

April 7, 2008

Regular Meeting

Mayor Foster 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 Foster asked that the record reflect that all Council members were present, with the exception of Councilman Porter. Councilman Porter arrived later as reflected in the minutes.

Councilman Branson made a motion to approve the minutes of the March 13, 2008 regular meeting, seconded by Councilman Clendaniel, passing unanimously.

Councilman Clendaniel made a motion to approve the minutes of the March 31, 2008 working session, seconded by Councilman Branson, passing unanimously.

Public Hearing

Ordinance #557

Mayor Foster opened a public hearing at 7:05 PM to receive public comments on Ordinance #557 - An ordinance of the Town of Denton to permit members of the Denton Town Council to participate in the Town's health insurance plan, provided that the participating Councilperson is responsible for one-half of the costs and expenses associated with the Councilperson's coverage, and provided that any coverage provided to a family member of the participating Councilperson shall be paid 100% by the Councilperson electing the coverage, and further provided that the same is approved by the majority of the qualified Voters of the Town Of Denton at the next municipal election.

Mayor Foster asked for comments from the State – there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council – there were none

Mayor Foster asked for comments from the Public – there were none

With no further comments Mayor Foster closed this public hearing at 7:07 PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Ordinance # 555 Heritage Area

As a follow up to the Denton Town Council discussion and consideration of the Heritage Area Certification at their October 2007 meeting, Brynja Booth has prepared an ordinance for the Denton Town Council's consideration. The Ordinance amends the Denton Comprehensive Plan to incorporate the Stories of the Chesapeake Heritage Area Management Plan as the Plan relates to those areas of the Town located within the Denton Central Business District and the Denton Historic District. This ordinance was introduced at the February 4th meeting and brought before the Council for consideration of adoption.

Councilman Branson made a motion to adopt Ordinance #555, seconded by Councilman Clendaniel, passing unanimously. 4-0

Ordinance # #557 Town Council Health Care Insurance

An ordinance of the Town of Denton to permit members of the Denton Town Council to participate in the Town's health insurance plan, provided that the participating Councilperson is responsible for one-half of the costs and expenses associated with the Councilperson's coverage, and provided that any coverage provided to a family member of the participating Councilperson shall be paid 100% by the

Councilperson electing the coverage, and further provided that the same is approved by the majority of the qualified Voters of the Town of Denton at the next municipal election. This ordinance was introduced March 13, 2008 and was brought before the Council for consideration of adoption.

Councilman Branson made a motion to adopt Ordinance #557, seconded by Councilman Clendaniel, passing unanimously 4-0

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Durner Building 15 South Third Street

Councilman Porter arrived 7:16 PM and joined the Council.

Staff provided an overview of what has taken place to date that brought this property before the Council for consideration of purchase 15 S. Third Street.

Further discussion was held in which Council members expressed concern about acquiring the building for the asking price and having to possibly spend another \$50,000 in renovations.

Councilman Branson made a motion to offer the Durner Family Trust \$100,000 for this property. The motion died for a lack of a second.

Councilman Porter made a motion to decline the purchase of this property at this time, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 Personnel Policy Amendment Request: *The Denton Benefits Committee had submitted a request for Council consideration on expanding the use of sick leave. Additionally, a request is provided to the Council for consideration of an amendment to the Denton Personnel Policy with respect to leave.*

Councilman Moore asked if the proposed changes were the same as the County and was advised yes.

Councilman Moore made a motion to accept the amendments, seconded by Councilman Branson. In discussion, Staff clarified that the bereavement leave proposed was different than the County, as it allows the employee to use sick leave for bereavement instead of separate leave.

Councilman Porter acknowledged the increase in personal days and vacation leave and asked if there was any additional cost associated with it. Chief Cox advised that there could be some cost associated for the Police Dept. if the department is down on staff. Scott Getchell advised that it could create some management issues for scheduling and comp time.

The Mayor called for the vote, the motion passed unanimously.

Agenda #3 Boat Ramp Fee

This item was initially discussed at the March 13 Town Council meeting. The Council requested the opportunity to consider piggybacking onto the County boat ramp access fee. County staff provided a copy of the implementation schedule and a copy of the proposed amendment to the County code for the Council to review.

The council directed town staff to work with the County, and if they implement a boat ramp fee to make sure the Town is on board.

Councilman Porter asked staff to look at the bulk head at Crouse Park for open nails.

Agenda #4 FY-09 Budget

The FY-09 Budget, reflecting the submission of the individual departments was presented to the Town Council. A working session was scheduled for April 21, 2008 to provide the Council with an opportunity to review the budget, and also discuss the proposed Planning and Codes Department budget.

This item was informational only, no action was taken.

New Business

Agenda #1 – Lockerman Pump Station Upgrade – Bid Award

The Department of Public Works requested the Council to consider approving the bid received from Bryan & Sons, Inc. to upgrade the Lockerman Street Pump Station. A letter from Mr. Tim Glass, Lane Engineering, certifying the bid and the bid documents was also provided. The Department also requested the Council approve the enclosed proposal from Lane Engineering for construction administration services. MDE has granted the Town of Denton \$265,000 of the \$347,789 estimated cost of the project. The difference will be funded through the sewer reserve fund. If the Council approved, the bid and construction administration proposal will be sent to MDE for their approval. Pending approvals, the project will be completed during the summer months while the school is on vacation.

Councilman Branson made a motion to authorize this upgrade, seconded by Councilman Moore. Discussion was held in which it was clarified that the sewer reserve fund would pay for the cost over any grant funds. The motion passed unanimously.

Agenda #2

Board of Appeals Appointment

Two positions with the Board of Appeals expire in May one for a three year membership and one is a three year alternate membership. Mr. Scott Brewster is willing to be considered for re-appointment. Barbara Porter, presently the alternate, has indicated her preference not to be re-appointed. Michelle Wasson, who had submitted a letter of interest for the Planning Commission, has expressed interest in serving on the Board of Appeals. This was brought before the Council for consideration of appointment.

Councilman Branson made a motion to reappoint Mr. Brewster and to appoint Mrs. Wasson to the Board of Appeals, seconded by Councilman Porter, passing unanimously.

Mayor Foster asked that a letter be drafted to be sent to Mrs. Porter thanking her for her years of service. Staff will prepare.

Agenda #3

Denton Architectural Historic Review Board

One position on the Historic Review Board is up for consideration of renewal and Mrs. Kathy Mackel has written the Town indicating her willingness to continue to serve on this board. Additionally, there are two vacancies. Mr. Ray Claytor and Mr. Damian Dowdall have both written submitting their names for consideration.

Councilman Branson made a motion to appoint all three to the Historic Review Board, seconded by Councilman Moore, passing unanimously.

Agenda #4

Angels of Mercy Home Health Care Services

Ms. Barbara Quillen had requested the opportunity to discuss Angels of Mercy with the Town Council, but was unable to attend. Staff will follow back up to reschedule.

Agenda #5

ENR Agreement with MDE

Mandated by the NPDES permit that went into effect September 2007, the Town of Denton must enter into an agreement with the Maryland Department of the Environment to upgrade the existing WWTP to enhanced nutrient removal (ENR) standards by 2011. MDE will fully fund the upgrade. This applies only to upgrading the existing plant and does not address future expansion needs. The Public Works Director requested the Council to authorize the Mayor to sign the attached agreement.

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

Agenda #6**Sharp Road Park Drawdown**

Mr. Brandon Nier of the Choptank Athletic Association provided a copy of their site plan which includes their Forestation Plan and their Landscaping Plan, seeking the Council's support to proceed with the Forestation Plan and initiate site work for the Sharp Road Park. Funding has been set aside for the park land to accommodate forestation requirements for the Denton Industrial Park (expansion) as well as funding through a contribution made by Trice Meadows (\$50,000) and the impact fees.

Staff also asked the Council if approving to allow staff to monitor the invoices and issue payments, rather than having to be brought back before the board for every invoice.

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

Councilman Clendaniel asked the CCA about the possibility to incorporate the basket ball courts. Mr. Nier advised that the CCA is open to developing a committee to review. Mayor Foster expressed interest in sitting on the committee.

Agenda #7**Target Investment Zone (TIZ)**

The Heritage Area requires the development of a proposed Target Investment Zone Nomination. A copy of the document was prepared with the assistance of the Denton Development Corporation and ESHI and was brought before the Council for approval.

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

Agenda #8 Small Business Loan Program

The Town of Denton received a loan application from Allison and Bill Marine seeking to borrow loan funds from the Denton Small Business Loan Program.

The application was withdrawn prior to the Council meeting.

Agenda #9 Utility Commission Appointment

The Utility Commission asked the Town Council to appoint Mr. Dennis Porter to serve as the Council representative for the Commission. A copy of the March 27th meeting Utility Commission minutes were provided reflecting this recommendation.

Councilman Branson made a motion to appoint Councilman Porter to the serve on the Utility Commission, seconded by Councilman Clendaniel, passing unanimously.

No Council members were available to participate in the Denton Little League Parade on Saturday.

Council members were reminded to return the registration forms for the MML Convention.

With no further discussion Mayor Foster adjourned this meeting at 8:10 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*