for \$17,106.

Councilman Lister made a motion to spend the \$17,106, seconded by Councilman Johnson, passing unanimously.

Agenda #6 - Citizen Concern- Basketball Net Removed

Mr. Josh Dieterich had asked to address the Council regarding the removal of his basketball net at his home. Mr. Dieterich did not attend the meeting.

Councilman Johnson shared his involvement with this concern, the basketball stand was placed in the ground with concrete near utility lines and infrastructure facing the street, the unit has been removed. There has been several issues with playing basketball in the streets, which is unsafe. Needing to make sure that in the future, any problems in the street are to be referred to Denton Police Department.

Councilman Lister added that he agreed this was unsafe and needed to be removed. He also addressed his concerns with the manner in which the Codes Dept. is handling enforcement, certain situations and would like to see changes in the way the department handles complaints so that we are working more for our community.

Complaints about the basketball units and playing in the street will be referred to the Denton Police Department to handle.

Mr. Renshaw did remark that trash pickup is much better.

Agenda #7 - Resurfacing Roadways

Denton Public Works submitted a quote from David A. Bramble Inc. for road resurfacing projects for FY21. Seeking approval to use \$124,000 from the Highway Fund as budgeted and \$136,875 from Highway CIP for a total of \$260,875, to award the following road resurfacing projects to David A. Bramble:

- S. Second Street from Riverton to Siesta
- Kerr/Caroline/Myers/Lou & Butler
- Crystal Avenue
- S. Fifth Avenue concrete sections in front of Food Lion

Motion made by Councilman Lister, seconded by Councilman Johnson to award the contract of \$260,875 to David A. Bramble Inc.

Councilman Branson mentioned, for the record, that he lives on one of the street areas being repaved and questioned if he should vote.

Mr. Drummond said that he could.

Motion passed unanimously.

Miscellaneous Items

Angel Perez announced that the Denton YMCA will be sponsoring a Graduation Caravan on June 5, 2021. They will meet at the Walgreens Parking lot and travel throughout the county. The YMCA will also sponsor an outdoor movie night on June 19th.

Mr. Perez announced that on June 12th beginning at 3 pm Caroline County will hold their first Annual Pride Festival.

With no further business Mayor McNinch adjourned the meeting at 9:14 PM.

Respectfully submitted,

Joanna Reedy, Account Clerk