

March 13, 2008

Regular Meeting

Vice - Mayor Clendaniel presided over the meeting in the absence of Mayor Foster.

Vice-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.

In attendance with Vice-Mayor Clendaniel was Council members Branson and Porter.

Councilman Branson made a motion to approve the minutes of the February 4, 2008 meeting, seconded by Councilman Porter, passing unanimously.

Councilman Porter made a motion to approve the minutes of the March 3, 2008 meeting, seconded by Vice-Mayor Clendaniel, the motion passed with Councilman Branson abstaining due to having not been in attendance at the March 3, 2008 meeting.

Public Hearing

None

Petitions, Remonstrance's and Communication

FY2007 Financial Report Presentation

Mr. John Montoro of Cherry, Bekeart & Holland came before the Council to provide an overview of the Town's FY2007 Financial Report.

Riverton Avenue Petition

A petition from the Riverton Ave. residents was provided to the Town Council. Mr. William Gorman spoke on behalf of the petitioners requesting that the speed limit be lowered to fifteen miles per hour, post new speed limit on both ends of the street and install two speed bumps dividing the street into thirds and to possibly limit the traffic on Riverton Ave.

A letter from Teresa Goss a resident of Riverton was also provided to the Council, the letter expressed that Mrs. Goss was not in favor of speed bumps being installed.

Councilman Branson held discussion with Chief Cox and Scott Getchell regarding the current posted speed limit for in Town and that there would need to be a study completed before considering any of the request.

The Town Attorney advised that the General Assembly sets the laws regarding speed limit regulations. In order to consider reducing the speed limit below what has been set by the General Assembly and to reduce liability issues the Town would be required to have an engineering study conducted by a licensed engineer.

Councilman Porter clarified that the issue was for the safety of the street, but expressed that he was dead set against speed bumps.

Mrs. Flo Doherty, resident on Riverton spoke with regards to the street being very busy and that it can be hazardous if the kids are playing in the streets and reiterated the letter from Teresa Goss about not having speed bumps.

Mr. Gorman stated that since there have been issues with the traffic on this street for a long time that it certainly warrants being looked at.

Mrs. Gorman spoke regarding the destination of the traffic using Riverton, and expressed that it was not meant to be a main thoroughfare to get through Town and asked if there could at least be a trial period with directional signs.

The Town Council directed the Chief and Director of Public Works to utilize the County equipment and do an in house study.

Ordinances and Resolutions

Ordinance #554 Well Use Ordinance Revision

An ordinance proposing to revise the existing language in the water code to permit drilling and using wells for irrigation only in parks and agricultural applications within the Town of Denton. Permitting such use will conserve the Town's potable water supply. Currently the water code only allows the use of wells for outside watering on properties that had wells prior to connecting to the Town's water supply. This proposed ordinance was considered and drafted in response to the request made by the Denton little league to drill and maintain a well at the Lions Club Park. Currently the park is connected to the Town's water supply and the Town pays the water bill.

Councilman Branson made a motion to adopted Ordinance #554, seconded by Councilman Porter, passing unanimously.

Ordinance #556 PN Ordinance Amendment Pattern Book

At the January Council Meeting, Brynja Booth was requested to draft an ordinance to amend the PN Ordinance to include the Pattern Book. The ordinance was introduced at the February 4th meeting and was brought before the Town Council for consideration of adoption.

Councilman Branson made a motion to adopt Ordinance #556, seconded by Councilman Porter, the motion passed 2-1 with Councilman Clendaniel voting no.

Ordinance #557 Town Council Health Care Insurance

The Denton Town Council requested an ordinance be drafted which provides for the option to participate in the Town's health care plan during his or her term, and to receive health insurance benefits, which may be payable by the Town of Denton, in the same manner that is provided to the Town employees. The ordinance also provides for a provision to place this on the next municipal election ballot and was brought before the Town Council for consideration of introduction.

Councilman Branson made a motion to introduce Ordinance #557, seconded by Councilman Porter. In discussion Councilman Porter advised that he would like to amend the ordinance and to provide for the Councilmember to cost share.

Councilman Porter motioned to amend the motion on the floor to change the language in the ordinance to have the Councilmember be responsible for half of the cost and expense associated with any coverage, and to provide the health insurance benefit to a family member of the participating Councilperson shall be paid at 100% by the Councilperson. Councilman Branson seconded the motion and advised staff to advertise for a public hearing as amended, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Second Street Traffic Calming

At the February meeting of the Council, traffic issues related to vehicular speeds and pedestrian safety on South 2nd Street were discussed. The Public Works Director was instructed to study the issue and bring recommendations back to the Council at the March meeting.

Mr. Getchell, Director of Public Works provided an overview of the study results and recommended that a speed trailer be placed along South 2nd, if this does not work, then the Town could look at installing a speed cushion.

Mr. Scott Brewster, resident of 518 South 2nd had met with Mr. Getchell regarding his concerns with speeding and provided some information that he had obtain on a program for Safe Routes to School in which there maybe some State Highway grant funding available.

Councilman Branson made a motion to direct staff to place a speed indicator on South 2nd St. (and Chief Cox advised that the town presently does not have a trailer available but is working on obtaining one) Councilman Branson withdrew his motion.

Councilman Porter expressed the need to have sidewalks down Second Street.

The Town Council directed the Chief of Police to put up a speed trailer on South Second as soon as one was available.

Agenda #2 Middle Department Inspection Agency Inspections for Electrical and Plumbing

The Denton Town Council considered a proposal from MDIA at the February 4th meeting the Council and requested an inquiry for potential consideration of another inspection agency too. A response to that inquiry from Larry Davis, Senior Codes Enforcement Officer for Denton was reviewed by the Council

Councilman Branson made a motion to use MDIA for electrical and plumbing inspections, seconded by Councilman Porter, passing unanimously.

Agenda #3 Councilmember Appointment Consideration

At the February 4 Council meeting, Councilmember Gregory provided a letter of resignation, effective 2/29/08. At the direction of the Town Council, a notice was placed in the paper seeking letters of interest. Letters of interest were received from Mr. Randolph Moore of 818 S. 2nd St., and Mrs. Annette Dean of 610 Market St.

Councilman Branson recommended appointing Mr. Randy Moore.

Councilman Porter made a motion to appoint Mr. Randolph P. Moore to fill the position vacancy of Conway Gregory through the next election, seconded by Councilman Branson, the motion passed unanimously.

Agenda #4 Director of Planning and Codes

The Denton Personnel Regulations requires Town Council approval for hiring above the entry level position. A request is before the Council to bring the new Director of Planning and Codes in at a Grade 11 Step 8.

Councilman Porter made a motion to authorize the Town Administrator to hire the new Director of Planning and Codes as proposed, seconded by Councilman Branson, passing unanimously.

The Town Administrator advised that Mr. William Kastnings will begin April 14 2008.

Councilman Branson stated how impressed he was with the software programs that were talked about during the interview and would like the Town Administrator to explore the cost. The Town Administrator advised that she would add this to the new directors list of things to explore.

New Business

Agenda #1 – Mower Purchase

The Public Works Department requested authorization to purchase one new Toro Series Z550 lawn mower for \$7,175.93 from Turf Equipment and Supply Company, holder of the State of Maryland contract for Toro mowers. This unit is comparable to the unit purchased in 2004, which has proven to be a reliable and effective mower. The

mower will be used by the Water/Wastewater Division for maintaining the WWTP grounds. Capital Outlay was appropriated in the FY08 Sewer Fund for this purchase.

Councilman Branson made a motion to authorize the purchase of the Toro Mower for \$7,175.93, seconded by Councilman Porter, passing unanimously.

Agenda #2 Street Sweeper Purchase

The Public Works Department requested authorization to purchase one new Tymco Model 435 street sweeper for \$102,981.00 from Mid-Atlantic Waste Systems, holder of the District of Columbia contract for this model. The existing street sweeper is 18-years old and has become an expensive maintenance burden preventing staff from providing a consistent and quality street sweeping service. Capital Outlay was appropriated in the FY08 Highway Fund for this purchase. Financing through Tymco International will be arranged so the costs will be spread over the next five budget seasons.

Councilman Branson made a motion to approve the purchase as requested, seconded by Councilman Porter, passing unanimously.

Agenda #3 Animal Control Ordinance

An incident occurred at the Tennis Courts on Fourth Street, in which a dog was allowed to run inside of the Tennis Courts and the dog then attacked another dog and its owner. A copy of the Animal Control Ordinance was provided.

Ms. Alice Birch described the attack on her and her dog and expressed that the Tennis Courts should not be a place for dogs to run. The law states that a dog needs to be under the control of the owners and would like to see a leash law and to have signs in the tennis court not allowing dogs.

Councilman Branson asked about enforcement if signs are placed on the tennis courts to not allow dogs. It was discussed that this would fall under the Town's responsibility and not the County Ordinance and Chief Cox advised that it would not be a problem for the Police to regulate.

Councilman Branson made a motion that dogs be prohibited from all Denton tennis courts, seconded by Councilman Porter. In discussion Councilman Porter asked if dogs could be prohibited from parks altogether. Chief Cox expressed concerns about these being public parks.

Councilman Clendaniel stated that this was a serious matter of public safety and was in favor of making the Fourth St. park no dogs.

Councilman Branson relayed concerns about the over burdening the Police Dept. and being able to enforce.

Vice- Mayor Clendaniel ask for the vote on the original motion, motion passed unanimously to not allow dogs in any tennis courts.

Councilman Porter made a motion to post Fourth St. Park for no dogs at all, seconded by Councilman Branson. In discussion Councilman Branson asked about dogs being in Wheeler Park at all and Councilman Porter stated that the tennis courts no but the rest of park would be ok as it has a walking trail. Then Councilman Branson questioned Coursey Park and Sharp Road Park. The Council members agreed to look at Sharp Road later once it was developed. Councilman Porter stated that his thought was to limit no dogs to any play ground parks.

Councilman Porter amended his motion to include no dogs allowed at Coursey Park as well, seconded by Councilman Branson, passing unanimously.

Agenda #4 Planning Commission Annual Report

The Planning Commission's Annual Report was provided to the Council for information purposes.

Councilman Branson wished to publically thank the Planning Commission members for all the work they do as volunteers and how much their efforts are appreciated, and to include all of the other boards.

Agenda #5 Denton Industrial Park Option Agreement

Deferred until April 7th meeting.

Agenda #6 Small Business Loan

The Denton Development Corporation requested an increase in their funding for the 323 Market Street Project. The increase would be from \$130,000 to \$150,000 as a separate loan. This was approved by USDA.

Mr. Ellis Davison provided an update of the project and the conversion to a pilot incubator retail business and the purpose of the additional loan funding.

Councilman Clendaniel asked the time frame for the incubator program to be up and running and Mr. Davison advised that it will take some time to get the approval from the State and maybe by next summer.

Councilman Branson made a motion to increase the DDC loan from \$130,000 to \$150,000 (staff advised that this will be considered a second loan for \$20,000) Councilman Branson amended his motion to approve a second business loan for the DDC for \$20,000, seconded by Councilman Porter, passing unanimously.

The second business loan request for the Bridal shop was withdrawn.

Agenda #7 FY-2009 Draft Budget Submission

The FY-2009 Budget Draft first working session for the budget is scheduled for March 17, 2008. Some of the Council members were unsure of the meeting on the 17th, and directed the Town Administrator to check with the Mayor to see if he is available or possible change to either March 24 or March 31.

Agenda #8 Personnel Manual Amendment – Section 14 Employee Benefits

The Employee Benefits Section 14 of the Employee Personnel Manual was amended to reflect changes previously adopted by the Town Council and to include some additional benefits that are provided. The amendment also includes some language to better define existing benefits. Section 14 was provided to the Council for consideration Council for final approval of these amendments to the Personnel Manual.

Councilman Porter made a motion to approve the amendments as presented, seconded by Councilman Branson, passing unanimously.

Agenda #9 Boat Ramp Fee

Councilmember Porter requested an opportunity to discuss the potential for a Boat Ramp Fee at Crouse Memorial Park.

The Town Administrator was directed to obtain information from Caroline County regarding their proposal to start charging fees and bring before the Council at the April meeting. The Council would like to look at having a universal sticker for all the boat ramps.

Councilman Porter recommended that Staff consider taking the permit applications at the Town Office.

Agenda #10 Chamber of Commerce Map

Ms. Jill Adelman, Project Manager for Village Profile, submitted an information packet to the Town of Denton for consideration of placement of an ad for the Chamber of Commerce Map. The Council questioned how high the rates were and Staff advised that it is expected that the life of the map is approximately 2 ½ years.

Councilman Branson made a motion to decline participating in the map, seconded by Councilman Porter, passing unanimously.

Agenda #11 Personnel Policy Amendment Request

The Denton Benefits Committee had submitted a request for Council consideration on expanding the use of sick leave. Additionally, a request is provided to the Council for consideration of an amendment to the Denton Personnel Policy with respect to leave.

Councilman Porter made a motion to defer until the April meeting when all of the Council members would be present, seconded by Councilman Branson, passing unanimously.

Agenda #12 – Riverview Gardens Lease

Chief Cox came before the Council with some changes to the previous lease discussed by the Council with Riverview Gardens regarding the use of the Community Center. Chief advising that the lease would need to be for 20 years and not 6.

Mr. Rick Della, project manager for the Rainmaker spoke to the Council and advised that they plan to update the building to be ADA compliant, it will remain a community building and they are seeking a 20 year term of \$100 a year for the rent. They are looking to close on the project by the end of March and need to have the signed lease in place.

Councilman Branson made a motion to approve the lease by resolution as requested, seconded by Councilman Porter, passing unanimously. The Town Attorney will pull together the resolution for signatures.

Agenda #13 – Heritage Area Ordinance #555

Councilman Porter made a motion to defer consideration of adoption on Ordinance #555 – Heritage Area Ordinance until the April 7, 2008 meeting seconded by Councilman Branson, passing unanimously.

Agenda #14 – National Railroad Underground

The Council reviewed a request from Ms Natalie Chabot, Director for Caroline County Tourism seeking the Council support to nominate the Choptank River at the Choptank Bridge as a National Underground Railroad Network to Freedom.

Councilman Porter made a motion to authorize the Mayor to sign a letter in support of this request, seconded by Councilman Branson, passing unanimously.

Agenda #15 – Emergency Notification Form

Staff asked the Council to fill out an emergency notification form.

Agenda #16 – Board of Education – Bus Stop Response

The Council received the Caroline County Board of Education response regarding making changes to the bus stops at Mallard Landing. Councilman Clendaniel expressed his disappointment and would like for the Board of Ed to reconsider, as was the mutual feeling of Councilman Porter.

Ms. Flo Doherty advised the Council that sometimes it is difficult for the Board of Ed to consider making changes mid-year and budgeting.

Councilman Porter made a motion to draft a letter to the Board of Education seeking reconsideration and to look to implement a new bus stop for Mallard when planning for the next year, seconded by Councilman Branson, passing unanimously.

Swearing in of Newly Appointed Councilman Moore

Vice-Mayor Clendaniel swore in Randolph Moore to fill the seat of former Councilman Gregory. Councilman Moore was congratulated by all.

With no further discussion councilman Branson made a motion to adjourn the meeting at 9:55PM, seconded by Councilman Moore, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*