

**December 8, 2011**

**Regular Meeting**

Mayor Clendaniel 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 Clendaniel asked that the record reflect that all Council members were present, with the exception of Councilman Porter, who was absent.

Mayor Clendaniel requested a few corrections to the November 3, 2011 minutes. (Questioning on Pg. 3161 - Mr. Moore's comment about the trimming of the holly trees at the library; Pg. 3167- to add an (s) to Mrs. Ann Jacobs name; Pg. 3169 - to change the word sight to "site").

Councilman Danielson made a motion to approve the minutes of the November 3, 2011 regular meeting as amended, seconded by Councilwoman Case, passing unanimously.

Councilman Danielson made a motion to approve the minutes of the November 21, 2011 working session as printed, seconded by Councilman Gregory, passing with 3 yes votes, Councilwoman Case abstained because she was absent during the working session.

**Public Hearing**

None

**Petitions, Remonstrance's and Communication**

**Business Award Recognitions**

The Mayor took a few moments to recognize Mrs. Kathy Mackel of the Caroline County Tourism office for being awarded the Cultural Heritage Award, along with a number of businesses in Downtown Denton receiving award recognitions from the Caroline County Chamber of Commerce – Mr. Michael Owens of Color 'N' Clay for Entrepreneur of the Year; Times Record – Small Business of the Year; Brenda Walls of Denton Pharmacies – Businesswoman of the Year; Mr. Fred Spence of Provident State Bank – Businessman of the Year; The Wesleyan Center for Caroline's Best (non-profit) of the year; Mr. Dale Brown – retired Principal of Lockerman Middle School – Community Service; Mr. Wayne Howard of Choptank Community Health for being inducted in the Roll of Fame. The Mayor offered congratulations to them all.

Councilman Gregory asked that a sympathy card be sent to Mrs. Kathy Mackel upon the loss of her father.

Councilman Danielson took a moment to commend the Town Employees, Volunteers and the Citizens for all their efforts for this years successful Holiday Parade.

Mr. Don Mulrine, Town Administrator, announced that an invitation had been received from the Caroline Counseling Center for their meeting being held on December 14, 2011.

**Ordinances and Resolutions**

**Resolution #764 – Building & Zoning Fee Revisions**

A Resolution of the Town of Denton revising the Building and Zoning Fees. Mr. Tom Batchelor, Senior Codes Enforcement Officer, provided a summary of the changes and was on hand to answer any questions.

Councilman Gregory made a motion to adopt Resolution #764, seconded by Councilwoman Case, passing unanimously.

**Resolution #765 – Mutual of America – Closing of 457 TDA Plan**

*A Resolution terminating the Town of Denton's Governmental 457 TDA Plan was brought before the Town Council for consideration of adoption and to seek authorization to have the Mayor and or the Town Administrator to execute the compliance amendment attached entitled "2010 Amendment for Pension Protection Act of 2006".*

*Councilwoman Case made a motion to pass Resolution #765 as requested, seconded by Councilman Gregory, passing unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1 Ethics Letter**

*Mrs. Sharon VanEmburch, Town Attorney informed the Council that a response letter regarding the Town's request for exemption has been received from the State Ethics Commission. The State has determined that an additional review of the Town's request should be performed by their office, and this review is scheduled to take place March 15, 2012.*

*The Mayor mentioned that with Senator Raskin planning to recommend some amendments during the upcoming legislation session, that the State may change the law again. The Council agreed to allow the pending Ordinance to die and wait to see what comes of the review and the legislation session.*

**Agenda #2 4-H Project**

*Mr. Mulrine announced that Mr. Jeremy Fisher is requesting permission to construct a new shed for the Boy Scout camp located at 5<sup>th</sup> Ave., Legion Rd., and Route 404. Jeremy is working to complete his 4-H Diamond Badge and the existing shed is deteriorating.*

*Councilman Danielson made a motion to grant approval, seconded by Councilwoman Case, passing unanimously.*

**Agenda #3 - Equipment Purchase**

*Mr. Scott Getchell, of the Denton Public Works Department, requested approval to purchase a Vac-Con Model V390/1000 combination jet/vacuum sewer cleaner, with all standard and auxiliary equipment as detailed in the attachment, from Atlantic Machinery for the sum of \$343,655. The price quoted is consistent with the contract awarded to National Joint Powers Alliance and has been accepted and approved by USDA to be included in the 5<sup>th</sup> Ave Improvements Loan. This equipment will be used to maintain the town's water distribution system, sanitary sewer system and the public stormwater system.*

*Councilman Danielson made a motion to have Scott purchase said equipment, seconded by Councilman Gregory, passing unanimously.*

**Agenda #4 - Police Dept. Patrol Car Purchase**

*The police department would like to purchase two patrol cars. A letter from Centreville National Bank with loan terms was provided and the breakdown of costs for the units. CIP funds would be used as part of the purchase of the units.*

*Mr. Mulrine stated that this item was being pulled from the agenda as they were still waiting on some final detail on the equipment.*

**New Business**

**Agenda #1 Annexation – Dan Foster Amendment Request**

*A request from Mr. Dan Foster seeking support for the Alston Farm annexation to be re-zoned to commercial zoning was presented to the Council along with a map of the current zoning area.*

*Mrs. VanEmburch advised that the Planning Commission has done a preliminary review of Mr. Foster's request and has no obvious objections to the rezoning request at this time. The request will require the Town Council to approve an amendment to the Annexation Agreement and additional review by the Town Attorney and the Planning Commission.*

*The Council had no objections to the Foster's moving forward with the review process for their request. Once the amendment to the Annexation Agreement has been drafted it will be brought back to the Council and the Planning Commission for comments and consideration of approval.*

**Agenda #2 - Tribbitt House 306 Lincoln Street**

*Mr. Mulrine discussed with the Council about gifting a portion of 306 Lincoln St. to Habitat for Humanity of Caroline County. The remaining property not used by Habitat for Humanity would be used by the Denton Police Department facility. A map was provided showing where the property is located.*

*The Council supported town staff moving forward with this proposal.*

**Agenda #3 – Denton Main Street Holiday Decoration**

*Mr. Mulrine and Mrs. Ann Jacobs, the Main Street Manager, briefly discussed the excess holiday decorations stored above the town office. Originally the Denton Downtown Main Street Organization had inquired about selling the items as a fundraiser for their Main Street program. Mr. Mulrine advised that the Town policy currently only allows for disposal of items to be done either by being sold at auction or on EBay, and that some of these items were acquired through miscellaneous donations and or grant funds.*

*Mrs. Jacobs advised that Mrs. Betty Ballas's crew will be onsite on the 3<sup>rd</sup> Saturday in January to sort the items and straighten up the upstairs and that will be a good time to do a full inventory to see what's there and think about the future.*

*This item was for discussion only, no action was taken.*

**Agenda #4 - Denton Main Street Way Finding Signs**

*Mrs. Ann Jacobs and Mr. Tim Glass of the Denton Downtown Main Street Board came to inform the Town Council about status of Way Finding Signs for the downtown businesses. Mrs. Jacobs said that they have obtained a \$6,000 grant that requires a \$4,500 match. Mr. Glass presented a map of the proposed placement of the signs and added that they plan to start with the entry signs and directional signs. They were asking for the Council's support on the location of the sign in public areas. Mrs. Jacobs said they have some funds that have been raised through the Spring Gala and will look to raise more if needed.*

*The Council had not objections to the placement of the signs in the public areas as presented on the map.*

**Miscellaneous**

*Mayor Clendaniel opened the floor for any public comments and mentioned that he had one more item to discuss. There were no comments from the Public.*

**Denton Development Corp.**

*Mayor Clendaniel stated that some people had approached him about a previous subject and that since it was unclear whether the Denton Development Corporation is subject to the Freedom of Information Act, they wondered if the Town should get an Attorney General's (AG's) opinion.*

*Councilman Gregory asked how many people had approached him about this.*

*The Mayor responded 4, stating that it was not a huge number, but he felt the Town needs to be responsible in reporting information to the citizens, and that the AG's website references entities set-up for economic development.*

*Councilman Gregory asked Mrs. VanEmburch if she had studied this before.*

*Mrs. VanEmburch stated that the request for an AG's opinion would need to be very fact specific and that it is difficult for an AG to weigh in on this as an overall subject, but the Town can ask. She explained that there are some cases that have dealt with economic development, but that they are very specific as to how they were set up, how their board members are appointed and does the Town have oversight and control their operations. Every economic development is looked at differently by the AG's office and that the opinion may not be as helpful as they think. She stated that the Town Council as a board can ask the DDC for additional information. As long as they get the information it shouldn't matter how they obtain it.*

*Councilman Danielson reiterated that if the Town Council can ask for information from the DDC, they should supply it and questioned why it would be necessary to seek an AG's opinion and incur additional cost. He then questioned what the cost would be to seek an AG's opinion?*

*Mayor Clendaniel was surprised that there would be cost involved to obtain the AG's opinion and said that if it was going to be a divided vote due to being one Council Member short, that this can wait.*

*Mrs. VanEmburch stated that yes there would be cost associated, as in order to seek an AG's opinion that it requires the Town Attorney to research case law and to express a written opinion to the AG. The AG will review and respond with their final opinion. Mrs. VanEmburch asked if the Council wished her to provide an estimate of her time to prepare to let her know.*

*The Mayor said that was all.*

**Tax Differential Meeting**

*Mayor Clendaniel announced that he attended the first Caroline County Tax Differential work group meeting and provided an overview.*

*With no further discussion Councilman Danielson made a motion to close the meeting at 7:42 PM, seconded by Councilman Gregory, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk - Treasurer*