

**February 2, 2009**

**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 January 5, 2009 meeting, seconded by Councilman Porter, passing 4-1, with Councilman Branson abstaining due to being absent from that meeting.*

**Public Hearing**

**Ordinance # 571**

*Mayor Foster opened a public hearing at 7:01PM to receive public comments on Ordinance #571 - an ordinance of the Town of Denton adopting a moratorium on the processing and approval of any residential floating zone, major subdivision, and any site plan which would permit development of more than three (3) residential dwelling units for a period of ten (10) months pending consideration and adoption of a revised comprehensive plan and such other legislation as the Town Council may consider advisable to promote public health, safety and welfare.*

*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 Branson shared his concerns about having a moratorium and what issues he would like to have a guarantee that would be addressed in order to support; like completion of the comprehensive plan, to try to amend the project process to allow the Town Council to have the final approval, not the Planning Commission, and to give the Planning Commission and the Council the right to define what goes into any subdivision.*

*Councilman Porter said that he still had some reservations and welcomed any dialogue that would help him to make his decision.*

*Councilman Gregory also had some concerns.*

*Mayor Foster asked for comments from the Public – Mr. Nick Carter of 14272 Drapers Mill Rd, spoke on behalf of the Caroline Citizens for Responsible Growth Organization supporting the adoption of a moratorium. Mr. Carter stated that if the growth continues at the rate it has the past couple years that the schools would exceed their capacity and mentioned that there is already an increase in nitrogen levels in the Choptank River.*

*Mr. Dave Wolcott of 114 S. Third St. expressed that the economy will take care of the issue without the benefit of adopting a moratorium and that he has concerns with the overlay zone and that he would not want to turn away any persons wanting to develop less desirable parcels or effect commercial.*

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

**Petitions, Remonstrance's and Communication**

**Swearing in Officer Peris**

*Mayor Foster swore in Officer Charity Peris to Denton Police Dept. The Council welcomed Officer Peris to the Department and offered congratulations for graduating from the academy with top honors.*

**Award Presentation - Corporal Dan Franklin-DPD**

Mayor Foster and Chief Cox awarded Officer Dan Franklin with Officer of the Year. Chief talked of Officer's Franklin's accomplishments and statistics that were taken into account in being selected for this award. All members congratulated Officer Franklin on a job well done.

Mayor Foster expressed appreciation of the camaraderie of the department and the citizens of the Town of Denton.

**Ordinances and Resolutions**

**Ordinance #571 – Moratorium**

An ordinance of the Town of Denton adopting a moratorium on the processing and approval of any residential floating zone, major subdivision, and any site plan which would permit development of more than three (3) residential dwelling units for a period of ten (10) months pending consideration and adoption of a revised comprehensive plan and such other legislation as the Town Council may consider advisable to promote public health, safety and welfare.

Attorney Brynja Booth took a few minutes to address comments made by Councilman Branson during the public hearing. She advised that the State gives the Planning Commission authority for the final approval of projects once the project has been through planning process. The Town Council has the authority over zoning laws and can look at the zoning districts to make sure they are zoned correctly so that the Planning Commission can make sure all projects are in compliance of the Town laws. The Planning Commission has complete authority over pure by-right subdivisions indicating that the process for them is a little different.

Councilman Clendaniel made a motion to adopt ordinance #571, seconded by Councilman Gregory. In discussion Councilman Clendaniel addressed Mr. Wolcott's comments and advised that this ordinance would not affect or have a negative impact on commercial industry.

Mr. Bill Kastning, Director of the Planning and Codes Dept., clarified that the Art's and Entertainment District and the Gay St. project would not be affected by this ordinance as well.

Councilman Porter said out of the 437 signatures on the petitions presented by Caroline Citizens for Responsible Growth Organization there were 147 that are residents of the Town of Denton and that influenced his decision that the Town needs the time to address the comprehensive plan and adopt the zoning district changes. Councilman Porter encouraged the Citizens to get involved and tell the Council what they want to see in their town.

With no further discussion the Mayor called for the vote on the motion on the floor to adopt ordinance #571, the motion passed unanimously.

**Ordinance #572 Amendment of the Official Table of Use Regulations of the Zoning Ordinance**

Mr. Kastning presented an ordinance to amend the official use table of the Denton zoning ordinance to permit group homes, private as special exception uses in certain districts; to permit group home/handicapped or infirmed home as a special exception use in certain districts; and to permit trade or vocational schools as conditional uses in certain districts. Mr. Kastning provided an overview of what initiated

*the amendment explaining that the proposed Chesapeake Culinary vocation school is not an existing use, and that private group homes are also not allowed in town.*

*The Town Attorney explained what the federal law – fair housing act consisted of and advised that amending the group home use is necessary in order for the Town to be in compliance and to define a commercial medical district.*

*Councilman Clendaniel cautioned on allowing these types of use in residential areas, in which Mr. Kastning explained the difference of special exceptions. The Planning Commission unanimously approved to forward these amendments to the Council for consideration.*

*Councilman Clendaniel made a motion to introduce Ordinance #572, seconded by Councilman Branson. Additional discussion was held in which Councilman Porter also expressed concerns about SR/TR Zones allowing this use and suddenly having group homes appear in residential neighborhoods. The Town Attorney will provide additional information on the Federal Law.*

*Councilman Gregory advised that he is not opposed to these amendments but would like to look into further.*

*With no further discussion the Mayor called for the vote on the motion on the floor to introduce Ordinance #572, the motion passed unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1 - Sharp Road Park Basketball Court Relocation**

*On behalf of the Choptank Athletic Association Brandon Nier provided an update regarding the bids that have been received for the construction of a basketball court to replace the one proposed to be demolished as part of the construction of a visitor center in Crouse Park. Mr. Nier stated that the bids were about \$3,000 higher than anticipated, mostly as a result of the cost for the fence and also sealing the court. The CAA is ready to award the bid but would like to defer the fencing at this time.*

*Councilman Branson made a motion to do the cheapest way of surfacing and to defer the fencing until 2010, the motion was seconded by Councilman Porter. In discussion Councilman Gregory questioned the difference in the types of sealant and the life expectancy, and Mr. Nier indicated he would have to check with the contractor. The contractors are ready to start and the last item they would do is the sealant, so this bid can be awarded and the project started, while the sealant information can be obtained and brought back to the Council later.*

*Councilman Branson amended the motion to have Mr. Getchell review the seal coating option and make a recommendation to the Council next month. The amended motion was seconded by Councilman Porter, and passed unanimously.*

**Agenda #2 - 303 Market Street Contract of Sale**

*Mr. Bill Maloney has executed the Contract of Sale for 303 Market Street and has requested that the Town split the settlement cost with him. He has modified the Contract of Sale and this was brought before the Council for consideration and to provide authorization for the Mayor to initial/signature the changes.*

*The Town Attorney, Brynja Booth, advised that settlement cost are normally split and estimated the total cost to be approximately \$485. The Town's share would be about \$242.*

*Councilman Porter made a motion to approve to pay half of the settlement cost to be reimbursed from the next buyer of the parcel. Discussion was held after which Councilman Porter amended the motion to approve the changes in the contract and authorize the Mayor to initial, seconded by Councilman Branson, passing unanimously.*

**Agenda #3 Boat Ramp Fee**

*A copy of the revised proposed County legislation regarding charging boat ramp fees was provided for discussion.*

*Mayor Foster questioned how this would be enforced and wanted to make sure that the Town Staff would not absorb most of the labor, looking to insure that the County would help with enforcement.*

*The Town Administrator was directed to share the concerns with Sue Simmons and the Sheriff Brown, and to check with Federalsburg to see why they are not going to participate.*

*Any action on this item was deferred until March.*

**New Business**

**Agenda #1 – Municipal Building – USDA Financing Approved**

*USDA has provided notification of funding approval for financing the proposed Municipal Building. This item was placed on the agenda for discussion to see if the Council wishes for this project to move forward.*

*The Council members raised concerns about moving forward with this project and taking on the additional debt at this time, with the economy in the state that it is, and suggested to decline the financing and divert the efforts to try to get funding for more road improvements.*

*Councilman Porter made a motion to decline the funding at this time. Discussion was held in which Mayor Foster asked that before the Town declines the funding they need to see if the existing building is structurally sound and what the options are to renovate.*

*Councilman Porter's motion never passed and a new motion was entered.*

*Councilman Clendaniel made a motion to see what can be done to rehab the existing building, seconded by Councilman Branson, passing unanimously.*

**Agenda #2 - Denton Development Corporation MOU Discussion**

*The Denton Development Corporation is ready to move forward with the redevelopment of some of the properties on Fourth Street. Presently the Town is the owner of these properties. The Town Attorney, Brynja Booth, reviewed an MOU and discussed with the Council options and recommendations on what format they would like the agreement to include. The Town Attorney advised that the Council may wish to lease the buildings to the DDC to allow them to rehab.*

*Mrs. Abigail McNinch, Project Manager for the DDC, advised the Council that the Town owns the buildings and before the DDC starts to rehab they would like to have a signed MOU and to be able to draw on Community Legacy Grant Funds.*

*Councilman Branson made a motion to have the Town Attorney prepare a lease with the DDC, and to go ahead and have the DDC sign a hold harmless agreement in the mean time, seconded by Councilman Gregory, passing unanimously.*

**Agenda #3 – 2008 Annual Planning Commission Report**

*The Planning and Codes Director, Mr. Kastning, presented the Council with the 2008 Planning Commissions Annual Report. This was for informational purpose and did not require any action from the Council.*

**Agenda #4 - Planning and Codes GIS Server**

*The Planning and Codes Director, Mr. Kastning, requested approval to purchase a new server to replace the existing server that is functionally obsolete, has inadequate disk space, and is failing (rebooting) frequently. The server supports the GIS application and data and provides interconnectivity to the intranet, Internet and email. A quote from Corsica Technologies was provided.*

*Councilman Branson asked about the funding, and staff advised that they would look to amend some budget line items and appropriate the rest from the contingency fund.*

*Councilman Branson made a motion to authorize the purchase not to exceed \$8959, seconded by Councilman Porter. In discussion Councilman Porter advised that the Town should have plans for a replacement in another 4 years. The motion passed unanimously.*

**Agenda #5 - Donohue Zoning Amendment**

*The Planning and Codes Director, Mr. Kastning, advised that the Planning Commission recommends a zoning change for the Donohue property located at 808 South Fifth Avenue (Map 105, Parcel 2291), from Suburban Residential (SR) to Highway Commercial (HC) due to change in character of neighborhood.*

*The Town Attorney advised that the property is an historic structure to be preserved through deed restriction. An ordinance can be prepared once the historic trust laws and deed restrictions have been researched.*

*Councilman Branson made a motion to defer and process with the other re-zoning as part of the comprehensive plan process. This motion died for a lack of a second.*

*The Council deferred taking any action until the Town Attorney has time to research.*

**Agenda #6– Martin Lot Line Adjustment**

*The Planning and Codes Director, Mr. Kastning, advised that an Applicant, residing at 104 Caroline drive (Map 105, Parcel 401), has requested a lot line revision to reduce the number of lots from four to two and create a fully-conforming vacant/buildable lot. The parcel containing the four existing lots and one house is within the Chesapeake Critical Area. Proposed Critical Area Commission regulations, to accommodate HB1253, prevent additional lots or dwellings when lot lines are adjusted, unless local government accommodates the request. Denton's Town Code would require revision if additional lots were to be allowed (assuming the Critical Area Commission concurs).*

*Staff will work with the Town Attorney to review the Critical Area changes and try to resolve.*

**Agenda #7 - Town Council and Denton Planning Commission Meeting Place**

*The Council discussed potential alternative meeting places.*

**Proclamation**

**Ms. Virginia Fisher**

*Mayor Foster advised he had recently signed a proclamation in remembrance of Ms. Virginia Fisher that was provided to the family.*

*With no further business to discuss Mayor Foster adjourned this meeting at 9:12 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*