

**May 3, 2012**

**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.*

*The Mayor asked for a motion to approve the minutes of the April 5, 2012 regular meeting, and the April 19, 2012 working session.*

*Councilwoman Case asked for a correction to be made on page 3196, paragraph 7 to change the wording from “intern to in turn” and provided clarification for the public on the following items:*

*Pg 3196 (paragraph 3)– discussion on Community Garden Pathway and where the minutes reference \$14,000 less in amenities – Councilwoman Case wanted to clarify that the \$14,000 mentioned is grant funds and does not impact the General Fund.*

*Pg 3197 – Agenda #1 – Dollar General Site – Councilwoman Case wished to point out that this was a grant gone bad and that it will impact the General Fund when the Town has to pay the funds back. (Fact - since the grant project did not move forward as was intended in the grant agreement, the State has asked the Town to pay back the \$63,000 awarded for acquisition. The Town has placed the lot up for sale to obtain the funds to pay the State back.)*

*Pg. 3198 – Other Unfinished Business – Subrecipient Agreement – Councilwoman Case wished to point out that, if there is no lessee for the Crouse Park Restaurant, that the tax payers of Denton will end up paying for the maintenance once the construction is finished.*

*Councilman Danielson questioned allowing the minutes to be challenged after the meeting, that clarification and discussion should be held during the meeting when that agenda item is up for discussion, not rehashing it later. He stated that the question now is whether she approves of the minutes or not.*

*Councilman Clendaniel made a motion to approve the minutes of the April 5, 2012 regular meeting, and the April 19, 2012 working session as amended, seconded by Councilwoman Case.*

*In further discussion, Councilman Gregory took a moment to respond to what Councilwoman Case had stated. Councilman Gregory clarified that whenever the Town receives a grant, once it is completed it becomes the responsibility of the Town to maintain the project, and that this is true of every grant in America. He explained that the time to oppose a grant is before entering into the grant and before the capital dollars are received from the grant, not afterwards. Councilman Gregory added that even though the Community Gardens Pathways Project is a State Project, that due to the chain of events around this project that it is going to cost the Town \$14,000 more dollars, that the town is getting less of the project completed for more money, and that is impacting the budget.*

*The Mayor asked the board to stick to the minutes and reminded everyone that ~~they~~ the minutes are a synopsis of the meeting.*

*The Mayor called for a vote on the motion on the floor to accept the minutes as amended. The motion passed unanimously.*

**Public Hearing**

**Ordinance #642- Parking Rules and Violations**

Mayor Porter opened a public hearing at 7:06 PM to receive public comments on Ordinance # 642 - An Ordinance repealing and reenacting certain provisions of Chapter 120 of the Town of Denton Code, entitled Vehicles and Traffic, specifically relating to parking rules and parking violations and enforcement.

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 – there were none

Mayor Porter asked for comments from the Public:

Mayor Porter for the record read a letter received from Mrs. Barbara Porter of 208 S. First St., The letter expressed Mrs. Porter's concerns over raising the parking fees and provided some alternatives.

With no further comments, Mayor Porter closed this public hearing at 7:12 PM.

**Petitions, Remonstrance's and Communication**

**Proclamation - Nichols 86<sup>th</sup> Birthday Proclamation**

Mayor Porter read and approved a proclamation in celebration and recognition of Mrs. Thelma Nichols 86<sup>th</sup> anniversary of her birth on May 16, 1926.

**Proclamation – Lockerman High School Class of 1962 50<sup>th</sup> Reunion**

Mayor Porter read and approved a proclamation in celebration and recognition of the Lockerman High School Class of 1962, 50<sup>th</sup> Anniversary Reunion to be held on July 27, 2012.

**Letter of Support – Community Garden Pathways Project**

Councilman Danielson read a letter of support for the Community Garden Project that had been received from Ms. Signe Hippert of 208 N. 6<sup>th</sup> St. Ms. Hippert raised a concern about the project being delayed and put in jeopardy, primarily due to unsubstantiated accusations impacting the decision making of the Town Council, when there would have been no “conflict of interest” as no public official or town employee nor anyone else would receive any personal or monetary benefit from awarding the contract to the lowest bidder.

Councilman Clendaniel read a letter of concern received from Mr. Michael Owens, Owner and Operator of Color’N’Clay of 224 Market St. Mr. Owen’s letter raised concerns of the consequences of having to scale back the Arts Walk Project and the challenge it creates to attract businesses to Denton, and he addressed questions to Councilwoman Case about her previous comments about Town Officials hindering her investigation.

Councilman Clendaniel suggested that out of respect and since these concerns are particularly addressed to one Council member that he would like to give her an opportunity to comment.

Councilwoman Case said no that she did not have any comments other than he has his opinion.

Councilman Gregory read a letter he had received from Mrs. Abigail McNinch addressing issues regarding inference of impropriety of her colleagues and herself. In the letter Mrs. McNinch explained her history with the Town over the past several years, expressing that she was deeply disappointed that her ethical integrity was being questioned with unfounded concerns and believed, that due to her professional affiliations, that she may in some way be targeted for harassment.

Mr. Tolbert Rowe, a tax paying property owner in Denton and Vice President of the Downtown Main St. board, provided a breakdown of the cuts to the project that are a result of having to encompass the higher bid. The Town is getting less of the project completed for more money. Mr. Rowe expressed that the bidding and awarding followed all guidelines, and that there was no impropriety or conflict of interest as Councilwoman Case had alluded to. He suggested

that in this small community that the Council define a conflict of interest and be cognizant when going forward of what is a conflict of interest.

Ms. Signe Hippert shared the definition of a “conflict of interest” and expressed that no one in the Town or a Town employee would have benefited personally from awarding the bid.

Councilman Clendaniel stated that for the record, that Mr. McCrea’s bid was accepted by the majority of the Council.

**Critical Area Update Proposal**

Mr. Tom Batchelor, Senior Code Enforcement Officer, introduced Mr. Gradecak of Gradecak & Associates.

Mr. Gradecak provided a brief overview of the process to adopt the Maryland Department of Planning (MDP) mandated updates to the Town’s Critical Area Ordinance. Mr. Gradecak will provide assistance in drafting the amendments and his time will be funded by a grant provided by the Department of Natural Resources (DNR).

Mr. Batchelor shared that the MDP will be administering the grant.

**Ordinances and Resolutions**

**Resolution #771 –School and Club Projects**

A Resolution of the Town of Denton supporting and authorizing school projects and club projects relating to animals, excluding farm animals and wild or exotic animals.

Mr. Batchelor provided an overview of the Resolution and explained that these types of projects will require the review and approval of the Planning and Codes Department.

Councilwoman Case made a motion to adopt Resolution #771, seconded by Councilman Clendaniel.

In discussion, Councilman Clendaniel questioned how this would apply to the keeping of roosters.

Mr. Batchelor said that chickens, roosters, goats and sheep are considered farm animals and will not be allowed.

The Mayor called for a vote on the motion on the floor to adopt Resolution #771. The motion passed unanimously.

Several members of the Rabbit Club thanked the Council for their support.

**Resolution #769 Culinary School – Neighborhood Business Works Program**

A Resolution of the Town of Denton supporting the Maryland Department of Housing and Community Development Neighborhood Business Works Program Financing to the Denton Development Corporation.

Councilman Danielson made a motion to adopt Resolution #769, seconded by Councilman Gregory.

In discussion, Councilman Clendaniel said that he was supportive of the project and asked the Town Attorney if he should ~~sustain~~ **abstain** from voting due to him owning a neighboring property, ~~and~~ **if** that the project could raise the value of his property.

Mrs. Sharon VanEmburch explained that as long as he has disclosed any possible conflict and can make a decision fairly that he can vote on the topic.

The Mayor called for a vote on the motion on the floor to adopt Resolution #769. The motion passed unanimously.

**Resolution #770 - Culinary School – Community Legacy Program**

A Resolution of the Town of Denton supporting the Maryland Department of Housing and Community Development Community Legacy Program Financing to the

*Denton Development Corporation for the Chesapeake Culinary Center at 512 Franklin St.*

*Councilman Danielson made a motion to adopt Resolution #770, seconded by Councilman Gregory, passing unanimously.*

**Ordinance # 642 - Parking Rules and Violations**

*An Ordinance repealing and reenacting certain provisions of Chapter 120 of the Town of Denton Code, entitled Vehicles and Traffic, specifically relating to parking rules and parking violations and enforcement.*

*Councilwoman Case made a motion to adopt Ordinance #642, seconded by Councilman Danielson.*

*In discussion, Mayor Porter provided an overview of the proposed changes.*

*Councilman Clendaniel recommended the Town setting up to accept credit card payments.*

*The Council discussed Mrs. Porter letter that was read during the earlier public hearing.*

*Councilman Clendaniel asked about the cost of maintenance of the meters.*

*Chief Cox responded that most of the time it's just a matter of replacing the batteries. He added that they are already looking into adding some longer hour meters as was previously discussed. There are approximately 60 parking meters in the downtown area. Chief Cox explained that increasing the parking meter fees was adopted during the last meeting and that this Ordinance is before the Council to extend the hours of free parking and increases the over parked meter fines to \$20.00. He added that he would like to use the supply of parking citations the Department already has printed and in stock showing with the current rate, before issuing tickets with the proposed increased fine.*

*Councilman Danielson asked for the Police Dept. to continue working on metering the parking spaces along the former Dollar General Lot.*

*With no further discussion, Mayor Porter asked for a vote on the motion to adopt Ordinance #642. The motion passed unanimously.*

**Ordinance # 643 – FY2013 General Fund Appropriations**

*This item was deferred to be considered while discussing the General Fund Budget.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1- FY2013 General Fund Budget**

*As a follow up to the prior meetings, the FY2013 General Fund Budget has been amended as discussed and was brought back before the Town Council to continue discussion and to move forward with adoption. The FY2013 tax rates need to be set and provided to the County Tax Office by May 22, 2012 and the Town Charter C6-5C specifies that the General Fund Budget shall be adopted on before the 10<sup>th</sup> day of June, 2012. The regular monthly meeting of the Town Council is scheduled for June 7, 2012.*

*The Council held discussion with those in the audience about ways to balance the budget, whether to consider having residents pay for trash collection, special collections of brush and yard waste; possible changes to employee benefits; reducing the contribution to the fire dept., and raising taxes to cover the remaining deficit.*

The Council agreed to schedule to hold Constant Yield Public Hearing on May 15, 2012, 6:00 PM at the Denton Police Dept. The Town Administrator was asked to work with the Department Heads to look for additional ways to reduce the budget for continued discussion at the next working session that is scheduled for May 10, 2012. Staff was directed to advertise the Constant Yield Public Hearing with a potential \$.03 tax increase.

**Ordinance # 643 – FY2013 General Fund Appropriations**

An Ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget to be adopted for fiscal year beginning July 1, 2012 and ending June 30, 2013.

The Council directed staff to place this Ordinance on the agenda for consideration for introduction the same night as the Constant Yield Public Hearing.

**New Business**

**Agenda #1 - LGIT Ballot**

Councilman Danielson made a motion to empower the Mayor to cast the vote on the listed candidates submitted by LGIT's Nominating Committee to serve as members on the LGIT board for a three year term beginning July 1, 2012. The motion was seconded by Councilwoman Case, and passed unanimously.

**Agenda #2 - PWA for Ruff/Suppo W/S Extensions**

Mr. Scott Getchell, Director of Public Works, gave an overview of the Public Works Agreement for the Ruff/Suppo water/sewer extension. The agreement was presented to the Council for consideration of adoption and to authorize the Mayor to sign it.

Councilman Danielson made a motion to approve the agreement and to authorize the Mayor to sign it, seconded by Councilman Gregory, passing unanimously.

**Agenda #3 - Personal Property – Corporation Tax Abatements**

Staff asked the Council for consideration to write off the uncollectible Corporation Taxes due for M-Point Mortgage Services, LLC - \$218.40 plus interest and for Movie Gallery, US, LLC - \$803.10 plus interest. Both are no longer in business and staff has exhausted all methods of collection.

Councilman Clendaniel made a motion to write off the uncollectible corporation taxes as presented, seconded by Councilman Danielson, passing unanimously.

~~**Agenda #4 - Budget Projections – Main Street, Tourism, DDC, Fire Co.** This item is on the agenda to discuss budget items for the above listed organizations.~~

~~Item was canceled by the Council during the April 19, 2012 working session.~~

**Agenda #5 - Letter to SHA**

Staff presented a draft letter for consideration following discussion at the last April working session for the Council to review. The letter, addressed to the Administrator of the State Highway Administration, requesting SHA retake ownership of 5<sup>th</sup> Ave.

Councilman Clendaniel made a motion to authorize the Mayor to sign the letter as presented, seconded by Councilwoman Case, passing unanimously.

**Agenda #6 - Summer Office Hours**

As a follow up to discussion held during the April 19, 2012 working session, Mr. Don Mulrine, Town Administrator, provided an overview of activity on Friday's from prior years. Mr. Mulrine questioned the possibility of changing the Town office hours this

summer to allow for a 4 day work week, to close the office on Friday's beginning June 18 through Labor Day to save on energy cost.

Councilman Danielson made a motion to offer the Town Office Building Staff a 4-day work week as discussed, seconded by Councilman Gregory, passing unanimously.

**Miscellaneous**

None

**Closed Executive Session**

At this time the Mayor entertained a motion to hold an Executive Session for discussion on the Town Administrators Performance Evaluation Contract by Authority of the 2009 Md. Code, State Government 10-508(a)(1). And to consult with Counsel to obtain legal advice on the discussion of Executive Sessions by Authority of the 2009 Md. Code, State Government 10-508(a)(7).

At 9:00 PM Councilman Danielson made a motion to hold an Executive Session as requested, seconded by Councilwoman Case, the motion passed unanimously.

The Mayor requested a 5 minute break before starting the closed session.

At 9:07 PM, the Mayor called the Executive Session to order.

All Council members were present as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer and Sharon VanEmburch, Town Attorney.

**Executive Session Law**

The Town Attorney held discussion with the Council and explained the Maryland Open Meeting Act and the closed meeting exceptions.

**Town Administrator Performance Evaluation Contract**

Mrs. Monteith was excused at 9:30 PM

The Council discussed the Town Administrator's contract renewal with the Town Administrator.

At 9:55 PM Councilman Danielson made a motion to close the executive session and to reopen the regular meeting, seconded by Councilman Clendaniel, passing unanimously.

With the regular meeting reopened, Mayor Porter announced that during the closed session the Council discussed the open meetings act with the Town Attorney and finalized the contract with the Town Administrator.

With no further business to discuss, Councilman Danielson made a motion to close the regular meeting at 9:55 PM, seconded by Councilman Gregory, passing unanimously.

Respectfully submitted,

Karen L. Monteith,  
Clerk - Treasurer

These minutes were adopted as amended June 7, 2012:  
~~Strike~~ through indicates deleted, **Bold** indicates new