

**October 5, 2009**

**Executive Session**

*At 6:05 PM Councilman Clendaniel made a motion to hold an executive session to discuss a personnel matter, seconded by Councilman Gregory, passing unanimously.*

*All Council members were present for this session along with the Town Attorney, Mr. Stephen Kehoe and Karen L. Monteith, Clerk-Treasurer.*

*Discussion was held on personnel matters to seek the legal advice of Counsel.*

*At 6:55 PM Councilman Porter made a motion to close the executive session, seconded by Councilwoman Case, passing unanimously.*

**Regular Meeting**

*Mayor Branson 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 Branson asked that the record reflect that all Council members were present.*

*Mayor Branson announced that the Town Council had held an executive session earlier to seek legal advice on personnel matters.*

*Councilman Clendaniel made a motion to approve the minutes of the September 14, 2009 meeting, seconded by Councilwoman Case, passing unanimously.*

**Public Hearing**

**Ordinance #587**

*Mayor Branson opened a public hearing at 7:01PM to receive public comments on Ordinance #587 – An ordinance of the Town of Denton adopting a temporary moratorium of applications, site plans, permits for, construction of, processing of, and approval of adult oriented businesses within the Town of Denton for a period of nine (9) months.*

*Mayor Branson asked for comments from the State – there were none*

*Mayor Branson asked for comments from the County – there were none*

*Mayor Branson asked for comments from the Council – there were none*

*Mayor Branson asked for comments from the Public – there were none*

*With no further comments Mayor Branson closed this public hearing at 7:02 PM.*

**Ordinance #588**

*Mayor Branson opened a public hearing at 7:02PM to receive public comments on Ordinance #588 - An ordinance of the Town of Denton amending Chapter 38 of the Denton Town Code regarding building construction.*

*Mayor Branson asked for comments from the State – there were none*

*Mayor Branson asked for comments from the County – there were none*

*Mayor Branson asked for comments from the Council – there were none*

*Mayor Branson asked for comments from the Public – there were none*

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

**Ordinance #589**

*Mayor Branson opened a public hearing at 7:03PM to receive public comments on Ordinance #589 – An ordinance of the Town of Denton adopting the re-approval of the establishment of the redevelopment district floating zone.*

*Mayor Branson asked for comments from the State – there were none*

*Mayor Branson asked for comments from the County – there were none*

*Mayor Branson asked for comments from the Council – there were none*

*Mayor Branson asked for comments from the Public – there were none*

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

**Ordinance #590**

*Mayor Branson opened a public hearing at 7:03PM to receive public comments on Ordinance #590 – An ordinance of the Town of Denton adopting the creation of the adult oriented businesses and to provide the supplementary use standards for adult oriented businesses.*

*Mayor Branson asked for comments from the State – there were none*

*Mayor Branson asked for comments from the County – there were none*

*Mayor Branson asked for comments from the Council – there were none*

*Mayor Branson asked for comments from the Public – there were none*

*With no further comments Mayor Branson closed this public hearing at 7:04 PM.*

**Petitions, Remonstrance's and Communication**

*None*

**Ordinances and Resolutions**

**Ordinance #587 – Adult Oriented Businesses Moratorium**

*An ordinance of the Town of Denton adopting a temporary moratorium of applications, site plans, permits for, construction of, processing of, and approval of adult oriented businesses within the Town of Denton for a period of nine (9) months.*

*Councilman Gregory made a motion to adopt Ordinance #587, seconded by Councilman Clendaniel, passing unanimously.*

**Ordinance #588 – IRC and IBC Footing Amendments**

*An Ordinance, before the Town Council for consideration for adoption, amending Chapter 38 of the Denton Town Code regarding building construction.*

*Councilman Porter made a motion to adopt Ordinance #588, seconded by Councilman Gregory. In discussion William Kastning, Director of Planning and Codes, provided additional information on the affect this would have on footers for decks and porches. The motion passed unanimously.*

**Ordinance #589 –Redevelopment Floating Zone**

*An Ordinance, before the Town Council for consideration for adoption re-approving the establishment of a redevelopment district floating zone for the Gay Street project.*

*Mr. Tristan Steward, from McCrone, spoke on behalf of his client by providing a brief overview and encouraged the Council's consideration in voting in favor of adoption of this ordinance.*

*Councilwoman Case made a motion to approve adoption of Ordinance #589, seconded by Councilman Porter. Discussion was held in which Councilman Porter questioned how the project would be affected if this ordinance was not adopted. William Kastning advised that the project would not be able to move forward, however the property would still remain and area of re-development.*

*Councilwoman Case expressed that for over three years the lots have been bare and recommended giving a chance and see what happens in six months.*

*The motion passed unanimously.*

**Ordinance # 590 – Adult Oriented Use & Standards**

*An Ordinance, before the Town Council for consideration for adoption that amends the Town of Denton Zoning Ordinance to create the use for adult oriented business and to provide supplementary use standards for adult oriented businesses.*

*Councilman Porter made a motion to adopted Ordinance #590, seconded by Councilman Gregory, passing unanimously.*

**Ordinance # 591 – CC Business District Parking Standards**

*An Ordinance, before the Town Council for consideration for introduction, amending the Town of Denton Zoning Ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to parking standards for simplified site plans in the Central Business District Commercial (CC).*

*William Kastning provided an overview.*

*Councilwoman Case made a motion to introduce Ordinance #591, seconded by Councilman Clendaniel, passing unanimously.*

**Ordinance # 592 – Residential Building Moratorium Extension**

*An Ordinance, before the Town Council for consideration for introduction, amending the Town of Denton Zoning Ordinance to extend the current 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 until June 1, 2010, 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.*

*William Kastning provided an overview and advised that the original ordinance expires in December.*

*Councilman Clendaniel made a motion to introduce Ordinance #592, seconded by Councilman Gregory, passing unanimously.*

**Ordinance # 593 – Zoning Map Amendment**

*An ordinance of the Town of Denton amending the official zoning map of the Town of Denton to apply an original zoning classification of HC (Highway Commercial) to four parcels of land annexed to the Town of Denton, located on the north side of the Town of Denton, on the south side of Harpers Branch Road, and the northwest side of Maryland Route 313, in the Third Election District, Caroline County, Maryland and consisting of 25.35 acres of land, more or less.*

*William Kastning provided an overview, and advised this ordinance coincides with the Annexation Resolution that will be considered for adoption at the November meeting.*

*Councilman Gregory made a motion to introduce Ordinance #593, seconded by Councilman Porter, passing unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1 Wesleyan Retirement Center Request**

*At the September Council meeting a letter from Dr. Paul Mills was submitted to the Council requesting a reduction in the capacity fees related to an addition to the Wesleyan Center at Denton. The Council directed Scott Getchell to review numbers detailed in Dr. Mill's letter. The Council also directed the Utility Commission and the Town Attorney to review the issue. A memo from the Town Attorney, minutes from the Utility Commission's meeting and a memo from Scott Getchell were presented to the Council.*

*William Kastning advised the Council that Dr. Mills came in for a visit since the September meeting and wished to withdraw his request.*

*No action was taken on this item.*

**New Business**

**Agenda #1 – FY2011 Homestead Tax Credit**

*The homestead tax credit is available to all owner occupied properties in which the real estate tax on a qualifying property can not increase more than 5% each year, no matter how much the assessment changes. The Town of Denton's tax credit percentage was previously decreased from 10% to 5% by the Town Council and took place with tax billing on July 1, 2008. This item was placed on the Agenda for discussion to see if the Council wishes to change the current Homestead Tax Credit percentage for July 1, 2010.*

*If the Council wished to make any changes (reduce or increase) the tax credit percentage for July 1, 2010 this would need to be adopted by resolution and submitted to the State of Maryland by Nov. 25, 2009. If there were no changes, then no action was required.*

*The Mayor and Council agreed to leave the homestead tax credit percentage alone.*

### **Agenda #2 - Planning Commission Reappointment**

*Ummu Bradley Thomas's term expires December 31, 2009, and Planning Commissioner Thomas has requested to be reappointed for another term.*

*Councilman Porter made a motion to re-appoint Ms. Thomas to another term on the Planning Commission, seconded by Councilwoman Case, passing unanimously.*

### **Agenda #3 – Fortner/Davidson/Gosnell De-Annexation Requests**

*The Town Attorney, Stephen Kehoe provided guidance to the Council regarding a request from the Fortner's, Davidson and Gosnell about having their properties de-annexed from Denton. It was confirmed that a charter amendment to de-annex would be necessary as well as to determine that there would not be an enclave of surrounding properties. Further discussion was held as to how the cost would be handled.*

*Mrs. Bonnie Davidson Johnson, Realtor at the time of the initial annexation process, provided a history and expressed that the Fortner's thought they were going to be annexed with a real estate tax waiver, however that was not defined in the annexation agreement and they were surprised when they received their tax bill. She indicated that everything was rushed and the annexation agreement was signed without all parties being provided the time to review it.*

*Councilman Gregory brought up a previous agenda item in which the Fortner's came before the Council seeking a waiver of the property taxes and then withdrew their request. Mrs. Fortner acknowledged the previous request and advised that they never received a refund of the taxes from Mr. Cipretti as they anticipated at that time.*

*Councilman Gregory asked if the Fortner's were the only property not receiving a tax waiver why would the waived properties want to be de-annexed. Mr. Wayne Gosnell advised that it was difficult to develop his property at this time because of the cost to improve the streets while being in the Town limits.*

*Councilman Gregory asked if the Town allows these properties to be de-annexed, and a developer comes back, will they want to come back into town? The property owners advised no.*

*Mrs. Fortner advised that they had already paid town taxes for a couple of years and stated that was enough to cover the cost to de-annex and that they did not feel they should have to pay an additional cost to de-annex.*

*Councilman Clendaniel expressed that if there was a miscommunication between the Developer, Town and the Property owners, then the Council should consider the request.*

*Councilman Porter made a motion to direct the Counsel (Town Attorney) to start the process on a charter amendment, seconded by Councilman Clendaniel. Councilman*

Porter also asked staff to have the amount paid by the Fortner's in town taxes and a cost estimate to de-annex provided at a future meeting. The motion passed unanimously.

**Agenda #4 - Comprehensive Plan Update**

Director William Kastning provided the Town Council with a copy of the Draft Comprehensive Plan and survey. A power point presentation and additional discussion on the growth element was placed on the agenda for the working session that is scheduled for October 19, 2009.

**Agenda #5 - End of Year Bonus**

The FY2010 General, Highway, Water & Sewer Fund budgets were adopted in May 2009. Each budget included a 1% of regular pay End of Year Bonus for all employees. Staff came before the Council seeking final authorization to move forward with processing the End of the Year Bonus.

Mayor Branson had concerns with the economy and cuts from the Governor, but stated that he would like to see it continued.

Staff advised that it will cost just under \$18,000 to provide the bonus.

Councilman Gregory also stated that he would like to see the bonus's continue but that they may not always be able to do them. Councilman Gregory recommended modifying and to consider giving full time employees a flat bonus lump sum of \$200 and part time \$100, net check after taxes.

Councilman Clendaniel expressed concerns about financial situation in future years and avoiding employee lay off's. Staff will pull together alternative cost.

**Agenda # 6 - New Town Administrator Selection Process**

The Town Administrator, Terry Fearins previously announced her retirement that will be effective Oct. 1, 2010. This item was placed on the Agenda to begin discussions on the selection process.

Councilman Gregory commended the Town Administrator for her 29 years of service and stated as we move forward with next year, they need to get started with the process and come up with qualifications. The Council will need to create a time line and get someone on board to work with Terry on the budget and have a transition period. Further discussion on this item will be held at the October 19, 2009 working session.

With no further discussion Mayor Branson adjourned this meeting at 8:20 PM.

Respectfully submitted,

Karen L. Monteith  
Clerk-Treasurer