

May 4, 2023

Regular Meeting

Mayor McNinch called the Regular Meeting of the Denton Town Council to order at 6:00 PM on this date, leading everyone in the Pledge of Allegiance to the Flag.

Invocation was given by Pastor Thomas Fisher of Abrams Memorial Church.

Mayor McNinch thanked everyone for coming and asked that the record reflect that Councilman Johnson was attending virtually and that all Councilmembers were present.

Councilman Taylor made a motion to approve the minutes of the March 2, 2023 Regular Meeting, March 20, 2023 Working Session, the April 6, 2023 Executive Session and Regular Meeting, April 17, 2023 Working Session and Executive Session and the April 24, 2023 Working Session as presented, seconded by Councilman Lister, passing unanimously.

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 2022-2023 is \$.74 per \$100 of assessed value. The State Certification shows the Constant Yield Tax Rate should be reduced to \$.7020 to maintain the same revenues for the upcoming Fiscal Year 2023-2024. The Council is proposing to set the FY24 tax rate at \$.72 per \$100 of assessed value.

Mayor McNinch opened a Public Hearing at 6:04 PM to receive public comments on the Fiscal Year 2024 Constant Yield Tax Rate.

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 Council Members.

Councilman Branson stated that the Town is proposing to drop the tax rate to \$.72 per \$100 of assessed value, while the County is proposing to keep their tax rate at .98 instead of reducing like the Town.

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

Mayor McNinch announced that the Council will finalize and set the FY2024 tax rates this evening during their discussion on Unfinished Business #1.

With no further comments, Mayor McNinch closed the public hearing at 6:05 PM.

Ordinance #742 Infill & Nonconforming Zoning Amendments

Mayor McNinch opened a public hearing at 6:06 PM to receive public comments on Ordinance #742 - An Ordinance of the Town of Denton to amend the Denton Town Code Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to infill and redevelopment and nonconforming structures.

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: there were none.

Mayor McNinch asked for comments from the Public:

Mr. Albert Retowsky, III of A. R. Builders, Inc. spoke in favor of the amendments, stating that the new law will help to bring affordable housing on lots that are currently unbuildable.

Mr. Albert Retowsky Jr. also spoke on behalf of the proposed amendments.

Councilman Lister read a letter of support he received from Megan Rosendale, President of Mid-Shore Board of Realtors, sharing concerns of needing affordable housing, encouraging the adoption of Ordinance #742 & #743 to address these concerns, and by doing so will take a significant step towards making housing more affordable for all the members of our community.

With no further comments, Mayor McNinch closed this public hearing at 6:12 PM.

Ordinance #743 – Multifamily Housing & Apartments Zoning Amendments

Mayor McNinch opened a public hearing at 6:13 PM to receive public comments on Ordinance #743 -An Ordinance of the Town of Denton to amend the Official Table of Use Regulations, Appendix VII, Denton Town Code Zoning Ordinance, and the provisions contained in Chapter 128 of the Denton Town Code with respect to multifamily housing and apartments.

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:

Mayor McNinch shared that there have been several meetings held and a lot of input has gone into preparing these amendments.

Councilman Johnson stated that the Planning Commission's goal in meeting with the Council in June is to continue to establish objectives and goals that fit the entire Town and encourage those in attendance tonight to also attend the June joint working session.

Mayor McNinch asked for comments from the Public:

Councilman Lister read a letter of support he received from Megan Rosendale, President of Mid-Shore Board of Realtors, commending the Town and supporting the adoption of Ordinance #743, which would take a significant step toward making housing affordable for all the members of our community.

With no further comments, Mayor McNinch closed this public hearing at 6:14 PM.

Ordinance #744 – Residential Rental House Program

Mayor McNinch opened a public hearing at 6:15 PM to receive public comments on Ordinance #744 -An Ordinance of the Town of Denton repealing and reenacting with amendments the residential rental housing provisions contained in Chapter 98 of the Denton Town Code with residential rental properties.

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: there were none.

Mayor McNinch asked for comments from the Public:

Councilman Lister read a letter he received from Megan Rosendale and the Mid-Shore Board of Realtors sharing multiple concerns about 98-3 C the residency or agent living within 30 miles of the Town limits, expressing that this would have a negative impact on small Mom & Pop rentals, limiting property owner's rights, and the cost of hiring a management company could result in higher rents. The other concern was in regard to 98-4 Inspections when there is a change in tenants, questioning if the Codes Dept. be adequately staffed and readily available to handle inspections in a timely manner without creating delays in the changing of tenants. The Mid-Shore Board of

manner without creating delays in the changing of tenants. The Mid-Shore Board of Realtors respectfully asked to reconsider the change of residency inspection requirements when adopting this Ordinance.

With no further comments, Mayor McNinch closed this public hearing at 6:19 PM.

Ordinance #745 – FY24 General Fund Appropriations

Mayor McNinch opened a public hearing at 6:20 PM to receive public comments on Ordinance #744 - An Ordinance to Appropriate Funds and Estimate Income in accordance with the General Fund Budget being adopted for Fiscal Year Beginning July 1, 2023 through June 30, 2024.

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 Lister stated the Council is presenting a balanced budget with a two-cent tax decrease in the tax rate without incurring debt, and with expanding the services to the Town, improving the parks, and hiring additional staff to help facilitate taking care of the parks.

Mayor McNinch asked for comments from the Public: there were none online or in person.

With no further comments, Mayor McNinch closed the public hearing at 6:21 PM.

Petitions, Remonstrance's, and Communication

Proclamation – National Day of Prayer – May 4th

Mayor McNinch announced that she presented a Proclamation at the National Day of Prayer event that was held earlier today, sharing that the event was well attended.

Proclamation – National Police Week

Councilman Lister read a Proclamation to recognize May 14-May 20, 2023, as National Police Week, expressing the Council's gratitude for the vital public service our Police Dept. provides. Accepting the Proclamation was Chief George Bacorn, Lieutenant Jamie Secrist, Sergeant Rick Starkey and Corporal Jerry Stivers.

A Candlelight Vigil will be held on May 10th at 6PM at Calvary Baptist Church to honor fallen officers.

Proclamation – National Public Works Week –

Councilman Johnson read and presented a Proclamation recognizing May 21st through May 27th, 2023 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. Accepting the Proclamation was the Superintendent of Public Works Mark Chandler.

Caroline County Pride Day

Councilman Taylor read a Proclamation recognizing May 27, 2023 as Pride Day, the 3rd Annual Pride Festival will be held on this date in downtown Denton. The Proclamation was accepted by Angel Perez.

Citations - Caroline Chamber Best in Business, Denton Award Winners

Mayor McNinch presented Council Citations recognizing the following Denton Businesses for receiving awards on March 23, 2023, during the Caroline County Chamber of Commerce Best in Business Award Ceremony and thanked them for doing business in Denton.

- *Chamber Business Leader Award – Ozlem Sem Basa of Denton Diner*
- *Young Professional of the Year – Laura Reeder of Shore United Bank.*
- *Caroline's Best Nonprofit – Aaron's Place*
- *Rising Star – Caroline' in Denton*
- *Rising Star – Craft Bakery & Café*
- *On Chamber Ambassadors – Purple Peake CBD*
- *Chamber Ambassadors – Shore United Bank of Denton*
- *Excellence in Agriculture - Cawley Family Farm*

Ordinances and Resolutions

Ordinance #742 – Infill & Nonconforming Zoning Amendments

An Ordinance of the Town of Denton to amend the Denton Town Code Zoning Ordinance and the provisions contained in Chapter 128 of the Denton Town Code with respect to infill and redevelopment and nonconforming structures as amended during previous discussions.

Councilman Lister made a motion to adopt Ordinance #742, seconded by Councilman Taylor.

In discussion, Mrs. Donna Todd, Director of Planning & Codes, provided a summary of the Ordinance and shared that the Planning Commission would like to schedule a joint working session for June 13, 2023 at 6PM to be held at the Visitor Center to discuss the part that was deleted. The Council was ok with meeting on June 13th.

With no further discussion, Mayor McNinch called for a vote on the motion to adopt Ordinance #742.

The motion passed unanimously.

Ordinance #743 – Multifamily Housing & Apartments Amendments

An Ordinance of the Town of Denton to amend the Official Table of Use Regulations, Appendix VII, Denton Town Code Zoning Ordinance, and the provisions contained in Chapter 128 of the Denton Town Code with respect to multifamily housing and apartments.

Councilman Lister made a motion to adopt Ordinance #743, seconded by Councilman Taylor.

In discussion, Mrs. Todd provided an overview of the Ordinance. Concerns pertaining to 128-95 B (1) needing to be defined more, as the restriction will not work in the downtown historic district.

Councilman Lister amended his motion to adopt Ordinance #743 with section 128.95 B (1) to be deleted and renumber the subsections accordingly. The amended motion was seconded by Councilman Taylor, passing unanimously.

Ordinance #744 – Residential Rental Housing Program

An Ordinance of the Town of Denton repealing and reenacting with amendments the residential rental housing provisions contained in Chapter 98 of the Denton Town Code with residential rental properties.

Mr. David Renshaw, Senior Codes Enforcement Officer, provided a synopsis of the changes proposed for the Residential Rental Housing Program, contracting with MDIA to assist with inspections, requiring having a someone managing the property within a reasonable distance to address emergencies.

Councilman Lister made a motion to adopt Ordinance #744, seconded by Councilman Branson, passing 4-1, with Councilman Johnson voting no.

Ordinance #745 – FY24 General Fund Appropriations

Action on this Ordinance was deferred to be discussed with Unfinished Business #1 – FY2024 General Fund Budget.

Ordinance #746 – Cannabis Moratorium

An Ordinance of the Denton Town Council establishing a temporary moratorium on the processing and approval of applications, site plans, and permits for the location, construction and/or operation of businesses engaged in the manufacture or sale of cannabis for recreational or medicinal use within the town for a period of twelve (12) months in order to allow the Town to complete the adoption of a revised Comprehensive Plan and such other legislation to plan for and implement certain restrictions on the circumstances under which such businesses may locate in town to promote the public health, safety, and welfare.

Councilman Lister made a motion to introduce Ordinance #746, seconded by Councilman Taylor.

In discussion, Mr. Chris Drummond, Town Attorney provided additional information and answered questions about the State's new law and the proposed legislation.

With no further discussion, Mayor McNinch asked for a vote on the motion to introduce Ordinance #746.

The motion passed unanimously.

Councilman Lister requested to move to New Business #3 next and the RMC Grant Application for the Micro-Brewery that was just received.

New Business

Agenda #3 – Culinary School Waiver Request

Ms. Beth Brewster, Founder/Director of the Chesapeake Culinary Center, shared with the Council that they are in the process of applying for funding for improving the gardens area to include landscaping and seating areas for a park-like feel. With the Town's water main upgrade on Franklin St., Ms. Brewster requested consideration for the Town to waive the capacity fee and meter installation fee for the proposed irrigation system.

Mayor McNinch recommended the Culinary School apply to use the Town's Community Grant Program for non-profits.

Councilman Lister mentioned that to maintain consistency with prior requests and compliance with the Utility Funds being Enterprise Funds, that it would not be appropriate to waive.

Ms. Brewster will wait and apply for the community grant as recommended by the Council.

Miscellaneous

RMC Grant Application for Micro-Brewery Water & Sewer Funds

The Dahls submitted a request seeking the Town's Support to apply to the Rural Maryland Council to seek grant funding to cover the cost of water and sewer services to be installed for their Micro-Brewery Project.

Councilman Lister made a motion to support the venue and authorize the Mayor to sign a letter of intent as requested and to have a Memorandum of Understanding drafted before August 14th. The motion was seconded by Councilman Branson, passing unanimously.

The Mayor returned to the agenda order of business.

Unfinished Business

Agenda #1- FY2024 General Fund Budget Item & Ordinance #745 – FY2024

General Fund Appropriations Ordinance

FY2024 General Fund Budget

Councilman Johnson made a motion to adopt the Fiscal Year 2023-2024 General Fund Budget as presented, seconded by Councilman Lister, passing unanimously.

Ordinance #745 – FY2024 General Fund Appropriations

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget adopted for Fiscal Year beginning July 1, 2023 through June 30, 2024. This Ordinance also establishes the tax rates for FY2024.

Councilman Lister made a motion to adopt Ordinance #745, seconded by Councilman Taylor, passing unanimously.

Agenda #2 - 4th Street Park Phase II Improvements

Mr. Scott Getchell, Town Administrator, presented and discussion was held on the Capital Project Report on the 4th Street Park Improvements for Phase II.

This item was informational only.

New Business

Agenda #1 – Denton Industrial Park Protective Covenants & Restrictions

The First Amendment to Protective Covenants & Restrictions for the Denton Industrial Park was provided seeking approval by the Denton Town Council. Amendments to the Covenants and Restrictions require the approval of 85% of the lot owners. There are 27 lots in the Industrial Park. The Town continues to own twelve (12) lots. A total of 23 lot owners must approve the First Amendment for it to become effective. Eleven (11) lot owners have approved the attached First Amendment.

Councilman Taylor made a motion to approve the First Amendment to Protective Covenants and Restrictions for the Denton Industrial Park as presented. The motion was seconded by Councilman Branson, passing unanimously.

Agenda #2 – Contract/Agreement Signature Authorization for Town Administrator

Mr. Getchell shared from the Town Code where it reads in § 5-18 **Prior approval of ordinances, resolutions and contract:** “All ordinances, resolutions and contract documents shall, before presentation to the Town Council, have been approved as to form and legality by the Town Attorney or his authorized representative and shall have been examined and approved for administration by the Mayor or his authorized representative, where there are substantive matters of administration involved.”

Mayor McNinch and Mr. Getchell recommended, in an effort to streamline processes to seek authorization from the Town Council, for Mr. Getchell to serve as Mayor McNinch’s authorized representative for approving contracts and agreements that have been approved by the Town Attorney, for so long as Mayor McNinch continues to be in this position.

Councilman Taylor made a motion to approve the request, seconded by Councilman Johnson, passing unanimously.

Agenda #4 - LGIT Election

The annual LGIT Board of Trustees Election is approaching, in which Trustees shall be elected by its Members prior to the beginning of the new fiscal year. This was

provided seeking a motion for the Council to designate one of its members to cast the vote for the upcoming election on behalf of the Town of Denton.

Councilman Branson made a motion to authorize the Mayor to cast the vote on behalf of the Town of Denton, seconded by Councilman Taylor, passing unanimously.

Agenda #5 - 323 Market Street Lease – Shore Test and Balance

A Commercial Lease with Shore Test and Balance for Unit 200 in the Microenterprise Center was presented for consideration. In follow up to earlier discussions, the owner has submitted his annual business taxes, once processed and back in “compliance” on the Maryland Website, this business will be eligible to move forward with the lease.

Councilman Lister made a motion to approve the lease, contingent upon the business being in good standing with the State. The motion was seconded by Councilman Branson, passing unanimously.

Reports of Officers, Boards, and Committees

Councilman Lister provided a summary of the April Utility Commission meeting which included an update on the Sludge Study Project and applying for a grant to seek funding to upgrade the plant, and the utility rate study which recommends a sewer rate increase.

Mayor McNinch suggested holding a joint working session with the Utility commission to discuss the rate study.

Mr. Drummond asked if the Council wished for him to attend the joint working session on June 13th with the Planning Commission. The Council said yes that they wanted him to attend.

With no further discussion, Mayor McNinch adjourned the meeting at 8:04 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*