

*August 4, 2008*

**Regular Meeting**

*Mayor Foster 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 Foster asked that the record reflect that Councilmen Moore and Clendaniel were present. Councilman Porter arrived shortly, and Councilman Branson was absent.*

*Councilman Moore made a motion to approve the minutes of the July 7, 2008 meeting, seconded by Councilman Clendaniel, passing unanimously.*

**Public Hearing**

*None*

**Petitions, Remonstrance's and Communication**

**Angels of Mercy Home Health Care Services**

*Mr. Alex Tum, RN had requested the opportunity to discuss Angels of Mercy with the Town Council. This item was on the June 2<sup>nd</sup> agenda. Mr. Tum asked to be placed on the August Agenda.*

*Mr. Tum was not present, no action was taken.*

*Councilman Porter arrived at 7:02 PM.*

**Proclamation Summerfest 20<sup>th</sup> Anniversary**

*Mayor Foster read a proclamation proclaiming Friday, August 15 through Sunday August 17, 2008 as Caroline Summerfest Days in Caroline County.*

*Councilman Clendaniel made a motion for the Council to sign the proclamation, seconded by Councilman Moore, passing unanimously.*

**Ordinances and Resolutions**

**Resolution No. 704 – Citizen Participation Plan**

*In accordance with United States Department of Housing and Urban Development's requirement that communities participating in the Community Development Block Grant Program adopt and submit a citizen participation plan, this item was brought before the Town Council for review and is required to be updated every three years.*

*Councilman Porter made a motion to adopt Resolution #704, seconded by Councilman Moore, passing unanimously.*

**Reports of officers, board and committees**

*None*

**Unfinished Business**

**Agenda #1 Industrial Park Lots:**

*1) David Rice was present to discuss his lease and damaged crops on the industrial park lot with the Denton Town Council. Mr. Rice wanted to know how much longer he would have to wait for settlement on the crops that were destroyed.*

*Brynja Booth, the Town's Attorney advised Mr. Rice that his lease was with the previous owners KRM. She advised that KRM's Attorney and his attorney were working on a resolution to settle with him. The Town acquired the property with a special warranty deed free and clear of any leases.*

*Mayor Foster expressed appreciation of Mr. Rice's concerns and suggested that he allow the attorney's to discuss and work towards a resolution.*

2) Brynja Booth prepared a revised Contract for the purchase of lot 11 and 12 and an ordinance for the Council's consideration of introduction.

The Town Attorney recommended that the Council hold off on action on this item until the issue with the farm lease with Mr. Rice is resolved with KRM.

Councilman Clendaniel made a motion to table any action on Ordinance #561, seconded by Councilman Moore, passing unanimously.

3) Top Orchids requested to purchase Lot 9A in stead of 10A-1. Brynja Booth prepared an option agreement and Ordinance #560 - An Ordinance of the Town of Denton Authorizing the Mayor of the Town Council to execute and option agreement with Top Orchids, Inc. for the sale of property described as Lot 9A as show on a plat entitled "Lot #9B Denton Industrial Park".

Councilman Porter made a motion to introduce Ordinance #560, seconded by Councilman Clendaniel, passing unanimously. Staff advised that the wetlands application has been submitted.

Staff will advertise for the public hearings to be held during the Sept. meeting.

**Agenda #2 - Glenfield Growth Allocation Agreement**

Ms. Cynthia McCann, on behalf of Mr. Chris Coile, presented the Glenfield Growth Allocation Agreement for the Council to consider for approval. This reflects the County Attorney's suggestion that Mr. Coile follow the general format of the Town of Greensboro's 2005 request for Growth Allocation. Ms. McCann advised that the County is in the process of going through the legal audit for the critical area and approval of the growth allocation is pending.

Further discussion was held in which Ms. McCann stated that the agreement has been reviewed by the County but may be amended before ready to finalize.

Councilman Porter made a motion to table consideration on the growth allocation agreement at this time, seconded by Councilman Moore, the motion passed unanimously.

Ms. McCann asked for the Council to consider a deferral of the water and sewer fees pending the County's approval of the growth allocation.

The Town Attorney advised that this project was unique in that it is the first project to require the growth allocation approval from the County. This project is ready to go before the planning commission for consideration of approval conditioned upon growth allocation approval from the County. According to the Town Code the timing would warrant Mr. Coile having to pay the balance of the water and sewer allocation fee to the Town before receiving final approval from the County. The Council was asked to consider deferring payment of the final 75% of the water and sewer connection fees until recorded.

Councilman Porter made a motion to defer the balance of the 75% of the water and sewer allocation until final plat is ready for recordation, seconded by Councilman Moore. The motion passed with 3 yes and Councilman Clendaniel abstaining.

**Agenda #3 - Collona Water / Sewer Allocation Refund Request**

The Council reviewed Mr. Collona's request for a refund of his entire fee of \$6,000.00 (for 25% of 4 ERUs at \$6,000.00 per ERU). This item was deferred from the previous meeting pending review and analysis of code by Staff.

Staff reviewed the code and presented two options to the Council for consideration.

Councilman Clendaniel made a motion to refund Mr. Collona based on option A as prepared by staff that would provide a partial refund of \$3,718.52, seconded by Councilman Moore, passing unanimously.

Staff advised that this subdivision has expired.

**Agenda #4 - Blazejak Letter re Alley 5**

At the July 7<sup>th</sup> Council meeting the Town Council discussed with staff the Blazejak letter regarding alley #5. Staff was directed to look into the concerns raised.

Bill Kastning, Director of Planning & Codes and Scott Getchell, Director of Public Works advised the Council that local traffic signs and no thru truck signs have been installed in the alley. Staff stated that the south west corner of South First Street and the alley has significant widening. Staff recommended working with the property owner to put a fence up to reduce the access area to the alley and try to divert traffic to using South First Street.

The Council had no objections to staff trying to work with the property owner to put up a fence.

**New Business**

**Agenda #1 – Planning Commission Vacancy**

The Planning Commission reviewed five letters of interest to fill the Planning Commission vacancy created by the resignation of Jake Holmes and provided recommendations to the Council for consideration of appointment.

Councilman Moore asked to discuss the individual applicants under personnel in executive session before appointing. Action on this item was deferred until the end of the meeting.

**Agenda #2 - North Denton Phase I**

Bidding for North Denton Phase I reconstruction has been completed. David A. Bramble has submitted a bid proposal for consideration by the Town Council. This bid exceeds the existing funding limit.

This item was deferred for discussion and consideration to the Sept. 8, 2008 Council meeting.

**Agenda #3 - Sharp Road Park**

**Lease Amendment –**

Brynja Booth prepared a lease amendment which included providing funding to the Choptank Athletic Association for the construction of a basketball court as indicated on the site plan that was presented to the Council. The total construction cost estimate for the basketball court is \$26,580.

Councilman Moore made a motion to accept the lease, seconded by Councilman Clendaniel, passing unanimously.

**Community Parks and Playground Grant Application**

The Choptank Athletic Association asked the Town to apply for funding under the Community Parks and Playground grant program for improvements to Sharp Road Park. The application is due August 25<sup>th</sup>. Town staff asked for authorization to submit application and for the Mayor to sign all appropriate documents. Presently CAA has a two-year lease with the Town of Denton. The lease may need to be extended for a 20 year period if funding is provided.

Councilman Moore made a motion to submit the application, seconded by Councilman Clendaniel, passing unanimously.

Councilman Clendaniel made a motion to authorize the Mayor to sign the application, seconded by Councilman Porter, passing unanimously.

**Agenda #4 - Gay Street Redevelopment Project Public Works Agreement**

Brynja Booth provided a final draft of the Public Works Agreement for the Gay Street Redevelopment Project for the Council to review and for consideration of approval.

Ms. Carmen Farmer, Attorney for the Gay Street Redevelopment provided an overview of the project.

The Town Attorney explained the public works agreement to the Council.

Councilman Moore made a motion to approve the public works agreement, seconded by Councilman Porter. In discussion Councilman Clendaniel raised a concern about property maintenance and asked that as the project moves along that the developer cognizant of the kids in the neighborhood. The motion passed unanimously.

**Agenda #5 - Municipal Building USDA Final Application**

USDA invited the Town of Denton to submit a final application for funding for the new Municipal Building. Town staff provided an overview of the USDA lending program and asked for direction from the Council to consider authorizing the submission of the final application and authorizing the Mayor to execute the appropriate documents.

Councilman Porter made a motion to adopt Resolution #705 to submit the application to USDA, seconded by Councilman Moore, passing unanimously.

**Agenda #6 Glenfield Water / Sewer Allocation and Fee Deferral**

A water and sewer allocation request for 41 lots for Glenfield for 9225 gpd was reviewed by the Council. Additionally, Mr. Coile requested the council consider a deferral of the balance of the Water / Sewer allocation fee (75% remainder -- \$276,750.00) pending approval of Growth Allocation. (This part of the request was approved earlier in the meeting under unfinished business agenda #2.)

Councilman Porter made a motion to grant the 9225 gpd allocation, seconded by Councilman Moore. In discussion Councilman Moore and Councilman Clendaniel voiced concerns about the increase in residential houses. Councilman Clendaniel asked the Town Attorney to research to see if residential growth can be limited with out affecting commercial growth.

The motion passed with 3 voting yes and Councilman Clendaniel abstaining.

**Agenda #7 - West Denton (Riverside) Boat Trip**

Messrs. Rauch and Rocks extended an invitation to Town Council members, Town Staff, Town Planning Commission, County Officials and County Staff for a river view of the project.

Of the dates proposed the Town Council preferred Friday, August 22. If a quorum will be in attendance staff will take care of posting a public notice.

**Agenda #8 - Mechanical, International Building and International Residential Code Ordinances**

Three separate ordinances were presented to the Town Council for consideration of adopting new local code changes that are reflected in the 2006 Mechanical, International Building and International Residential Codes. The Town Attorney advised

*that the ordinance includes a provision to allow the Town to sell a property at tax sale once a judgment has been entered by the Court system for municipal infractions.*

**Ordinance #562**

*An ordinance adopting the 2006 edition of the International Residential Code, as amended by this ordinance, as the Town of Denton residential code for one and two family dwellings, and repealing and reenacting sections 38-5 through 38-8.1 of the Denton Town Code.*

*Councilman Clendaniel made a motion to introduce Ordinance #562, seconded by Councilman Porter, passing unanimously.*

**Ordinance #563**

*An ordinance adopting the 2006 edition of the International Mechanical Code, as amended by this ordinance, as the Town of Denton Mechanical Code, and repealing and reenacting Chapter 38, Article III of the Denton Town Code.*

*Councilman Moore made a motion to introduce Ordinance #563, seconded by Councilman Porter, passing unanimously.*

**Ordinance #564**

*An ordinance adopting the 2006 edition of the International Building Code, as amended by this ordinance, as the Building Code of the Town of Denton, and repealing and reenacting Chapter 38, Article I of the Denton Town Code.*

*Councilman Porter made a motion to introduce Ordinance #564, seconded by Councilman Moore, passing unanimously.*

**Miscellaneous**

*Councilman Porter asked staff to see if the copper caps on the pilings at Crouse Park could be fixed before Summerfest, and to also check on the over grown weeds on the walking trail.*

*Councilman Porter asked for a presentation on the status of the former Dollar General site to be placed on the next meeting agenda.*

*Staff mentioned putting discussion on the parking on Market St on the next agenda.*

*Mayor Foster advised that he had received a letter seeking donations for the District 6 Girls State Champions for their trip to the play offs. It was mentioned that the team is already in Syracuse and if anyone could privately make a donation.*

*Mayor Foster mentioned that the Chamber of Commerce is seeking nominations for awards if anyone wished to contact them with a nomination.*

*Councilman Moore announced that the Caroline County Hospice will be holding a concert at Chesapeake College, if anyone is interested in tickets to contact him..*

**Executive Session**

*Mayor Foster asked the Council for consideration to hold an executive session to discuss the Planning Commission vacancy.*

*Councilman Moore made a motion at 9:07 PM to hold an executive session to discuss personnel/Planning Commission vacancy, seconded by Councilman Porter, passing unanimously.*

*Mayor Foster and Councilmen Porter, Moore and Clendaniel were present during the executive session along with the Town Administrator, Clerk-Treasurer, the Director of Planning and Codes and the Brynja Booth, Town Attorney.*

*No action was taken.*

*At 9:23 PM. Councilman Porter made a motion to close the executive session, seconded by Councilman Moore, the motion passed unanimously.*

*The regular meeting was re-opened.*

**New Business**

**Agenda #1 – Planning Commission Vacancy**

*Councilman Clendaniel made a motion to nominate Ummu Bradley Thomas to the Planning Commission, seconded by Councilman Porter, passing unanimously.*

*Councilman Porter on behalf of the Council directed the Town Attorney to investigate the ability of adding two alternates to serve on the Planning Commission. The Planning Commission could then be five members and two alternatives.*

*With no further business to discuss Councilman Porter made a motion to adjourn the meeting at 9:27PM, seconded by Councilman Moore, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*