

December 12, 2013

Regular Meeting

Mayor Danielson 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 Danielson asked that the record reflect that all Council members were present, with the exception of Councilman Porter. Councilman Porter was running late due to traffic, his arrival is noted in the minutes below.

Councilman Clendaniel made a motion to approve the minutes of the November 7, 2013 regular meeting and the November 21, 2013 working session as presented. The motion was seconded by Councilwoman McNinch, passing unanimously.

Public Hearing

Ordinance #650 – Critical Area

Mayor Danielson opened a public hearing at 7:04 PM to receive public comments on Ordinance #650 - An Ordinance of the Town of Denton to repeal Chapter A129 Critical Area Program and repeal and reenact Chapter 128 Article VIII Special District: Critical Area Overlay District and amend Chapter 128 Article II Definitions and amend Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the critical area.

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

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

Mayor Danielson asked for comments from the Council: there were none

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

With no further comments, Mayor Danielson closed this public hearing at 7:05 PM.

Mr. Don Mulrine, Town Administrator, mentioned that the Town has worked on making sure the Ordinance includes everything the State requires.

Petitions, Remonstrance's and Communication

FY2013 Financial Report Review

Mr. Scott Davis, Senior Account Manager for Cherry Bekaert, LLP provided an overview of the Town of Denton's June 30, 2013 annual audit and Financial Report. Mr. Davis shared that it was a very clean audit and that there were no findings or issues.

Proclamation – Joe Clendaniel

Mayor Danielson read and executed a proclamation for Mr. Joe Clendaniel of RBCI extending the Council's gratitude for his time and dedication to the completion of the Chesapeake Culinary Center. Mr. Mulrine will present the proclamation to Mr. Clendaniel.

Ordinances and Resolutions

Ordinance # 636 – Ethics Ordinance

An Ordinance revising and amending Chapter 14 of the Denton Town Code pertaining to ethics. This ordinance was originally introduced in September of 2011 but was never adopted. The Attorney has worked with the State Ethic's Commission and incorporated their recommendations.

Councilwoman Lightner made a motion to introduce Ordinance #636, seconded by Councilwoman McNinch.

In discussion: Mr. Mulrine provided an overview of the history of the Ordinance.

Councilman Porter arrived at 7:17 PM.

Mr. Chris Drummond, Town Attorney, talked about his communications with the State Ethic's Commission and the changes to the text.

Councilman Porter inquired and asked for an explanation of disclosure of conflicts of interest.

Mr. Drummond recommended that a Council person recuse themselves if they feel there will be a perception of conflict or if they feel they can not be impartial in making a decision.

Councilman Porter suggested that Section 14-2, Ethic's Commission Appointments be changed to have the members appointed by the Mayor and Council. He also asked for clarification to define immediate family.

Mr. Drummond explained that immediate family is the same as "qualified relative", and as per section 14-3 it means a spouse, parent, child or sibling.

Councilwoman Lightner agreed to amend her motion to amend Section 14-2 for appointments to be by the Mayor and Council. The amended motion to introduce Ordinance #636 was seconded by Councilwoman McNinch, and passed unanimously.

Mr. Drummond will forward the Ordinance to State for final review for their January meeting, if acceptable the Town Council can consider for adoption at the February meeting.

Ordinance #650 - Critical Area Ordinance

An Ordinance of the Town of Denton to repeal Chapter A129 Critical Area Program and repeal and reenact Chapter 128 Article VIII Special District: Critical Area Overlay District and amend Chapter 128 Article II Definitions and amend Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the critical area.

Councilwoman McNinch made a motion to adopt Ordinance #650, seconded by Councilwoman Lightner.

In discussion: Mr. Mulrine provided an overview of the history and the State Critical Area mandate.

Mr. Batchelor mentioned that the Planning Commission reviewed the changes and that there was a majority vote to recommend to the Council for adoption.

With no further discussion, Mayor Danielson asked for a vote on the motion to adopt Ordinance #650. The motion passed 4-1, with Councilman Clendaniel voting no.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Trice Meadows Deed

Mr. Mulrine informed the Council that Trice Meadow's Development has met all of the responsibilities of the Public Works Agreement. The Town is getting ready to execute the Deed of Dedication with Edgewater LLC conveying the roadways to the Town of Denton. The Mayor will sign the deed.

This item was informational only, no action was necessary.

Agenda #2 - MOU – Old Caroline High School Building

Mr. Mulrine presented a draft MOU between the Town of Denton and the Caroline County Public School system establishing the details of maintaining the Old Caroline High School Building at 512 Franklin St., for the future use of the Chesapeake

Culinary School. Mr. Mulrine explained that the Town can not give the building to the Board of Education until all the grant requirements have been met.

Mr. Mulrine said the MOU has been reviewed by the Attorney, and that there are a few minor details that still need to be tweaked. He was seeking approval to move forward to secure the agreement before the Board of Education starts using the facility on January 2, 2014. Mr. Mulrine expressed that by having the agreement approved for when the Board of Education start using the facility, the BOE will assume all liability and costs for operations.

Councilman Porter questioned the insurance coverage and was told that staff will be submitting the agreement to the Town's insurance carrier tomorrow for final recommendations to make sure there is adequate coverage.

Mr. Drummond said his only question was whether the agreement should be titled a "Memorandum of Understanding" or a "Lease".

Mr. Mulrine is going to inquire with the State CDBG Agency to see what they recommend for the proper title and to confirm that it will be acceptable and not interfere with any of the grant funding requirements.

Further discussion was held as to if it was necessary to schedule a special meeting to take action so everyone could have more time to review the agreement, so that it could be approved and executed prior to the January meeting.

Another option was to consider approving for the Mayor or the Town Administrator to sign the agreement contingent upon any changes on the insurance coverage and final review from of the Attorney.

Councilman Clendaniel suggested waiting to approve.

Mr. Drummond stated that the document is so close to being complete. There are only a few minor changes that he does not anticipate will affect the intent of the agreement.

Mr. Mulrine assured the Council that he was not going to do anything to harm the Town. Once the insurance company has reviewed the coverage they will incorporate those recommendations. Staff will make sure the agreement address's the responsibilities for real estate taxes, insurance and the title of the agreement.

Councilwoman McNinch recommended going back to the option suggested earlier, supporting approving contingent upon final review.

Councilman Clendaniel made a motion to authorize the Town Administrator to sign the agreement with the Caroline County Board of Education for the use of the Culinary Institute after Council has had an opportunity to review and comment on the final document. The motion was seconded by Councilwoman McNinch, and passed 4-1 with Councilman Porter abstaining because he still was not comfortable with it.

Agenda #3 - Tax Differential

Mr. Mulrine shared a letter received from the Caroline County Commissioners in regards to setting up a meeting with them about the tax differential for FY 2015. The meeting will be held on February 18, 2014, in Preston.

Mayor Danielson asked for consideration of appointing a committee to represent the Town at the meeting.

Councilman Clendaniel recommended nominating for the Committee to include Councilman Porter, Councilwoman McNinch, Mr. Mulrine and Mrs. Monteith from Staff.

Mr. Drummond talked about recent legislation that Queen Anne's County approved with their municipalities.

New Business

Agenda #1 - 2014 Town Council Meeting & Holiday Schedule

The Council finalized the 2014 Council Meeting & Holiday Schedule.

Mr. Mulrine mentioned that, as in the past, several employees will be off using their accrued leave time on December 24th. The office will be staffed but on a limited capacity.

Mr. Mulrine talked about budget needs and mentioned that budget discussions will begin during the working session in January with the Police Dept.

Mr. Mulrine mentioned that the Town has received approval from the State that grant funds are being awarded to be used in partnership with Habitat for Humanity to secure and renovate blighted properties within the Town of Denton.

Agenda #2 - Re-zoning Request – Foster Property

The Council reviewed a letter from the Foster family's attorney requesting consideration of re-zoning their property near Goose Creek.

Councilman Porter made a motion to refer the request to the Planning Commission for a recommendation, seconded by Councilwoman Lightner. The motion passed unanimously.

Agenda #3 - Property Maintenance Waiver of Fines

Mr. Tom Batchelor, Senior Codes Enforcement Officer of the Planning Dept. held discussion with the Council regarding how they wish to address appeals requested for fines imposed by the Property Maintenance codes. Mr. Batchelor said it is department policy to issue a couple warnings before a fine/citation is issued. There are no pending waivers at this time.

Councilman Porter suggested using a standard form, providing back up documentation, that the Council can review, meet and make a decision on whether to approve the waiver or not.

Staff will continue to work on finalizing the process in the event a request is received.

Agenda #4 - Accrued Leave Carry Over

As a follow up to previous working session discussion, the Council was asked for formal approval for the Town Administrator to be able to carry accrued vacation leave forward to be used within the next calendar year.

Councilman Porter made a motion to allow the currently accrued vacation leave to be carried over into the next year for the Town Administrator.

Miscellaneous

Denton Downtown Main Street

Mr. Robert Cheek, Downtown Main Street Manager, provided an update on the activities in the downtown; the success of the holiday parade and anticipated new businesses for the first quarter of next year. He mentioned they are putting together a meeting group, in partnership with the Arts Council and Economic Development to work on expanding the Arts & Entertainment District.

Councilwoman Lightner volunteered to participate and help with the meeting group.

Proclamation – Mr. Don Mulrine – Chesapeake Culinary Center

Mayor Danielson read, executed and presented a proclamation to Mr. Donald H. Mulrine, Jr. extending the Council's gratitude for his time and dedication to the completion of the Chesapeake Culinary Center.

Councilwoman Lightner presented Mr. Mulrine with a cake from the Sweetly Made Bakery, made by Kathleen.

Solar Panel Project update

Mr. Mulrine gave an update on the solar array program and said that it should be online very soon.

Mayor Danielson thanked everyone for his time on the Town Council.

With no further discussion, Councilman Clendaniel made a motion to close the meeting at 8:35 PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

*Karen L. Monteith,
Clerk - Treasurer*