

May 3, 2010

Executive Session

At 6:00 PM Councilman Clendaniel made a motion to hold an executive session to seek legal advice and discuss personnel, seconded by Councilman Danielson, passing unanimously.

All Council members were present as well as Karen Monteith, Clerk-Treasurer Don Mulrine, Town Administrator, Scott Getchell, Director of Public Works and Steve Kehoe, Town Attorney.

The Council held discussion with staff on FY2011 personnel changes. Mr. Kehoe, entered at 6:25 PM. Mr. Getchell was excused at 6:35 PM.

The Council met with the Town Attorney to seek legal advice and receive updates on pending items.

At 6:57 PM Councilman Danielson made a motion to close the executive session to relocate down stairs for the Council regular monthly meeting, seconded by Councilman Clendaniel, passing unanimously.

Regular Meeting

Mayor Gregory 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 Gregory announced that the Town Council had held an executive session earlier on this date to discuss personnel and seek legal advice.

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

Councilwoman Case made a motion to approve the minutes of the April 5, 2010 regular meeting; the April 19, 2010 working session and the April 28, 2010 working session, seconded by Councilman Porter, passing unanimously.

Public Hearing

Constant Yield

Mayor Gregory opened a public hearing at 7:02 PM to receive public comments on the Fiscal Year 2011 Constant Yield Tax Rate.

Mayor Gregory asked for comments from the State – there were none.

Mayor Gregory asked for comments from Caroline County – there were none.

Mayor Gregory asked for comments from the Council – Councilman Clendaniel asked staff to obtain what the tax rates were for other towns.

Mayor Gregory asked for comments from the Public – there were none.

The Council announced that they would finalize the tax rate with the introduction of the Appropriation Ordinance later in the agenda.

With no further comments, the Mayor closed the public hearing at 7:07 PM.

Petitions, Remonstrance's and Communication

William C. Manlove, Candidate for Cecil County Delegate

Mr. William C. Manlove came before the Town Council to take a few minutes to introduce himself and announce that he is running for the Office of Delegate in Cecil, Kent and a portion of Caroline County.

Shore Health Systems Update

Mr. Michael Silgen, VP of Planning and Marketing, and Ms. Patti Willis, VP of Corporate Communication, from Shore Health System came before the Council to give an update on Shore Health Systems and their plans to relocate and expand their operation in Denton.

Ordinances and Resolutions

Resolution #722-De-annexation of Fortner, Davidson, and Gosnell

A resolution of the Denton Town Council to amend the Town Charter by detaching certain territory located on the east side of the Town of Denton on the eastern side of Pearson Road, and the northern side of Foy Road, on the south side of Market Street and on the west side of Mila Road, in the Third Election District, Caroline County, Maryland and consisting of 29.293 acres of land, more or less.

The Town Attorney provided an update and will send a letter to try to resolve the issues.

Resolution #725- PNC Line of Credit Renewal

A resolution renewing and increasing the Town's revolving working capital line of credit with PNC Bank in the amount of \$450,000. Last year the amount of the line of credit was reduced from \$450,000 to \$200,000 at the request of the Town Administrator.

Councilman Danielson made a motion to adopted Resolution #725, seconded by Councilman Porter. In discussion: the Mayor explained to the Public the resolution and the reason for increasing the line of credit.

With no further discussion, the Mayor called for the vote on the motion. The motion passed unanimously.

Ordinance #601 – FY2011 General Fund Appropriations

The Appropriation Ordinance for the General Fund was brought before the Town Council for consideration of introduction.

Councilman Porter made a motion to introduce Ordinance #601 seconded by Councilwoman Case, the motion passed unanimously.

Ordinance #602 – Stormwater Management Amendments

Councilman Clendaniel made a motion to introduce Ordinance #602, seconded by Councilman Danielson. In discussion: Mr. Bill Kastning, Director of Planning & Codes, advised that this repeals and reenacts with amendments Chapter 106 of the Town Code regarding stormwater management previously mandated by the Maryland Dept. of Environment and adopted by Ordinance #599. This ordinance reflects amendments recently adopted by State Legislation.

With no further discussion, the Mayor called for a vote on the motion to introduced Ordinance #602. The motion passed unanimously.

Ordinance #603 - Donohue Historic Preservation Easement

An ordinance of the Town of Denton at the Property owners request to accept a Preservation Easement for the property located at 808 South Fifth Avenue within the Town of Denton.

Councilman Clendaniel made a motion to introduce Ordinance #603, seconded by Councilman Porter. In discussion: the Mr. Kehoe, Town Attorney, provided an overview of the proposed zoning change from residential to commercial.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #603. The motion passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 - Board of Appeals Alternate Appointment

A vacancy for an Alternate Member on the Board of Appeals was created when the Town Council appointed Alternate Florence Doherty to a Regular Member. The unexpired Alternate Member term ends December 31, 2011.

No letters of interest have been received. Staff and the Council will continue to seek interested persons.

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

FY2011 GF & HWY Fund Budget

Copies of the FY2010 General Fund and Highway Fund budgets were provided to the Council for review. Discussion will continue at the working session that is scheduled for May 17, 2010.

New Business

Agenda #1 – Caroline County Council of Arts

Mrs. Marina Dowdall of the Caroline County Council of Arts provided an update to the Council on the Community Arts building project that is now complete. She explained the CCCA's role in the Artsway and expressed their willingness to help the Town move forward with the other buildings.

Agenda #2 – McKenrick Water Bill

Mr. & Mrs. Owen McKenrick, the owners of 306E South 4th Street, came before the Town Council to contest their last water bill. Upon reading the water meters for billing, staff notified the McKenrick's of a potential leak at their property. Their plumber replaced parts in the toilets, fixed a spigot that was leaking and found a leak in a water line outside the house on the property owners side. Staff worked with the McKenrick's and offered a partial abatement toward the sewer portion of the bill due to the outside leak. Mr. McKenrick mentioned that he did not feel the leaks would equate to the amount of gallons being billed and asked for consideration for additional credit.

Mr. Getchell, Director of Public Works, explained the steps staff had taken and how the proposed credit was calculated.

The Mayor confirmed that the units were leaking and that the property owner is responsible for the water line from the meter to the house.

Mr. McKenrick asked who put the water line in and staff confirmed that the property owner would have been responsible for installation. Mr. McKenrick questioned whether the meter was working properly. Staff explained that as each item was repaired the meter registered less water usage and how the meter works.

The Mayor explained that the Town can not answer where the water was used, but that the water was used on their property. The Mayor advised that the Council will review and send a follow up letter of their decision.

Agenda #3 - 2010 Draft Comprehensive Plan

Mr. Bill Kastning, Director of Planning & Codes, provided an update on the 2010 Draft Comprehensive Plan that was forwarded to Maryland Department of Planning on March 25, 2010, for review and comments. A joint Public Hearing of the Town Council and the Planning Commission on this item is scheduled for May 25, 2010. Appropriate edits and amendments will be made during the next 60-days based upon comments received from State agencies, Caroline County, Town Council, and the public.

Mr. Kastning mentioned that the Planning Commission had held dialog with the business owners of the Crystal Avenue properties in regards to the proposed rezoning

from Highway Industrial/Light Industrial to Residential that is included in this plan. The Planning Commission is looking into modifying subsequent to the public hearing. Mr. Kastning suggested presenting the plan as is, then modify later to avoid a rippling effect that may take the adoption past the moratorium expiration on June 30, 2010.

Staff requested the Town Council's input during the 60-day comment period.

Councilman Danielson asked if there had been any input from the County that would be detrimental and staff replied none at this time.

Agenda #4 - 504 Choptank Ave. Property Acquisition

Jeff Eigenbrode, owner of the property located at 504 Choptank Ave, has agreed to sell his property to the Town of Denton for \$150,000, which was the appraised value. Mr. Getchell, Public Works Director, had previously discussed this potential purchase at the April 19th Council working session. Mr. Getchell provided an update and requested Council approval to move forward with this purchase. The cost had been allocated in the FY2010 General, Highway, Water & Sewer budgets for purchasing another property that did not come to fruition. This property is less expensive than the other property discussed last year. The facility would be used to relocate the Public Facilities Crew out of the Armory and the Public Utilities Crew out of the water tower shop. Staff also provided financing term options to the Council, in which staff recommended securing a loan from Queenstown Bank, 5.1% fixed for 20 years.

Councilman Clendaniel made a motion to acquire the property at \$150,000. Councilman Porter stated that he would second the motion if amended to authorize the Mayor to sign any and all documents. The motion was amended and passed unanimously. The Council agreed with staff's recommendation for the fixed financing from Queenstown Bank.

With no further discussion, Mayor Gregory adjourned this meeting at 8:13PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*