

June 7, 2012

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.

Mayor Porter asked if there were any corrections or additions to the minutes of the May 3, 2012 Regular Meeting, the May 10, 2012 Working Session or the May 15, 2012 Special Meeting.

The following corrections were requested.

Pg. 3202 -second paragraph from the bottom, to replace the word "~~they~~" with "**the minutes**".

Pg. 3204 - Resolution #769 change "if he should ~~sustain~~ **abstain** from voting due to him owning a neighboring property, ~~and that~~ if the project could raise the value of his property".

Pg.3207- under Executive Session Law to change the word "~~close~~" to "**closed**".

Councilman Danielson made a motion to approve the May meeting minutes as amended, seconded by Councilman Gregory, passing unanimous.

Public Hearing

Ordinance #643

Mayor Porter opened a public hearing at 7:07 PM to receive public comments on the Ordinance #643 – An Ordinance to appropriate funds and estimate income in accordance with the General Fund Budget Adoption for fiscal year beginning July 1, 2012 and ending June 30, 2013.

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 – there were none

Mayor Porter asked for comments from the Public –

Mrs. Doris Walls of 723 Gay St., asked questions about several line items in the budget – to include supplies, uniforms, long term care benefits and funding to outside agencies.

Mrs. Tara Lightener of 1104 Osprey Lane, made a recommendation to streamline supply cost by using electronic methods.

The Mayor thanked everyone for their comments and closed the public hearing at 7:19 PM.

Petitions, Remonstrance's and Communication

Proclamation – Loretta Jackson

Mayor Porter read and approved a proclamation expressing the Town Council's sincere appreciation and congratulations to Ms. Loretta Jackson for her 40 years of dedicated service to the Caroline Co. Department of Social Services and our community. Mrs. Jackson will be retiring on June 30, 2012.

Proclamation – Monty Monteith

Mayor Porter read and approved a proclamation expressing the Town Council's sincere appreciation and congratulations to Mr. Monty Monteith for his 28 years of dedicated service to the Caroline County Department of Public Works and our community. Mr. Monteith will be retiring on June 30, 2012.

Ordinances and Resolutions

Ordinance #643 –FY2013 General Fund Budget Appropriation

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget to be adopted for fiscal year beginning July 1, 2012 and ending June 30, 2013.

Councilman Gregory made a motion to adopt Ordinance #643- FY2013 General Fund Budget Appropriations, seconded by Councilman Danielson.

In discussion: Councilman Clendaniel mentioned that the Council had gone over the budget pretty much at the last meeting and that he was not inclined to beat the deceased horse any further.

Mayor Porter confirmed that the funding for the half-year 2% COLA has been relocated to the reserve balance line item. He stated that the Council will revisit the budget in December to see how the taxes are looking and see if the Wal-Mart funds come in and do a budget amendment then, if possible. Mayor Porter said that everywhere they could cut they did, and assured everyone that staff will continue to do their best to not spend on supplies that are not necessary.

Councilman Danielson stated that no one wants to raise taxes. When you look at what it takes to run the town, the budget has been cut as much as it can be, and reminded everyone that this budget is the same as the 2008-2009 budgets.

Councilwoman Case stated that they need to do a program evaluation and to start thinking in a more systemic way next year, factoring in and searching for growth throughout the community and for all groups in the community.

Councilman Danielson added that the Town needs more businesses; as it cost more to provide services for residential than it does business, because businesses have to pay for themselves. He stated that Mrs. Ann Jacobs, the Downtown Denton Main Street Manager has done a great job in trying to promote new businesses.

Mayor Porter asked about adopting both the Ordinance and the Budget at the same time.

The Council agreed to do them simultaneously.

Mayor Porter asked for a vote on the motion on the floor to adopt Ordinance #643 to include the FY2013 General Fund Budget.

The motion passed 3-2 with Councilwoman Case and Councilman Clendaniel voting no.

Ordinance #644 –Floodplain Zones

An Ordinance of the Town of Denton repealing and reenacting with amendments the provisions contained in Chapter 58 of the Denton Town Code with respect to Floodplain Zones.

Councilman Danielson made a motion to introduce Ordinance #644, seconded by Councilman Clendaniel.

In discussion: Mr. Tom Batchelor, Senior Codes Enforcement Officer provided an overview of the Ordinance, stating that the State's model Ordinance has been used to draft this Ordinance. Mr. Batchelor mentioned that this adds procedural insurance provisions, as well as technical requirements. Town's last Floodplain Ordinance was adopted in 1992.

Councilwoman Case asked what changes this will make for the Town's Ordinances.

Mr. Batchelor explained that it mostly provides stricter requirements, allows for insurance breaks if the property owner uses the guidelines, and requires more detailed documentation.

Councilman Clendaniel asked if these new things will preclude the Town, the school system, or residents from doing anything that the Town is already doing.

Mr. Batchelor said no that it would not. They can not take the right of citizens or governments to use the lands in a way that they see fit. But they can dictate whatever requirements to minimize flood damage.

Mr. Mulrine explained that Towns and Counties are now required to have a Flood Plain Administrator and that Mr. Batchelor has already been through the training.

Mr. Tolbert Rowe asked a question in regards to Crouse Park; if the adoption of an Ordinance like this would in anyway become an impediment to what is intended to be done at Crouse Park.

Mr. Batchelor responded no, that what is planned for Crouse Park far exceeds this requirement.

Mrs. Tara Lightener, Board of Appeals Member, talked a little about the Board of Appeal review of the Crouse Park Project and confirmed that what is planned is greater than what this legislation will require.

Mr. Rowe questioned if there was an updated site plan reflecting the moving of the restaurant at Crouse Park.

Mr. Mulrine said no, that it has not been through the Planning Commission, but that the visitor center has been approved by everyone.

With no further discussion, the Mayor asked for a vote on the motion on the floor to introduce Ordinance #644.

The motion passed unanimously.

Reports of Officers, Board and Committees

Mr. Michael Owens, Owner of Color'N'Clay, submitted another letter stating that Council Person Case has not answered his questions from his letter that was read into the minutes of the May 3, 2012 Council meeting.

The Mayor asked Councilwoman Case if she would address Mr. Mike Owens concerns either in writing or in person when she gets a chance.

Councilwoman Case said she would.

Mayor Porter shared an update from the Utility Commission regarding the Water and Sewer financial status report. Mayor Porter mentioned that the report will be on the agenda next month for discussion. He stated that the report reflects the need for an increase in the water and sewer rates, basically because of the system upgrade. There has not been an increase in customer base; but the electric rates and operating expenses continue to go up.

Unfinished Business

Agenda #1- Dollar General Lot Update

Mr. Mulrine provided an update on the revised bid proposal received from Mr. Brodie for the Dollar General Lot. Mr. Brodie is offering to provide a \$1,000 deposit and to enter into a Purchase Option Agreement with the Town. Mr. Mulrine recommended rejecting the current proposal, since the State would like for Town to reimburse CDBG for the grant funds as soon as possible. Mr. Mulrine asked for consideration to use the accumulated Capital Improvement Funds that have been designated for General

Government and Economic Development to pay CDBG. Once the Town has reimbursed the State the property will be free and clear of all grant regulations. Then the Town can offer the property to Mr. Brodie or any other person for sale at the going rate. Once the lot is sold, these funds would be deposited back into the CIP fund.

Mayor Porter said that the Town can not ask the State to hold off on closing the grant while waiting for Mr. Brodie to decide whether he wants to execute the option.

Councilman Clendaniel said that he agreed and suggested maybe to reconsider the use of the land.

Councilman Clendaniel made a motion to reject Mr. Brodie's offer and borrow the monies from the CIP fund to move forward and reimburse the State. Seconded by Councilwoman Case. The motion passed unanimously.

Agenda #2 - Community Parks and Playground Grant

Mr. Mulrine stated that in August 2011 the Town applied for a \$95,000 Community Parks and Playground Grant to construct a basketball court at the corner of Third and Lincoln Streets. He announced that the Town has received a confirmation letter in the mail from the Maryland Dept. of Natural Resources that the grant has been approved, pending final approval by the Maryland Board of Public Works. Mr. Mulrine stated that staff will keep track of the grant process and will advise Council when final approval has been received by the Maryland Board of Public Works.

Councilman Clendaniel asked if there were any owner-occupied residential houses in close proximity and if they are aware that this basketball court may be constructed there.

Mr. Mulrine said that there are two owner occupied properties nearby.

Councilman Gregory asked if the grant requires a Town match.

Mr. Mulrine advised that no funding match is required.

The Council authorized Mr. Mulrine to go ahead and notify the surrounding property owners of the plans for utilizing this grant, if awarded.

Agenda #3 - State Highway Administration Response Letter – 5th Ave. Takeover

After the May 3, 2012 Council Meeting, a letter was sent to SHA requesting they take over ownership of 5th Avenue.

The Mayor shared the SHA response declining the Town's offer.

Agenda #4 - FY2013 General Fund Budget

The General Fund Budget was adopted earlier on this date in conjunction with the adoption of Ordinance #643.

New Business

Agenda #1 Maryland Municipal League – Proxy Voting

MML sent a proxy voting form to the Town to fill out and return by June 21, 2012 if no members of the Council will be attending the upcoming convention.

Councilman Gregory made a motion to designate the Town Administrator as the proxy voter on the Town's behalf, seconded by Councilman Clendaniel. The motion passed unanimously.

Agenda #2 - Water & Sewer Allocation

Mr. Batchelor provided an overview of a request from Mr. Matthew Perry who is seeking approval for one additional ERU for a duplex to be located at 207 North 4th Street. Mr. Batchelor stated that the original single family house was demolished and

Mr. Perry has received preliminary approval from the Planning Commission to build a duplex. The cost of the additional water and sewer allocation is \$9,000.

Councilman Danielson made a motion to approve the allocation request, seconded by Councilman Clendaniel, passing unanimously.

Agenda #3 Trash Collection Services Contract

Mr. Scott Getchell, Director of Public Works, advised that the current contract with Waste Management is due to expire June 30, 2012. For that reason, the Public Works Department solicited bids for domestic trash collection services. Three bids were received; the lowest being Chesapeake Waste Industries at a proposed rate of \$3.89 per unit per month. This company is located in Salisbury, MD. References were checked and the Director of Public Works performed a site visit. Mr. Getchell recommended the Council approve this bid and authorize the Mayor to sign a three year contract at the proposed rate. If approved, services will begin July 1 of this year.

Councilwoman Case asked how the price compares.

Mr. Mulrine advised that it was a little better price than what the town is currently paying. He mentioned they are looking into some other options for recycling and will schedule for discussion at a future meeting.

Councilman Gregory made a motion to adopt the Trash Collection Contract as presented, seconded by Councilwoman Case, passing unanimously.

Agenda #4 - FY2013 Highway Fund Budget

The FY2013 Highway Fund Budget was presented for consideration of adoption.

Councilwoman Case made a motion to approve the Highway Fund Budget, seconded by Councilman Danielson.

In discussion: Councilman Gregory said he had some questions about it and asked for consideration to table until he has a chance to go over his questions with staff.

The rest of the Council did not have a problem with deferring.

Councilman Gregory made a motion to defer the motion until the July meeting, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 - APPI Energy Update

Mr. Mulrine mentioned that the current electric energy contract will be expiring in October.

Mr. Les Katona, of APPI Energy, did an outreach for new rates and provided a price breakdown sheet showing the different energy providers and their cost breakdowns. Mr. Katona stated that the energy prices are currently at a 10-year low, and that it was a good time to seek bids and take advantage of this all time low.

APPI is recommending the Town use Direct Energy, which will provide the best cost savings to the Town.

Councilman Danielson made a motion to accept APPI Energy's recommendation and to contract with Direct Energy. Seconded by Councilman Gregory, passing unanimously.

Miscellaneous

Mrs. Tara Lightener, Vice President of the Mallard Landing Home Owners Association, took a moment to publicly thank the Denton Public Works Staff for assisting them with their Earth Day Project.

Mrs. Tara Lightener took a moment to thank the Police Dept for doing a first class job for being so understaffed.

Councilman Clendaniel took a moment to give good wishes to Officer Thomas Scott, who recently left the force to move away, and thanked him for his years of service to the Police Dept.

Councilman Clendaniel mentioned that Mr. Ollie Smith, former owner of Smith Ford and a resident of South Second St. for many years, passed away yesterday.

Mr. Mulrine reminded everyone that effective the week of June 20, the Town Office will be closed on Fridays through Sept. 4, to observe a 4-day work week.

Mr. Dan Franklin, resident of 419 Wood Lane and a Denton Police Officer, asked for clarification on the COLA not being reflected in the budget.

The Mayor stated that the COLA has been relocated and placed in the reserve line item, until further review in December.

Councilman Gregory added that the Council will revisit the budget in December to see that if all the stars line up for issuing the COLA.

Ms. Joanna Reedy, who works for the Town Finance Dept., took a minute to express to the Council and the public how conscientious staff is before purchasing office supplies, and wanted to make sure that everyone was aware that staff is always looking for different ways to save money for the Town.

Mayor Porter commended staff efforts and expressed that everyone really appreciates what staff does to save.

The Council supported staff looking into sending the agenda's electronically to reduce on the use of paper.

Councilman Danielson announced that the next car show will be held tomorrow evening, June 8.

Mayor Porter mentioned that June 8 was also Little League Fun Night.

Mr. Mike Owens announced the first annual Pet Dress Up Contest will be held on Saturday, June 9.

Mr. Mulrine announced that on June 26, 2012 at 6:00 PM the Planning Commission will be hosting their monthly meeting at the Police Dept. and it will include discussion about the proposed Septic bill.

Mr. Owens and Mr. Knight showed off their Dentonius Lives T-Shirts and encouraged everyone to come in and purchase the 230 Year Anniversary Mugs.

Mayor Porter asked staff to put the Town Administrator's Contract renewal on the agenda for July so it can be finalized. Unless the Council wishes to go into an Executive Session to do it this evening?

Mayor Porter asked for everyone to forward questions pertaining to the parking meters to the Town Administrator for discussion on the next agenda.

Executive Session –

At 8:17 PM Councilwoman Case made a motion to hold an Executive Session to discuss personnel. Seconded by Councilman Danielson, the motion passed unanimously.

All Council members were present as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer, and Abigail Hill, Town Attorney.

The Council held discussion with the Town Attorney on the Town Administrators Employment Contract Agreement.

At 8:24 PM Councilman Clendaniel made a motion to close the Executive Session and to reopen the regular session, seconded by Councilwoman Case, passing unanimously.

Mayor Porter announced that the Council had just held a brief Executive Session to discuss the Town Administrators Employment Contract.

Councilman Danielson made a motion to accept the contract as provided. The motion was seconded by Councilman Clendaniel, passing unanimously.

With no further discussion, Mayor Porter adjourned the meeting at 8:25 PM.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*