

December 13, 2012

Regular Meeting

Vice - Mayor Danielson presided over the meeting until Mayor Porter arrived.

Vice – Mayor Danielson called the regular meeting of the Denton Town Council to order at 7:00 PM on this date

Vice - Mayor Danielson asked that the record reflect that all Council members were present, except Mayor Porter, who would be a little late.

Vice – Mayor Danielson lead everyone in the Pledge of Allegiance to the Flag.

Councilman Clendaniel made a motion to approve the minutes of the November 1, 2012 regular meeting, seconded by Councilman Gregory, passing 3-1 with Councilwoman Case abstaining.

Councilman Clendaniel made a motion to approve the minutes of the November 15, 2012 Working Session, seconded by Councilman Gregory, passing 3-1 with Councilwoman Case abstain due to being absent from this session.

Public Hearing

None

Petitions, Remonstrance's and Communication**Caroline County Commissioners Letter of Response – DCT Wal-Mart Route**

The Council reviewed a letter of response received from the Caroline County Commissioners supporting the Town's request for DCT to add the new Denton Wal-Mart to their bus stop route. This item was informational only, no action taken.

Caroline County Administrator Letter – Caroline Economic Development**Corporation**

The Council reviewed a letter issued to the Caroline County Economic Development from the County Administrator regarding the future of the Economic Development Corporation.

Mr. Mulrine mentioned that Mr. JOK Walsh will be retiring from the CEDC on July 1, 2013 and provided a synopsis of the letter and his conversation with the CEDC Board.

Councilman Gregory mentioned that the Counties letter indicates they fund over 90 percent of the CEDC budget, and states that well over 90 percent of future commercial and industrial development is likely to occur within municipal borders. Councilman Gregory said that he interprets that in the future the County will want the Town's to contribute more and he was concerned about the future of economic development in the county. This item was informational only, no action taken.

Ordinances and Resolutions**Ordinance #650- Critical Area Ordinance**

An ordinance of the Town of Denton repealing and reenacting with amendments the provisions contained in Chapter A129 Critical Area Program and amending Chapter 128 Article II Definitions and Article VIII Special District: Critical Area Overlay District and amending Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the Critical Area.

Councilman Clendaniel made a motion to introduce Ordinance #650, seconded by Councilwoman Case.

In discussion, Mr. Tom Batchelor, Senior Codes Enforcement Officer provided an overview of the Ordinance and introduced Mr. Markus Gradecak, of Gradecak & Associates, the Author of the Ordinance.

Mr. Gradecak provided a summary of the changes in State Law and explained that the Ordinance will bring the Town into compliance with the State requirements.

Vice-Mayor Danielson asked how this would affect the citizens of Denton.

Mr. Gradecak said it includes minor changes to the current requirements such as that it will not allow any structures on piers and it tightens up filing requirements within the Critical Area.

Councilman Gregory asked if this will have an adverse affect on Second St. property owners.

Mayor Porter arrived at 7:16 PM.

Mr. Gradacek said that it would not really affect the Second St. property owners, it would just delay the time for review. Each permit will have to be looked at on a case by case basis and some may require more tree plantings.

Mr. Batchelor provided clarification on the buffer management plan and stated that this meets code; the changes could require having an Engineer for development of large properties.

With no further discussion, Vice-Mayor Danielson called for a vote on the motion on the floor to introduce Ordinance #650.

The motion passed 4-1, with Vice-Mayor Danielson abstaining.

Vice-Mayor Danielson turned the meeting over to Mayor Porter.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Records Retention Policy

Mr. Mulrine announced that staff has been working on drafting a Records Retention Policy for the Town. Using Salisbury's policy as a model, hope to bring the Town's plan before the Council for consideration soon.

Agenda #2 - Small Business Loan Awards Engraving

Awards Engraving applied for a Small Business loan in the amount of \$25,000 through the Town. At the November 1, 2012 Council meeting this item was deferred until all loan review committee members were able to review additional information about the loan and return their comments to the Town Administrator.

Mr. Mulrine announced that he had received a favorable response from 2 of the loan committee members. He had not heard from the third member.

Councilman Danielson made a motion to accept and award the loan as requested to Awards Engraving, seconded by Councilman Clendaniel.

In discussion, Councilman Danielson read a letter received from Mr. Ransome into the record. The letter provided the history of the business and how it has expanded to date.

Councilman Danielson recommended approving the loan and stated that it will help to purchase new equipment.

Councilman Gregory fully supported approving the loan and expressed that there is a need to support and maintain existing businesses.

With no further discussion, Mayor Porter asked for a vote on the motion on the floor to award the loan to Awards Engraving. The motion passed unanimously.

Agenda #3 - Town Hall Property Mortgage Extensions

In 2003 the Town acquired the properties known as 305 Gay St and 307 Gay St. using interim loan funds from PNC and CNB. These lands were purchased for the construction of the proposed new town hall.

In November 2011, the Town Council approved for the Town Administrator to move forward with extending the terms of the loans for another 5 years on these two properties which are scheduled to balloon in January and February of 2013. The Town Administrator continues working with USDA on the rehabilitation of the existing town hall building at 13 N. Third St. and using USDA loan funds to pay off these loan balances.

Staff recently reached out to each lending agency in regards to extending the loans and provided an update to the Council.

Councilman Clendaniel made a motion to extend the terms on the loans, and that if PNC wants to charge a fee, to go ahead and seek other funding options. The motion was seconded by Councilwoman Case, passing unanimously.

Agenda #4 - Old School House Agreement

Mr. Mulrine announced that the Caroline County School District has offered to oversee the construction renovations and to maintain the building once complete. Seeking authorization for the Mayor to sign a letter addressed to the Board of Education to support drafting an Memorandum of Understanding outlining the responsibilities of the Town and Caroline County Public School Board Office regarding the continued renovations of the Old Caroline High School for the Chesapeake Culinary School.

Councilman Clendaniel made motion to authorize the Mayor to sign the letter to the Board of Education, seconded by Councilman Danielson.

In discussion: Mr. Mulrine and Councilman Clendaniel talked about the delays to the project caused by the Maryland Historic Trust. They hope to have an update by the January meeting.

With no further discussion, the Mayor called for a vote on the motion on the floor to authorize the signing of the letter to the Board of Education. The motion passed unanimously.

New Business

Agenda #1 - Planning Commission Appointment

Mrs. Doris Walls' five year term on the Planning Commission expires December 31, 2012. Mrs. Walls and Mrs. Abigail McNinch submitted letter of interest for this position. Staff requested an appointment by the Town Council for a five year term beginning January 1, 2013.

Councilwoman Case made a motion to appoint Mrs. Doris Walls, seconded by Councilman Clendaniel.

In discussion, Councilman Danielson supported appointing Mrs. Abby McNinch.

Mayor Porter expressed that they are both great applicants and that it's a hard decision.

With no further discussion, Mayor Porter called for a vote on the motion on the floor to appoint Mrs. Doris Walls for another 5-year term on the Planning Commission.

The motion passed 3-2 with Councilman Danielson and Councilman Gregory voting no.

Councilman Clendaniel asked if the Mayor would convey to Mrs. McNinch how valued she is to the town, and that she will continue to be a valued asset with Economic Development.

Agenda #2 - Historic & Architectural Review Commission Appointments

Mr. Keith Bobbick and Mrs. Katherine Houchins-Holsclaw's terms on the Historic & Architectural Review Commission expire December 31, 2012. Both submitted letters of interest of being re-appointed. Staff requested two appointments by the Town Council for a three year term beginning January 1, 2013.

Councilman Clendaniel made a motion to re-appoint both, seconded by Councilwoman Case, passing unanimously.

Agenda #3 - Board of Appeals Appointment

Mr. Troy Livingstone's term on the Board of Appeals expires December 31, 2012. Mr. Livingstone has submitted a letter of interest for re-appointment. Staff requested a three year appointment to the Board of Appeals beginning January 1, 2013.

Councilwoman Case made a motion to re-appoint Mr. Troy Livingstone, seconded by Councilman Danielson, passing unanimously.

Agenda #4 - Byrne Grant Purchase Proposal

The Denton Police Department asked for approval to purchase a digital fingerprint scanner from Cross Match Technologies under a GSA contract for the amount of \$20,638.81, using the BYRNE Grant funds.

Lt. George Bacorn explained that this funding will pay for a live scan, digital finger printer and does not require any town match of funds.

Councilman Gregory made a motion to approve the purchase using the BYRNE Grant Funds, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 - Budget Review

When the FY2013 Budget was adopted, the half-year 2% COLA for employees was placed into the reserve fund pending a mid-year review. This item was brought before the Council for review.

Staff provided an overview of the year to date revenues and expenditures, cost saving measures that have been implemented.

Councilman Gregory made a motion to implement the 2% COLA as was proposed earlier in the year to be effective in January, seconded by Councilman Clendaniel. The motion was amended to include providing the 2% COLA for the Town Administrator as well, passing unanimously.

Agenda #6 - 2013 Town Council Meeting Schedule

The proposed 2013 Town Council Meeting schedule was presented for consideration.

Councilman Gregory made a motion to accept the 2013 meeting schedule as presented, seconded by Councilwoman Case, passing unanimously.

Mayor Porter brought up previous discussion about Election Day and exploring merging the Town elections with the County elections.

Councilman Gregory recommended for the Town Administrator to contact the Caroline County Election Board Office to discuss the possibility to hold the Town elections at the same location as the County and to see about merging the two together.

Mr. Mulrine will explore and report back to the Council.

Agenda #7 - Arts Council Community Legacy Loan Extension Request

The Arts Council has a \$15,000 small business loan through the Town that is due in full in December, 2012. The Arts Council would like to request a loan extension through December 2013.

Mr. Mulrine provided a history on the Community Legacy loan program and stated that the Town has already received an extension through the State Community Legacy program for these funds and mentioned that the Town is in the process of seeking full forgiveness. Mr. Mulrine has had discussions with Secretary Skinner and he is planning on taking this before the Board of Public Works to seek full forgiveness.

Councilman Gregory made a motion to approve the loan extension, seconded by Councilman Clendaniel, passing unanimously.

Miscellaneous

A resident of 424 S. Second St., wanted to know what he has to do to get a street light installed near his property. He was directed to talk with the Town Administrator and the Police Dept.

Executive Session

Mayor Porter asked for consideration to enter into a closed executive session to discuss acquisition of real property and the Town Attorney applicants. Open Meetings Act, Maryland Code Annotated, State Government Article 10-508(a), 2004 Repl. Vol. (3) Consider acquisition of real property. And (1) (i) Personnel, discuss the Town Attorney applicants and appointment.

At 8:08 PM Councilman Gregory made a motion to hold an Executive Session as requested to discuss the acquisition of property and the Town Attorney Applicants. Seconded by Councilman Clendaniel, the motion passed unanimously.

All Council members were present for this session as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer.

The Council held discussion with the Town Administrator regarding the PNC Bank property acquisition status and the Town Attorney applicants and selection.

At 8:19 PM Councilwoman Case made a motion to close the executive session and reopen the regular monthly meeting, seconded by Councilman Danielson, passing unanimously.

Regular Monthly Meeting was resumed

Attorney Application Selection

Councilman Danielson made a motion to draft a letter for the Mayor's signature to be sent to Mr. Drummond, notifying him that the Town would like to retain his services, with a 1 year review, set up the contract terms to include the hourly rates, mileage, etc. The motion was seconded by Councilwoman Case, passing unanimously.

Mayor Porter will also send a letter to Ewing, Dietz, Fountain and Kehoe to notify them of the Council's decision and thank them for their past services.

With no further discussion Councilman Gregory made a motion to close the regular meeting at 8:21 PM, seconded by Councilman Clendaniel, passing unanimously.

Respectfully submitted,



Karen L. Monteith,
Clerk - Treasurer