

October 3, 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 all Council members were present.

Councilman Clendaniel asked to have the minutes of the September 5, 2013 minutes corrected; page 1, paragraph 4 to replace personal with personnel.

Councilwoman McNinch made a motion to approve the minutes of the September 5, 2013 regular meeting as amended. The motion was seconded by Councilman Porter, passing unanimously.

**Public Hearing**

**Ordinance #655 – Residential Rental Housing Provisions**

Mayor Danielson opened a public hearing at 7:04 PM to receive public comments on Ordinance #655 - 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.

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 –there were none

With no further comments, Mayor Danielson closed this public hearing at 7:04 PM.

**Ordinance #656 – Property Maintenance Code**

Mayor Danielson opened a public hearing at 7:05 PM to receive public comments on Ordinance #656 - 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.

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 –there were none

With no further comments, Mayor Danielson closed this public hearing at 7:06 PM.

**Petitions, Remonstrance's and Communication**

**Maryland Municipal League (MML) Letter – Double Taxation**

Mr. Don Mulrine, Town Administrator, provided an overview of a letter received from MML regarding Double Taxation and the legislative committee's decision to adopt a double taxation strategic initiative.

MML and MACCO have agreed to meet to negotiate a state wide initiative.

The tax payers of Denton were encouraged to look up what tax differential is and to get involved.

**Stories of the Chesapeake Heritage Area**

Mrs. Marina Dowdall, of the Caroline County Council of Arts (CCCA) came before the Council asking for a letter of support for the Fiber Arts Center of the Eastern Shore (FACES) grant application for \$1,200 for a quilt expo.

Councilman Porter made a motion to sign a letter of support as requested, seconded by Councilwoman Lightner, passing unanimously.

**Ordinances and Resolutions**

**Resolution #793 - Property Maintenance and Residential Rental Penalty Schedule**

A Resolution standardizing the Property Maintenance and Residential Rental Penalty Schedules.

Councilwoman Lightner made a motion to adopt Resolution #793, seconded by Councilwoman McNinch.

In discussion: Mr. Tom Batchelor, Senior Codes Enforcement Officer, and Mr. Chris Drummond, Town Attorney, provided an overview of the resolution to standardize fines for violations. Mr. Batchelor assured the Council that the goal is not to collect the fines, but for those property owners that do not fix a violation, there will be a cleaner mechanism to fine accordingly.

With no further discussion, the Mayor asked for a vote on the motion on the floor to adopt Resolution #793. The motion passed unanimously.

**Resolution # 794 – Maryland Smart Energy Community – Reduce Energy Consumption**

A Resolution of the Town of Denton setting policy to take a leadership role in reducing electricity consumption within Town buildings, partnering with the Maryland Energy Administration, and enrolling as a Maryland Smart Energy Community.

Mr. Mulrine explained that the Town previously applied for a \$37,000 Energy Grant and needs to adopt stated guidelines to comply with the grant.

Councilman Porter made a motion to adopt Resolution #794, seconded by Councilwoman McNinch, passing unanimously.

**Resolution # 795 – Maryland Smart Energy Community – Renewable Energy Partnership**

A Resolution of the Town of Denton setting policy to take a leadership role in renewable energy generation within Town buildings, partnering with the Maryland Energy Administration, and enrolling as a Maryland Smart Energy Community.

Mr. Mulrine provided an overview of the policy to increase renewable energy production in Town owned and occupied buildings.

Councilwoman Lightner made a motion to adopt Resolution #795, seconded by Councilman Porter, passing unanimously.

**Ordinance #655 – Residential Rental Housing Provisions**

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.

Councilwoman McNinch made a motion to adopt Ordinance #655, seconded by Councilwoman Lightner.

In discussion: Mr. Batchelor provided an overview of the changes, new definitions, revocation or denial of licenses for non-compliance.

**Councilwoman Lightner confirmed with Staff that the prior concern about the due date on the rental notices has been corrected.**

The motion passed unanimously.

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

*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 Lightner made a motion to adopt Ordinance #656, seconded by Councilman Porter.*

*In discussion: Mr. Batchelor provided an overview of the changes which include a new administrative appeals process in exchange for going to court and defining the controls of four types of running bamboo.*

*With no further discussion, the motion to adopt Ordinance #656 passed unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1- Ethics**

*Mr. Drummond provided an overview of his research on the statutory basics for complying with the Maryland Ethics laws. Mr. Drummond recommended changes to the Towns Ethics Ordinance and Amendments.*

*An Ordinance will be drafted and placed on the November agenda for consideration.*

**Agenda #2 - Critical Area (Ordinance #650)**

*The Critical Area Ordinance (#650) was presented to the Council at the March 7, 2013 Council meeting for adoption. The Ordinance died due to lack of majority vote. At the previous meeting Councilman Clendaniel asked that the newest Council members review the history behind this item. If there is enough support to reinstate the Ordinance, Councilman Clendaniel will ~~reconsider~~ ~~reintroduce~~ **consider reintroducing it.***

*Based on the discussion of other Council members, Councilman Clendaniel made a motion to re-introduce Ordinance #650 to come back on the table for consideration, seconded by Councilwoman Lightner, the motion passed unanimously.*

*Councilman Clendaniel stated that former Councilman Conway Gregory and himself had concerns previously that this Ordinance would be a way of taking or controlling private lands. It has been explained that if the Town does not adopt their own legislation, that the State ~~will~~ **may** take full control of implementing the program within the Town of Denton, which could have a stricter impact on property owners.*

*This Ordinance will be placed on the November agenda to be introduced. A public hearing and consideration of adoption will be held in December.*

**Agenda #3 - Solar Project**

*Mr. Mulrine updated the Council on the Solar Project and the discovery of Choptank Electric's meter fee requirements, seeking an amendment to the Solar Power Purchase Agreement to cover the fees. Mr. Mulrine also discussed the second solar panels project at the Sharp Road Park.*

*Councilman Porter made a motion to authorize the Mayor to sign the amended Solar Power Purchase Agreement, seconded by Councilwoman McNinch. The motion passed 4-1 with Councilman Clendaniel abstaining due to Choptank Electric being a client of his.*

**Agenda #4 - Crouse Park Mitigation – MOU Amendment One Planting Agreement**

The Council reviewed and Mr. Mulrine provided an overview of an MOU between the Town and SHA amending portions of the original planting agreement for Crouse Park.

Councilman Porter made a motion to sign the amended MOU, seconded by Councilwoman Lightner, passing unanimously.

**Agenda #5 – Maryland Transportation Authority License Agreement – Railroad Access**

The Council reviewed and Mr. Mulrine provided an overview of an agreement between MTA. The agreement gives the Town permission to enter MTA property along the idle freight rail right-a-way within the Town limits to perform lawn care services and maintenance and MTA will reimburse the Town for all cost.

Councilman Clendaniel made a motion to authorize the Mayor to sign the agreement, seconded by Councilwoman McNinch, passing unanimously.

**Agenda #6 - Tax Differential**

Mr. Mulrine provided each Council member with all the information and history on the tax differential. Additional discussion will be held during the October working session, in order to prepare to take before the County Commissioners.

**New Business**

**Agenda #1 - Open Meeting Act – Selection of Town Representative**

The Town is required to designate a Council member to serve as a representative to comply with the Open Meeting Act.

Councilman Porter made a motion to appoint Councilwoman Lightner as the representative for the Denton Town Council, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #2 - DPW Equipment Purchase – Chemical feed pump for the WWTP**

Mr. Scott Getchell, Director of the Public Works Department, came before the Council requesting authorization to purchase a new Watson/Marlow Chemical Feed Pump to replace the existing feed pump at Well 3. The pump will be purchased from Sherwood-Logan, the local representative for Watson/Marlow, and will cost \$6,425. This purchase was allocated and approved in the FY14 Water Fund Budget.

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

**Agenda #3 - October Working Session date change**

Mr. Mulrine mentioned that the working session in October was presently scheduled for the 17<sup>th</sup>. Due to a scheduling conflict with the MML Fall Conference, the Town Administrator respectfully requested the working session be rescheduled.

Councilman Clendaniel made a motion to change the working session meeting date to be held on October 24, 2013, 6:00 PM at the Denton Town Office. The motion was seconded by Councilwoman McNinch, passing unanimously.

**Agenda #4 - FY2015 Homestead Tax Credit Cap**

This item was placed on the agenda for discussion to see if the Council wanted to make any changes to the Homestead Tax Credit Percentage for July 1, 2014. The Homestead Tax Credit is available to all owner occupied residential properties in which the real estate tax on a qualifying property can not increase by more than 5% each year, no matter how much the assessment changes. The tax credit cap has remained the same since July 1, 2008 when the Council decreased the percentage from 10% to 5%.

Councilman Clendaniel made a motion to keep the Homestead Tax Credit Cap the same, seconded by Councilwoman Lightner, passing unanimously.

**Agenda #5 - DPW Vehicle Purchase**

Mr. Getchell requested approval to purchase a 2008 Peterbilt Truck from Colonial Volvo in Ashland, VA for the sum of \$29,500. Mr. Getchell explained that once procured, the truck will need approximately \$5,000 worth of additional modifications in order to perform as a chipper/leaf vacuum truck. The total costs are in keeping with the FY2014 budget allocation for the replacement of Unit 26, which was taken out of service last fiscal year. Mr. Getchell added that the cost needed to be amended to include \$149.00 processing fee.

Councilman Clendaniel made a motion to approve the purchase of the equipment as requested, seconded by Councilwoman Lightner, passing unanimously.

**Miscellaneous**

Mayor Danielson asked for any other comments.

Mr. Robert Cheek, Denton's Downtown Main Street Manager took the opportunity to share the DDMS goals to fill the commercial vacancies in the downtown. They are looking for volunteers to help with the decorating of the store fronts for the holidays.

Mr. William Clemens, President of the Caroline County Habitat for Humanity, congratulated the Town on all the efforts put forth to improve the structures in Town, mentioning the work being done to improve the property at 6<sup>th</sup> & Gay, the School and the Church on Gay St.

Mr. Clemens provided an update on the CDBG Grant that Habitat is working on to improve the blighted areas in Town; mentioning possibly giving consideration of abatement of taxes while the properties are going through the re-development stages. He explained that Habitat has recently expanded their mission values to include low income and moderate income and senior housing; they are now outsourcing loans through M&T Bank and have implemented lease option for Senior Citizens. Mr. Clemens expressed this is a win for the Town to remove blighted homes and to get them back on the tax roll.

Mr. Clemens talked about the lien release issues in trying to acquire 404 Lincoln St. and how the Town may be able to assist.

The Council supported the Town Attorney researching how the Town can assist and holding further discussions regarding the 404 Lincoln Street property on a future agenda.

With no further discussion, Councilman Clendaniel made a motion to close the meeting at 9:04 PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

Karen L. Monteith,  
Clerk – Treasurer

These minutes were adopted as amended November 7, 2013; page 3293 – inserting sentence. Page 3294 the word ~~reconsider~~ was replaced with **consider**; the word ~~will~~ was replaced with **may**; ~~Strike~~ through indicates deleted, **Bold** indicates new