

April 6, 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 Councilman Branson and Gregory were absent all others were present.

Councilman Clendaniel made a motion to approve the minutes of the March 9, 2009 regular meeting, March 16, 2009 working session and the March 23, 2009 special meeting, seconded by Councilman Porter, passing unanimously.

Public Hearing

Ordinance #573

Mayor Foster opened a public hearing at 7:01PM to receive public comments on Ordinance #573 the Official Zoning Map – an ordinance of the Town of Denton to repeal and reenact the Zoning Map for the Town of Denton to include property recently annexed and zoned by the Town of Denton, to correct certain errors upon the current zoning map, and to update the Official Zoning Map of 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 – Councilman Porter clarified the action of this ordinance would not change the zoning on the vacant lot located next to the Royal Farms.

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

With no further comments Mayor Foster closed this public hearing at 7:03PM.

Ordinance #574

Mayor Foster opened a public hearing at 7:03PM to receive public comments on Ordinance #574 – Glenfield Growth Allocation - 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 area 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.

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 7:04 PM.

Petitions, Remonstrance's and Communication

Caroline County Health Department

Mike Campbell, Clinic Director came before the Council and provided statistics and updated information regarding the Mental Health Clinic services and budget projections. Mr. Campbell indicated that the Clinic will need to draw on the \$2,000 appropriated by the Town Council in FY2009 for their program. This was approved, in the event their operating budget was at a deficit. Mr. Campbell also asked the Council for consideration to approve the same appropriation for FY2010.

No action was taken at this time.

Special Events Permit

The Denton Little League Association submitted an application for a Special Event Permit to allow their annual parade on April 18th at 11:00 a.m. Parade route will begin at the HAPS Bldg and end at Crouse Park at Market and First.

The Mayor and Council did not see any objections and asked staff to advise the Denton Little League that their event has been approved.

Councilman Clendaniel started to make a motion to approve, then it was decided that a motion was not necessary, so the motion was withdrawn.

The Mayor advised staff that he would be participating in the Parade.

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

William Kastning, Director of Planning and Codes, provided an overview of the ordinance and the amendments that had been made since introduced in February. The new attorney will be asked to review the Town Code for amendments that would require neighboring properties owners to be notified by certified mail when an application for a group home has been received.

Councilman Porter made a motion to adopt Ordinance #572 with amendments to the Section 1 (b) to strike permitting group homes in the SR/TR districts and in Section 1 (c) to require vocational schools in the SR/TR district to be by special exception only. The motion was seconded by Councilman Clendaniel, 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.

William Kastning provided an overview of the ordinance and map. The new map will eliminate dual zoning on parcels in town and update it to reflect any changes since the last map was adopted ten years ago. All changes have been reviewed and were recommended by the Planning Commission. The zoning for the Tribbett property on Market St. located next to the Royal Farms store is still undecided, and will remain dually zoned at this time. The Planning Commission recommends the zoning to remain mixed residential.

Councilman Porter made a motion to adopted Ordinance #573 incorporating all of the recommendations made by the Planning Commission, seconded by Councilman Clendaniel, the motion passed unanimously.

All members of the Council and the Town Administrator will be required to sign the official map.

Ordinance #574 – Glenfield Growth Allocation

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 area 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.

Mr. Chris Coile made a presentation to the Council about the Glenfield project and explained why the critical area growth allocation is necessary. Mr. Tristan Seward from McCrone was available to answer additional questions about the project.

Councilman Porter made a motion to adopt Ordinance #574, seconded by Mayor Foster, passing unanimously.

Ordinance #575 – Critical Area Lot Consolidation and Reconfiguration

An ordinance of the Town of Denton amending the Denton Town Code by adding § 128-142.1 to adopt procedures for notifying the Critical Area Commission of project approvals and denials and by amending § 128-159 and adding § 128-159.1 for the purpose of complying with House Bill 1253 to ensure that non-conforming lots in the Critical Area are brought into conformance with the Critical Area Program and generally relating to the consolidation or reconfiguration of existing lots of record in the Critical Area in the Town of Denton.

William Kastning provided an overview of the ordinance, advising that there are an unknown quantity of lots that are considered lots of record that this would apply to. The ordinance has been submitted to the Critical Area Commission for review and their comments can be incorporated into the ordinance before adoption.

Councilman Clendaniel advised that he is concerned about line revisions.

Councilman Clendaniel made a motion to introduce Ordinance #575, seconded by Councilman Porter, the motion passed unanimously.

Ordinance #576 – Rental and Group Home Registration and Notification

An ordinance of the Town of Denton to amend the Denton Town Code to add Chapter 98 titled “Residential Rental Housing License and Inspection” to establish a licensing and inspection program for residential rental dwelling units within the Town of Denton.

William Kastning provided an overview of the ordinance.

Property Owner Mr. Chuck Walls confirmed that the ordinance would apply to residential only.

Councilman Porter asked to have a fee schedule provided to the Council.

Mrs. Doris Walls, resident and president of the Planning Commission, asked for clarification as to whether this would apply to apartments and or renting out a single bedroom. There was further discussion in which Mr. Kastning advised that he would look into exclude rent for a room only.

Councilman Clendaniel made a motion to introduce Ordinance #576 with the discussed amendments, seconded by Mayor Foster, the motion passed 2-1 with Councilman Porter abstaining due to being a landlord.

Ordinance #577 Appropriations Ordinance

The Appropriation Ordinance for the General Fund for fiscal year 2010 was brought before the Town Council for consideration of introduction.

Councilman Porter made a motion to introduce Ordinance #577, seconded by Councilman Clendaniel, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Town Hall Structural Integrity

The Council was provided a letter received from George, Miles & Buhr confirming that the town hall building is structurally sound and will accommodate live load on second floor.

This was informational only, no action was taken.

Agenda #2 - Town Hall Renovation

Town staff requested the Town Council to consider renovating the existing town hall (in lieu of new municipal building at this time) to accommodate: 1) second floor hearing room for up to fifty people, 2) ADA enhancements (access, bathrooms, elevator), 3) improved office space for administration, finance and planning staff.

Staff discussed the next steps and the Town Council had no objections to moving forward to obtain the cost.

Agenda #3 FY2010 Budget

The General Fund Budget was submitted to the Denton Town Council at the March 16th working session. The Water, Sewer and Highway Fund budget will be submitted to the Town Council at the April 20, 2009 working session.

The Constant Yield Public Hearing is scheduled for May 4, 2009.

This was informational only no action was taken.

New Business**Agenda #1 - Utility Commission Appointment**

The Utility Commission requested the Council appoint Mr. Gregory Socks of Denton, MD to serve on the board. This would fill the vacancy left by Dr. Abigail McNinch, who resigned the first of this year.

Councilman Clendaniel made a motion to ask Gregory Socks to serve on the Utility Commission as recommended by the Utility Commission, seconded by Councilman Porter, passing unanimously.

Agenda #2 - Trash Collection Contract

Mr. Scott Getchell, the Public Works Director, requested the Council approve the Mayor's signature on two contracts: Residential trash collection service would be provided by M-T Trash Company of Bridgeville, DE and dumpster collection service would be provided by Allied Waste of Felton, DE. Both contracts would begin July 1, 2009 and would be in effect for 3-years. Mr. Getchell advised that seeking competitive bids followed the Town's procurement policy. Details on the bids received and copies of each contract were provided for the Council's review. Mr. Getchell advised that with the bids received that the Town would only see about a \$1,000 increase in trash collection a year.

Mr. Stang of M-T Trash Company was available to answer questions about his company.

Mrs. Jean Singer, resident, asked if the Town had any plans for curbside recycling. Staff suggested that if a group of residents would like to get together to research and bring a pilot plan to the Council for consideration that would be great.

Councilman Clendaniel suggested that staff place a notice in the Town newspaper to see if anyone was interested in helping this group.

Councilman Porter suggested that staff also create an online survey for responses.

Councilman Porter made a motion to award the residential contract to M-T Trash and the dumpster collection to Allied as was recommended by the Public Works Director, seconded by Councilman Clendaniel, the motion passed unanimously.

Agenda #3 - Board of Appeals Appointment

The Board of Appeals requested the Town Council appoint Michele Wasson (Board of Appeals Alternate) to replace Frank Fluharty. Frank Fluharty resigned March 10, 2009. The Board of Appeals requested the Town Council to appoint a replacement for Michel Wasson as alternate member.

Councilman Clendaniel made a motion to appoint Michele Wasson as a full member of the Board of Appeals to the un-expired term of Mr. Fluharty, seconded by Councilman Porter, the motion passed unanimously.

Agenda #4 - Gay Street Redevelopment Water & Sewer Allocation

The Gay Street Redevelopment subdivision's water and sewer allocation has expired. The revised subdivision plat includes the construction of 24 residential units and requires allocation for 5400 gpd. Allocation includes 14 additional residential units and 10 existing allocations.

Mr. Dave Wolcott of McCrone, representing CIII Builders, provided a project update advising that the commercial component has been removed, the units have been decreased to 24 instead of 26. All parking requirements have been met. The preliminary plat approval has been received. The updated plans are ready to be submitted to GMB for review. The project already has 10 existing allocations. Seeking approval for the additional 14 is necessary.

Staff advised the board that they would need to appropriate for 24 units, 5400 gpd.

Councilman Porter made a motion to allocate water and sewer for 14 new units and the 10 existing for a total of 5400 gpd, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 - Potential Property Acquisition

The Public Works Director requested to speak to the Council in executive session regarding a potential property purchase. This item was deferred until later in the meeting.

Agenda #6 - Town Attorney Appointment

Councilman Porter made a motion to appoint Ewing, Dietz, Fountain, and Kehoe as the Town's Attorney, seconded by Councilman Clendaniel, the motion passed unanimously.

Agenda #7 - Denton Development Corporation Request

Mr. JOK Walsh of the Denton Development Corporation came before the Council to discuss two items. One seeking a waiver in the amount of \$235 for permit fees for 7 North Fourth Street, since the Town owns the property. The second item was for seeking an appropriation in the amount of \$20,000 to assist with their operating funding for FY2010. Mr. Walsh advised that the DDC is presently run by a volunteer president and board members. Mr. Ellis Davison and Abby McNinch are employed to overview and manage the projects. In FY2010 the DDC needs \$55,000 to operate and is seeking the Town to match \$21,300.

Staff advised that the general fund include appropriations for a part-time Community Development person, and suggested to the Council that part of these funds

could be applied to offset this request. Without appropriating funding to the DDC, the projects would fall back on town staff to manage.

Councilman Clendaniel stated that he was uncomfortable making this decision without them having input from the Council members, Councilman Porter agreed.

Councilman Clendaniel also expressed concerns about providing funding for the Tourism office for the County, mentioning that the County should be able to fund their own positions.

Mr. Walsh offered to have Mrs. Mackel make a presentation to the Council about the Tourism and how it benefits the Town.

Mayor Foster asked staff to place the presentation from Tourism on the April working session agenda.

Councilman Clendaniel made a motion to allow a waiver for permit fees for 7 N. 4th St in the amount of \$235, because the Town owns the property, seconded by Councilman Porter, the motion passed unanimously.

Agenda #8 - Consulting Engineering Services

Council member Gregory had requested the opportunity to discuss Denton's present Consulting Engineering Services. This item was tabled since Councilman Gregory was absent.

Agenda #9 - Denton Volunteer Fire Company

Council member Clendaniel requested the opportunity to discuss the hall rental activity at DVFC with the Town Council.

The Mayor opened this item up for discussion in light of the recent events and the disturbances and safety issues.

Several residents spoke with concerns about the incidents and the safety of the neighborhood. Those speaking included Mr. Kevin Wise of 504 S. 4th St., Mrs. Valdia Watkins and Ms. Jessica Walls.

Chief Cox advised that he had just met with members of the DVFD on Thursday and that the Police Dept and DVFD are concerned with what happened and are working together to find a solution.

The President of the DVFD, Mr. Tommy Trice advised that they are working on the problem and trying to come up with a solution while trying to avoid the possibility of discrimination. Mr. Allen Blessing a member of the DVFD explained that it is hard to control when the hall is rented for a private party, but that they are working on a solution.

Chief Cox advised that the officers acted commendably and personally thanked the officers on how they handled and diffused the situation.

Councilman Clendaniel mentioned to see if the Town can establish laws to help the fire dept. to say no to certain rentals.

Mr. Trice advised that this is in the process of being taken care of to avoid any more problems like this in the future.

Town staff will provide assistance and copies of local laws that may help in developing a better rental policy.

Mayor Foster expressed appreciation to everyone for coming out to discuss this issue.

Executive Session

Councilman Porter made a motion at 9:13 PM to hold an executive session to discuss a potential real property acquisition, seconded by Councilman Clendaniel, passing unanimously.

At 9:34 PM Councilman Porter made a motion to close the executive session and re-open the regular meeting, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 - Potential Property Acquisition

Earlier in the meeting the Public Works Director requested to speak to the Council in executive session regarding a potential property purchase. Following the executive session the Council took the following action on this item

Councilman Porter made a motion to direct the Public Works Director to proceed with negotiations to acquire property, seconded by Councilman Clendaniel, passing unanimously.

With no further business to discuss Councilman Porter made a motion to close the meeting at 9:36 PM, seconded by Councilman Clendaniel, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*