

March 7, 2024

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.

Mayor McNinch thanked everyone for coming and asked that the record reflect that Councilman Johnson was online participating virtually and that all other Councilmembers were present in person.

Councilman Taylor made a motion to approve the minutes of the February 1, 2024 Regular Meeting and the February 26, 2024 Working Session as presented; seconded by Councilman Branson, passing unanimously.

Swearing in PTL. Mathew Viramontes

Mayor McNinch administered the Oath of Office, swearing in Denton Police Officer Mathew Viramontes and welcomed him to the Department.

Public Hearings

Ordinance #751 – Subdivision Amendment

Mayor McNinch opened a public hearing at 6:03 PM to receive public comments on Ordinance #751 - An Ordinance of the Town of Denton amending Chapter 73, Land Subdivision of the Town Code, with respect to minor subdivisions.

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. Mike Pedone, Attorney with Venable LLP, attending virtually, representing PSM Property and Dhruvil LLC., which are two companies that own land in the area of the proposed Commerce Drive. Mr. Pedone expressed concerns about this proposed subdivision amendment with respect to private roads, as it pertains to JPA Ventures, and it would allow JPA to construct a private road without any approval from the Town; without any notification to other properties affected or the opportunity for those property owners to be able to voice any concerns for the development of Commerce Drive.

Mayor McNinch questioned if Mr. Pedone's concerns have anything to do with the Ordinance that is open for discussion.

Mr. Chris Drummond, Town Attorney, also questioned the relevance of Mr. Pedone's concerns pertaining to Ordinance #751. Mr. Drummond stated the purpose of Ordinance #751 is in no way intended nor does it have anything to do with the proposed development or the construction of Commerce Drive. Further clarifying that the discussion and opportunity for public comments for this hearing on Ordinance #751 pertains to private roads, when and if Commerce Drive is developed it will be a public road.

Mr. Pedone shared that he is opposed to the adoption of this ordinance.

Mayor McNinch thanked Mr. Pedone for his comments and asked if there were any other public comments.

With no further comments, Mayor McNinch closed this public hearing at 6:08 PM.

Ordinance #752 – Official Zoning Map Amendment

Mayor McNinch opened a public hearing at 6:08 PM to receive public comments on Ordinance #752 - An Ordinance of the Town of Denton adopting new Official Zoning Maps 01 and 02 for the Town of Denton.

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: there were none.

With no further comments, Mayor McNinch closed this public hearing at 6:09

PM.

Petitions, Remonstrance's, and Communication

Proclamation – Endometriosis Awareness Month

Mrs. Shannon Hannawald, Founder of Endo Warriors of the Eastern Shore, joined the meeting virtually and shared her personal story regarding her journey with Endometriosis. Mrs. Hannawald thanked the Town for their continued support and announced that March 15th will be the third annual wear Yellow Day in support of endometriosis awareness.

Mayor McNinch read a Proclamation of the Denton Town Council proclaiming March 2024 as Endometriosis Awareness Month in Denton.

Mrs. Stefanie Johnson accepted the Proclamation on Mrs. Hannawald's behalf.

Ordinances and Resolutions

Ordinance #751 – Minor Subdivision Amendments

An Ordinance of the Town of Denton amending Chapter 73, Land Subdivision of the Town Code, with respect to minor subdivisions.

Councilman Lister made a motion to adopt Ordinance #751, seconded by Councilman Branson.

In discussion, Mr. Drummond explained that the amendment is for the Sharp Road Park parcel, to allow a private road when there are three lots or less.

Mr. Scott Getchell, Town Administrator, provided information about the subdivision proposed for the Sharp Road Park parcel, between the Town and the Caroline County Commissioners, and that the Ordinance is necessary to move forward.

Councilman Lister asked about private road verses public arrangement with Commerce Drive.

Mr. Drummond clarified that Commerce Drive, if built, will be a public road as it will connect to State Route 404, and this Ordinance does not address public roads.

Councilman Johnson also mentioned that the Maryland State Highway Administration would not allow a private road to connect to Route 404.

With no further discussion, Mayor McNinch asked for a vote on the motion to adopt Ordinance #751.

The motion passed unanimously.

Ordinance No. 752 – Official Zoning Maps

An Ordinance of the Town of Denton adopting new Official Zoning Maps 01 and 02 for the Town of Denton.

Councilman Lister made a motion to adopt Ordinance #752, seconded by Councilman Taylor.

In discussion, Mrs. Donna Todd, Director of Planning and Codes Department, provided information on the Ordinance, and stated the maps are consistent with the

Comprehensive Plan that was adopted on December 11, 2024. Adding that the map amendments include the fifteen-rezoning requests received from property owners and eliminates the recreation and parks overlay district back to the original plan prior to the 2010 Comp Plan.

With no further discussion, Mayor McNinch asked for a vote on the motion to adopt Ordinance #752.

The motion passed unanimously.

Mr. Drummond went back to the discussion to Ordinance #751, stating that if JPA decides to build an entrance that serves its development only the property they own, that the change for Ordinance ~~#51~~ #751 would have no relevance, as the Ordinance applies to new subdivisions creating new lots of record.

Councilman Lister read the section that states "private streets shall be conspicuously marked as a private street" and "A private street that bisects a parcel of land or lot of record is not a subdivision of the parcel or lot provided that ownership of the private street is the same as ownership of the parcel or lot".

Mr. Drummond confirmed that is correct, that JPA can create an entrance as the owner of their property off Legion Road and it would not be a subdivision, and that the Town would only accept the road if it were built to Town specification.

Ordinance #753 – Stormwater Management Ordinance Amendment

An Ordinance of the Town of Denton amending Chapter 106, Stormwater Management of the Town Code.

Mr. Getchell shared the Ordinance relates to the erosion evaluation Shore River Keepers has been working on of the Poor House Run Watershed. The Ordinance will require any new construction, new development located within the watershed area to have enhanced stormwater management efforts on the parcels to reduce the runoff within the watershed, reducing further erosion.

Discussion was held on the effect on reducing the buildable area of properties within the zone.

Mr. Getchell will invite Shore River Keepers to come to a working session to provide additional information.

No action was taken on this Ordinance at this time.

Back to Ordinance #751, Mr. Drummond clarified that if JPA Ventures were to subdivide their parcel for residential, that it if would not be considered a minor subdivision it would be a major subdivision, requiring public roads and additional layers for the approval process, reiterating that this legislation would have no relevance.

Ordinance #754 – Cannabis Ordinance

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 cannabis enterprises.

Councilman Lister made a motion to introduce Ordinance #754, seconded by Councilman Taylor.

In discussion, Mrs. Todd and Mr. Drummond provided an update on the State of Maryland's current regulations and pending legislation HB805 and SB738 and confirmed that the proposed Ordinance meets those requirements. Mr. Drummond will add language to address the 1,000' between dispensaries to the Ordinance prior to adoption.

Chief Bacorn shared a public comment received online from Ms. Kia Pierce asking why there is a safe place to consume alcohol but not cannabis.

Chief stated that it is covered by the State side of the law, in which it prohibits where cannabis is sold, not like a bar.

Mr. Drummond will add the language prior to adoption as requested.

With no further discussion, Mayor McNinch asked for a vote on the motion to introduce Ordinance #754.

The motion passed unanimously.

Unfinished Business

No unfinished business

New Business

Agenda #1 – Sharp Road Park MOU

A Memorandum of Understanding, drafted by the Caroline County Attorney, and reviewed by the Town's Attorney, was presented for consideration of approval. The purpose of the MOU is to transfer ownership of a third of the Sharp Road Park property to the County for the purposes of constructing a ball field and other multiuse facilities.

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

In discussion, Mr. Getchell provided the background, shared a map of the parcel and the proposed subdivision.

Councilman Lister explained for the public that the County has the opportunity to bring new money to the continued development of the park and acknowledged that there were several Denton Little League representatives in the room in support of the MOU.

With no further discussion, Mayor McNinch asked for a vote on the motion to approve signing the MOU with the County as it relates to Sharp Road Park.

The motion passed unanimously.

Agenda #2 – Water and Sewer Allocation

The Council reviewed a request from John Richard Bullock for two (2) ERU's for 420 North Sixth Street. The proposed minor site plan includes the addition of two (2) leasable commercial units for potential office or retail space at Bullock's Plaza behind the Auto Parts Store. The final use of the units will determine if additional ERU's are required. The Planning Commission granted conditional final approval for the minor site plan on January 30, 2024.

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

Agenda #3 - Water and Sewer Allocation

The Council reviewed a request from John Richard Bullock for one (1) ERU for 502 North Sixth Street. The proposed major site plan includes four (4) leasable commercial units for office or retail space. This building will replace the former units at 430 and 502 North Sixth Street, and the existing dwelling at 506 North Sixth Street. There are three (3) existing ERU's for this location, and the final use of the units will determine if additional ERU's are required. The Planning Commission granted preliminary site plan approval on January 30, 2024.

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

Agenda #4 - Stormwater Management Agreement

The Council reviewed a request from Matthew and Sarah Dahl, Owners of Second Street Ventures, LLC, seeking approval for an Inspection and Maintenance Agreement of Private Stormwater Management Facilities as required for the final site plan for the Eden Town Brewery. The Planning Commission granted conditional final site plan approval on February 27, 2024. The Town Attorney has reviewed the Agreement.

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

In discussion, Mr. Getchell shared that the owners will be responsible for maintaining the stormwater, which will be a micro bio retention area.

And Mr. Drummond added, that the Town will still monitor and require the maintenance to be kept up.

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

The motion passed unanimously.

Agenda #5 - FY25 Budget Discussion

Mr. Getchell provided a summary of the schedule for the upcoming FY25 General Fund Budget season, discussing potential tax rate adjustments. Discussion will continue at the next working session, and outside entities requesting funding will be invited to come to a future meeting.

Agenda #6 - Municipal Tax Differential Certification

Annually Caroline County requires Municipalities to submit a form certifying the number of hours in a 168-hour week the Police Department provides protection / coverage.

Councilman Lister made a motion authorizing the mayor to sign the Annual Municipal Tax Differential Information Certification Form for Fiscal Year 2025. The motion was seconded by Councilman Taylor, passing unanimously.

Mayor McNinch shared that Kent County has recently completed their Tax Differential Study, which will be interesting to see.

Reports of Officers, Boards, and Committees

Councilman Taylor provided a summary of the February 27th Planning Commission Meeting.

Councilman Lister provided an overview of the February 21st Utility Commission Meeting.

Chief George Bacorn announced that he will be testifying in Annapolis at the Automated Speed Devices Legislative Hearing in support of allowing technicians instead of Police Officers to be able to certify traffic violations, and to continue the ability to be able to use speed camera recording for solving other crimes, not just for traffic violations.

Mayor McNinch provided a summary of the Mayor Conference she attended last week.

Mayor McNinch shared that the Eastern Shore Association of Municipalities meeting will be held virtually on March 12th, with the discussion focusing on tax differential.

Mayor McNinch attended the Town's Department Head Meeting and encourage other council members to also attend a meeting, stating that it was informative and interesting to be a part of it.

With no further discussion, Mayor McNinch adjourned the meeting at 7:23 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*

Strike through on Page 3915 amended before adoption 5/2/2024
*PG. 3915 corrected at adoption #~~51~~ replaced with #751