

June 4, 2007

Working Session

At 6:00 PM on this date the Denton Town Council held a working session at the Denton Police Dept. to review the proposed FY2008 budget.

Mayor Foster drew the working session to a close at 7:03 PM. Councilman Branson made a motion to close the working session, seconded by Councilman Gregory, passing unanimously.

Regular Meeting

Mayor Foster called the regular meeting of the Denton Town Council to order at 7:05 PM on this date leading everyone in the Pledge of Allegiance to the flag. This meeting was held at the Denton Police Dept.

Mayor Foster asked that the record reflect that all Council members were present.

Councilman Branson made a motion to approve the minutes of the May 7, 2007 regular meeting, the May 21, 2007 special meeting and the May 29, 2007 working session as presented, Councilman Clendaniel second all but the May 21, Councilman Gregory seconded the May 21, the motion passed.

Swearing in new Councilmember

Mayor Foster swore in Dennis Porter as Council member to fill the vacant seat.

Public Hearings

Ordinance # 538 - Water Meter Fees

At 7:11 PM Mayor Foster opened a public hearing to receive comments on Ordinance #538 -An ordinance to amend Ordinance 498 relating to water meter fees. For all properties tied into the Denton Municipal Water System a \$3.50 per quarter water meter fee will be assessed. The present fee is \$2.50. This will apply to all One Inch (1") or less meters. Properties with meters larger than One Inch (1") will be responsible for the cost of their meter replacement. Presently the fee is only applied to ¾" or less meters. This cost will be based on actual meter purchase price. Water meter fee amendments if adopted will become effective July 1, 2007 and reflected in the billing of October 1, 2007 and thereafter.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: Councilman Porter asked how this will affect the sprinkler ordinance and Mr. Getchell stated this will cover new meter replacements.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:13 PM.

Ordinance #539 – Denton Utility Commission

At 7:13 PM Mayor Foster opened a public hearing to receive comments on Ordinance 539 - An ordinance revising the Denton Town Code by the addition of Chapter 8 entitled "Denton Utility Commission" and setting forth the general terms, duties and membership qualifications for members of the Denton Utility Commission.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:14 PM.

Ordinance #540 – Utility Commission Administrative Procedures

At 7:14 PM Mayor Foster opened a public hearing to receive comments on Ordinance #540 an ordinance approving the administrative procedures for the Denton Utility Commission.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: Councilman Clendaniel asked why this was separate from Ordinance #539 and the Town Attorney responded that she desired to separate procedural items from the code.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:15 PM.

Ordinance #541 – Council retirement benefit

At 7:15 Mayor Foster opened a public hearing to receive public comments on ordinance #541 - an ordinance to provide that any Councilperson having served twenty (20) years in elected office on the Denton Town Council shall receive a monthly pension benefit from the Town in the amount of \$100 per month after reaching the age of 62 years. That the terms of this monthly pension benefit shall be placed upon the ballot at the next municipal election, and shall become effective only after said increase is approved by the majority of the qualified voters during the November election.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:16 PM.

Ordinance #542- Water Capacity

At 7:16 PM Mayor Foster opened a public hearing to receive public comments on Ordinance # 542- an ordinance revising the water capacity charge for users of the Municipal Water System. The Water Capacity Ordinance proposes to amend the existing capacity charge from \$2000 to \$4000 for Single Family residential properties and proposes to amend Multi-Family residential – efficiency/one bedroom (per unit) from \$1,000 to \$2,000 and two or more bedrooms (per unit) from \$2,000 to \$4,000.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:17 PM.

Ordinance #543 – Sewer Capacity

At 7:17 PM Mayor Foster opened a public hearing to receive public comments on Ordinance # 543- an ordinance revising the sewer capacity charge for users of the Municipal Sewer System. The Sewer Capacity Ordinance proposes to amend the existing capacity charge from \$4500 to \$5000 for Single Family residential properties and

proposes to amend Multi-Family residential – efficiency/one bedroom (per unit) from \$2,260 to \$2,500 and two or more bedrooms (per unit) from \$4,500 to \$5,000.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:18 PM.

Constant Yield

At 7:18 PM Mayor Foster opened a public hearing to receive public comments on the fiscal year 2008 Constant Yield. The Town of Denton proposes to increase real property taxes due to the increase in assessments as published. The Town of Denton proposed to maintain the current tax rate of \$.66 per \$100 of assessment, real property tax revenues will increase by 7.2% resulting in \$113,651 of new real property tax revenues.

The Mayor asked for comments from the:

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:21 PM.

Ordinance #544 – FY2008 Appropriations

At 7:22 PM Mayor Foster opened a public hearing to receive public comments on Ordinance # 544- an ordinance to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year beginning July 1, 2007 and ending June 30, 2008.

The Mayor asked for comments from the:

State: there were none

County: there were none

Town Council & Staff: there were none.

Public: there were none.

With no further comments Mayor Foster closed this public hearing at 7:23 PM.

Petitions, Remonstrance's and Communication

John Burrell – LGIT Presentation

Mr. John Burrell made a presentation with Larry Bohlen of LGIT training programs to Chief Cox in the amount of \$2,178.00 in response to Sgt. Bacorn's grant request for "train the trainer". A photo was taken.

Chief Cox stated that Sgt. Bacorn is certified as a police instructor and offers instruction to numerous agencies.

Lincoln and Third Street

Ms. Rita Jenkins was present and requested permission to erect a portable basketball stand at the lot the Town presently leases from Mrs. Elisabeth Bloor for boys 6-13. As mother she would monitor use.

Councilman Branson asked the Town Attorney about liability concerns.

Councilman Gregory discussed use of open space funds and Staff stated that the lease is yearly, and open space requires a 20 year lease. Perhaps the Town could consider purchasing the land at a future point.

The Council directed the Town Attorney to review the lease.

Councilman Porter made a motion to approve Ms. Jenkins request, seconded by Councilman Clendaniel, passing unanimously.

522 Gay Street

The Council reviewed letters received from the Pinkett family requesting the preservation of 522 Gay Street. Staff provided background on discussion with JOK Walsh of the Historical Society and stated that the property is owned by Mr. Bob Ciprietti and the challenges of where to place the houses and funds to relocate them.

Councilman Porter asked for the location of the house and the Schuyler house. Further discussion was held of expanding water and sewer connection fees - to date the Towns incurs about \$80,000 in deferment to assist in the preservation and relocation of historic structures..

Councilman Clendaniel made a motion to send a request to JOK Walsh to consider saving the house, seconded by Councilman Branson, the motion passed 4-1 with Councilman Branson voting no.

Reports of officers, board and committees

There were none

Ordinances and Resolutions

Ordinance #538 Water Meter Fees

An ordinance to amend ordinance #498 which establishes water meter fees. The Public Works Department and Utility Commission recommended increasing the replacement fee from \$2.50 to \$3.50. This increase would insure adequate funds for future replacements. In addition to the fee increase, it is proposed to charge the replacement fee to those having 1-inch meters or less. Currently the size limitation is ¾-inch or less.

Councilman Clendaniel asked if this only applies to replacement meters, and staff stated that it increases a \$1 a year to build a fund.

Councilman Branson made a motion to approve ordinance #538 as presented, seconded by Councilman Porter, passing unanimously.

Ordinance #539 Utility Commission

An ordinance to revise the Denton Town Code by adding a chapter establishing general terms, duties and membership qualifications for members of the Denton Utility Commission. Currently, there are no chapters related to the Utility Commission. Ms. Brynja Booth has approved this proposed ordinance.

Councilman Branson made a motion to approve ordinance #539 as presented, seconded by Councilman Gregory, passing unanimously.

Ordinance #540 Utility Commission Admin Procedures

An ordinance approving the administrative procedures for the Denton Utility Commission, as suggested and approved by Ms. Brynja Booth.

Councilman Branson made a motion to approve ordinance #540 as presented, seconded by Councilman Gregory, passing unanimously.

Ordinance #541 – Council Retirement Benefit

An ordinance to provide that any councilperson having served twenty (20) years in elected office on the Denton Town Council and does not participate in the State of Maryland Retirement program shall receive a monthly pension benefit from the Town of Denton in the amount of \$100 per month after reaching the age of 62 years. Section C3-3

of the Town Charter requires that such an ordinance be approved by the majority of the qualified voters during the next election.

Councilman Gregory made a motion to approve ordinance #541 with an amendment to section 1 adding language “as of the effective date of this ordinance”, Councilman Gregory then withdrew the amendment and asked to amend by striking the language “and who has not participated in the State of Maryland retirement program.”, the amended motion was seconded by Councilman Clendaniel, and passed 3-0, Councilmen Branson and Porter abstained.

Ordinance #542- Water Capacity Ordinance

The 2008 proposed Capital Budget was completed. The Water Capacity Ordinance proposes to amend the existing capacity charge.

Councilman Branson made a motion to approve ordinance #542 as presented, seconded by Councilman Gregory, passing unanimously.

Ordinance #543- Sewer Capacity Ordinance

The 2008 Proposed Capital Budget was completed. The Sewer Capacity Ordinance proposes to amend the existing capacity charge.

Councilman Branson made a motion to approve ordinance #543 as presented, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #544 – FY2008 Appropriation Ordinance

An ordinance to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year beginning July 1, 2007 and ending June 30, 2008 was brought before the Council for Consideration of Adoption.

Discussion of the livability verse pay for performance was held in which it was explained that in the past the Council hasn't allocated funds for pay for performance.

Councilman Branson made a motion to amend ordinance #544 to reflect a 5% livability increase including the 1% year end bonus for 7/1/07 and the same for 7/1/08 if funds will be available, seconded by Councilman Gregory.

Chief Cox asked to address the Council regarding the proposed 10% increase. Chief Cox spoke on behalf of the Factoring Committee and explaining how the livability wage for a recent high school graduate living independently was calculated and respectfully requested the Council reconsidered approving the 10% livability for all town employees.

Councilman Branson amended his motion to approve a 5% livability increase which does not include the 1% end of year bonus for 7/1/07 and same for 7/1/08 providing funds are available, seconded by Councilman Gregory.

Councilman Gregory made a motion to rescind the first motion, seconded by Councilman Clendaniel.

Councilman Porter asked what 1% equates to in the budget and staff advised that it would cost approximately \$17,000. Adopting the livability does not preclude the Council from considering a 1% end of the year bonus.

Councilman Branson's amended motion in which he motion to approve a 5% livability increase which does not include the 1% end of the year bonus for 7/1/07 and the same for 7/1/08 providing funds are available was read back to the Council. The motion passed unanimously.

Unfinished Business

Agenda #1- Industrial Park Land Acquisition

Town Staff came before the Council seeking authorization to draft option agreement, to potentially purchase and sell industrial park land.

Councilman Branson made a motion to authorize staff to draft purchase option to buy and sell 17 acres of industrial park land, seconded by Councilman Gregory, passing unanimously.

Councilman Branson made a motion to authorize staff to use all attempt to secure funds to acquire and assist with the purchase of industrial park land, seconded by Councilman Gregory, passing unanimously.

Councilman Branson made a motion to direct the Town Administrator to develop an ordinance for Tanglewood and Hershey Creamery in conjunction with the Town Attorney for presentation at the next meeting, seconded by Councilman Gregory, passing unanimously.

Agenda #2 - FY-2008 Budget

As required by the Denton Town Charter the first submission of the General Fund budget was presented to the Denton Town Council on April 2, 2007. Working Sessions were held on April 16, 2007 & May 21, 2007. Another working session is scheduled for 6:00 on June 4th prior to this meeting.

New Business

Agenda #1 - Denton Volunteer Fire Company

The Denton Volunteer Fire Company is requesting a draw on the Capital Fund established to offset capital improvement needs for the purchase of a replacement Rescue Truck. Their existing fund balance is \$44,766.75 as of April 30th, 2007. The purchase of a Rescue Truck is part of the Capital Improvement Plan submitted by the Denton Volunteer Fire Company.

Councilman Gregory made a motion to place this item on the table for discussion, seconded by Councilman Branson, passing unanimously.

Councilman Branson – advised that “he is not presently holding any elected office in the Denton Vol. Fire Co.,” and there for made a motion to approve the request for \$44,766.75, seconded by Councilman Porter. Councilman Clendaniel asked for additional clarification. The motion passed unanimously.

Agenda #2 - Proposed change to the Town of Denton Purchase Manual

Staff requested to modify the current purchase manual to allow use of auctions as well as the use of EBAY to sell surplus equipment.

Councilman Branson made a motion to allow the Town to use E-Bay to sell surplus, the motion was amend to allow the use of E-BAY and other similar sites, seconded by Councilman Porter, passing unanimously.

Agenda #3 - Denton Tourism

This item was placed on the Agenda for discussion and consideration of merging resources, the Town of Denton has presently appropriated towards tourism initiatives, with the Caroline Economic Development Corporation. Denton’s Tourism initiatives would then be facilitated under the auspices of the CEDC.

Staff gave an overview in the absence of Ms. Natalie Chabot of the CEDC.

Councilman Gregory questioned if the additional 10% of the hotel tax revenue meant salary of the Denton Tourism Director would be transferred to the CEDC. Staff advised that the position would be supervised by the Program Director and that the Council had previously requested a memorandum of understanding for a one year trial.

Councilman Porter made a motion to table until Ms. Natalie Chabot is present to discuss the proposal with the Council, seconded by Councilman Gregory, passing unanimously.

Agenda #4 - Caroline County Chamber of Commerce

An application for membership with the Caroline County Chamber of Commerce has been received. The annual membership fee would be \$228.

Councilman Clendaniel serves on the CC Chamber of Commerce Board and expressed that he felt that John Nussear has done an exemplary job in reactivating the Chamber.

Councilman Branson made a motion to table and invite Mr. John Nussear to a meeting for future discussion, seconded by Councilman Porter, the motion passed 4-0, and Councilman Clendaniel abstained.

Agenda #5 - Center for the Study of Economics

Councilmember Gregory had requested the opportunity to discuss the offer by the Center of the Study of Economics to discuss land value taxation.

Councilman Gregory made a motion for the Town Administrator to contact the representative of the Center for the Study of Economic to speak to the Council, seconded by Councilman Clendaniel. Councilman Gregory withdrew the motion, Councilman Clendaniel withdrew the second. The Council will wait until the MML Convention and discuss with Scott Hancock.

Agenda #6 - 2008 Legislative Action Request Forms

MML is soliciting member municipalities for suggested legislative priorities for the 2008 legislative session.

Councilman Branson expressed the need to have a mechanism in place to allow Municipalities to be able to charge a road fee to help maintain the road structure in town.

Councilman Branson made a motion to ask MML to pursue enabling legislation to allow Municipalities to charge a transportation fee, seconded by Councilman Gregory, passing unanimously.

Other New Business

Town Administrator Request for Leave

The Town Administrator requested authorization to take vacation leave from June 12 – June 18.

Councilman Branson made a motion seconded by Councilman Gregory to permit leave for the Town Administrator, provided she bring something back for the Council, passing unanimously.

Pearson Road LLC.

Councilman Gregory asked about the letter from John Moynahan of Urban Design & Planning requesting to reschedule a work session in July and asked if there was any reason to rush into a meeting.

Councilman Branson made a motion to have a working session scheduled in September, seconded by Councilman Gregory, passing unanimously.

Complaint Letter –Adams Landing Rd.

Councilman Gregory asked about the letter received regarding the Adams landing property maintenance complaint and staff advised that it is located outside of the

Town limits. Councilman Gregory asked that staff send a letter advising that the matter is outside of the Town's jurisdiction.

The Mayor entertained a motion to close the meeting.

The Town Administrator asked for the shirt sizes for the Council members for the MML convention.

At 9:32 PM Councilman Branson made a motion to close the meeting, seconded by Councilman Porter, passing unanimously.

Staff asked to give clarifications on why the Pearson Road project partners were unable to keep the June 4, working session. Councilman Branson advised that he was not interested in rescinding his motion.

The meeting adjourned.

Respectfully submitted,

*Jennifer Shull
Dir. of Housing & Com. Dev.*