

October 6, 2008

Executive Session

The Denton Town Council held an executive session at 6:00 PM to discuss personnel and private business matters and receive legal advice from the Town Attorney.

All Council members were present during this meeting along with Town Administrator, Town Attorney and William Kasting, Denton Planning and Codes. No action was taken and meeting concluded at 6:59 PM.

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 all Council members were present.

Councilman Clendaniel made a motion to approve the minutes of the September 8, 2008, reflecting the Council's questions and concerns of Ordinance 566 "Administrative Search Warrants, Rights of Entry", seconded by Councilman Moore, passing unanimously.

Public Hearing

Ordinance #565

Mayor Foster opened a public hearing at 7:04PM to receive public comments on Ordinance # 565- An ordinance of the Town of Denton adopting the 2006 edition of the International Property Maintenance Code, as amended by this ordinance, as the Town of Denton Property Maintenance Code, and repealing and reenacting Chapter 94 of the Denton Town Code.

Mayor Foster asked for comments from the State – there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council – there were none

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

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

Ordinance #566

Mayor Foster opened a public hearing at 7:05PM to receive public comments on Ordinance #566 an Ordinance of the Town of Denton amending Chapter 20 of the Denton Town Code to add Section 20-13 titled "Administrative Search Warrants; Rights of Entry" to establish the standards and requirement for obtaining an administrative search warrant to enter a premise located within the Town of Denton.

Mayor Foster asked for comments from the State-there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council- there were none

Mayor Foster asked for comments from the Public- there were none

Mr. Michael Daniels from 14 N Fourth Street expressed concerns that he thought this action would be dangerous to the liberties of the citizens and be an invasion of privacy. He felt that this would open a "flood gate" and asked the Council to vote no.

The Town Attorney remarked that this would be used when a public nuisance in house would affect the public safety. The warrant would be for a specific nature, scope, and location that could not be deviated from.

With no further comments Mayor Foster closed the public hearing at 7:12 PM.

Ordinance #567

Mayor Foster opened a public hearing at 7:12 PM to receive comments on Ordinance #567-an Ordinance of the Town of Denton re-approving the establishment of a Redevelopment District Floating Zone and amending the official zoning map to re-establish a redevelopment district for certain parcels of land located in the Town of Denton and identified in the tax records of Caroline County as Parcels 780,781,782,783,784,785,786,787,788, and 792 of tax map 103.

Mayor Foster asked for comments from the State - there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council. Councilman Clendaniel asked Representative Ernesto Zamparino if they were ready to go on with the project. (Discussion continued under Adoption of Ordinances at later time)

Mayor Foster asked for comment from the Public – there were none.

With no further comment Mayor Foster closed the public hearing at 7:14 PM.

Petitions, Remonstrance's and Communication

Kathleen Freeman, Caroline County Director of Planning and Codes-

This item was previously on the September 8th agenda and was deferred to October meeting. The County is seeking a municipalities' agreement to sign a Memorandum of Understanding to account for historic and natural resources when planning within the Upper Choptank River and Tuckahoe Creek watersheds. Caroline County, Templeville, Henderson, Marydel and Goldsboro have signed thus far. Ms. Freeman presented to the Denton Planning Commission at its August 26 meeting and the Commission recommends the Town Council sign the MOU.

Councilman Clendaniel made a motion seconded by Councilman Porter to authorize the Mayor to sign for the Town, Resolution 708, passing unanimously.

Proclamations

A proclamation was presented to Charles Andrew of the Caroline County Corrections Department in honor of his retirement and 33 years of service by Councilman Robert Clendaniel on September 28, 2008. Staff will amend proclamation to correct spelling of name.

A proclamation was presented to Walter G. Kerslake Jr. in celebration of his 100th birthday on September 26th by Councilman Lester Branson.

Caroline County Commissioners

Correspondence was received from the Caroline County Commissioners requesting support for an amendment to the Maryland Constitution that would require that each county in the state have at least one resident delegate.

Councilman Porter made a motion to authorize the Mayor to sign a letter on behalf of the Town, seconded by Councilman Moore, passing unanimously.

Resolution 707

A resolution of the Town of Denton approving the application for funding and receipt of financing for a Community Legacy Project in Denton Maryland. Funding is being requested for the Arts and Entertainment District.

Councilman Branson made a motion, seconded by Councilman Porter to approve the request, motion passed unanimously.

Ordinance #561 Authorization of Settlement of the Purchase and Acquisition-Lots 11 & 12-

An ordinance of the Town of Denton authorizing the settlement of the purchase and acquisition of Lots 11 and 12 In the Denton Industrial Park.

This item was previously on the September 8th agenda and deferred to October meeting until confirmation that farm lease issues had been resolved.

After discussion Councilman Branson made a motion for staff to go back to the owner and advise that the Town would be agreeable to purchasing the property at the original price of \$35,000 but not at the revised price of 37,000. Motion was seconded by Robert Clendaniel, motion passed unanimously.

Ordinance #565 Adoption of 2006 Edition of Property Maintenance Code

An ordinance authorizing adoption of the 2006 Edition of the International Property Maintenance Code and repealing and reenacting Chapter 94.

Councilman Porter made a motion to adopt this Ordinance, seconded by Councilman Clendaniel, motion passed unanimously.

Ordinance #566 Amendment to Chapter 20 of the Denton Town Code to add Section 20-13 Entitled “Administrative Search Warrants, Rights of Entry”

This ordinance will establish the standards and requirements for obtaining an administrative search warrant to enter a premise located within the Town of Denton. Councilman Clendaniel emphasized with the concerns of Mr. Daniels.

Councilman Branson questioned the need for this ordinance from Town Attorney.

Mayor Foster remarked that from experience search warrants are not easy to obtain and the Judge will critique each request. But for the public safety, it is necessary that this be available. Councilman Clendaniel made a motion to adopt this ordinance, seconded by Councilman Branson, motion passed unanimously.

Ordinance#567 Re-approving the Establishment of Redevelopment District Floating Zone

An ordinance of the Town of Denton re-approving the establishment of a Redevelopment District Floating Zone and amending the official zoning map to re-establish a redevelopment district for certain parcels of land located in the Town of Denton and identified in the tax records of Caroline County as parcels 780,781,782,783,784,786,787,788 and 792 of tax map 103.

Ernesto Zamparini was there to represent the project.

Councilman Moore asked if they were ready to proceed and if they could adhere to the time line. Mr. Zamparini said there was a delay with 2 of the property owners which will soon be resolved.

Mr. William Kastings advised Mr. Zamparini that he needed to be on the agenda for the next planning commission meeting so that he could apply to get preliminary and final approval as soon as possible.

Councilman Porter remarked that he had many citizens complain about the condition of the vacant lot and weeds. He cautioned Mr. Zamparini about the appearance of the lots.

Councilman Branson made a motion, seconded by Councilman Moore to adopt Ordinance 567 subject to the lots being continued to be maintained, motion passed unanimously.

Ordinance#568 Planning Commission Composition

Ordinance #568 an ordinance to add one alternate member for a five year term and to make an appointment of an ex officio Town Council member optional.

Councilman Branson made a motion to introduce Ordinance#568, seconded by Councilman Porter, motion passed unanimously.

Ordinance # 569- 323 Market Street

Ordinance #569 an ordinance authorizing the purchase and acquisition of certain property located at 323 Market Street, Denton, Maryland.

Councilman Branson made a motion, seconded by Councilman Clendaniel to introduce Ordinance #569, motion passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Wal-Mart Traffic Study

Information that was missing from September meeting was presented to Council. William Kastings, from Planning and Codes, elaborated on the impact of Wal-Mart traffic on Legion Road and other surrounding roads. Councilman Branson questioned what an engineer would say versus traffic study?

Market Street Parking

Mr. Aaron Edwards of 602 Market Street expressed his opinions regarding the parking changes on Market Street. He has concerns of speed on the street now. He does not have adequate parking in back of his house. He acknowledges the problems the fire company has on the street. He suggested Market Street be one way and there be a four way stop, reduce parking on the street and paint lines and have designated parking. Councilman Moore apologized to the residents that they were not notified before hand. He has talked to residents who have problem backing out of driveway into the street from between parked cars. After some thought he thinks the one way street with 4 way stops may be an option. Possibly this needs to be looked at for more options.

Scott Getchell, from Public Works, still feels that no parking is the best solution.

William Kastings had 4 phone calls and said that support was found for some of the problems.

Town resident John Webster spoke on his opinion of one- way traffic on the street and suggested that the town look at other visibility issues, such as trees and bushes.

Mayor Foster thanked the staff for their hard work and thanked Mr. Edwards for his concern, and that the Council needs to be sensitive to the needs and safety of the citizens, but he still feels the need to go with original suggestion of no parking on Market Street.

Councilman Porter also addressed his concerns with the speed on the street.

Councilman Moore made a motion to delay any action on this and table it till the November meeting.

The Council would like to walk through the area with Mr. Webster and others to see first hand. Motion seconded by Councilman Branson, motion passed unanimously.

New Business

Acquisition to Purchase Police K-9

Chief Cox came before the Council seeking authorization from the Town Council to purchase a second Police K-9. The Department would use funds from a previous donation drive and funds from current budget to obtain this K-9. The department would use drug seizure funds along with the new donations to repay the FY09 budget. The new

K-9 would be assigned to Cpl. Komenda's patrol group so that there would be a K-9 on duty each day. The new K-9 would be the same breed Malinois they currently use and would have the same capabilities as Bart. Bart was used in 115 K-9 deployments with 19 of them for out- of -area calls from September 06 to September 08.

Councilman Clendaniel asked about liability insurance. He was advised that it would be between five and six hundred dollars per year thru LGIT.

Councilman Moore made a motion to authorize Chief Cox to acquire the new K-9, seconded by Councilman Branson. Staff advised that this acquisition was a goal in the budget and money will be offset by seized money and donations, motion passed unanimously.

Acquisition of Vehicle

Chief Cox came before the Council to seek authorization to purchase a 2009 Dodge Avenger for \$16,343 under State of Maryland contract from Hertrich Fleet Services Inc. The vehicle will be obtained thru a loan from Provident State Bank at an interest rate of 3.98% which came in at the lowest rate from all of the banks. The car a mid-size four door vehicle with a 2.7 liter V-6 engine capable of 30 MPG would be used by Detective Secrist since she travels outside the Denton area on department business and does not need a full- size police vehicle. The FY-09 budget had \$18,000 earmarked for the purchase of a police vehicle this year.

Councilman Porter asked if the money was in the budget. The staff replied that it was in the budget offset by loan.

Councilman Branson made a motion to approve Resolution 709 to authorize Chief Cox to purchase vehicle with loan through Provident State Bank at 3.98 % seconded by Councilman Porter, motion passed unanimously.

Councilman Porter also requested that Chief Cox do whatever he could do to end some of the crime in the area.

Donohue Application for Zoning Amendment

Attorney George Nier represented Mr. and Mrs. Donohue in regards to their property at 808 S. Fifth Avenue. They would like to have their property zoning classification changed from SR (Suburban Residential) to HC (Highway Commercial). Mr. Donohue owns the house that was built in 1910 and asked that with the change that the house not be demolished, but be used either as a residence or retail business.

Councilman Moore made a motion, seconded by Councilman Branson to refer to Planning Commission for action, motion passed unanimously.

Rede, LLC – Raymond Briscuso Application for Zoning Amendment.

A request from Rede, LLC for their property at the corner of Route 313 and Caroline Street, to have zoning classification changed from TR (Town Residential) GC (General Commercial) was reviewed.

Councilman Branson made a motion, seconded by Councilman Moore to forward this to Planning Commission for action, motion passed 4-1 with Councilman Porter abstaining due to being an adjoining property owner.

MOU Caroline Human Service Council for Chesapeake Culinary Center

This is a request for the Town of Denton, as Property owner of the Old Caroline School House, to enter into an agreement with The Caroline Human Service Council and Friends of the Grape for purposes of evidencing its consent and to express its commitment to enter into a long term lease of the property.

Councilman Moore made a motion to authorize the Mayor to sign the MOU on behalf of the Town Council, seconded by Councilman Branson, motion passed 4-1 with Councilman Clendaniel abstaining.

Small Business Loan Release

The Town of Denton has been notified of a proposed change in the 104 Woman's Denton, LLC ownership (Lily Pad Café). Per Brynja Booth the LLC will remain intact; the only amendment required would be partial release from the Guaranty executed as part of the loan closing for 104 Woman's Denton, LLC.

Councilman Porter made a motion to authorize the Mayor to sign and approve the release agreements, seconded by Councilman Branson, motion passed 4-1 with Councilman Clendaniel abstaining due to parties being a client of his.

Mayor Foster asked the Town Attorney to prepare information for an ordinance that would require advance notice for any special events in town. The Council should be familiar with activities going on in town, such as road closed, excessive noise etc. Staff and attorney will prepare something for the Working Session in October.

With no further discussion, Councilman Branson made a motion to close the meeting at 8:55 PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

*Joanna Reedy
Acct. Clerk III*