

November 2, 2009

Executive Session

At 6:02 PM Councilman Clendaniel made a motion to hold an executive session to seek legal advice, seconded by Councilman Porter, the motion passed unanimously.

All Council members were present as well as the Town Administrator, Clerk-Treasurer and Steve Kehoe, Town Attorney.

The Council held discussion on personnel matters, the proposed sign ordinance and new construction in the historic district. No action was taken during this session.

At 6:55 PM Councilman Porter made a motion to close the executive session, seconded by Councilman Clendaniel, the motion passed 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 announced that the Town Council had held an executive session earlier on this date to discuss personnel and seek legal advice.

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

Mrs. Brenda Fortner mentioned that there was an error in the draft minutes for the October 5, 2009 and that on page 2990; Agenda #3, paragraph two, the name should be changed to Bonnie Johnson and not Bonnie Davidson.

Councilman Clendaniel made a motion to approve the October 5, 2009 minutes as amended and to approve the October 26, 2009 working session notes, seconded by Councilwoman Case, passing unanimously.

Public Hearing

Resolution #720 – Ruff, Suppo, Caroline County Annexation

Mayor Branson opened a public hearing at 7:03PM to receive public comments on Resolution #720, a resolution to annex certain lands 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, and to provide for the terms and conditions of the annexation to the Town of Denton.

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

Mayor Branson asked for comments from the County – Mr. Ernie Crofoot, Attorney for Caroline County, spoke on behalf of the annexation and encouraged the Council to approve the annexation resolution.

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.

Ordinance #591 – Central Commercial Parking

Mayor Branson opened a public hearing at 7:04PM to receive public comments on Ordinance #591, an ordinance amending the 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).

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 7:05 PM.

Ordinance #592 – Residential Construction Moratorium Extension

Mayor Branson opened a public hearing at 7:05 PM to receive public comments on Ordinance #592, an ordinance amending the 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.

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 7:06 PM.

Ordinance #593 – Zoning Map Amendment - Annexation

Mayor Branson opened a public hearing at 7:06 PM to receive public comments on Ordinance #593, an ordinance 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.

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

Mayor Branson asked for comments from the County – Mr. Ernie Crofoot, Attorney for Caroline County, spoke on behalf of the annexation and encouraged the Council to approve zoning map amendment ordinance.

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 7:07 PM.

Petitions, Remonstrance's and Communication

Proclamation - Lights On Afterschool Day

The Mayor read and signed a proclamation expressing the Town of Denton's support of the Lifelong Learning Centers "Lights On Afterschool Day" in support of afterschool programs.

Ordinances and Resolutions

Resolution #720 – Ruff, Suppo, Caroline County Annexation

A resolution of the Denton Town Council to annex certain lands 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, and to provide for the terms and conditions of the annexation to the Town of Denton.

Councilman Clendaniel made a motion to adopt Resolution #720 for annexation of these properties, seconded by Councilman Gregory. In discussion staff advised that the amended resolution had been signed by all the parties and the fees have been paid.

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

Ordinance #591 – Central Commercial Parking

Ordinance #591- 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).

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

Ordinance #592 – Residential Construction Moratorium Extension

Ordinance #592- 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.

The Town Attorney mentioned that there was a typo in the ordinance in the fifth paragraph where it should read “in appropriate”, not “inappropriate”.

Councilman Clendaniel made a motion to adopt Ordinance #592 as amended, seconded by Councilman Gregory. In discussion Councilman Porter mentioned that it did not seem necessary to continue the extension when the economy has already taken care of slowing down residential construction.

With no further discussion, the Mayor called for a vote on the motion. The motion passed 4-1 with Councilman Porter voting no.

Ordinance #593 – Zoning Map Amendment - Annexation

An ordinance 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.

Councilwoman Case made a motion to adopt Ordinance #593, seconded by Councilman Porter, passing unanimously.

Ordinance #594 – Sign Amendment

An ordinance amending the zoning ordinance provisions contained in chapter 128 of the Denton Town Code with respect to signs.

Councilman Clendaniel made a motion to introduce Ordinance #594, seconded by Councilman Gregory.

In discussion William Kastning, Director of Planning and Codes, provided an overview of the changes to the current sign regulations.

Mrs. Judy Ireland, a Downtown business owner, raised concerns and asked for some clarification on some of the definitions. Staff advised that most of the concerns raised are part of the language of the current law and not part of the changes being proposed.

Councilwoman Case recommended holding off taking action on the ordinance and to have additional review, stating that she felt the ordinance seemed onerous, when instead it needed to make the downtown friendlier.

Mayor Branson stated that he would like to see the sign section retooled.

Councilman Clendaniel started to withdraw his motion. Then in further discussion, the Mayor suggested that the Council take a vote on the motion and then direct staff to amend the old ordinance to clean it up and address some of the concerns before it is considered for adoption.

The Mayor called for the vote on the motion on the floor to introduce Ordinance #594, the motion passed unanimously. The Council then directed staff to take into consideration the concerns that have been discussed, receive additional comments from the Council and revise the ordinance before adoption, and to have the amendments reviewed by the Planning Commission.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 - End of Year Bonus

At the October 5, 2009 Council meeting, staff was directed to obtain a cost for providing a net flat bonus of \$200 to full time employees and \$100 to part time.

Staff researched and advised that the flat bonus option would cost around \$9,000, about half of the \$18,000 that was originally budget for the traditional 1% bonus from prior years.

Councilman Gregory made a motion to accept the flat bonus method as presented, seconded by Councilman Porter, passing unanimously.

Fortner, Gosnell, Davidson De-Annexation Request

Mr. William Kastning, Director of Planning and Codes, advised the Council that earlier on this date he had received an estimate for the survey requirements for the de-annexation request and asked to add this to the agenda to seek direction.

The Mayor opened the floor for discussion on this item.

Mr. Kastning advised that it would cost \$4,500 to have the area for de-annexation surveyed, and estimated the entire action to cost the town approximately \$10,000.

Mr. David Fortner and Mrs. Brenda Fortner questioned the need for the survey and asked the Town to move forward with their request and to absorb the cost by using the taxes that they had paid on the property since coming into the town limits.

Councilman Clendaniel asked if instead of the Town spending \$10,000 of tax payer's money, if the property owners would accept an offer for a tax waiver. The Fortner's said they did not want to be in the town.

Mr. Wayne Gosnell expressed that if his property was out of the town limits, then he would have a better chance to sell or construct on his property.

The Town Attorney explained the appeal process with the State.

Mrs. Brenda Fortner stated that they thought their property was going to be tax waived just like the others, the annexation was rushed and they did not have time to read the annexation agreement before signing it and that they had been misled. The Fortner family left the meeting at this time.

Discussion went on about whether or not the Town should absorb the cost to de-annex. Councilman Porter reviewed the taxes paid by the Fortner Family on their properties and recommended that the Town apply the amount of taxes paid towards the cost of the process to de-annex and for the property owners to cover any cost above that amount.

Councilman Porter made a motion for the Town to spend up to \$9,600 toward the cost to de-annex the properties, seconded by Councilwoman Case. In discussion, Councilman Gregory raised concerns about using tax payers money this way when the Fortner's signed the annexation agreement accepting the terms and why should the town take on this burden when it is not clear what went wrong.

The Mayor called for a vote on the motion for the Town to spend up to \$9,600 toward the cost to de-annex. The motion passed 3-2 with Councilman Gregory and Mayor Branson voting no. Councilman Gregory stated that he could not justify spending this money when the Town had not done anything wrong.

Councilman Clendaniel made a motion to authorize staff to direct Lane Engineering to do the survey on these properties, seconded by Councilwoman Case, the motion passed 3-2 with Councilman Gregory and Mayor Branson voting no.

The Mayor asked the Town Attorney if this was legal, and the Town Attorney said that the Attorney General say's yes, however, there is no court history on record for de-annexation.

New Business

Agenda #1

None

With no further discussion, Mayor Branson adjourned this meeting at 8:49 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*