

May 1, 2014

Regular Meeting

Mayor Porter 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 Porter asked that the record reflect that all Council members were present, with the exception of Councilwoman McNinch who was running late due to another commitment.

Councilman Branson asked for a correction to the April 3, 2014 minutes, Unfinished Business, Agenda item #5 – 406 Market St. Business Loan Extension Request - on page #3325- passing 4-0 1, ~~with~~ Councilwoman McNinch ~~being~~-recused **herself**.

Councilman Branson made a motion to approve the minutes of the April 3, 2014 Regular Meeting as corrected, and to approve the minutes of the April 11, 2014 and April 21, 2014 Working Sessions. The motion was seconded by Councilman Clendaniel, passing unanimously.

Public Announcement

Mr. Don Mulrine, Town Administrator, took a few minutes to report on an incident that had occurred at Wastewater Treatment Plant, located on Legion Rd, this week. Mr. Mulrine explained that there was an overflow spill of approximately 94,000 gallons of processed sludge and water that escaped from the holding tank. The spill was caused by a computer glitch. Staff contacted the Maryland Department of Environment immediately and action has been taken to clean up and correct the issue. The sludge was contained onsite, all cleaned non-bacteria water that posed no risk exposure to the citizens.

Mayor Porter asked to be kept informed and for staff to follow up on what can be done to avoid this from happening again.

Public Hearing

Ordinance #658 – Sign Amendments

Mayor Porter opened a Public Hearing at 7:14 PM to receive public comments on Ordinance #658 - An Ordinance of the Town of Denton reenacting amendments to the provisions contained in Chapter 128 of the Denton Town Code with respect to signs.

Mayor Porter asked for comments from the State: there were none

Mayor Porter asked for comments from the County: there were none

Mayor Porter asked for comments from the Council:

Mr. Tom Batchelor, Senior Codes Enforcement Officer, provided a brief overview of the prior amendments to the sign ordinance for the downtown area.

Mrs. Doris Walls, Chairperson of the Denton Planning Commission, commented about the Planning Commission meeting, and shared her concern about vehicle signage on a vehicle that is not located on the business owners own property.

Mr. Batchelor explained that the off-site premise signage is covered under #9 of the Ordinance.

Councilwoman Lightner suggested for Mrs. Walls to take pictures of vehicle signage that she is concerned about and submitting to the Police Dept., and/or the Planning Dept. to see if there is a code violation.

Mr. Chris Drummond, Town Attorney, explained that there are different types of signage and need to look at what may be considered permanent. Most of what is being discussed is considered to be off-site premise signage, which is already defined in the Ordinance.

Mayor Porter asked for comments from the Public –there were none

With no further comments, Mayor Porter closed this Public Hearing at 7:25 PM.

Ordinance #659 – FY2015 General Fund Appropriations

Mayor Porter opened a Public Hearing at 7:25 PM to receive public comments on Ordinance #659 - An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year beginning July 1, 2014 through June 30, 2015.

Mayor Porter asked for comments from the State: there were none

Mayor Porter asked for comments from the County: there were none

Mayor Porter asked for comments from the Council:

Councilman Branson read a statement to the Public in reference to this year's budget process, the Constant Yield Tax Rate, and the proposed real estate property tax rate increase.

Councilwoman McNinch arrived at 7:29 PM

Mayor Porter asked for comments from the Public – there were none

With no further comments, Mayor Porter closed this Public Hearing at 7:32 PM.

Resolution #797 - CDBG Grant Application SFY15

Mayor Porter opened a Public Hearing at 7:32 PM to receive public comments on Resolution #797 - CDBG Grant Application for SFY15 for community, economic development, and housing needs to be considered for submission of an application to the Maryland Community Development Block Grant program.

Mayor Porter asked for comments from the State: there were none

Mayor Porter asked for comments from the County: there were none

Mayor Porter asked for comments from the Council:

Councilwoman Lightner clarified that this is a grant being received, not given.

Councilman Branson asked to clarify what the grant is for.

Mayor Porter responded this is for 808 S. 5th Ave., a grant to purchase and remove blight.

Mr. Mulrine added that the Council approved at the last meeting. This is being brought back as a new Resolution that includes additional details to comply with CDBG application requirements.

Mayor Porter asked for comments from the Public – there were none

With no further comments, Mayor Porter closed this Public Hearing at 7:35 PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Resolution #797 – CDBD Grant Application – 808 S. Fifth Ave

A Resolution of the Town of Denton approving the application and receipt of financing for a Community Development Block Grant SFY15 to be funded by the Department of Housing and Community Development of the State of Maryland.

Councilwoman Lightner made a motion to adopt Resolution #797, seconded by Councilman Branson.

In discussion: Mayor Porter mentioned that he has received several comments about sports connectivity to the surrounding parks, if this grant is awarded.

Mr. Mulrine added, that with the acquisition of this property the Town could look to correct and have better control over stormwater in the area, and also comply with future WHIP regulations.

With no further discussion, Mayor Porter asked for vote on the motion on the floor to adopt Resolution #797.

The motion passed unanimously.

Resolution #798 – Building and Zoning Fee Schedule

A Resolution revising the Building and Zoning Fee Schedule.

Mr. Batchelor provided an overview of the proposed revisions.

Councilman Clendaniel made a motion to table consideration of this Resolution to allow for additional time to review, seconded by Councilwoman McNinch, the motion passed unanimously.

Resolution #799 – Building Penalty Schedule

A Resolution standardizing the Building Penalty Schedule for the Town.

Mr. Batchelor provided an overview of the proposed Building Penalty Schedule, expressing that approximately 90% of the property owners cited take immediate action and do not get to the penalty stage.

Councilwoman Lightner made a motion to adopt Resolution #799, the Standardized Penalty Schedule, seconded by Councilman Branson, passing unanimously.

Ordinance #658 - Sign Ordinance – Hwy Commercial

An Ordinance of the Town of Denton reenacting amendments to the provisions contained in Chapter 128 of the Denton Town Code with respect to signs.

Councilman Branson made a motion to adopt Ordinance #658, seconded by Councilwoman McNinch.

In discussion: Mr. Batchelor provided an overview of the changes to the Regional Highway Commercial Shopping Center District, changes and recommendations of the Planning Commission, concerns for the amendments to Chapter 120 Vehicle and Traffic, as referenced in 11 A.

Mr. Drummond requested that H – 1 should say “his/her designee”, not “their designee”. He added that vehicle signs are difficult to enforce and control; however, that a vehicle becomes a sign when sitting on another property for specific amount of time, then it can then be considered an off-site premise sign, which is covered under #9.

Discussion continued about changing H-1 and establishing a specific time frame, and Mr. Drummond supported 30 days.

Councilman Branson amended his motion to incorporate suggestion made by the Town Attorney, Section 1 – H 1 to replace “their” with “his/her”, and in 11A to amend the language to set a time frame – “30 consecutive days”. The amended motion was seconded by Councilwoman McNinch, passing unanimously.

Ordinance #659 – FY2015 General Fund Appropriations

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget adopted for Fiscal Year beginning July 1, 2014 through June 30, 2015.

FY2015 Tax Rates - Mayor Porter asked Council members to first set the FY2015 Tax Rates.

Councilman Branson made a motion to set the Real Property Tax Rate at \$.71 per \$100 of assessed value. The motion was seconded by Councilwoman McNinch.

In discussion: Several Councilmembers expressed that this has been a very difficult budget season; things have been cut, that everyone has been asked to do more with less.

Councilman Clendaniel shared that he still remains concerned that the decrease in assessments is not uniform; it is not a decrease for everyone, some went up, and that the Town has cut everything that can be cut.

The Mayor asked for a vote on the motion on the floor to set the Real Property Tax Rate for FY2015 at \$.71/\$100 of assessed value as detailed in Section 2 of Ordinance #659.

The motion passed unanimously.

Councilwoman Lightner made a motion to adopt Section 3, Section 4 and Section 5 – as presented in Ordinance #659. Seconded by Councilman Branson, the motion passed unanimously.

FY2015 General Fund Budget - Mayor Porter moved on to hold discussion on the FY2015 General Fund Budget.

Mayor Porter mentioned that the budget provides for employees to receive a 2% merit increase and that he would like to hold future discussion about increasing what employees pay for health care cost by 1%, to be implemented for the new enrollment period that begins January 1, 2015.

Councilwoman Lightner stated that she was opposed, but would need to know what 1% of health care cost would be for the employees.

Mayor Porter recommended adopting the budget as presented and if necessary to make a change to employee benefits later.

Councilman Branson expressed that he felt the Town had done all the whacking they can do.

Councilwoman McNinch made a motion to adopt Ordinance #659, seconded by Councilwoman Lightner. The motion passed 4-1, with Councilman Clendaniel voting No.

Reports of Officers, Board and Committees

None

Break

At 8:50 PM, Mayor Porter called for a 5 minute break.

Mayor Porter called the meeting back to order at 8:56 PM.

After the break, Mayor Porter move New Business Agenda Item #5 up.

New Business

Agenda #5 Crouse Park – Boat Parking

Mr. Bill Behlke submitted a letter and was present requesting permission to pick up and drop off passengers for his River Cruise Business at the Crouse Park Boat Ramp.

If approved, the Town Attorney and the Town Administrator will draft an MOU (Memorandum of Understanding) and Indemnification Agreement for Mr. Behlke to sign. The MOU will address parking, signage requirements, etc.

Councilwoman McNinch made a motion to approve, contingent upon the MOU and Indemnifications being executed; seconded by Councilwoman Lightner. The motion passed unanimously.

Mr. Mulrine provided an update on the Visitor Center and announced that he will be visiting with SHA to seek preliminary approval for plans to move forward with the construction.

Unfinished Business

Agenda #1- 3rd Street Basketball Court – Contractor Selection

Mr. Mulrine asked to have this item deferred. Only one bid was received that was well over budget. Staff will put this item back out to seek new bids.

This item was deferred, no action was taken.

Agenda #2 – Crouse Park Mitigation - Contractor Selection

Mr. Mulrine announced that sealed bids were received April 14, 2014 at 2p.m. for the mitigation portion of the Crouse Park Project. Town staff reviewed the bids and made a recommendation for the Council to award the bid to Bryan & Sons, the low bidder. Funding for the project is being provided by DNR, SHA and Critical Area Mitigation.

Councilwoman Lightner asked who will maintain once the project is complete.

Mr. Mulrine responded that the Town will continue to maintain park.

Councilwoman Lightner made a motion to award the contract to Bryan & Sons, LLC., in the amount of \$115,290.97, seconded by Councilwoman McNinch. The motion passed unanimously.

Agenda #3 - Town Hall Building – Contractor Selection

Mr. Mulrine announced that sealed bids were received April 24, 2014 at 2p.m. for the renovation work at the New Town Hall building (formerly PNC Bank). These bids are based on the re-bidding of this project due to the initial bids coming in over budget. Town Staff reviewed the bids and made recommendations for awarding for construction to H & H Builders.

Mr. Mulrine provided an overview of the project line items to include construction, phone system, generator, paint, lighting, security systems, computer expansion and relocation, funding, etc.

Councilman Clendaniel and Councilwoman Lightner questioned the computer line item and asked for staff to evaluate this expense before making a decision.

Mayor Porter asked for staff to research having a central Knox-box Lock System for other downtown businesses to share.

Mayor Porter asked the Council if they will consider awarding the entire package, with the exception of the quote from Corsica and give time for staff to research a little more.

Councilman Clendaniel made a motion to accept budgeted renovations for the Town Hall as specified, awarding the bids to H & H Builders, Baltimore Sound, Home Options, Lighting for the 2nd floor and Sherwin Williams. The motion was seconded by Councilman Branson, and passed unanimously.

Agenda #4 - FY2015 General Fund Budget

The FY2015 General Fund Budget was adopted earlier this evening with Ordinance #659, no need for further discussion at this time.

New Business

Agenda #1 - LGIT Board of Trustees – Election and Ballot

LGIT's Nominating Committee met and submitted to the LGIT Board of Trustees the list of candidates for nomination to serve as members on their board for a three year term beginning July 1, 2014.

The Council reviewed list of candidates.

Councilman Clendaniel made a motion to delegate the Town Administrator to cast a vote for the Town. Seconded by Councilman Branson, the motion passed unanimously.

Agenda #2 - 3rd Street Basketball Court – Fencing

Mr. Batchelor and Mr. Mulrine provided an overview of the basketball court and mentioned, that as part of the basketball court construction, a chain link fence is required to be installed around the court. The current Town Code does not allow chain link fencing to be installed, unless it is used at the Industrial Park. Staff respectfully requested a waiver to install this chain link fencing around the basketball court located at Third and Lincoln Street.

Councilman Clendaniel made a motion to grant a waiver as requested, seconded by Councilwoman Lightner, the motion passed unanimously.

Agenda #3 - Multifunction Wide Format Printer/Scanner Acquisition

Mr. Batchelor provided an overview and requested approval to purchase a Canon multifunction wide format printer/scanner for the amount of \$9,845.00. Indicating that the price includes a three year warranty and the equipment will be used for Planning & Codes, Public Work and to handle the records retentions policy.

Councilwoman McNinch made a motion to approve the purchase as requested, seconded by Councilman Branson, the motion passed unanimously.

Agenda #4 - Small Business Loan Deferment Request – Fiber Arts Center of the Eastern Shore

Mrs. Marina Dowdall, of the Fiber Arts Center, came before the Council requesting a 6 month loan payment deferment on their IRP and Small Business Loan. No change in terms, just deferring the payments.

Councilman Clendaniel made a motion to grant the loan payment deferment, seconded by Councilwoman Lightner, passing unanimously.

Miscellaneous

Downtown Merchant Meeting

Mayor Porter announced that Mr. Jeff Wright recently held a meeting with the downtown merchants and property owners, and several items had been brought up.

Councilwoman Lightner attended the meeting and recommended placing this on the May Working Session for discussion. Councilwoman Lighter will provide Council members tomorrow with a list of items discussed, concerns, and those who attended.

With no further discussion, Councilman Clendaniel made a motion to close the meeting at 10:10 PM, seconded by Councilman Branson, passing unanimously.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*