

September 5, 2013

**Regular Meeting**

Mayor Danielson 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 Danielson asked that the record reflect that four Council members were present, with the resignation of former Councilman Conway Gregory.

Councilman Clendaniel made a motion to approve the minutes of the August 1, 2013 regular meeting as presented. The motion was seconded by Councilwoman McNinch, passing 3-1, with Councilman Porter abstaining because he was absent from the August meeting.

Mayor Danielson announced that the Council is planning to hold an executive session at the end of this meeting to discuss a ~~personal~~-(personnel) item.

**Public Hearing**

**Ordinance #654 – Donohue Historic Easement – Repeal Ordinance #613**

Mayor Danielson opened a public hearing at 7:02 PM to receive public comments on Ordinance #654 - An ordinance of the Town of Denton repealing Ordinance #613 and authorizing the Town of Denton to release and extinguish a Historical Façade Easement on a building known as “Plain Dealing”, located at 808 S. 5<sup>th</sup> Avenue in the Town of Denton.

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

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

Mayor Danielson asked for comments from the Council: there were none

Mayor Danielson asked for comments from the Public:

Mr. George Nier, Legal Counsel representing the Donohue’s in this matter gave a brief history. He stated that due to the damage caused by the April fire, the Town condemned the structure. Mr. Nier said that the dwelling cannot be salvaged and asked for the Council’s support to adopt this Ordinance so the owners can have a clear title to sell the property.

Mr. JOK Walsh, President of the Caroline County Historical Society, spoke about this being the oldest structure in the County as it dates back to 1792. The CCHS has visited the structure, and is working with the Family to save some portions of the interior to be relocated to the Museum of Rural Life. Mr. Walsh talked about the damage caused by the fire; the exposure to the weather. Mr. Walsh said considering everything that the CCHS supports the repeal and adoption of Ordinance #654.

With no further comments, Mayor Danielson closed this public hearing at 7:15 PM.

**Petitions, Remonstrance’s and Communication**

**Council Member Conway Gregory Resignation**

Council Member Conway Gregory was appointed to the Caroline County Orphan’s Court by Governor O’Malley and was sworn in on August 27, 2013. Since Mr. Gregory can not hold two elected position in Maryland, he tendered his resignation from the Denton Town Council effective August 27, 2013 at 9:00 AM. The Mayor read former Councilman Gregory letter of resignation into the record.

The Mayor and Council expressed their appreciation to former Councilman Gregory who was in attendance for his many years of service.

Councilwoman McNinch stated now seemed like a good time to asked if they could move New Business Agenda item #2 up to go ahead and consider a replacement. The Council agreed.

**New Business**

**Agenda #2 - Council Member Replacement Candidate**

The Mayor announced that this time has been set aside to consider appointing a replacement for Council Member Gregory's vacant position on the Denton Town Council. The Town Charter allows the Council to appoint someone within 30 days to fulfill this vacancy through the end of the year.

Councilwoman McNinch made a motion to appoint Mrs. Tara Lightner, seconded by Councilman Porter.

Councilman Clendaniel said that Mrs. Victoria Goldsborough had expressed interest to him about being appointed.

Mrs. McNinch said both are good recommendations and that given Tara's recent role and experience with the Town that she thinks Tara is a good candidate.

The Mayor asked if there were any other nominations, there being none he called for a vote on the motion to appoint Mrs. Tara Lightner.

The motion passed unanimously 4-0.

Mayor Danielson went ahead and swore Mrs. Lightner into office.

Newly appointed Councilwoman Lightner joined the Council at the table.

The Council resumed with the Petitions, Remonstrances and Communication

**Proclamation - Wal-Mart Summerfest Volunteers**

Mayor Danielson announced and read a proclamation thanking Wal-Mart and their employees for their help during last month's Caroline Summerfest event. Wal-Mart employees volunteered about 160 hours of their time to assist Town & CCRP staff during Summerfest. Helping with set up, unloading booth vendor vehicles, traffic control, clean up, the parade, and more. They were extremely helpful to staff.

The Mayor presented the proclamation to Mr. Bill Duffy, Store Manager as a small token of the Town Council's appreciation.

**Proclamation – Andy Mackel**

Mayor Danielson read a proclamation to be presented to Mr. Andy Mackel for having served on the Denton Utility Commission since 2005. Mr. Mackel recently resigned his position and the Town Council wished to express their gratitude for his many years of experience and dedication to this board and to the community.

**State of Maryland Employees Health Insurance Open Enrollment**

Mayor Danielson mentioned that the Employee/Council member Health Benefits Open Enrollment begins October 1 – October 16, 2013 for the Plan Year January 1, 2014 to December 31, 2014.

This item was informational only, no action was taken.

**Ordinances and Resolutions**

**Ordinance #654- Donohue Historic Easement – Repeal Ordinance #613**

An Ordinance of the Town of Denton repealing Ordinance No. 613 and authorizing the Town of Denton to release and extinguish a Historical Façade Easement on a building known as "Plain Dealing", located at 808 S. 5<sup>th</sup> Avenue in the Town of Denton.

Councilman Porter made a motion to adopt Ordinance #654, seconded by Councilwoman McNinch.

*In discussion: Councilman Clendaniel expressed that it is difficult to make this decision, but that if anyone could save this building, he was sure that Mr. JOK Walsh and the Caroline County Historical Society would.*

*The motion passed unanimously.*

**Ordinance #655- Residential Rental Housing Amendment**

*An Ordinance of the Town of Denton amending the Residential Rental Housing Provisions contained in Chapter 98 of the Denton Town Code with residential rental properties.*

*Councilman Clendaniel made a motion to introduce Ordinance #655, seconded by Councilwoman Lightner.*

*In discussion: Mr. Tom Batchelor, Senior Codes Enforcement Officer provided a synopsis of the changes to the Residential Rental Housing program and answered questions from the Council and others.*

*Mrs. Jean Singer of 309 S. Second Street asked if there were any plans to increase the rental registration fee.*

*Mr. Batchelor responded this Ordinance does not propose any rate changes.*

*Ms. Alice Birch of 300 S. Fourth Street, inquired about a rental renewal letter that she recently received and questioned how the late fees are applied.*

*Mr. Batchelor explained that the late fees are not assessed until after 30 days from the date of the letter.*

*The Council asked staff to look at the letter and amend so that the due date is clearly noticeable in the future.*

*The motion to introduce Ordinance #655 passed unanimously.*

**Ordinance #656 – Property Maintenance Code Amendments**

*An Ordinance amending the Town of Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to property maintenance.*

*Councilwoman McNinch made a motion to introduce Ordinance #656, seconded by Councilwoman Lightner.*

*In discussion: Mr. Batchelor provided an overview of the changes, primarily defining bamboo species. He mentioned that they are still working on amendments to include additional details for all types of bamboo.*

*Councilman Clendaniel was concerned about taking action on the Ordinance if it is not complete.*

*Mrs. Teresa Goss, resident of Riverton Ave., talked about the different types of bamboo and containment.*

*Mr. Drummond, Town Attorney, added that they are working on the containment definition. He explained that the Ordinance can be amended before adoption.*

*The motion to introduce Ordinance #656 passed 4-1, with Councilwoman Lightner abstaining because she is not familiar with this topic.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1- Ethics Ordinance Law**

*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). This request was partially denied. The Council reviewed the letter from the State and needs to take action based on page 2, paragraph 2 of this letter to comply.*

*Mr. Drummond stated that he has reviewed the past documents and understands the Council's concerns. He will research other small towns that have received approval and put together something for further discussion for the next meeting.*

**Agenda #2 - Critical Area**

*Mr. Mulrine stated that the Critical Area Commission has reached out to the Town inquiring about the Town prior decision to vote against adapting to the State model for Critical Area and the reasons to reconsider.*

*Since Councilman Clendaniel and former Councilman Gregory had voted against the original legislation, Ordinance #650, they are the only ones that can reinstate the Ordinance.*

*Councilman Clendaniel asked for the two new members to review the history and the Ordinance and that if they support moving forward with consideration, he will reconsider his prior vote. Staff will provide Council members with all the information.*

*Councilwoman Lightner asked if the members could get together and discuss the history.*

*Mr. Drummond explained that the Town is required to adopt a State approved policy, failure to do so and the State Critical Area Commission may take over control of the program within the Town, and the State may have more restrictions than the Town would.*

*Mr. Drummond also explained the open meeting act, and recommended the Council be cautious to not have too many members meeting at the same time.*

*Mr. Mulrine provided an overview of the new Open Meetings Act training requirements. This new requirement will be placed on the October agenda for consideration.*

**Agenda #3 - Smith Water/Sewer Connection**

*Mr. and Mrs. Ritchie Smith of 515 Elaine Ave. are requesting a revision to the proposed water and sewer connection approved on May 2, 2013. The Smith's would like to only connect to the town sewer at this time and continue to use their well instead of connecting to the town's water system. The well is not very old. This property is currently located outside of the town limits and the utility billing rates will be doubled.*

*Mr. Scott Getchell, Director of Public Works, Mr. Drummond and Mr. Mulrine, discussed the request with the Council.*

*Councilman Porter made a motion to approve the Smith sewer only connection revision, contingent upon Mr. Getchell's approval, which will be subject to a signed agreement requiring a water meter being installed for billing purposes; abandonment of the existing septic, and setting the terms for when the property must connect to Town water - upon failure of the existing well and/or change of ownership. The motion was seconded by Councilwoman Lightner, passing unanimously.*

**New Business**

**Agenda #1 - DPW Equipment Purchase**

*Mr. Getchell, Director of Public Works requested approval to purchase a 2013 New Holland T5050 tractor with cutting equipment and snow plow for the total sum of*

\$78,850.00. The vender is Rathell Farm Equipment in Cordova, MD and the purchase is being secured through a contract with the State of Virginia. The annual payments (\$17,500) will be charged to the highway fund as were allocated and approved in the FY2014 budget.

Mr. Drummond reviewed the contract and recommended.

Councilwoman McNinch made motion for approval of the purchase as presented, seconded by Councilman Porter. The motion passed unanimously.

**Agenda #2 - Council Member Replacement Candidate**

Earlier in the meeting the Council appointed Mrs. Tara Lightner as a Council member to fill the vacancy created by the resignation of former Councilman Conway Gregory.

The Council was asked to select a Council member to serve as Vice –Mayor for the remainder of the year, as this position was previously held by Councilman Gregory.

Councilman Porter made a motion to nominate Councilman Robert Clendaniel to fulfill the Vice-Mayor seat for the remainder of the year, seconded by Councilwoman McNinch, the motion passed unanimously.

**Agenda #3 - MML Fall Conference**

Mr. Mulrine asked for approval to attend the MML Fall Conference on October 17 – 19, 2013 in Solomon Island, Maryland. He mentioned that one of the topics for the conference will be the MML Legislation on Double Taxation.

Councilman Porter made a motion to approve the request, seconded by Councilwoman Lightner, passing unanimously.

**Agenda #4 - Police Vehicle Purchase**

Chief Cox requested approval to purchase a 2014 Ford Interceptor Sedan Police Car and the equipment for the total sum of \$32,399.

Mr. Mulrine explained that the Town has been awarded a USDA Grant of \$22,765 to be used for purchasing the car. The remaining \$9,634 will be used to equip the car to be paid for by using speed enforcement funding. The price for Police Car is through the Maryland State contract and the equipment vendor is Brekford Corp.

Councilwoman Lightner made a motion to approve the police car purchase as presented, seconded by Councilman Clendaniel, passing unanimously.

**Miscellaneous**

The Mayor asked if there were any public comments.

Mr. Robert Singer of 309 S. Second St. shared a concern about having to pay for water and sewer on a house he owns that is vacant and is not even using any water-sewer any more. He stated that he has been told that the only way to eliminate the billing is to remove all the plumbing.

Mr. Drummond explained that even if there is no water usage that the Town still has additional ongoing operations cost that must be covered.

Mrs. Monteith, Clerk-Treasurer provided an overview of the billing and explained that Mr. Singer could have the water/sewer disconnected from the dwelling and capped with Public Works approval and reduce the quarter billing down to the \$25 vacant fee. If they decided to reconnect, then there would be a turn on fee.

Councilman Porter praised the Denton Police Department and the Federalsburg Police Dept. for recovering his stolen phone.

*Mayor Danielson added that the Police really do a good job of protecting us here in Denton.*

*Councilwoman Lightner thanked everyone for their support in appointing her to serve on the Town Council.*

**Executive Session**

*Mayor Danielson asked for a motion for an Executive Session to discuss a personnel item.*

*At 8:34 PM, Councilman Clendaniel made a motion to enter into an Executive Session to discuss personnel, seconded by Councilman Porter, passing unanimously.*

*Those present during this session included: Mayor Danielson, Council persons Clendaniel, Porter, McNinch and Lightner; Mr. Drummond, Mr. Mulrine and Mrs. Monteith.*

*The Council discussed a personnel item with the Town Attorney and Staff.*

*No action was taken during the Executive Session.*

*At 8:45 PM, Councilman Porter made a motion to close the executive session and reopen the regular meeting, seconded by Councilwoman McNinch, passing unanimously.*

**Regular meeting resumed**

*With no further discussion, Councilman Porter made a motion to close the regular meeting at 8:45 PM, seconded by Councilwoman McNinch, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*

Minutes amended prior to adoption on October 3, 2013 as follows:  
(Brackets) indicate new ~~Strike~~ through indicates deleted.

*Correction made on page 3286, paragraph 4 to change the wording from ~~personal~~ to (personnel).*