

September 18, 2023

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

Attendance:

Councilmembers in attendance included Mayor McNinch, Dallas Lister, and Keith Johnson. Councilman Branson and Councilman Taylor were absent.

Staff in attendance included: Scott Getchell, George Bacorn, Mark Chandler, Donna Todd, David Renshaw, and Emily Spencer.

Discussion was held on the following items:

Commerce Drive

Jim DiDonato and Victoria Hoffman from Mallard Construction Group along with legal representative, Brendan Mullaney, provided an update on the progress of Commerce Drive.

Discussion was held on changes and final approvals on the design with the current four partials. Mr. DiDonato indicated that currently the Dunkin easement has not been agreed on and they will move forward without Dunkin being connected. That is something that can be done at a later time so that the project is not being held up. Mr. DiDonato discussed the tie in of water and sewer lines from Legion Road. Scott Getchell indicated that he had reviewed the Water/Sewer design and that everything looks good.

Mr. DiDonato shared that since Commerce Drive will be a public road, this will need to be turned over to the Town before it can be used. Unlike a housing development where only people in that development and construction workers are using the road, they believe this will be used by everyone for easy access from 404 to Walmart and to Foy Road. They believe there will be a large amount of public traffic and are not equipped to do daily maintenance, snow plowing, etc. Councilman Lister had concerns that if the Town were to take over all responsibility for the road before all construction was complete that we would end up repaving the road and/or having a lot of maintenance due to all the heavy equipment with construction taking place at all four parcels. Mr. Mullaney indicated that if a contractor caused maintenance issues, then they would be responsible for fixing it. It was also suggested that the road not be opened to the public until all construction is completed. Mr. DiDonato indicated that they could use the entrance on Legion Road for their parcel, but then the heavy equipment would just be coming in on Legion and putting the same amount of maintenance issues on that road. Councilman Johnson indicated that the good outweighs the bad in this situation and he agreed that the Town would just have to do more maintenance on Legion Road if Commerce Drive was not opened until all construction was complete.

Mr. DiDonato had questions about what Bonds they would need to hold. Scott Getchell will review the plans and get back in touch with them on this as soon as possible.

Councilman Johnson asked about the time frame of this project. Mr. DiDonato indicated that it depended on a few factors, one being on them getting the bonds worked out. The next factor being State Highway Approval. The light and traffic pattern on 404 has yet to be approved. Scott Getchell indicated that the Town could help facilitate a meeting if necessary to help the process. They are hoping to start in the beginning of 2024.

Mr. DiDonato stated that this is currently a 3.4 million dollar project and once the re-bidding goes out he believes that number will go up. Mallard Construction Group asked the Town if they could contribute by not charging some of the Town Permit fees. Mr. DiDonato asked if the Town knew how much more in fees they would be expecting if the Town was not willing to cost share. Donna Todd indicated that she was unsure. This cost would include Lawyer fees, Engineering Fees, Permits, Connection Fees, and they still need to meet about

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Forest Conservation. Councilman Lister stated that the Town should consider contributing \$100,000 to the project because the Town would have more than that in fixing the current traffic pattern on Legion Road if Commerce Drive does not happen. For now, Mallard Construction Group will move forward with getting the Bonds in place, the Public Works Agreement, and Construction Agreements.

October 16, 2023 Working Session – Conflict MML

Mayor McNinch stated that there is a conflict with the Working Session on October 16, 2023. Three Councilmembers and Scott Getchell will be attending the Fall MML conference that is being held from October 15th through October 17th. The consensus was for the October 16th Working Session to be moved to October 23, 2023, at 6:00 PM.

Denton Town Code §38-5.1 Building Code Local Amendments

Mr. David Renshaw, Senior Codes Enforcement Officer, presented the Council with Ordinance No. 749 – An Ordinance to amend the Town of Denton Building Code Provisions contained to Chapter 38 of the Denton Town Code with respect to sprinklers in building construction.

Mr. Renshaw explained the Town Code regulations regarding sprinklers. He indicated that the current rules will not work for all buildings, for example a Storage Unit. He also indicated that he met with Councilman Lister who is a firefighter and got his input from a fire hazard standpoint. It is suggested that the language be changed so that sprinklers are not required if the fire area does not exceed 12,000 sq. ft., is not located more than three stories above grade and the units are non-climate controlled.

Mayor McNinch stated that this was well researched, and the Council agreed that the Ordinance could be brought to the next Council Meeting for introduction.

Present in the audience was Travis and Alexandra Hughes from Atlantic Storage, LLC. They thanked the Council for the consideration of the change in the Code. They are currently interested in building storage units in the Industrial Park.

Town of Denton Vacant Lot – 303 Market Street

Mr. Albert Retowsky Jr. and Mr. Albert Retowsky III presented a proposed development plan for the vacant lot at 303 Market Street with a design picture. They are interested in purchasing the property and building a structure that will include three residential units, two upstairs and one in the back of the property, and two commercial storefront units. One of these units would be for them as a showroom for their construction business. The other they hope for something like an ice cream shop. They will leave a 75-to-80-foot frontage and hope that the Town will still use that area for Town events like the Farmers Market and Christmas Tree. They stated that they love Denton and want to be a part of Downtown and want to make the Town better. There was a discussion about parking. They would use the current parking for their residents and visitors to their building. Mayor McNinch indicated that the picture provided was beautiful but reminded them they the property is in the Historic District, and they would have to comply with those standards. Mr. Retowsky asked if this is something that the Council would consider selling. Councilman Johnson indicated that we paid \$63,000 for the property according to SDAT. He indicated that the Town would want to make that money back. Mr. Retowsky indicated that he thought that was a high price. Councilman Lister stated that he thought the property was not worth \$63,000. Mayor McNinch stated that we may have had some grants involved when we purchased the property. The Council agreed that they liked the plans that were presented, but the Town would need to do some research on the selling price before consideration.

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Miscellaneous

Mayor McNinch held a discussion on renaming the Wharves of Choptank Visitor and Heritage Center to honor Jok Walsh. The Councilmembers agreed that due to his involvement in the Visitor Center and the Community they thought it was a good idea. Councilman Lister suggested getting the family involved with coming up with a name. Mayor McNinch indicated that a Renaming Ceremony could also take place.

With no further discussion, Mayor McNinch adjourned the Working Session at 7:18 PM.

Respectfully submitted,

*Emily Spencer,
Deputy Clerk-Treasurer*