

March 9, 2009

Regular Meeting

The March 2, 2009 meeting was postponed to March 9, 2009 due to inclement weather.

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 February 2, 2009 meeting, seconded by Councilman Porter, passing unanimously.

Public Hearing

Ordinance #572

Mayor Foster opened a public hearing at 7:04 PM to receive public comments on Ordinance #572: 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 homes as special exception uses in certain districts; and to permit trade or vocational schools as conditional uses in certain districts.

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 inquired about the definition of private group homes.

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

With no further comments Mayor Foster closed this public hearing at 7:06PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Ordinance #572 – Zoning Ordinance Amendment

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 homes as a special exception use in certain districts; and to permit trade or vocational schools as conditional uses in certain districts.

Bill Kastning, Director of Planning & Codes made a presentation identifying the existing group homes by type 1) Group Home Private 2) Handicapped or Infirm Homes and 3) Intermediate Care Homes and the definition of each. Mr. Kastning talked about the existing group homes, which ones are in compliance and the ones that are currently not permitted according to the existing Town Code. The proposed amendments, if adopted, will bring those in compliance.

In further discussions, the Council asked staff to create a requirement that group homes be registered and to not allow in Suburban Residential Areas and or Town Scale Residential. Make sure they are only allowed by special exception and to mail a notice to neighboring properties when an application is received.

There were also concerns raised about vocation schools being allowed anywhere in Town and Staff advise that the proposed amendment is the same for where Public

Schools are allowed. Staff will look to amend Article 14 regarding public notice to include notice by mail.

Councilman Clendaniel made a motion to amend the ordinance as discussed and defer action until April, seconded by Councilman Gregory, passing unanimously.

Ordinance #573- Official Zoning Map

An ordinance of the Denton Town Council to repeal and reenact the zoning map for the Town of Denton to include property recently annexed and zoned by the Town of Denton, and to correct certain errors upon the current zoning map and to update the official zoning map of the Town of Denton.

Councilman Branson made a motion to introduce Ordinance #573, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #574 –Critical Area Growth Allocation Floating Zone District

An ordinance of the Town of Denton approving the establishment of a Critical Area growth allocation floating zone district and the reclassification of 9.891 acres of critical areas lands from Limited Development Area (LDA) to Intensely Developed Area (IDA) within a certain parcel of property identified as parcel 91 of Caroline County tax map 107.

Councilman Branson made a motion to introduce Ordinance #574, seconded by Councilman Porter. In discussion Councilman Branson asked if the Council can consider an ordinance that would not allow any more lots in the critical area. The Town Attorney, Ms. Brynja Booth responded that she is currently working on a consolidation ordinance to take before the Planning Commission that would address this issue.

With no further discussion the Mayor called for the vote. The motion passed unanimously.

Resolution #711 – Reappointment of Board of Appeals Members

A resolution of the Denton Town Council re-establishing the terms of the Denton Board of Appeals members to comply with the requirement of Denton Town Code Article xix § 128-163, that the terms be staggered.

Councilman Branson made a motion to adopt Resolution #711, seconded by Councilman Clendaniel, passing unanimously.

Resolution #712 – Reappointment of Historic and Architectural Review

Commission Members

A resolution of the Denton Town Council re-establishing the terms of the Denton Historic and Architectural Review Commission members to comply with the requirement of MD. Code Ann. Article 66b, § 8.03, that the terms be staggered.

Councilman Branson made a motion to adopt Resolution #712, seconded by Councilman Clendaniel, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 Boat Ramp Fee

The Denton Town Council discussed the County's new legislation at the February 2, 2009, meeting. Town Staff were requested to follow up with Sue Simmons regarding location of drop boxes. Presently no boxes are being proposed to be set out for 2009. This item was placed on the agenda for additional discussion and consideration.

Mrs. Sue Simmons, Caroline County Recreation and Parks (CCR&P), provided an update to the Council and asked if the Town wished to participate and to include Crouse Memorial Park.

Councilman Branson made a motion to have Crouse Park in Denton, Maryland be included in the Public Landing Permit Guide. Councilman Gregory asked to amend the motion to guarantee a commitment, if the Town is involved in issuing fines, that the Town would receive some remuneration. Councilman Clendaniel seconded the amended motion, and requested that CCR&P report back in December with a status update.

If the Council thinks that the program is not working in the best interest of the Town when provided a status update in December, they can withdraw from participating.

Mrs. Simmons advised that the new legislation does allow revenue sharing. The revenues will be used for modest maintenance and repairs to the ramps.

Mayor Foster asked staff to look into placing life safety devices at Crouse Park.

New Business

Agenda #1 – Denton Development Corporation

Ellis Davison provided the Council an update on the Crouse Park Project, seeking a request for Appropriation of Forestation Funds, to approve the execution of the Visitor Center Transportation Enhancement Funds MOU, and discussed the Fourth Street Property Lease.

Councilman Porter made a motion to appropriate \$40,000 of the Forestation Funds for the Crouse Park Project, seconded by Councilman Gregory, passing unanimously.

Councilman Clendaniel made a motion to approve the Mayor's signature on the Visitor Center MOU, seconded by Councilman Gregory, passing unanimously.

Councilman Porter made a motion to sign the Fourth Street lease agreement with the DDC, seconded by Councilman Gregory, passing unanimously.

Agenda #2 - Town Hall Structural Integrity and Renovations

As requested by Town Council at its last meeting, the Planning Staff and the town's engineering firm, GMB, conducted a preliminary inspection of the structural integrity of the existing building for renovation and utilization of second floor for offices. The initial findings show the building is sound and can be renovated to accommodate a large public meeting room and to provide additional space for existing staff to better serve the community's residents.

Councilman Gregory advised that he has not closed the door on the new town hall, but does not want to commit until a policy on street repairs is on paper. Expressing that he did not think it was best to sink a lot of money on the existing building either.

Staff provided an overview on the FY2009 budget and the approved general fund transfer to the highway fund, and that the Council may wish to review the Kershner's road maintenance report and the GIS study. Staff advised that an application is being submitted for the 2.2 million for the Fifth Ave. project.

Councilman Porter shared concerns about spending \$200,000 a year on debt payments on the new building compared to possible rehabbing the existing building to extend the life of the building for a while.

Councilman Porter made a motion to employ GMB to inspect the structural integrity for \$1,600 on the existing building, seconded by Councilman Branson, passing unanimously.

Agenda #3– Parking Lot on Location Designated for Future Town Hall

Discussion was held about possibly constructing a parking lot on the parcel proposed for the new municipal building, estimated to cost approximately \$135,000.

No action was taken on this item.

Agenda #4 - Subdivision Signs

Mr. Kastning, Director of Planning, asked the Town Council to consider adopting a policy to eliminate subdivision signs after construction has been completed. The Director believes the proliferation of permanent development signs may detract from the appearance of a unified Denton and believes these signs should exist only during the construction and sale phases of the project and should be removed immediately upon completion.

Councilman Clendaniel made a motion to have the Attorney write up an ordinance considering a policy, seconded by Councilman Branson. In discussion, Mayor Foster stated that he likes the signs and is not in favor of eliminating them. They were done in good taste. Councilman Gregory expressed the need for unity.

Mayor Foster called for the vote, the motion passed 4-1 with Mayor Foster voting no.

Agenda #5 - Stockley Alley Triangle Parking

The Gay Street Development project will be returning to the Planning Commission in the near future to seek approval for a 25 lot subdivision. The Planning Director asked the Town Council to re-affirm its November 5, 2007 that provided approval allowing Gay Street Development to improve the triangular lot for public parking (12 spaces). Such approval is sought by the Planning Commission to insure adequate parking in the area.

Councilman Branson made a motion to re-affirm the approval and for the Town to maintain ownership, seconded by Councilman Porter. In discussion, the Council raised concerns as to why this was being brought back to them when they had already approved it.

The Council withdrew their motion, and stated that it was acceptable with the decision that was made November 5, 2007.

Agenda #6 - Sharp Road Park Lease Amendment

The Choptank Athletic Association provided a second lease amendment that extends the existing lease for a 20 year period. The Town Attorney modified the first lease amendment to reflect the extension – instead of having two separate amendments. This was brought before the Council for review and consideration.

Councilman Branson made a motion to direct the Mayor to sign the amended lease, seconded by Councilman Clendaniel, passing unanimously.

Agenda #7 - Special Events Request

Staff received special event requests from the Human Services St. Patrick's Day 5k Run/Walk – March 14th and the Downtown Main Street for the Spring Gala – May 2nd.

Mayor Foster asked Staff to place a notice in the Town newsletter to inform the public about submission deadline for requesting to hold a special event in town.

This was informational only and no action was taken.

Boat Ramp Fee – Revisit

Councilman Gregory went back to the boat ramp fees conversation earlier and expressed a concern that Sue Simmons consistently stated that the County would consider

revenue sharing but did not provide a guarantee. Councilman Branson advised that the Council approved a trial period and will review again in December, if there is a problem at the time, the Town can withdraw from participating.

Agenda #8 - Denton Employee Benefits Committee

The Town of Denton has an Employee Benefits Committee that is presently represented by a member from each of the Town's four departments. The committee reviews existing employee benefits and may make requests to the Town Council on potential additions and/or changes.

This item was placed on the agenda for the Town Council's consideration on the appointment of a Councilmember to also be represented on this committee.

Councilman Clendaniel will serve on behalf of the Council.

Agenda #9 Water and Sewer Allocation Lot of Record

Town Staff came before the Council seeking direction with regards to allocation of existing lots of record. There presently is a reserve, and previously the Town Council had authorized staff to appropriate an allocation for a single lot of record. The water and sewer allocation was not amended. An existing lot of record is currently paying \$25.00 a quarter for sewer availability, and any allocation request for these properties are processed by staff.

Staff wanted to confirm if the Council wants to continue with this policy and have the ordinance amended to include the necessary language authorizing, or have all allocations come before the Council for approval.

The Council directed Staff to draft an ordinance with the Town Attorney's help for consideration that would allow staff to continue processing these types of allocations.

Councilman Clendaniel raised a concern about increasing the size of the water tower and the possibility that it could inadvertently increase the capacity. Staff advised that it would provide a larger water supply which will be beneficial for emergency purposes, but that the Town could not provide additional allocations without having first received approval through the State. The Town Council would have to submit an application with the State seeking a permit to increase the Town's allocation, it's a lengthy process.

Agenda #10 Shady Tree Apartments Quit Claim Deed

Ellis Davidson provided an overview on the logistics behind the Shady Tree Apartments Quit Claim Deed and suit against the Town. The apartment building was constructed and sits on parcel 1 and 2. Many years ago parcel 2 was left out of the language of the deeds and was never properly transferred, so this parcel still belongs to the Town. The Quit Title Claim is necessary to clean this up and to transfer the parcel to the owner of the building.

The Town Attorney, Brynja Booth, previously provided the Council with legal advice and suggested that if the council had additional questions for her, they should hold discussion in Executive Session.

Executive Session

At 10:15PM Councilman Gregory made a motion to go into an executive session to obtain additional legal advice, seconded by Councilman Porter, passing unanimously.

At 10:20 PM Councilman Clendaniel made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Branson, passing unanimously.

Back to Agenda #10 –Shady Tree Apartments

Councilman Branson made a motion to execute the quit claim deed, seconded by Councilman Gregory, passing unanimously.

Executive Session

At 10:21 PM Councilman Gregory made a motion to go back into executive session to discuss a Town Attorney replacement, seconded by Councilman Clendaniel, the motion passed unanimously.

At 10:44 PM Councilman Gregory made a motion to close the executive session, seconded by Councilman Branson, passing unanimously.

With no further discussion this meeting was adjourned at 10:44 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*