

February 1, 2010

Executive Session

At 6:02 PM Councilman Clendaniel made a motion to go into an executive session to consult with staff about pending litigation items, contract negotiations on a business planning to locate in Denton and to seek legal advice, seconded by Councilman Danielson, the motion passed unanimously. Open Meetings Act, Maryland Code Annotated, State Government Article, 10-508(2), 2004 Repl. Vol. (1) (i), (4), (5), (7), (8).

All Council members were present as well as Karen Monteith, Acting Town Administrator/Clerk-Treasurer; Stephen Kehoe, Town Attorney; Bill Kastning, Director of Planning & Codes and Tom Batchelor, Senior Codes Enforcement Officer.

Discussions were held on pending property maintenance/condemnation litigation; Lead paint abatement on town property and contract negotiations on a business planning to locate in Denton.

Councilman Danielson made a motion to direct town staff to continue to pursue litigation on 10/12 S. First St.; seconded by Councilman Porter, passing unanimously.

At 6:57PM Councilman Clendaniel made a motion to close the executive session, seconded by Councilwoman Case, the motion passed unanimously.

Regular Meeting

Mayor Gregory 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 Gregory announced that the Town Council had held an executive session earlier on this date to discuss property maintenance items, contract negotiations and to seek legal advice.

Mayor Gregory advised that Councilman Danielson had made a motion to direct staff to continue to pursue litigation on 10/12 S. First St., seconded by Councilman Porter, the motion passed unanimously.

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

Councilman Porter made a motion to approve the minutes of the January 4, 2010 regular meeting and the January 25, 2010 special meeting, seconded by Councilwoman Case, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's and Communication

Caroline County Hospice

Mrs. Linda Evans came before the Council to invite them to the Caroline Hospice upcoming 25th Silver Anniversary Valentines Dance.

Ordinances and Resolutions

Resolution #722- De-annexation

De-annexation of Fortner, Davidson, and Gosnell properties. This item was carried over from the January 4, 2010 meeting.

Mr. Steve Kehoe, Town Attorney advised that he had spoken to the County Attorney and submitted a letter for consideration and recommended that the Council wait on a response from the County before taking any action.

This item was deferred.

Ordinance #594 – Sign

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. At the December 21st Working Session, the Town Council deferred this item until the February 1st Town Council Meeting.

Bill Kastning provided an overview of the changes that have been made and advised that they had taken into consideration input from the Community, Planning Commission and the Downtown Mainstreet Manager. The ordinance before the Council is being recommended by the Denton Planning Commission.

Councilman Porter asked what effect the ordinance would have on the A-frame signs currently being used by the Little League. Staff advised those signs would be ok. Councilman Porter also asked about other non-profit agencies like the Arts Council. Staff advised that the current Arts Council sign was never permitted, only a temporary sign and indicated that the Arts Council has received approval for permanent signage to be located in front of the building. The sign on the side will be removed.

Councilwoman Case raised concerns about adopting and asked to have an English language translation or summary of the ordinance to be provided to potential and current vendors; seeking to have the summary available and approved by the Council before the ordinance goes into effect. A simple short hand-out for business owners that is easily understandable would help to facilitate.

Bill Kastning stated that staff will be pulling together a summary guideline document, zoning specific. This will be pulled together for the March meeting.

Councilman Danielson made a motion to accept the ordinance and direct staff to provide a synopsis of the legal ease. This motion died as there was no second.

Mr. Kehoe mentioned that it would better to wait and defer the adoption of the ordinance so that the synopsis can be attached when adopted. Staff will have to change the effective dates in the ordinance.

Councilwoman Case made a motion to defer adoption until March 1, 2010 meeting, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #597

An ordinance of the Town of Denton amending the Table of Density and Dimensional Regulations in the Zoning Ordinance which is Chapter 128 of the Denton Town Code with respect to the Commercial Medical (CM) zoning district.

Councilman Porter made a motion to introduce Ordinance #597, seconded by Councilman Danielson. In discussion Mr. Kastning provided an explanation of the ordinance. The motion passed unanimously.

Ordinance #598 – Boat Ramp Citations

An Ordinance of the Town of Denton amending Article 120 of The Code of the Town of Denton to permit the Denton Police Dept. to enforce license requirements under Article 148 of the Public Local Laws Of Caroline County pertaining to Boat Ramp Fees and to be able to issue a town citation for any violations.

Councilwoman Case made a motion to introduce Ordinance #598, seconded by Councilman Clendaniel, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business**Agenda #1 - Rezoning Request – Rede, LLC**

The Council reviewed a request submitted by Raymond Briscuso, owner of Rede, LLC, seeking for the rezoning of property located at the corner of Sixth and Caroline Streets. Property is currently zoned Town Residential (TR). The rezoning request is for the property to be rezoned to General Commercial (GC).

Mr. Tom Davis, of DMS Associates personally appeared on behalf of the property owners seeking consideration from the Town Council to forward the rezoning request to the Planning Commission.

Councilman Danielson stated that this request has already been turned down by the Planning Commission and sees no reason to forward the request again as the immediate side properties are residential.

Mr. Kehoe stated that Section 128-167 of the Town Code states “shall be referred” explaining that the Council must refer this request to the Planning Commission.

Based on the Town Attorney’s advice, the Mayor announced that by automatic referral this item goes to the Planning Commission.

Agenda #2 - Planning Education Course

The Maryland Department of Planning released the “Planning Commission, Planning Board and Board of Appeals Education Course”, required by “The Smart and Sustainable Growth Act of 2009” (SB 280/HB 297).

Mr. Kastning provided an overview of the 2009 legislation requirement and advised that board members must complete the course by July 1, 2010. There is a test to be taken upon completion to certify that the course has been taken.

Planning Commission member Marina Dowdall stated that she has started taking the course and thinks it is very beneficial.

This item was informational only. Mr. Kastning recommended Council members to take the course as well.

Agenda #3 - DDC – 7 N. 4th Street Bid Award

The Town has been awarded \$150,000 in grant funding through the Maryland Dept. of Housing and Community Development for the rehabilitation of the Hardee House, located at 7 N. 4th St.

Mrs. Abby McNinch, DDC Project Manager, provided a review of the contractor bids received and the DDC Board of Directors recommendation, seeking consideration from the Denton Town Council to award the bid to the lowest bidder, Neil Jones Carpentry for \$250,674.00. The DDC would phase in the rehabilitation project to only spend the \$130,000 of grant funds that are still available, and was looking to start with the exterior improvements first. Mrs. McNinch mentioned that this is the second oldest home left in Denton. The house is in the Arts & Entertainment District developed by the Council. They are looking to house about five studios and there are some artists already lined up. The DDC will continue working with the Arts Council to line up additional tenants.

Mayor Gregory questioned where the rest of the funds were going to come from to fulfill the bid amount: Mrs. McNinch said they will continue to keep applying for grants. Once future tenants have been secured they will also look to use rental revenues to continue renovations.

Councilman Danielson was still concerned about balance of cost to rehabilitate.

Mrs. Marina Dowdall, of the Caroline County Arts Council, explained how A&E Districts are working for other communities and mentioned that there are many Caroline County Artist that are showing their art in these communities. Mrs. Dowdall said that moving forward with this project will help to bring those Artisan's back home to Denton. Other communities have indicated that they have a waiting list for tenants.

The Council asked Mrs. McNinch to make a presentation in March on the back ground of the A&E District and 7 N. 4th St. project.

Councilman Porter asked for the bid to be broke down to reflect what the grant funds available will cover, what portion of the renovations will be placed on hold, etc. There were also questions on how lead paint would be handled during the renovations. Mrs. McNinch advised that some of the lead paint will be completely removed while in other areas it will be encapsulated. The cost for lead paint is included in the bid under the finishes.

Discussion continued in which the Council asked for an idea of the number of Caroline County residents that may want to come back to Denton to show their art, and expressed concerns about hidden costs that the Town would be asked to cover.

Any action on this item was deferred for further discussion at the March meeting.

Agenda #4 - 323 Market St.

Mrs. Abby McNinch provided an update on the Microenterprise Center project presently planned for 323 Market St. seeking the Town Council support in executing the Sub-Recipient Agreement.

Mr. Kehoe advised the Council that he had reviewed the agreement and advised of some minor changes.

Councilman Porter made a motion to approve the sub-recipient agreement as amended, seconded by Councilwoman Case, passing unanimously.

Miscellaneous

Councilman Porter raised a concern about the crime escalating in town and asked Chief Cox if there was anything that the Council, Public or Media could do to help out the Police Dept.

Chief Cox advised that the department is working very hard on decreasing the crime in Denton and stated that everyone needs to prevent being a victim by locking up their property.

Mr. John Evans, Editor of the Times Record, complemented the Police Dept. on getting crime information reported and keeping the paper up-to-date.

Executive Session

At 8:15 PM Councilman Danielson made a motion to reconvene the executive session from earlier to seek legal advice from Counsel, seconded by Councilman Porter, passing unanimously. Open Meetings Act, Maryland Code Annotated, State Government Article, 10-508(2), 2004 Repl. Vol. (1) (i), (4), (5), (7), (8).

At 8:22 PM the Town Council reconvened in executive session.

All Council members were present along with Karen Monteith and Stephen Kehoe.

The Attorney provided advice on some property/taxing items and a personnel issue.

No decisions were made during this session.

At 8:50 PM Councilman Clendaniel made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Porter, passing unanimously.

After reopening the regular meeting and with no further business to discuss Mayor Gregory adjourned this meeting of the Town Council at 8:51 PM.

Respectfully submitted,

*Karen L. Monteith
Acting Town Administrator/
Clerk-Treasurer*