

January 3, 2011

Executive Session

At 6:04 PM Mayor Gregory opened an executive session to discuss personnel; real property acquisition; the investment of public funds and to consult with staff about pending or potential litigation.

All Council members were present along with Don Mulrine, Town Administrator and Karen Monteith, Clerk-Treasurer.

Discussion only, no action was taken during this session.

At 6:37 PM Councilman Clendaniel made a motion to close the executive session, seconded by Councilman Porter, 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; real property acquisition; the investment of public funds and to consult with staff about pending or potential litigation.

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

Swearing in of New Denton Town Council Member

Conway Gregory was sworn into office to serve another five year term on the Denton Town Council by Vice Mayor Robert Clendaniel.

2011 Annual Election of Officers

Office of Mayor

Councilman Gregory made a motion to appoint Robert Clendaniel to serve as Mayor of the Denton Town Council for 2011, seconded by Councilwoman Case, passing unanimously.

Office of Vice Mayor

Councilman Gregory made a motion to appoint Dennis Porter to serve as Vice Mayor of the Denton Town Council for 2011, seconded by Councilman Danielson, passing unanimously.

Office of Mayor Pro-tem

Councilman Gregory made a motion to appoint Agnes Case to serve as Mayor Pro-tem of the Denton Town Council for 2011, seconded by Councilman Clendaniel, passing unanimously.

With the installation of officers now complete for 2011, Mayor Clendaniel presided over the remainder of the meeting.

Councilman Porter made a motion to accept the minutes of the December 6, 2010 regular meeting, seconded by Councilman Danielson, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's and Communication

Denton Spring Gala

Mrs. Marina Dowdall shared the Denton Spring Gala 2011 plans with the Town Council and asked for their continued support before moving forward with seeking the liquor board approval. The Annual Spring Gala is scheduled to take place on May 7, 2011 from 5:30PM to 9:30 PM.

Councilman Porter made a motion to approve the plan as drafted, seconded by Councilwoman Case, passing unanimously.

Officer of the Year Awards

Chief Cox announced that several years ago the Police Department established an Officer of the Year Award Program that is based on the officer's accomplishments through out the year, work ethic and dedication to the citizens of Denton.

Chief Cox awarded Patrol Officer Eric Hall with the 2009 Officer of the Year.

Chief Cox then awarded Patrol Officer Charity Peris with the 2010 Officer of the Year Award.

Each Officer was applauded and congratulated by the Mayor and Council.

FY2010 Financial Report Presentation

Mr. John Montoro of Cherry, Bekeart & Holland, provided an overview of the Town of Denton FY2010 Annual Financial Report, CDBG Grant requirements, MD&A and testing methods. Mr. Montoro advised that there were no findings to report; everything is in compliance

Councilwoman Case made a motion to accept the FY2010 Financial Audit Report, seconded by Councilman Gregory, passing unanimously.

Ordinances and Resolutions

Resolution #748- Water and Wastewater Capacity Management Plan

A resolution of the Town of Denton approving capacity management plans for the Town's water and wastewater treatment systems.

Mr. Bill Kastning, Director of Planning & Codes, gave an overview of the plan and advised that this is required to comply with the comprehensive plan.

Councilman Gregory made a motion to adopt Resolution #748, seconded by Councilman Porter.

In discussion: Councilman Porter stated that restricting to about 44 units per year will help to not over-whelm the treatment systems, which is very important to the Town.

The motion passed unanimously.

Ordinance #616 – Stormwater Utilities

An ordinance of the Town of Denton revising Chapter 8, § 8-1 of the Town Code to include stormwater utilities within the jurisdiction of the Denton Utility Commission.

Mr. Stephen Kehoe, Town Attorney, provided an overview of the ordinance and the environmental regulations, mentioning that this ordinance establishes the ability to charge utility rates and allows the Utility Commission to have within its jurisdiction the ability to administer. This goes with Ordinance #617 which is enacting Chapter 105 Storm Water Utility.

Councilman Gregory made a motion to introduce Ordinance #616, seconded by Councilwoman Case.

In discussion: Councilman Porter mentioned that the Utility Commission has concerns that they have very little expertise in this area, but are willing to take over and learn. Mr. Kehoe stated that this is very new in Maryland, but in the future every municipality will be implementing.

The motion passed unanimously.

Ordinance ##617 – Enacting Chapter 105, Stormwater Utility

An ordinance of the Town of Denton enacting Chapter 105, Stormwater Utility, of the Town Code.

Mr. Kastning provided an overview of the ordinance and announced that this legislation goes with Ordinance #616. Mr. Kastning stated that the current Stormwater Ordinance of the Town does not have a management plan. He explained the difference between a neighborhood with a Home Owners Association and one that may need the stormwater managed by the Town.

The Ordinance defines the purpose, operations and definitions. In addition the Town will need to research for the best method, how to apply to different areas and set up a procedure to establish a fee based on cost to maintain. Mr. Kastning added that the rest of the State is struggling with this new legislature and Federal regulations.

Councilman Porter made a motion to introduce Ordinance #617, seconded by Councilwoman Case, passing unanimously.

Ordinance #619 – Planned Unit Development Area Amendment

An ordinance to amend the Town of Denton Zoning Ordinance Planned Unit Development (PUD) area requirement from 5 acres to 3 acres.

Mr. Kastning provided an overview of the ordinance and stated the advantage of the ordinance is that it will provide a mixed use within the MD Route 404 loop, however, it will affect mixed use parcels.

Mayor Clendaniel asked for staff to provide a map to the Council before consideration for adoption that will show which parcels could be affected.

Councilwoman Case made a motion to introduce Ordinance #619, seconded by Councilman Porter, passing unanimously.

Ordinance #620 – 2009 International Building Codes

An ordinance of the Town of Denton adopting the 2009 Editions of the International Building Code, International Residential Code, International Mechanical Code, International Existing Building Code, International Energy Conservation Code as amended by this ordinance, as the Building Code of the Town Of Denton, and repealing and reenacting Chapter 38, Building Construction, Articles I, II, III, IV, and V of the Denton Town Code.

Mr. Kastning provided an overview of the Ordinance.

Councilman Gregory made a motion to introduce Ordinance #620, seconded by Councilman Danielson, passing unanimously.

Ordinance #621 – Forest Conservation Amendment

An ordinance of the Town of Denton repealing and reenacting with amendments Chapter 60 of the Town Code regarding forest conservation.

Mayor Clendaniel suggested this item be tabled to obtain additional legal advice from Counsel. No action was taken.

Ordinance #622 – 2009 International Property Maintenance Code

An ordinance of the Town of Denton adopting the 2009 Edition of the International Property Maintenance Code, as amended by this ordinance, as the Town of Denton Property Maintenance Code, and repealing and reenacting Chapter 94 of the Denton Town Code.

Councilman Gregory made a motion to introduce Ordinance #622, seconded by Councilman Danielson, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 - Sandy Meadows PWA

The Council was asked to authorize the Mayor to sign the proposed Assignment of Public Works Agreement that has been reviewed and approved by the Town's Attorney for the Sandy Meadows Development.

Councilman Porter made a motion to authorize the Mayor to sign the Public Works Agreement, seconded by Councilwoman Case.

In discussion: Mr. Kehoe provided an overview stating that the Sandy Meadows Development is being sold and this acknowledges the transfer of the bond and that the new owner is financially capable of providing the agreement.

Mr. Scott Getchell, Director of Public Works, added that the documents have been reviewed and staff is comfortable with the situation.

The motion passed unanimously.

New Business

Agenda #1 – Utility Commission Re-appointments

The Council was asked to re-appoint Andy Mackel for a 1-year term; Al McCullough for a 2-year term; Greg Eigenbrode for a 3-year term to the Denton Utility Commission.

Councilman Porter made a motion to make all the reappointments as stated, seconded by Councilman Danielson, passing unanimously.

Mayor Clendaniel asked if these positions were announced. Mr. Getchell advised that the positions were posted on the Town website. Mr. Getchell also mentioned that the Utility Commission is working on staggering five year terms and that is why each has a different term limit.

Agenda #2 – Foundry Loan

In order to assist the Caroline County Arts Council in repaying their Small Business Loan for the Foundry, the Town Administrator proposed a restructuring of their \$25,000 Small Business Loan and asked for the Council's approval. The proposal presented allows for the restructure of the current loan of \$25,000 to include the one time interest payment for a new loan amount of \$26,322.72 plus settlement cost for a repayment over 5 years at a 3% fixed interest rate, effective February 1, 2011.

Councilman Porter made a motion to approve the restructuring of the loan to 5 years at 3% percent, seconded by Councilman Danielson, passing unanimously.

Agenda #3 - Old Caroline High School Renovations - Architect Agreement

A revised Architect Agreement for the Kings, Asbury & Associates for the Caroline High School Renovations and the bid received from Lane Engineering for the site design of the school was provided for review and acceptance by the Town Council.

Mr. Kehoe stated that he reviewed the agreement and suggested a change adding a provision that the Architect represents that he will maintain insurance coverage for errors and omissions at a minimum of one million dollars. This should be added as Article 5-9 to the agreement.

Councilman Danielson made a motion to accept the Architect Agreement per the advice of Counsel adding Article 5-9 for insurance requirement and to accept the site

design from Lane Engineering of \$7,800, Councilman Gregory seconded the motion, passing unanimously.

Agenda #4 Maryland Municipal League Convention

The Annual MML convention is scheduled for June 26 through June 29, 2011. MML usually sends notification about hotel reservation in mid January. Staff asked for direction on who may attend this year's convention so that hotel reservations can be made early to take advantage of the discounted rates and whether the Council wishes to participate as an exhibitor and have a booth again this year.

The Council directed staff to go ahead and make the hotel reservations and schedule for the Town to have a booth in the Municipal Main Street Area.

Agenda #5 –323 Market Street Roofing Contract

The Town Administrator asked the Council to award the roofing contract to the lowest bidder Midshore Extensions to replace the roof on 323 Market St at a cost of \$11,250.

Councilman Porter made a motion to award the bid to Midshore Extensions provided that they meet all the requirements, seconded by Councilman Danielson.

In discussion: Mr. Mulrine added that the roof has three layers of shingles and is in need of much repair and that a metal roof would have ended up costing more.

The motion passed unanimously.

Miscellaneous

Mrs. Jinhee Hildwine, of 1109 Honeysuckle Drive, spoke to the Council about various items and expressed that the board needs to make sure the residents receive information so they can understand how the municipality and fees work.

With no further discussion, Councilwoman Case made a motion to adjourn the meeting at 8:29 PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*