

May 5, 2008

**Regular Meeting**

Mayor Foster 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 Foster asked that the record reflect that all Council members were present with the exception of Councilman Porter. Councilman Porter arrived at 7:03 PM.

Councilman Moore made a motion to approve the minutes of the April 7, 2008 regular meeting and the April 21, 2008 working session, seconded by Councilman Branson, passing unanimously.

**Public Hearing**

**Ordinance #**

Mayor Foster opened a public hearing at 7:01PM to receive public comments on the Fiscal Year 2009 Constant Yield.

**Contents of the advertisement published in the Times Record on April 23, 2008.**

The Mayor and Council of the Town of Denton proposed to increase real property taxes due to the increase in assessments as published. If the Town of Denton maintains the current tax rate of \$.66 per \$100 of assessment, real property tax revenues could increase by 7.7% possibly resulting in \$146,748 of new real property tax revenues.

Mayor Foster asked for comments from the Council:

Councilman Clendaniel expressed concerns over all of the increases in cost that have been placed on the residents through rising gasoline prices, sales tax and by other agencies and stated that he would like to avoid causing any additional taxes.

Mayor Foster stated that he shared Councilman Clendaniel's concerns.

Mayor Foster asked for comments from the Public:

Michele Amalfitano asked the Council to consider not raising the taxes as times are hard for everybody.

Eugene Brooks of 1113 Market St. expressed that being retired with no cost of living increases how difficult to afford to live in Denton with the increasing cost and asked for consideration to not raise the taxes.

John Draper of 309 Franklin St. expressed that the taxes are a great burden on them as owners of both a residential and business property and would like to see consideration to not raise the taxes.

John Morris of 1133 Market St. also expressed concerns about the cost to live in town.

Ken Gornic of 206 S. Fifth Ave expressed concerns about the rising cost of living and suggested that the Council not raise taxes and look to take care of the people of Denton. Mr. Gornic recommended that the Town hold off on funding Tourism, find other items to cut and to take a critical look at payroll, get rid of the worst two employees, etc.

Kathy Mackel of 201 S. Fifth Ave expressed that a possible abatement on the taxes would be greatly appreciated, but explained that there is no need to cut tourism as the funding comes from the Hotel Tax and not the residents of Denton.

Ken Gornic spoke again emphasizing the need to refocus on the residents of Denton and not worry about bringing visitors in.

Richard Bullock of 610 Camp Rd. raised concerns about the amount of taxes already assessed on his properties and that any tax increases are passed on to the

customers of his business. Mr. Bullock stated that all types of governments need to cease wasteful spending.

Mayor Foster thanked the public for coming and advised that the Council will take their concerns into consideration when setting the tax rate for FY2009 at the June 2, 2008 meeting.

Betty Jean Bullock of 610 Camp Rd. spoke regarding how hard the increase in cost is on all of the people and asked the Council to look at the long time residents and try to help them.

Mayor Foster again thanked the public for their comments.

With no further comments Mayor Foster closed this public hearing at 7:19 PM.

### **Petitions, Remonstrance's and Communication**

#### **Presentation of Proclamation to Mrs. Horsey**

Mayor Foster presented the proclamation previously adopted by the Town Council in recognition of former Councilmember Horsey to his wife, Mrs. Mary Ann Horsey.

#### **Caroline Hospice Foundation, Inc.**

Mrs. Linda Evans, the new Executive Director for the Caroline Hospice came before the Council to introduce herself and share a little about the Hospice program adding that it cost about \$30,000 a month to operate.

The Town Council reviewed a request from Mrs. Evans\* for consideration of assistance with the Hospice water and sewer expense. The total of the last four quarters water and sewer billing was approximately \$889.

Councilman Moore stated that he is a volunteer on the Hospice Board and recognized that Hospice is an important integral part of the Town, touching everyone's life at one time or another and recommended consideration of this request.

Town Staff and the Town Attorney provided clarification to advise the Council that the water and sewer funds are considered enterprise funds and by state law the Town can not offer an abatement of the fees from the utility funds. However the Council could handle like the Fire Dept and Little League Park fees. The Council could look to have the General Fund pay the water and sewer fund for these fees.

Councilman Branson made a motion to approve the request and pay for the water and sewer out of the general fund, seconded by Councilman Moore, passing unanimously- \*Councilman Clendaniel abstained due to his spouse being an employee of Hospice.

#### **Request for Permission to Metal Detect on Town Property**

Mr. William Cofone requested the opportunity to metal detect on the Old School house property and the Denton Municipal building lot property.

Councilman Branson made a motion to not set a precedence and decline Mr. Cofone's request, seconded by Mayor Foster, passing unanimously.

#### **Caroline County Mental Health Clinic**

Mr. Mike Campbell came before the Council to thank them for their time and financial support in FY2008. Mr. Campbell provided a brief update on the clinic's current status, discussed next years clinic budget and advised the Council that any consideration for allocating funding in the FY2009 budget would be greatly appreciated.

This item was informational only no action was taken by the Council at this time.

### **Ordinances and Resolutions**

**Ordinance #558 - Appropriation Ordinance**

*The Appropriation Ordinance for the General Fund for FY2009 was brought before the Town Council for consideration of introduction.*

*Councilman Clendaniel made a motion to introduce Ordinance #558 an to work towards amending with the intention to try to reduce the real estate property tax rate back to the constant yield rate of .613cents, seconded by Councilman Porter.*

*Discussion was held in which Councilman Branson clarified that while the constant yield advertisement makes it look like the Town is raising taxes it is actually an increase in assessment values handled at the State level. All of the Council supported researching to see if the tax rate could be lowered. Staff will need direction on where to cut taxes.*

**Reports of officers, board and committees**

*None*

**Unfinished Business**

**Agenda #1 FY 2009 Budget**

*The Council set up a working session on Monday May 12, 2008 to begin at 7:00 to work on the budget with Staff. The Mayor has a meeting set up with the Choptank Athletic Association for discussion on the Sharp Road Park and 6:00.*

*Staff advised that presently .03 cents of the tax rate is donated to the fire department and this was the first year that the general fund budget reflected .01 cent going to the highway fund to help fund some road improvements.*

*Mr. Mike Campbell of Caroline County Mental Health asked for the opportunity to also offer information about the case load statics for the Center and expressed to the Council that the streets in Denton always get cleaned, the Police are there when ever they need them, and the Town services are always there.*

**New Business**

**Agenda #1 – Tennis Court Resurfacing – 4<sup>th</sup> St Park**

*The Council reviewed a request from the Public Works Department to approve the bid from W.E. Seal, Inc. for the sum of \$9,992.61 to resurface the tennis courts at the 4<sup>th</sup> Street Park. W.E. Seal holds the contract for Anne Arundel County and is willing to extend a rider provision for the Town of Denton. Funds were allocated for this project in the FY08 General Fund. If approved, the work will take place before the summer time.*

*Staff advised that this is a maintenance item. It has been about 10 years since the court has been redone and there are minor cracks and the surface is starting to wear. If not resurfaced now the condition will get worse and the cost would increase.*

*Councilman Clendaniel questioned how much the County uses the courts, and staff advised that the high school mostly uses the Wheeler Park courts now and not so much the 4<sup>th</sup> St. courts.*

*Staff advised that the parks fee collected through building permits will help to cover the cost.*

*Councilman Clendaniel questioned why there was funding for tennis courts but not the basketball court and staff responded that there had not been previous discussion on funding for the basketball court, the focus has been on location options. Staff advised that the basketball courts are coming up for discussion with the Choptank Athletic Assoc. on Monday May 12, 2008.*

Councilman Branson stated that there is specific funding put away for parks only. The general fund budget does not have a separate line item just for basketball courts similar to tennis courts.

Mayor Foster raised a concern about spending this amount of money on resurfacing the tennis courts when the Town is faced with loosing their only basketball court.

Councilman Porter advised that the 4<sup>th</sup> St. tennis courts are heavily used.

Councilman Moore made a motion to hold off making a decision until the next meeting so the Council could have discussion at the workshop, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #2 LGIT Ballot**

Councilman Branson made a motion to authorize the Mayor to cast the vote on behalf of the Council to participate in the election for the Local Government Insurance Trust Board of Trustees, seconded by Councilman Porter, passing unanimously.

**Agenda #3 Denton Industrial Park Option Agreement Lot 10A-2**

The Town Attorney drafted an option agreement and ordinance for the potential sale of Lot10A-2. The Caroline Economic Development Corporation is working with a company interested in locating in the Denton Industrial Park.

Councilman Branson made a motion to introduce Ord. #559, seconded by Councilman Moore, passing unanimously.

Councilman Branson confirmed with the Town Attorney that the option agreement includes the language for the purchaser to cover all of the settlement cost.

**Agenda #4 SHA National Recreational Trails (NRT) Program Funds**

The Denton Development Corporation, in an effort to fill a funding gap need, had applied for funding through the SHA National Recreational Trails (NRT) Program. Funding has been awarded in the amount of \$30,000. The MOU is before the Council for consideration and authorization of the Mayor to sign.

Councilman Branson made a motion to authorize the Mayor to sign the MOU, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #5 Corsica Computer Contract's**

**Town Office Contract Renewal:** The Town is approaching the end of its first year with Corsica Technologies for computer services for the Municipal Office Building. Corsica has been very dependable and has provided excellent service. Town staff came before the Council seeking approval to extend the contract for another year at the same \$1,415 monthly fee. The monthly fee will remain the same as the current year however the amount of hours allotted annually will increase from 60 to 72.

**Police Dept.:** the Police Dept. also was seeking approval from the Council to transfer computer maintenance services to Corsica Technologies for \$788 per month with a one time start up fee of \$350.

Discussion was held as to why the Police Dept was looking to switch companies and the need for there to be a backup server. Staff will work with Corsica to research backup server options.

Councilman Branson made a motion to authorize the Town Administrator to negotiate the contracts with Corsica and make the best deal possible, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #6 Cahall Request**

*Cahall Recycling, our domestic trash contract hauler, has requested an additional \$125.00 per month fuel surcharge. The Public Works Department felt this was a reasonable request and recommended for approval from the Council.*

*Councilman Branson made a motion to approve as requested, seconded by Councilman Clendaniel, passing unanimously.*

**Resolution #702 – CDBG Application**

*The Town Administrator asked the Council for consideration to adopt a resolution that would authorize the submittal of an application for Community Development Block Grant funds in the amount of \$300,000. The grant funding if approved would be used for the Main Street Micro Business project to pay off the remaining loan balance on 323 Market Street and to help with renovations.*

*Councilman Branson made a motion to adopt Resolution #702, seconded by Councilman Porter, passing unanimously.*

*Councilman Porter asked staff to make sure the grass was cut around the building.*

**Tax differential**

*The Caroline County Commissioner's will hold the public hearing on the FY2009 tax differential at tomorrow's meeting.*

*Councilman Clendaniel will represent the town of Denton at the Caroline County Commissioners tax differential public hearing.*

**Director of Planning & Codes**

*Mr. Bill Kastning, the new Director of Planning and Codes was officially introduced to the Council.*

**Crouse Park Critical Area Mitigation**

*Bill Kastning briefed the Council on the Crouse Park critical area mitigation. Staff met with the Choptank Athletic Association to review the draft plan for planting trees at the Sharp Road Park. The plan was provided to the Council for review. Planting the 100 oak tree saplings would be in addition to the forestation requirements. If acceptable to the Council staff can pull together the mitigation response.*

*Councilman Moore move to approve, seconded by Councilman Branson, passing unanimously.*

**Berlin Mayor**

*Mayor Foster shared that the Mayor of Berlin had passed away and asked that staff send flowers on behalf of the Council.*

**Wal-Mart**

*Councilman Branson raised a concerned about what was reflected in the weekly notes regarding the Planning Commission meeting with Wal-Mart and the possibility of cutting back the infrastructure from four lanes to two lanes. Councilman Branson expressed that he does not support a change and that the roads needs to be able to handle the traffic.*

*Staff advised that the Planning Commission requested Wal-Mart to provide a traffic impact study and they have only approved the building at this time. The Council discussed the Town having its own traffic study completed with Wal-Mart covering the cost to ensure accuracy.*

*Councilman Porter stated that it's the Planning Commissions decision and the Council should hold off and see what is presented back.*

*Councilman Porter complimented the traffic study that was completed on Riverton and asked staff to pull together a response to the citizens.*

*Councilman Branson stated that he would like to recommend to the Planning Commission to get a traffic study done to see whether the Legion Road should be a two or four lane highway and have Wal-Mart cover the cost. Staff will relay to the Planning Commission.*

*With no further discussion Mayor Foster adjourned this meeting at 9:18 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*

\*Amended on June 2, 2008 – Pg. 2880 Caroline Hospice - Evan(s) (Clendaniel abstained)