

May 2, 2011

Executive Session

Authority: 2004 MD. Code, State Government 10-508(a)(1), (7) & (8).

At 6:00 PM, Councilwoman Case made a motion to go into an executive session to discuss personnel and obtain legal advice and consult with staff about potential litigation. The motion was seconded by Councilman Danielson, passing unanimously.

The Mayor, Councilman Danielson, Councilwoman Case and Councilman Gregory were present as well as Don Mulrine - Town Administrator, Karen Monteith - Clerk-Treasurer. Steve Kehoe, Town Attorney joined the session at 6:25 PM.

Chief Rodney Cox was present from 6:28 PM to 6:35 PM.

The Council held discussions pertaining to personnel issues, potential litigation on 4 S. 1st St, Crouse Park and Zoning.

At 6:58 PM, Councilwoman Case made a motion to close the executive session to relocate downstairs for the Council's regular monthly meeting, seconded by Councilman Danielson, passing unanimously.

Regular Meeting

Mayor Clendaniel called the regular meeting of the Denton Town Council to order at 7:02 PM on this date leading everyone in the Pledge of Allegiance to the Flag.

Mayor Clendaniel asked that the record reflect that all Council members were present, with the exception of Councilman Porter who arrived at 7:09 PM.

Mayor Clendaniel announced that the Town Council had held an executive session earlier on this date to discuss personnel, seek legal advice and consult with staff on potential litigation.

Councilman Danielson made a motion to approve the minutes of the April 4, 2011 regular meeting and the April 18, 2011 Working Session, seconded by Councilwoman Case, passing unanimously.

Councilman Gregory asked to have the agenda item discussion on Ordinance #630 held at the end with the budget discussions.

Public Hearing

Ordinance #628

Mayor Clendaniel opened a public hearing at 7:08 PM to receive public comments on Ordinance #628 - An ordinance amending the Town of Denton Building Code, Residential Code, Mechanical Code, protection of structures with historic significance, existing Building Code, and Energy Conservation Code provisions contained in Chapter 38 of the Denton Town Code with respect to article and section references, and green construction.

Mayor Clendaniel asked for comments from the State – there were none

Mayor Clendaniel asked for comments from Caroline County – there were none

Mayor Clendaniel asked for comments from the Council – there were none

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

With no further comments, Mayor Clendaniel closed this public hearing at 7:09 P.M.

Councilman Porter joined the other members of the Council.

Ordinance #629

Mayor Clendaniel opened a public hearing at 7:09 PM to receive public comments on Ordinance #629 - An ordinance of the Town of Denton amending the

Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to unsafe, abandoned, vacant, and foreclosed properties building standards.

Mayor Clendaniel asked for comments from the State – there were none

Mayor Clendaniel asked for comments from the County – there were none

Mayor Clendaniel asked for comments from the Council – there were none

Mayor Clendaniel asked for comments from the Public –

Mr. John Evans asked for a synopsis of the ordinance.

Mr. Tom Batchelor, Senior Codes Enforcement Officer, provided an overview, explaining that Ordinance #628 will not go into effect until January 2012 and that Ordinance #629 addresses property foreclosures and properties with dilapidated structures.

With no further comments, Mayor Clendaniel closed this public hearing at 7:14 P.M.

Petitions, Remonstrance's and Communication

Savannah Overlook Homeowners Association

Mr. Bill Limatainer, President of the Savannah Overlook Homeowners Association, spoke to the Council regarding ongoing issues with the Savannah Overlook developer and thanked the Town for their assistance given towards these concerns.

Denton Police Department - Maryland Law Enforcement Challenge 2011

Proclamation

The Mayor read aloud the proposed Proclamation of the Town of Denton to designate May 1, 2011 through June 5, 2011 as Click It or Ticket Maryland Occupant Safety Initiative and May 22, 2011 through June 5, 2011 as Click It or Ticket National Crackdown Occupant Safety Initiative.

Councilman Porter made a motion to have the Mayor sign the proclamation as presented, seconded by Councilwoman Case, passing unanimously.

Ordinances and Resolutions

Resolution #751- Revising the Zoning & Building Fees

Mr. Batchelor provided an overview of Resolution #751, a resolution to revise the Town's Zoning and Building fees. Mr. Batchelor added a last minute amendment to reinstate the Home Builders Guarantee Fund Fee that is mandated by the State for all new home construction.

Councilman Gregory made motion to adopt Resolution #751 as amended, seconded by Councilman Danielson, passing unanimously.

Ordinance #628 –Green Construction

An ordinance amending the Town of Denton Building Code, Residential Code, Mechanical Code, Protection of Structures with Historic Significance, Existing Building Code, and Energy Conservation Code provisions contained in Chapter 38 of the Denton Town Code with respect to article and section references, and green construction.

Councilman Gregory made a motion to adopt Ordinance #628, seconded by Councilman Danielson, passing unanimously.

Ordinance #629 –Property Maintenance

An ordinance of the Town of Denton amending the Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to unsafe, abandoned, vacant, and foreclosed properties building standards.

Councilman Porter made a motion to adopt Ordinance #629, seconded by Councilwoman Case. In discussion: Councilman Danielson asked if the ordinance addressed Mrs. Ogletree’s concerns. Mr. Batchelor acknowledged that the language that was a concern has been removed.

The motion passed unanimously.

Ordinance #630 – FY2012 General Fund Appropriations Ordinance

This item was deferred until later in the meeting.

Ordinance #631 – Sign Ordinance Amendment

An ordinance of the Town of Denton amending the Zoning Ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to signs.

Mr. Batchelor mentioned that the Ordinance, as presented, needs to be amended to correct Section 1- Sign, Flag.

Councilman Porter made a motion to introduce Ordinance #631, seconded by Councilwoman Case, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business**Agenda #1 - Priority Funding Area Map**

Mr. Bill Kastning, Director of Planning & Codes, requested final review and approval of the PFA Map by Town Council. Planning Commission approved the PFA Map as proposed. Once approved by the Town Council, the proposed PFA Map will be sent to MDP for its review and approval.

Councilman Porter made a motion to approve the Priority Funding Area Map as presented and authorized the Planning Director to submit it with a letter to the Maryland Dept. of Planning, seconded by Councilman Danielson, passing unanimously.

Agenda #2 - FY2012 General Fund Budget

This item was deferred for discussion until the end of the meeting.

New Business**Agenda #1 – Chesapeake Culinary School/Water & Sewer Allocation**

Mr. Kastning provided an overview of The Chesapeake Culinary School request for approval for an additional 1.5 ERU’s. The new use of the schoolhouse requires a total of 3.5 ERU’s. The prior use of the daycare was calculated at 2.0 ERU’s and credited to the new allocation. The fee for the water and sewer allocation totals \$14,500 and is calculated as follows: \$13,500 (\$9,000 x 1.5 ERU’s) plus \$1,000 sprinkler fee.

Mayor Clendaniel asked who was responsible for paying the fees, and Mr. Kastning stated “not the Town”, that the School will pay for it and that it has to be paid at the time when the building permit is pulled. If approved, the Mayor will need to sign the Caroline County Health Dept. permit application.

Councilman Porter made a motion to allocate the additional 1.5 ERU’s for the Chesapeake Culinary School, seconded by Councilman Danielson, passing unanimously.

Agenda #2 – Small Business Loan – Choptank Design & Custom Furnishings

Mr. Edward Bombaro submitted an application for a \$20,000 revolving Small Business Loan through the Town. Mr. Bombaro and his team plan to completely restore 9 N. Fourth Street. The Town plans to lease the building to Mr. Bombaro for 6 years rent free, to allow for the complete restoration of the building and for him to set up his business in Denton. Mr. Bombaro's long term plan is to remain in Denton and continue to purchase and restore buildings in town.

Mr. Mulrine advised that the Town has not received all of the responses from the Small Business Loan Committee Board Members, and that this application needs to be submitted to the State CDBG office for approval before the Council can take action.

Mr. Bombaro shared with the Council his plans and expressed why he has selected to come to Denton.

Councilman Danielson asked for Mr. Bombaro to leave the prints for the Council to review.

No action was taken on this item and it will be placed on the agenda for next month.

Agenda #3 - LGIT Ballot

The Nominating Committee of the Local Government Insurance Trust has met and submitted to the Board of Trustees candidates for nomination to serve as members of the Board of Trustees for a three year term beginning July 1, 2011. The Board has approved the nominees and hereby submits them to the Members to cast their vote. The Town Council was requested to appoint one Councilmember to cast the vote on the Town of Denton's behalf.

Mayor Clendaniel and Councilman Gregory expressed the need to let LGIT know that they need to seek eastern shore representatives to serve.

Councilman Porter made a motion to authorize the Mayor to cast a vote on the Town's behalf, seconded by Councilwoman Case, passing unanimously.

Back to Unfinished Business

Agenda #2 - FY2012 General Fund Budget

Staff provided a summary of the changes that have been made to the FY2012 General Fund Budget since the April 18, 2011 working session. The budget deficit decreased from \$319,450 to 185,460.

Discussion was held about the 2% merit increase for the employees, employees cost share the portion of the premium increase for the health care cost, cutting the outside agencies 10%, reducing the Town's contribution to the DVFD and encouraging them to draw the CIP monies designated for fire capital and whether to consider increasing the current tax rate of \$.64/\$100 of assessed value to reflect the Constant Yield Tax rate of \$.76/\$100. Several services were discussed as potential cuts, possibly doing a reduction in force of one part-time position and consider out sourcing the inspections in which the Town could receive 10% of the permits issued.

The Council decided to continue discussions and schedule an additional working session to be held on May 9, 2011, 6:00 P.M. at the Town Office.

Ordinance #630- FY2012 General Fund Appropriation Ordinance

An ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the General Fund Budget to be adopted for the fiscal year beginning July 1, 2011 and ending June 30, 2012. This item was placed on the agenda for consideration of introduction and for the Council to set a date for a special meeting to be

held to conduct the public hearing and consider adoption of the Ordinance in order to meet the County deadline for submitting the FY2012 Tax Rates.

The FY2012 Real Estate Tax Rate needs to be set and provided to the County Tax Office by May 23, 2011. If the tax rate is not finalized tonight, the Council will need to hold a special meeting before May 23, 2011 to adopt. A working session is scheduled to be held on May 16, 2011, a special meeting could be scheduled for either before or after the working session.

Councilman Danielson made a motion to introduce Ordinance #630, seconded by Councilwoman Case. In discussion: the Council decided and announced that a working session will be held on May 9, 2011 and May 16, 2011 at 6:00 PM to continue discussion about the FY2012 General Fund Budget and the tax rates. The Council also announced that they will hold a Special Meeting following the working session on May 16, 2011 at 7:00 PM to hold the a public hearing on Ordinance #630 and to consider adopting the FY2012 budget and set the tax rates.

The motion to introduce Ordinance #630 passed unanimously.

Other Miscellaneous

S. First St. – traffic direction

The Mayor advised that he had received a concern from Mrs. Anita Stinken about the traffic flow on S. First St.; between Market and Franklin St. The Mayor, the Town Administrator and the Chief will review if it would work to make this one-way traffic only.

With no further discussion Councilman Danielson made a motion to close this meeting at 9:01PM, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*