

February 6, 2014

Regular Meeting

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

Councilwoman McNinch made a motion to approve the minutes of the January 2, 2014 Regular Meeting and the January 16, 2014 Working Session as presented. The motion was seconded by Councilman Branson, passing unanimously.

Mayor Porter announced that the Town Council may go into an executive session at the end of the meeting to seek legal guidance from the Town Attorney.

Public Hearing

Ordinance #636 - Ethics

Mayor Porter opened a public hearing at 7:02 PM to receive public comments on Ordinance #636 – An Ordinance of the Town of Denton revising and amending Chapter 14 of the Denton Town Code pertaining to Ethics Law.

Mayor Porter asked for comments from the State: there were none

Mayor Porter asked for comments from the County: there were none

Mayor Porter asked for comments from the Council:

Councilman Branson mentioned that he saw where the Town of St. Michaels recently rejected adopting these State requirements.

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

With no further comments, Mayor Porter closed this public hearing at 7:04 PM.

Ordinance #657 – Regional Law Enforcement Compact

Mayor Porter opened a public hearing at 7:04 PM to receive public comments on Ordinance #657 - An Ordinance of the Town of Denton to adopt the Regional Law Enforcement Compact among and between the Towns of Denton, Ridgely, Federalsburg, Greensboro, Preston, and the Caroline County Sheriff's Office.

Mayor Porter asked for comments from the State: there were none

Mayor Porter asked for comments from the County: there were none

Mayor Porter asked for comments from the Council:

Councilwoman Lightner clarified with Chief Cox that this arrangement exists already? Chief Cox acknowledged, stating that it updates the current agreement to be in compliance with State requirements.

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

With no further comments, Mayor Porter closed this public hearing at 7:06 PM.

Petitions, Remonstrance's and Communication

Proclamation – Corporal Rodano – Denton Police Department

Mayor Porter read a proclamation expressing the Town's gratitude to Corporal Rodano for his 14 years of dedicated service to the Town of Denton and wished him and his family all the best in the future and in his new career.

Ordinances and Resolutions

Ordinance #636 - Ethics

An Ordinance of the Town of Denton revising and amending Chapter 14 of the Denton Town Code pertaining to Ethics.

Councilwoman Lightner made a motion to adopted Ordinance #636, seconded by Councilwoman McNinch.

In discussion: Mr. Chris Drummond, Town Attorney, explained that all municipalities are required to adopt an Ethics Policy to comply with State Law, and the Ordinance before the Council for consideration meets the minimum state requirements.

With no further discussion, Mayor Porter called for a vote on the motion to adopt Ordinance #636.

The motion passed unanimously.

Ordinance #657 – Regional Law Enforcement Compact

An Ordinance of the Town of Denton to adopt the Regional Law Enforcement Compact among and between the Towns of Denton, Ridgely, Federalsburg, Greensboro, Preston, and the Caroline County Sheriff's Office. The final version of the Compact was provided.

Councilwoman Lightner made a motion to adopt Ordinance #657, seconded by Councilman Branson, passing unanimously.

Mr. Drummond provided additional details about financial disclosure for board members and how to handle potential conflicts of interest.

Mr. Mulrine mentioned that the Town has to form an Ethics Committee to ensure compliance and he will seek interested persons to serve.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Tax Differential – The Mayor deferred discussion on this item until later in the meeting.

New Business

Agenda #1 - Law Enforcement Policy Manual

Chief Cox shared that he has been researching into updating the Police Departments Policy Manual. He mentioned that the Chief's Association has been looking for a universal policy, and has identified one through Lexipol, LLC - Lexipol Maryland Law Enforcement Policy Manual. The policy is kept up to date and in compliance with all State laws. The Lexipol Policy provides a web based training for all officers. Chief Cox will keep the Council informed on what their research discovers.

This item was informational only, no action was taken.

Agenda #2 - Market Street Public House Business Loan Refinance

Mr. Donald Mulrine, Town Administrator, discussed the Market Street Public House request to refinance and combine their two business loans with the Town. He has obtained preliminary approval from the State Department of Housing and Community Development, originators of the funds for the Small Business Loan program. If the refinance is approved by the Council, Mr. Mulrine will seek final approval from the State.

Councilwoman Lightner made a motion to approve the refinancing request as discussed, seconded by Councilwoman McNinch.

In further discussion: both Councilwoman McNinch and Councilman Branson supported helping the community and small businesses in Town.

With no further discussion, Mayor Porter called for a vote on the motion to approve the refinancing.

The motion passed unanimously.

Agenda #3 - Computer Replacements

Mrs. Karen Monteith, Clerk-Treasurer, presented a quote from Corsica Technologies to replace the 6 oldest computers in the Town Hall. Staff provided a history of the computers; the operating issues that are affecting daily processing and the proposed funding source.

Councilman Branson made a motion to allow staff to replace the six computers, seconded by Councilwoman McNinch.

Additional discussion was held in which Councilman Clendaniel asked questions about the Microsoft Office Software.

Councilwoman Lightner asked if staff had explored ordering laptops over standard PCs.

Mrs. Monteith indicated that she had not explored laptops. That due to the nature and security of the financial software and given the type of daily work that is handled by the Finance Dept. and in the other office environments, that it is not recommended to use laptops for this type of work.

Councilwoman Lightner added that laptops may be less expensive and asked that staff research.

Mayor Porter expressed that the motion will give staff the ability to research and make a final decision and move forward with ordering.

With no further discussion, Mayor Porter called for a vote on the motion to authorize staff to replace the computers.

The motion passed 4-1, with Councilwoman Lightner voting No, stating there was not enough information for her to make a decision.

Agenda #4 - MDWARN Agreement

As discussed in the last working session, Mr. Scott Getchell, the Public Works Director, requested the Council approve the submitted MDWARN Mutual Aid Agreement. Mr. Getchell provided additional information of the benefits of entering into the agreement and mentioned that it has been reviewed and approved by the Town's Attorney.

Councilman Clendaniel questioned insurance if the Town crew is assisting another town, how would liability be handled.

Mr. Getchell said it would be the same as if the crew were working for the Town.

With no further discussion, Mayor Porter entertained a motion.

Councilman Clendaniel made a motion to adopt the MDWARN Agreement as presented, seconded by Councilman Branson, passing unanimously.

Agenda #5 - Water and Sewer Allocation

The Calvary Baptist Church of Denton is requesting approval for additional water and sewer allocation for an addition to the sanctuary at 1120 Market Street. The allocation required for the new addition is five (5) ERU's.

Mr. Ellery Adams, the New Sanctuary Building Project Manager, shared the parishioner's view and expressed that they do not feel that the new addition to the Church equates to additional usage and should be charged less than a single family home. Mr. Adams asked the Council to consider the type of use when making a decision, to make a fair and equitable decision, and to not charge an additional fee.

Mr. Thomas Batchelor, Senior Codes Enforcement Officer, explained that the Church is asking for a way to mitigate the fee completely, which the current Town Code does not allow. Only seeking approval for the allocation for the 5 ERU's tonight.

Councilwoman Lightner commended the service the Church provides to the public and questioned the fees.

Councilman Branson mentioned that the Water/Sewer Funds are an enterprise fund and there are strict laws in place that do not allow special exemptions. He does not see where the Council could consider any type of waiver based on the existing laws.

Additional discussion was held pertaining to the type of use, whether churches should be in a separate category, the need to complying with the law and the ability of researching potential recommendations for amendments to the law.

Mayor Porter appreciated Mr. Adams proposal for the Church to not be assessed a fee for the allocation, but stated that adding fixtures is a change which adds potential for expansion that requires additional fees. Mayor Porter said he would be glad to look at recommendations for the future. He reminded that the Council only needs to consider granting the ERU's this evening. If approved, the Church can move forward to the next step toward construction. The fees are a separate item.

Mr. Drummond mentioned the need to educate new Council members on the process to help make informed decisions and to adhere to the laws.

Councilwoman Lightner made a motion to grant the 5 ERU's to the Calvary Baptist Church, seconded by Councilman Clendaniel, passing unanimously.

Mr. Mulrine will have staff put together a Utility Exercise to explain ERU's.

Mayor Porter stated that any consideration for changes should be referred to the Utility Commission review.

Agenda #6 - 4-H Project

Robert & Kari Mullen submitted a request to staff for the opportunity to discuss allowing pygmy goats to be kept at a property located at 413 Caroline Street.

Mr. Batchelor provided an overview of the Town Code regulations and mentioned that the property is zoned Town Scale Residential (TR), which does not allow farm animals of this nature. He added that the Rural Agriculture (RA) Zone does allow for keeping or the raising of large or small animals.

Councilwoman Lightner inquired why the Town couldn't accommodate for children to raise animals for 4-H projects.

Councilman Branson said that this is considered livestock and the Town Code does not allow; can't go against the law.

Staff was directed to send a response letter that the Town Code does not allow farm animals in the TR Zone.

Agenda #7 - Wilmuth Pump Station Upgrade

Mr. Getchell presented a proposal and provided an explanation of the need for Wilmuth St. Pump Station upgrade. Mr. Getchell added that, if the Council approves, the pump station will be upgraded with new electrical controls purchased from MTD and a stand-by power generator purchased from Cummins. The Town's DPW staff will act as the General Contractor and facilitate the upgrade with the assistance of Nickle Electric. The cost of the new control panel is \$40,806 and the new generator w/auto transfer switch is \$35,805. Funds were allocated in the FY2014 Sewer Fund Budget for this upgrade.

Councilwoman McNinch made a motion to make the purchase, seconded by Councilman Clendaniel, passing unanimously.

Agenda #8 - Impact Fee

Mr. Batchelor held discussion with the Council on Town Code Article I, Chapter 58, related to Impact Fees. He discussed the irregularities created in the referenced regulations due to nonspecific requirements of certain uses. Mr. Batchelor asked for direction to review the impact fee schedule and to research potential revisions to the Code to create a field for Churches.

Mr. Drummond confirmed that the Town originally had an impact study completed at the time the law was passed to implement a fee.

Mr. Mulrine acknowledged that the Town did have a very good impact analysis study completed back in 2006. At that time it was based on the proposed growth and it now needs to be updated to account for the changes that occurred with the economy.

Councilman Clendaniel made a motion to direct staff to investigate and research impact fees. The motion was seconded by Councilwoman McNinch and passed unanimously.

Back to Unfinished Business

Agenda #1 – Tax Differential

The Mayor reminded everyone of the Caroline County Commissioners Tax Differential meeting scheduled to be held in Preston on February 18, 2014 and acknowledged that Caroline County Commission President, Mr. Jeff Ghrist, was in the audience tonight.

The Council held discussion with President Ghrist about the current tax differential formula; expressing the need for the County to consider all duplicated services to avoid double taxation. Seeking the County and the Town's to work towards an alternate formula with a common goal of coming up with a differential that is fair for all municipal residents. Discussion continued about the goal to be accomplished at the upcoming meeting.

President Ghrist stated that his position on the current formula was going to stay the same, and that along with the other Commissioners, they were not looking to make any changes for this upcoming fiscal year. He added that it was an Election year and encouraged the Council to come up with an acceptable formula that the future County Board Member may consider.

The Council shared their frustration about the County Commissioners having already made up their mind prior to the any discussion. Denton Representatives plan to attend the meeting.

Miscellaneous

Real Estate Tax Exempt Property Summary

Staff provided the 2013-2014 Real Estate Tax Exempt Property Summary Report to the Council for their review.

Speed Camera Fine

Mr. Ryan Shay of 5236 Landing Neck Road, Trappe, MD shared concerns with the Council pertaining to the Speed Cameras set up on Camp Road.

Mayor Porter asked the Town Attorney to review.

Denton Downtown Main Street

Mr. Rob Cheek, the DDMS Manager, talked about the DHCD (State Department of Housing & Community Development) seeking letters of support for the Main Street Program for funding capital improvements through the Neighborhood Business Work and Community Legacy Programs. He will be attending legislative hearings that are scheduled on 2/25 and 2/26.

~~** Councilwoman McNinch shared that DHCD she helped administer the last round of funding awards that~~ assisted 26 businesses in the downtown area to make façade improvements.

Artsway Advisory Committee

Mr. Cheek announced that the Caroline County Artsway Advisory Team met on January 16, 2014 and that the next meeting is scheduled for February 13, 2014 to be held at the Foundry.

Mr. Mulrine mentioned budget presentation for the DDMS to Mr. Cheek.

Councilwoman McNinch asked for Mr. Cheek to provide an updated action plan and an overview of the DDMS accomplishments.

Foreclosure Pending – 921 Market St.

Mr. Drummond announced that the Town recently received a foreclosure notice of a potential sale of 921 Market St. to occur on February 21, 2014. The Town currently holds the second mortgage on this property.

Discussion was held on how the sale of this property may affect the monies owed and what the Town's options are.

The Mayor made a motion to authorize the Town Administrator to attend the sale and place a bid on the property not to exceed \$35,000 to help secure the Town's collections. The motion was seconded by Councilwoman McNinch.

Further discussion was held in which Councilman Branson expressed that he did not feel the Town should be in the Real Estate Business. Councilman Clendaniel agreed with Councilman Branson.

The Mayor called for a vote on the motion to bid at the proposed foreclosure sale. The motion did not pass; 2-3. Mayor Porter and Councilwoman Lightner voted yes, and Councilman Branson, Councilman Clendaniel and Councilwoman McNinch voting no.

Upcoming Events

Caroline Culinary School ribbon cutting ceremony February 10, 2014 at 10:30AM

Town of Denton Solar Project ribbon cutting ceremony is scheduled for Tuesday, February 11, 2014 at 12:00 PM

With no further discussion, Mayor Porter adjourned the meeting at 9:34 PM.

Respectfully submitted,

Karen L. Monteith,
Clerk - Treasurer

These minutes were adopted as amended March 6, 2014; Page 3317. Paragraph 2; ~~Strike~~ through indicates deleted, **BOLD indicates new.