

**July 6, 2009**

**Executive Session**

*At 6:10 PM Mayor Foster called to order an executive session to hold discussion with the Town Attorney on a business matter and a personnel item. All Council members were present for this session along with the Town Administrator, Clerk-Treasurer and the Town Attorney. No decisions were made during this session. The session was adjourned at 6:56 PM.*

**Regular Meeting**

*Mayor Foster called the regular meeting of the Denton Town Council to order at 7:02 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.*

*Mayor Foster announced that the Council had held an executive session earlier on this date to seek legal advice and discuss a personnel issue.*

*Councilman Clendaniel made a motion to approve the minutes of the June 1, 2009 meeting, seconded by Councilman Porter, passing unanimously.*

**Public Hearing**

**Ordinance #581**

*Mayor Foster opened a public hearing at 7:04PM to receive public comments on Ordinance #581 – An Ordinance of the Town of Denton amending the Denton Town Code by amending Chapter 128-79 regarding public notice to require specific notification to neighboring property owners if concept plan, site plan, or subdivision approval is required.*

*Mayor Foster asked for comments from the State – there was none*

*Mayor Foster asked for comments from the County – there was none*

*Mayor Foster asked for comments from the Council – there was none*

*Mayor Foster asked for comments from the Public – there was none*

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

**Ordinance# 582**

*Mayor Foster opened a public hearing at 7:05PM to receive public comments on Ordinance #582 – An Ordinance of the Town of Denton amending the Zoning Ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to multi-family dwellings including apartments and townhouses.*

*Mayor Foster asked for comments from the State – there was none*

*Mayor Foster asked for comments from the County – there was none*

*Mayor Foster asked for comments from the Council – there was none*

*Mayor Foster asked for comments from the Public – there was none*

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

**Petitions, Remonstrance's and Communication**

**Downtown Denton Main Street Presentation**

*As a follow up to the FY2010 budget process, Ms. Ann Jacobs made a brief presentation to the Council to update them on Downtown Denton Main Street Program.*

**Chesapeake Culinary Center Presentation**

*As a follow up to the FY2010 budget process, Ms. Beth Brewster had been requested to make a brief presentation to the Denton Town Council to provide an update on the Chesapeake Culinary Center Project.*

*Ms. Brewster was not available at this time, staff will reschedule this presentation.*

**Special Events Permit**

**Caroline County Council of Arts Inc.**

*Caroline County Council of Arts submitted an application for a special event permit to have their Community Arts Block Party on Saturday, July 18, 2009 from 5-9 P.M. This event will be held at The Foundry on 4<sup>th</sup> and Market Street.*

*The event was acknowledged by the Council.*

**Helping Hands Neighborhood Assoc.**

*The Helping Hands Neighborhood Assoc. submitted an application for a special event permit to have their annual back to school event at the Community Center on High St. The event will be Sat. Aug. 8, 2009 from 12:00-5:00 P.M.*

*The event was acknowledged by the Council.*

**Recreation & Parks**

*Caroline County Recreation & Parks submitted an application for a special event permit to have a Shakespeare Festival in front of the Caroline County Courthouse on Sun. July 26, 2009 from 6:00-11:00 P.M.*

*The event was acknowledged by the Council.*

**Chamber of Commerce**

*Staff advised that a special event permit is anticipated to be received from the Caroline County Chamber of Commerce to hold a membership drive. The event will be held in early August and will require closing a portion of South Second St. beside the Market St. Public House.*

*The event was acknowledged by the Council.*

**Ordinances and Resolutions**

**Resolution #716 – Line of Credit**

*The Denton Town Council previously adopted Resolution #713 which continued the existing line of credit, reducing the amount to \$200,000 with PNC Bank. PNC Bank has been back in touch with the Town seeking to have the resolution amended to reflect that the line will be backed by the general obligation pledge of the Town of Denton's taxing power. Resolution #716 includes this provision and was brought before the Town Council for consideration of adoption.*

*Councilman Porter made a motion to adopt Resolution #716 as presented, seconded by Councilman Branson, passing unanimously.*

**Resolution #717 - Annual Residential Rental Licensing Fee**

*The Town Council adopted the Residential Rental Housing License and Inspection Ordinance #576 at its June 1, 2009 meeting. Resolution #717 authorizes an annual rate of \$25.00 per residential rental dwelling unit and was brought before the Town Council for consideration of adoption.*

*Mr. Bill Kastning, Director of Planning & Codes provided an overview of the resolution and answered questions on how the fee was derived.*

*Councilman Clendaniel made a motion to adopt Resolution #717, seconded by Councilman Branson. In discussion, Mr. Kastning disclosed that some of the Council members either rent or have rental properties that would be affected by this resolution.*

*Councilman Clendaniel asked to have his motion withdrawn due to a personal concern of it being a conflict of interest.*

Councilman Gregory advised to insert his name in place of Councilman Clendaniel, making the same motion. Councilman Branson seconded the amended motion. The motion passed 4-1 with Councilman Clendaniel abstaining due to a possible conflict.

**Ordinance #581 – Notification of Property Owners**

Ordinance #581 was brought before the Town Council for consideration of adoption, regarding public notice; to require specific notification to neighboring property owners if concept plan, site plan or subdivision approval is required.

Mr. Bill Kastning, Director of Planning & Codes provided an overview of the ordinance and answered questions about administration and whether it would cause additional burden of time for staff.

Councilman Clendaniel suggested moving forward with notification without a fee for a while and see how it works out.

Councilman Branson made a motion to adopt Ordinance #581, seconded by Councilman Clendaniel, passing unanimously.

**Ordinance #582 – Townhouse and Multi-family Table of Density**

An Ordinance for the Town Council for consideration of adoption, to amend provisions contained in Chapter 128 of the Denton Town Code with respect to multi-family dwellings including apartments and townhouses.

Mr. Bill Kastning, Director of Planning & Codes advised that this ordinance adds to the table of density. The Planning Commission has reviewed and recommends the changes.

Councilman Branson made a motion to adopt Ordinance #582, seconded by Councilman Clendaniel, passing unanimously.

**Ordinance #583 – Critical Area Lot Consolidation**

An Ordinance for the Town Council for consideration for introduction, to amend Ordinance #575 adopted on May 4, 2009 to strike the phrase, “that are not individually owned” from the Town Code Chapter 128-159.1 A. The Critical Area Commission determined this phrase to be inconsistent with their regulation.

Mr. Bill Kastning, Director of Planning & Codes and Mr. Stephen Kehoe, Town Attorney provided an overview of the ordinance and answered questions about the comments received from the Critical Area Commission. Mr. Kehoe recommended that the Council introduce the ordinance as presented and advised that Mr. Kastning and himself would work the Critical Area Commission and make any amendments before considered for adoption.

Councilman Porter made a motion to introduce Ordinance #583, seconded by Councilman Clendaniel, passing unanimously.

**Ordinance # 584 – Water and Sewer Allocation Process**

An Ordinance for the Town Council for consideration of introduction, to amend the Town Code Chapter 125-5 regarding water and sewer allocations to delegate approval authority for a buildable approved lot not having already received allocations to the Director of Planning and Codes.

Councilman Clendaniel made a motion to introduce Ordinance #584, seconded by Councilman Branson, passing unanimously.

**Reports of officers, board and committees**

None

**Unfinished Business**

**Agenda #1 Small Business Loan Modification**

*The Denton Town Council had previously approved a small business loan for Michael McCrea. The loan application has been amended to include an LLC as well as a modification to the funding amounts.*

*Ms. Terry Fearins, Town Administrator provided an overview on the changes and asked the Council for consideration to approve the modifications and to send letters to Michael McCrea and Abby McNinch. The loan amounts requested include \$90,000 from the USDA IRP (Intermediary Relending Program) and \$72,000 from the Town's Small Business Loan Program.*

*The members of the Business Loan Review Committee provided a favorable recommendation for this project to be considered for funding.*

*Councilman Branson made a motion to accept the modifications, seconded by Councilman Porter. In further discussion some of the Council members expressed concern regarding the Town's relationship with Ms. McNinch one of the partners in the LLC. Staff advised that Ms. McNinch is the project manager for the Denton Development Corporation and has no direct involvement with the Town. Staff advised the property owner would like to settle in July and asked the Council to consider approving subject to attorney review of a conflict, or suggested that the Council discuss if there is a conflict with the Town Attorney in executive session.*

*The Council agreed to defer voting on the motion on the floor until after seeking legal advice in executive session at the end of the evening.*

**New Business**

**Agenda #1 – Highway Fund FY2010 Budget**

*The FY2010 Highway Fund budget was presented to the Council for consideration of adoption. The budget reflects the additional one cent General Fund revenue.*

*Councilman Gregory made a motion to adopt the Highway 2010 fiscal year budget as presented, seconded by Councilman Clendaniel, passing unanimously.*

**Agenda #2 - Water Fund FY2010 Budget**

*The FY2010 Water Fund budget was presented to the Council for consideration of adoption.*

*Councilman Gregory made a motion to adopt the FY2010 water fund budget as presented, seconded by Councilman Branson, passing unanimously.*

**Agenda #3– Sewer Fund FY2010 Budget**

*The FY2010 Sewer Fund budget was presented to the Council for consideration of adoption.*

*Councilman Gregory made a motion to adopt the FY2010 sewer fund budget as presented, seconded by Councilman Branson, passing unanimously.*

**Agenda #4 - DPW Vehicle Acquisition**

*Mr. Scott Getchell, the Public Works Director came before the Council to asked for approval to purchase two 2009 Chevrolet Silverado 2500HD trucks equipped with 4-wheel drive and snow plows, total cost \$48,588. The State of Maryland holds a contract with Criswell Chevrolet for this truck series. Both trucks will replace existing aged units, which is consistent with the department's fleet management plan. The costs have been*

allocated in the FY2010 Highway, Water & Sewer budgets (Highway \$12,410 – Water \$13,000 – Sewer - \$23,178).

Councilman Gregory made a motion to purchase these two vehicles based on the funding formula that was provided, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #5 - Town Hall Renovation Low Bids / Overall Cost Estimate**

Bids for renovation of the existing town hall were received on June 19, 2009. Total cost of low bids was provided for the Town Council to review.

Councilman Gregory questioned which was the better choice? To spend \$757,492 on the renovations to the existing building or \$4 million for a new building.

Councilman Branson was concerned about the citizens and wanting the Town to conserve.

Councilman Clendaniel stated that he was in favor of going for the renovations.

Councilman Branson asked for a debt capacity and recommended asking the citizens.

Councilman Gregory stated that the Council was elected to do the job and should make the decision without having to involve the citizens. Councilman Gregory stated that he can live with the retrofit if they can get fifteen to twenty years out of it.

Mayor Foster raised concerns about anything unforeseen that might occur during the renovations and about the cost of the new building.

Staff advised that the new building has not been put out to bid, the \$4 million is a guess based on the market from the architect.

Councilman Branson made a motion to put the new building out to bid and see what comes in, after the bids come back to have a debt borrowing capacity analysis completed to make a final decision, seconded by Councilman Clendaniel. In discussion staff recommended hiring a third party firm to prepare the debt borrowing capacity report. Councilman Porter asked to have the plans for both the rehab of the existing town hall and the new building placed on the Town website to help keep the public aware of what the Council is doing.

With no further discussion the motion passed 4 to 1, with Mayor Foster voting no.

**Executive Session**

At 8:46 PM Councilman Clendaniel made a motion to hold an executive session for the purpose of seeking legal advice on Unfinished Business #1, seconded by Councilman Porter, the motion passed unanimously.

At 9:03 PM Councilman Clendaniel made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Porter, passing unanimously.

**Back to Unfinished Business**

**Agenda #1 Small Business Loan Modification**

Councilman Porter made a motion to approve the modified business loan request to 406 Market St. LLC with the following disclosure statement from the Attorney.

Mayor Foster stated that the Council went into executive session to seek legal advice on this item, no action was taken during the executive session.

Mr. Stephen Kehoe, Town Attorney stated the following disclosure for the motion: This is a loan to the LLC in which one of the members of the LLC is employed by the Denton Development Corporation and at arms length to the Town, but is not employed by the Town. The LLC member does not receive any direct compensation from the Town and

*does not have any decision making authority or discretionary authority over town funds, and therefore the ethics ordinance does not apply to this person and the motion can be voted on. The Town Council can be comfortable that this is an arms length transaction and that all "i" have been dotted and "t" crossed.*

*The motion was seconded by Councilman Branson and passed unanimously.*

**Other Business added by Mayor Foster**

*Mayor Foster submitted and read a letter announcing his resignation from the Town Council. The Mayor advised that due to an unforeseen move, he had relocated outside of the Town of Denton, so regrettably he was resigning as a member of the Town Council. Mayor Foster thanked everyone for the opportunity to serve the citizens of Denton.*

*The Council members expressed what a loss to the Council this would be, but thanked him for his years of service and dedication to the Town.*

*With no further business to discuss Mayor Foster adjourned this meeting at 9:08 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*