

November 7, 2013

Regular Meeting

Mayor Danielson called the 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 Danielson asked that the record reflect that all Council members were present.

October Minutes approval

October 3, 2013 – Regular Meeting

Councilman Clendaniel asked for Page 3294 – Agenda #2 – Critical Area Ordinance, paragraph 1 - to have the last line amended to reflect will consider reintroducing instead of reconsider.

Councilman Porter said same page and agenda item, paragraph 3 to change the word will and replaced it with may.

Councilwoman Lightner mentioned that she thought under on page 3293 - Resolution #793, she had confirmed with Staff that the prior concern about the due date on the rental notices has been corrected. Councilwoman Lightner expressed that she felt it was important for the public to know this had been fixed and requested it be added to the minutes. (Staff listened to the tape of the October 3, 2013 meeting and found this was actually brought up during the discussion for Ordinance #655.)

October 24, 2013- Working Session

Councilwoman McNinch asked to have page 2013-14 - Business Loan item, amended to reflect that it will be placed on the agenda in the future.

Mayor Danielson asked for a motion to approve the minutes.

Councilwoman McNinch made a motion to approve the minutes of the October 3, 2013 regular meeting and the October 24, 2013 working session as amended. The motion was seconded by Councilman Clendaniel, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's and Communication

Milford Housing Authority Corp. – Self-Help Housing Program

Mr. Russell Huxtable from MHDC made a presentation about the Milford Housing Authority - Self Help Housing Program to the Town Council. Mr. Huxtable explained and answered questions about how the program works. The program is partnered and works with USDA. The MHDC board has asked and is preparing to expand into Caroline and Dorchester Counties. Mr. Huxtable wanted to provide awareness about the program to the Town.

The Mayor asked if the Town can do anything to help.

Mr. Huxtable said the Town can help by sharing this information with anyone they know that may be interested in the program. By sharing with local organizations that know people in need of local housing it will help determine the needs of the community.

Discussion only, no action was taken.

Utility Commission Resignation – Lance Lockerman

Mayor Danielson acknowledged receiving a letter from Lance Lockerman tendering his resignation from the Utility Commission Board. Mayor Danielson expressed the Council's gratitude for Mr. Lockerman having served.

Discussion on the Utility Commission status was deferred to the November working session.

Proclamation – Municipal Government Works Month

In an effort to support (MML) Maryland Municipal League, and to educate citizens about municipal government and the importance of their participation, the Town will be promoting municipal government awareness.

Mayor Danielson read a proclamation declaring November 2013 as Municipal Government Works Month.

Councilwoman Lightner said she would like to take the lead on this.

Councilwoman McNinch has a child in the 4th Grade Class at Denton Elementary and volunteered to talk to them about municipal governments.

Mr. Mulrine said that they could really use Councilwoman Lightner's help to work on promoting MML's "If I Were Mayor" Essay Contest.

Proclamations – Election Judges

Mayor Danielson read a proclamation expressing the Council's gratitude to Karen Monteith in recognition of her service to the community and assistance provided on Election Day.

Proclamations were also signed recognizing Ms. Joan Fountain; Mrs. Cheryl Getchell; Ms. Signe Hippert, Ms. Joanna Reedy and Mrs. Karen Monteith.

USDA – FSA Community Election Ballot

The Town received a FSA Election Ballot from USDA today to vote for 2 people.

The Mayor suggested having the Town Administrator research.

Councilman Clendaniel made a motion to direct the Town Administrator to cast the ballot based on his research into the organization, seconded by Councilman Porter, passing unanimously.

Ordinances and Resolutions

Ordinance #650 – Critical Area

An Ordinance of the Town of Denton to repeal Chapter A129 Critical Area Program and repeal and reenact Chapter 128 Article VIII Special District: Critical Area Overlay District and amend Chapter 128 Article II Definitions and amend Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the Critical Area.

Councilman Porter made a motion to introduce Ordinance #650, seconded by Councilwoman Lightner.

Mr. Mulrine provided a history of the Ordinance and talked about the benefits of the Town adopting this legislation verses the State implementing.

Mr. Drummond provided additional information about State Law, mitigating buffer zones and variances.

Councilman Porter confirmed if the Ordinance is meeting the minimum regulations to satisfy the State that will be the least onerous on the citizens of Denton.

Councilman Clendaniel expressed his concerns for Town Staff; that the public will see the Town as enforcing the law, not the state.

Councilwoman Lightner expressed the Town will need to educate the public so they understand the law.

Mr. Drummond shared that most water front property owners understand the Critical Area Laws.

Councilwoman McNinch shared Councilman Clendaniel's concerns, but recognized that Town Staff is recommending this.

Councilman Clendaniel said the main problem he has is that this is part of a trend, a process by which the State is asserting on people who own property, that they should not be able to have any control over their property.

Mayor Danielson said that he understands the concerns, but that it is better to have Town Staff help with the mitigation, than having the state, the best of a bad situation.

Mr. Drummond mentioned the impacts of the Critical Area are relatively modest in developed towns like Denton, because they are already developed and have Intense Development Area's (IDA) designations. The restrictions have to do with buffer areas and building closer to the water than they already are.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #650.

The motion passes 4-1, with Councilman Clendaniel abstaining.

Ordinance #636 - Ethics

Last year the Town requested an exemption from the local government requirements of Subtitle 8 of the Maryland Public Ethics Law (Md. Code Ann. State Gov't Title 15). The State partially denied the request.

As discussed during the October 3, 2013 Council Meeting the Town Attorney researched other local small town's Ordinances.

Mr. Drummond provided an overview of the State Law which requires elected officials and candidates to provide personal financial information. He made recommendations to amend the Town's Ordinance so that it not only applies to elected officials and candidates, but be expanded to include the Town Administrator and the Town Attorney. Mr. Drummond also recommended that instead of everyone having to file annual statements for gifts that it be amended that they only be required to submit the disclosure statement when a gift is received. Since the State denied the waiver, that language has been removed.

Mr. Mulrine mentioned there is discussion that State Legislation is being proposed to remove the requirement for spouse and children of elected officials to also have to submit financial disclosure forms. Mr. Mulrine has copies of the State Forms, if anyone wants to review them. He mentioned that the Town will need to establish an Ethics Committee. Mr. Mulrine shared that records can be requested for public review through the Freedom of Information Act. The forms can include a check box so that the person is notified if a FOIA is received.

Mr. Drummond and staff will work on revising the Ordinance to comply with the State regulations.

No action was taken at this time.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- 404 Lincoln Street

As a follow up to the October 3, 2013 Council meeting and the discussion on the 404 Lincoln Street property, that Caroline Co. Habitat for Humanity is looking into acquiring in the future.

Mr. Drummond researched and provided an overview of the clear title issues. He shared options, and talked about how the Town could redeem the property from tax sale to obtain a clear title.

Councilwoman Lightner made a motion to authorize the Town Attorney to move forward, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 - Tax Differential – the Mayor deferred discussion on this agenda item until after New Business Agenda #1.

New Business

Agenda #1 - Comcast Cable Franchise Agreement

The Town's Comcast Cable Agreement is scheduled to expire in April 2014. A new agreement was presented to the Council for consideration along with the Town Attorney comments related to the new agreement.

Mr. Tom Worley, Senior Director of Government Regulatory Affairs, provided an overview of Comcast services and the Franchise Agreement renewal. He shared upcoming changes and the efforts they are working on to improve customer service. Mr. Worley talked about their internet discount program for families with a child that is eligible for free/reduced lunches.

Some of the Council members shared experiences and encouraged Comcast to speed up improving customer service.

The Council, Mr. Worley and the Town Attorney discussed the agreement details and the Town Attorney's comments. Mr. Worley will look into the comments and follow back up with the Council.

No action was taken at this time.

Old Business continued

Agenda #2 - Tax Differential

The Council approved the Mayor to sign a letter to be sent to the Caroline County Commissioners requesting to meet with them to discuss the current county tax differential formula and to negotiate a fair and equitable tax differential for all of the Caroline County municipal residents.

To comply with the law and the County time frame, the Town needs to submit the request by December 1. It was recommended with the upcoming holiday to ask to be placed on the November 19, 2013 County Commissioners agenda.

New Business continued

Agenda #2 - Juror Parking

The Council reviewed the Juror Parking Proposal prepared by Councilwoman McNinch to assist the courthouse during trial days. Two options were presented and discussed.

The Council supported sharing the proposal with the Court system to get their comments.

No action was taken at this time.

Agenda #3 - Envoy of Denton – Business Associate Agreement

Staff shared a request that was received from Envoy of Denton for the Town to sign a Business Associate Agreement to comply with U.S. Department of Health and Human Services new provision to the Health Insurance Portability and Accountability Act of 1996, other wise known as HIPAA.

Councilman Porter made a motion to authorize staff to sign the agreement, seconded by Councilwoman Lightner, passing unanimously.

Miscellaneous

Councilman Clendaniel thanked Mr. Scott Getchell and all the other individuals for coming out and helping with "Make a Difference Day".

Mayor Danielson congratulated Mrs. Abigail McNinch, Mrs. Tara Lightner and Mr. Lester Branson for winning the Town Election.

With no further discussion, the Mayor adjourned the meeting at 8:48 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*