

**December 7, 2009**

**Executive Session**

*At 6:00 PM Councilman Clendaniel made a motion to hold an executive session to seek legal advice, seconded by Councilman Gregory, the motion passed unanimously.*

*Councilman Porter was absent, all other Council members were present as well as the Clerk-Treasurer and Steve Kehoe, Town Attorney.*

*The Council held discussion on a personnel issue, the proposed sign ordinance, de-annexation, and the Fairfield Common Area.*

*At 6:30 PM Terry Fearins met with the Council.*

*At 6:58 PM Councilman Clendaniel made a motion to close the executive session, seconded by Councilwoman Case, 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 Councilman Porter was absent; all of the other Council members were present.*

*Councilman Clendaniel made a motion to approve the minutes of the November 2, 2009 regular meeting, the November 16, 2009 working session/special meeting, and the November 23, 2009 special meeting, seconded by Councilman Gregory, passing unanimously.*

**Public Hearing**

**Ordinance #594 – Sign Ordinance**

*Mayor Branson opened a public hearing at 7:02PM to receive public comments on Ordinance #594, an ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to signs.*

*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 – Councilwoman Case expressed concerns with the ordinance, stating that it was not finished and needs refining and encouraged staff to work with the business owners in reconstruction of the sign regulations.*

*Mayor Branson stated that he sees nothing wrong with illumination in the windows and that signage should include all of the businesses located in the building and encouraged staff to review the proposed ordinance to incorporate these items.*

*Mayor Branson asked for comments from the Public –Mrs. Judy Ireland, Downtown Business owner commented on the ordinance and asked that it be simplified.*

*Mayor Branson stated that the previous consistency of signs when the downtown was full was helpful. The new ordinance should control the signs outside and those in the windows, but should not control what is located in the store.*

*Mrs. Kathy Mackel, Director of Caroline County Tourism and Town of Denton Historic Review Commission president, mentioned that Denton is a Nationally Historical registered town, which requires that all signs in the historic district be restricted by the Historic Review Board, which then receives final approval by the Planning Commission.*

*Mrs. Janice Clere, Downtown Business owner supported the other concerns that had been mentioned.*

*Mrs. Ann Jacobs, the Downtown Mainstreet Manager asked if the process could be simplified by only requiring one level of approval.*

*Mr. Bill Kastning, Director of Planning and Codes, advised that if the permit for signage is in the Historic District it must go through the Historic Review Committee for a recommendation to the Planning Commission.*

*Mrs. Mackel explained the benefits of being designated a Historic District, and mentioned how business owners can received tax credits.*

*Mrs. Beth Brewster, Downtown Business owner expressed the need to keep uniformity in the downtown, but suggested that the ordinance be simplified. Mrs. Brewster talked about the advantages of being in the Historic District and how she applied and received historic credits to help with her business.*

*Mrs. Ireland expressed interest in learning more about the tax credit program and recommended for Council members to visit new business owners when they come to town and introduce themselves.*

*Councilman Gregory asked staff to take a look at simplifying the ordinance and to work with the business owners to make it easier to apply. Staff mentioned that once the ordinance is adopted they will create a guideline to follow that will make enforcement more understandable.*

*Councilwoman Case asked for a draft copy of the written guidelines for the ordinance.*

*Mrs. Jacobs mentioned that she has a sign guide for the downtown that was done as part of the recent study.*

*With no further comments, Mayor Branson closed this public hearing at 7:22 PM.*

### **Petitions, Remonstrance's and Communication**

#### **Main Street Logo Presentation**

*Mrs. Ann Jacobs, the Downtown Main Street Manager, provided an overview of the downtown marketing study responses and showed the proposed sign logos for Downtown and asked for the Council's official recognition of the "Denton Brand Statement".*

*Councilman Gregory asked Mrs. Jacobs to find a new word to replace "quintessential" in the brand statement.*

*Mayor Branson stated that based on the recent study done by the Planning & Codes Dept. that the residents have expressed that they want more businesses and would like to keep the small town atmosphere.*

#### **Winter Haven**

*Ms. Linda Webb of Winter Haven made a presentation regarding the needs of the homeless within the area and explained what the Winter Haven program is about. Ms. Webb advised the Council that the Winter Haven Group will be starting a cold weather shelter in the Denton area in January and provided details about the hours of operations and how the shelter will be run.*

#### **Proclamations**

*Mayor Branson read proclamations from the Council in which Dr. Alton Billmeier and Mr. Charles V. Moore will be recognized by the Masonic Lodge December 9, 2009 for their longstanding and dedicated businesses in Denton. Mayor Branson signed the proclamations.*

#### **Sheriffs Parking**

*The Council reviewed the Caroline County Sheriff's Office request to add one more parking space to their currently authorized three spaces on N. 1<sup>st</sup> St.*

Chief Cox advised that there will be no loss of revenue, that it is proposed to modify the three spaces that are presently there and make them into four.

Councilman Clendaniel made a motion to direct staff to prepare an ordinance to include this additional parking space for their consideration at the next meeting, seconded by Councilman Gregory, passing unanimously.

**Ordinances and Resolutions**

**Resolution #722 – De-annexation of Fortner, Davidson, and Gosnell Properties**

A resolution of the Denton Town Council to amend the Town Charter by detaching certain territory located on the east side of the Town of Denton on the eastern side of Pearson Road, and the northern side of Foy Road, on the south side of Market Street and on the west side of Mila Road, in the Third Election District, Caroline County, Maryland and consisting of 29.293 acres of land, more or less.

Councilman Clendaniel stated that in view of not having a full board and due to concerns that have been received regarding this ordinance, that it may be better if the Council deferred any action on this resolution at this time.

Councilman Clendaniel then made a motion to defer action on this resolution until the January meeting, seconded by Councilwoman Case, the motion passed unanimously.

**Ordinance #594 – Sign Amendment**

An ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to signs. The sign ordinance does not reflect the comments submitted by the Town Council or previously from the public. Appropriate changes based upon all comments will be made for Planning Commission consideration. The Planning staff recommended carrying adoption of the ordinance to the January 4, 2010, Town Council Meeting.

Councilwoman Case made a motion to defer consideration of adoption until the January 4, 2010 meeting, seconded by Councilman Clendaniel, the motion passed unanimously.

**Ordinance #595 – Critical Area**

An ordinance of the Town of Denton amending the Denton Town Code by amending § 128-8 definitions, adding § 128-42.1 to adopt procedures for notifying the Critical Area Commission of project approvals and denials and by amending § 128-159 and §128-163 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.

Mr. Bill Kastning, Director of Planning & Codes, stated that the State had accepted some of the language the Town previously adopted; this ordinance amends the language to include the most recent changes from the State.

Councilman Clendaniel made a motion to introduce Ordinance #595, seconded by Mayor Branson, passing unanimously.

**Ordinance # 596 - Historic Trust Deed Preservation Easement – Caroline High School**

An Ordinance of the Town of Denton granting a deed of preservation easement to the Maryland Historical Trust for property located at 512 Franklin St. With the execution of this Easement, the Caroline High School project will be able to move forward with renovations.

*Mrs. Beth Brewster provided an overview of the process to receive this easement from the State and how the project will proceed.*

*Councilman Clendaniel asked the Attorney if he should abstain from voting on this item since he lives in close proximity of the property. The Town Attorney advised that it was not necessary.*

*Councilman Gregory made a motion to introduce Ordinance #596, seconded by Councilwoman Case, the motion passed unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1 Fairfield Common Areas**

*Mr. Scott Getchell, the Public Works Director presented a report to the Council, advising that it would cost the Town about \$4,000 a year to maintain the Fairfield common area if the Town agreed to take over ownership.*

*Mayor Branson said that he did not feel that the rest of the Town residents should pay for the maintenance of one neighborhood.*

*Mr. Getchell stated that the options were to either establish a special taxing district or for the property owners to establish a home owners association. Unfortunately the Attorney had advised that the Town could not create a special taxing district, however, it is possible that the County could.*

*Councilman Gregory stated that the neighborhood should form a HOA, that it should not be the Town's responsibility.*

*Councilwoman Case recommended having the Town Attorney explore the possibility to see if the County can create a special tax district that the Town could manage.*

*The Council agreed to table an action at this time and directed the Town Attorney to research.*

**Agenda #2 Market Street Traffic Study**

*The Council reviewed a detailed report that was prepared by the Director of Public works on the recent traffic study of Market St from 6<sup>th</sup> to Gay that was completed in November.*

*Mayor Branson stated that the study has been done again and the recommendation is to keep the traffic pattern as is.*

**New Business**

**Agenda #1 Board of Appeals Appointment**

*Florence Doherty submitted a requested for re-appointment to the Board of Appeals and Brittani Thomas also sent in a letter of interest. Mr. Troy Livingstone, the current alternate, also expressed interest. The new appointment would be for the expired term of Florence Doherty. The new term would be for three years beginning January 1, 2010, and ending December 31, 2012.*

*Councilman Clendaniel made a motion to appoint Mr. Troy Livingstone to the three year term on the Board of Appeals, seconded by Councilwoman Case, passing unanimously.*

*Councilman Clendaniel made a motion to appoint Ms. Brittani Thomas as an alternate for the remainder of Mr. Livingstone term, seconded by Councilman Gregory, passing unanimously.*

**Agenda #2 Historic & Architectural Review Commission Appointment**

Mr. Keith Bobbick sent a letter requesting appointment to the Historic & Architectural Review Commission. Appointment would be for the expired term of Melissa Jones. New appointment term would begin January 1, 2010, and expire December 31, 2012.

Councilwoman Case made a motion to appoint Mr. Keith Bobbick to the Historic & Architectural Review Commission, seconded by Councilman Gregory, passing unanimously.

**Agenda #3 - Planning Commission Appointment**

With Dean Danielson moving to the Town Council on January 1, 2010, seeking the appointment of the alternate Sue Cruickshank to finish the unexpired term through December 31, 2010.

Councilman Gregory made a motion to appoint Sue Cruickshank to fill the remainder of Dean Danielson term on the Planning Commission, seconded by Councilman Clendaniel, passing unanimously.

**Agenda #4 - Appointment of Co-signer for checks**

The Town Charter C6-10 requires two signatures on all checks issued by the Town. In the absence of either the Clerk-Treasurer or the Town Administrator, Mayor Branson has been the acting alternate co-signer for the Town's bank accounts for many years. With Mayor Branson leaving office at the end of December, the Town Council is asked to appoint another member of the board to take over this responsibility beginning January 1, 2010.

Councilman Gregory made a motion to appoint Vice Mayor Robert Clendaniel as the co-signer on all checks, seconded by Councilwoman Case, passing unanimously.

Staff was directed to bring this item before the Council annually to review.

**Agenda #5 - Mid Shore Council on Family Violence**

Mr. John Evans and Ms. Jean Yeager came before the Council expressing their interest in continuing the lease with the town. The current lease is set to expire in February 2012.

The Council directed the Town Attorney to work with Mid Shore Council's Attorney to amend the lease to include a term of notice, in which the Town would provide a two year notice of intent to end of the lease.

Councilman Gregory took a moment to recognize Mayor Branson for his many years of service, stating that no one will ever match his tenure, dedication, wisdom, justice and moderation, and that the Town will surely miss him.

Mayor Branson received a standing applause.

Councilman Clendaniel complimented Mayor Branson on his integrity.

Councilwoman Case stated that Mayor Branson has been an inspiration to her.

**Agenda #6 - Planning Commission Alternate Appointment**

New appointment would be for Sue Cruickshank's unexpired position as Alternate which expires December 31, 2013. At this time, staff has not received any letters of interest for the alternate position.

Mrs. Marina Dowdall, was in attendance and expressed that she would be interested in filling this vacancy.

Councilman Gregory asked for Mrs. Dowdall to submit a letter of interest for the Council's consideration for the January 4, 2010 meeting.

**Agenda #7 - Pavement Management System Update**

*Councilman Gregory had previously met with Kercher Engineering and asked for them to update the Town's pavement management report.*

*The Public Works Director received a proposal from Kercher Engineering Inc. to update the Town's pavement management system for the amount of \$7,845. Councilman Gregory requested this proposal be placed on the agenda for discussion and consideration.*

*Mayor Branson asked where the money was going to come from.*

*Councilman Gregory stated that the report needs to be done, and asked to have this item placed in the FY2011 budget.*

*Mrs. Alice Birch raised concerns about the condition of 4<sup>th</sup> and Fountain.*

*Mr. Getchell, the Director of Public Works, explained how important the study is and provided an overview of the 5<sup>th</sup> Ave project, advising that it includes many of the tributary streets in concern. Mr. Getchell stated that all capital projects need to be inclusive of water and sewer as well as the road base. Phase I of the North Denton Project was just completed and Phase II has recently gone out to bid, it is anticipated that 5<sup>th</sup> Ave and connector streets project will go out to bid before the end of the fiscal year. Mr. Getchell advised that the last pavement management report is available on the Public Works website.*

*The Council directed staff to include the cost to update the pavement management report in the FY2011 budget.*

**Agenda #8 - Town Office HVAC Rehab Proposal**

*The Senior Code Enforcement Officer received a proposal in the amount of \$5,079 from Comfort Air Service, LLC, to correct HVAC deficiencies observed during an inspection of the Town Office heating and air conditioning system.*

*Councilwoman Case made a motion to move forward with HVAC rehab of the town office, seconded by Councilman Gregory, passing unanimously.*

*Mayor Branson thanked the citizens of Denton for allowing him to serve as a Councilmember for many years and took a few minutes to provide public awareness to the citizens of a potential tax increase from the Caroline County Commissioners. Mayor Branson shared his concern about the possibility of the Caroline County Commissioners eliminating the real property tax differential and the monetary affect it would have on the residents of Denton and of all of the other municipal residents in Caroline County.*

*With no further discussion, Mayor Branson adjourned this meeting at 9:05 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*