

**March 1, 2010**

**Executive Session**

*At 6:05 PM Mayor Gregory called to order an executive session of the Denton Town Council to seek legal advice and discuss personnel.*

*All Council members were present as well as Steve Kehoe, Town Attorney, and Karen Monteith, Acting Town Administrator/ Clerk-Treasurer.*

*The Council held discussion with the Town Attorney on a pending settlement and personnel with regards to the Town Administrator position. Staff was directed to send an offertory letter and employment agreement to the selected candidate to fill the position.*

*At 6:49 PM Councilman Danielson made a motion to close the executive session, seconded by Councilman Porter, 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 personnel and seek legal advice.*

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

*Councilman Clendaniel made a motion to approve the minutes of the February 1, 2010 regular meeting, the February 18, 2010 and February 25, 2010 special meetings, seconded by Councilwoman Case, passing unanimously.*

**Public Hearing**

**Ordinance #597 – Zoning Amendment**

*Mayor Gregory opened a public hearing at 7:02 PM to receive public comments on 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.*

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

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

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

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

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

**Ordinance # 598 - Boat Ramp Fees**

*Mayor Gregory opened a public hearing at 7:03 PM to receive public comments on Ordinance # 598 - An ordinance amending Article 120 of the Denton Town Code to permit the Denton Police Dept. to enforce license requirements under Article 148 of the Public Laws of Caroline County pertaining to Boat Ramp Fees, and to issue town citations for violations.*

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

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

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

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

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

**Petitions, Remonstrance's and Communication**

**Proclamation – Rev. Dr. Bernita A Johnson-Earl –**

Mayor Gregory asked for a motion to ratify a proclamation that he previously signed for Reverend Dr. Bernita A. Johnson-Earl, a former resident of Denton for her 75<sup>th</sup> birthday. The proclamation was presented at her birthday party on Feb. 26, 2010.

Councilman Clendaniel made a motion to ratify the proclamation, seconded by Councilwoman Case, the motion passed unanimously.

**Downtown Denton Main Street Banners**

Ann Jacobs, Downtown Main Street Manager, and Mr. Tim Glass presented their plan to place pole banners on the light poles downtown. They are still waiting for approval from the Delmarva Power Company. Planning to order 12 banners to have installed downtown before the Denton Spring Gala event this May.

The Council expressed their support and made recommendations on the locations.

**Ordinances and Resolutions**

**Resolution # 722 – De-Annexation Request**

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 made a motion to defer action on this resolution until April, seconded by Councilwoman Case, passing unanimously.

**Resolution #723 - EmPOWER Energy Efficiency and Conservation Block Grant (EmPOWER EECEBG).**

Tom Batchelor, Senior Codes Enforcement Officer, provided a general overview of the Maryland Energy Administration (MEA) grant agreement that has been provided for execution. Working with MEA, the EmPOWER EECEBG grant in the amount of \$22,000.00 allows the Town of Denton to identify and implement energy efficiency and conservation measures. The Town will look to retrofit the Town Hall for energy efficiency. This is a reimbursement type of grant.

Councilman Clendaniel made a motion to adopt the grant agreement, seconded by Councilman Danielson, passing unanimously.

**Resolution # 724 – EDA Grant Application**

A resolution authorizing the submission of an application to the U. S. Dept. of Commerce, EDA Division for Investment Assistance – Economic Adjustment Program funds in the amount of \$572,268. If awarded, these funds will be used for infrastructure cost at Crouse Park. This resolution also authorizes the mayor to execute any documents required in submitting this application. Application deadline is March 15, 2010.

Councilman Porter made a motion to adopt Resolution #724, seconded by Councilman Clendaniel.

In discussion, Ellis Davidson advised that JOK Walsh will be present later and asked the Council to hold off finalizing the motion to allow JOK and opportunity to provide additional information.

This item was deferred until later.

**Ordinance #594 – Zoning 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. At the

February 1st Town Council Meeting this item was deferred until the March 1<sup>st</sup> Town Council meeting to give the Planning Staff time to generate a guideline.

Councilwoman Case made a motion to adopt Ordinance #594, seconded by Councilman Danielson.

In discussion Mr. Bill Kastning, Director of Planning and Codes, presented a sign guideline draft for businesses located in the Central Commercial District and advised that the department will prepare similar guidelines for the other districts. The drafted guideline has been previewed by the Downtown Main Street Manager, business owners, and the Planning Commission.

Councilman Danielson expressed that the Planning Dept had done due diligence, while Councilwoman Case stated how pleased she was with the summary translation.

Councilman Clendaniel asked if the merchants had any questions. Ms. Janice Clere raised a question on the usage of outside hardware and Bill Kastning explained.

Bill Kastning commended Tom Batchelor as the author of the guideline.

With no further discussion, the Mayor called for the vote on the motion on the floor to adopt Ordinance #594. The motion passed unanimously.

**Ordinance #597 – Zoning Table Density**

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 Danielson made a motion to adopt Ordinance #597, seconded by Councilman Clendaniel.

In discussion Bill Kastning advised of the changes and that the Planning Commission gave a favorable recommendation. Mr. Rick George, Business Manager for the Channel Marker Foundation, explained how the change will allow them to increase the number of units for their facility and asked for the Council's support in adopting this ordinance.

With no further discussion the Mayor called for a vote on the motion on the floor to adopt Ordinance #597. The motion passed unanimously.

**Ordinance #598 – Boat Ramp Citations**

An ordinance amending Article 120 of the Denton Town Code to permit the Denton Police Dept. to enforce license requirements under Article 148 of the Public Laws of Caroline County pertaining to Boat Ramp Fees, and to issue town citations for violations.

Councilman Porter made a motion to adopt Ordinance #598, seconded by Councilman Clendaniel.

In discussion Councilman Danielson asked how patrolling the boat ramp for violators would affect the Police Dept. Chief Cox advised that it would not be a serious impact on the Department as the Officers already patrol the area.

With no further discussion the Mayor called for a vote on the motion on the floor to adopt Ordinance #598. The motion passed unanimously.

**Ordinance #599 – Stormwater management**

An ordinance of the Town of Denton repealing and reenacting with amendments Chapter 106 of the Town Code regarding stormwater management.

Councilman Porter made a motion to introduce Ordinance #599, seconded by Councilwoman Case.

*In discussion, Bill Kastning provided any overview of the ordinance and advised that anything already in the pipeline is grandfathered in. Land that has never been developed on will have to apply for stormwater approval under this new regulation. The Planning and Codes Dept. will have to manage and process. This will impact the Gay St. Redevelopment project, the Village at Watts Creek, and the Glenfield. This must be adopted by the May 4 deadline.*

*With no further, discussion the Mayor called for a vote on the motion on the floor to introduce Ordinance #599. The motion passed unanimously.*

**Ordinance #600 – Vehicle Traffic Code Amendment**

*On December 7, 2009 the Town Council reviewed a request from the Caroline County Sheriffs Office requesting to add one more parking space on N. First Street.*

*Staff prepared this ordinance for consideration of introduction that will repeal and reenact certain provisions of Chapter 120 of the Town of Denton Code, entitled Vehicles and Traffic, specifically relating to section 120-17 Special Purpose Parking Zones to allow for an additional parking space to be added and designated for Police use.*

*Councilman Clendaniel made a motion to introduce Ordinance #600, seconded by Councilwoman Case.*

*In discussion, staff provided an overview of the changes made to the ordinance.*

*With no further discussion, the Mayor called for a vote on the motion on the floor to introduce Ordinance #600. The motion passed unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1 – Rezoning Request – Rede, LLC**

*Raymond Briscuso, owner of Rede, LLC, submitted a request 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).*

*Bill Kastning's provided an overview. Mr. Gus Diacoulis, a partner of Mr. Briscuso, spoke to the Council on behalf of their request to change the zoning, indicating that under the current residential zoning, the parcel can be split into about 20-22 5,000 sq. ft. lots; however, they would like to change the zoning to commercial. Bill Kastning advised the Council that this was informational only, as this is being reviewed by the Planning Commission to see how the change would fall under the proposed comprehensive plan. A public hearing on the comp plan will be held in May.*

**New Business**

**Agenda #1 - Planning Commission Appointment**

*A Regular Member vacancy on the Planning Commission was created due to the resignation of Valerie Miller. The policy of the Town Council has been to appoint the sitting Alternate Member to the unexpired Regular Member term. The appointment of Alternate Marina Dowdall as a Regular Member is at the pleasure of the Town Council. Ms. Dowdall has requested the appointment. The unexpired term ends December 31, 2011.*

Councilman Clendaniel made a motion to appoint Ms. Marina Dowdall to the regular member vacancy on the Planning Commission, seconded by Councilwoman Case, the motion passed unanimously.

**Agenda #2 - Planning Commission Alternate Appointment**

With the appointment of Ms. Marina Dowdall as a Regular Member of the Planning Commission, an Alternate Member Vacancy has been created. Mr. Brian Tyler has submitted a letter requesting appointment to the Planning Commission. The unexpired Alternate Member term ends December 31, 2013.

Councilwoman Case made a motion to appoint Mr. Brian Tyler as an alternate member to serve on the Planning Commission, seconded by Councilman Clendaniel, the motion passed unanimously.

**Agenda #3 - Rezoning Request – Ben Minamoto**

A request from Mr. Ben Minamoto seeking approval for a Highway Commercial rezoning for a portion of his property located on Route 328 for development was brought before the Council. This property was annexed into Town in 2006 with a PN Floating Zone. The applicant has requested the rezoning change to be included in the Comprehensive Plan update.

Mr. Bob Jarrell, Counsel for Mr. Minamoto, provided an overview of the request.

Bill Kastning's advised the Council that this was informational only, as this will be reviewed by the Planning Commission to see how this would fit in the proposed comprehensive plan. Mr. Kastning also mentioned that this has been submitted to the County as a courtesy for their comments on this request.

**Agenda #4 - Rezoning Request – JPA Ventures, LLC**

A request from Mr. Jim Didonato for a rezoning change from Town Residential (TR) to Highway Commercial (HC) and Mixed Residential (MR) for property located on Legion Road, Map 106, Parcels 2473, 2474, 2475 across from the proposed new WalMart site. The applicant has requested the rezoning change to be included in the Comprehensive Plan update.

Mr. Barry Griffith, of Lane Engineering came forth representing Mr. Didonato and explained that the Planning Commission is proposing to change the zoning of the entire 81 acres to commercial instead of residential and they would like to keep a part of the land residential.

Mr. Didonato expressed that they had previously worked with the Planning Commission to incorporate some commercial.

Bill Kastning advised that this item is informational only, as this will be reviewed by the Planning Commission at the March 10, 2010 working session.

**Back to Resolutions**

**Resolution # 724 – EDA Grant Application**

Previously Councilman Porter made a motion to adopt Resolution #724, seconded by Councilman Clendaniel.

Mr. JOK Walsh – President of the Denton Development Corporation (DDC), Mr. Ellis Davidson, DDC Project Manager and Mrs. Kathy Mackel of Caroline County Tourism spoke to the Council about the Crouse Park project and asked for support in submitting a grant application to the U.S. Dept. of Commerce, Economic Development Administration for investment assistance for infrastructure. The DDC requested an

opportunity to hold a working session with the Council to provide an overview on all of the projects they are working on for the Town.

Councilman Clendaniel asked for additional information on the infrastructure that the grant would cover.

Mr. Walsh advised that the current water and sewer lines are not adequate to handle two new facilities. The road base would be improved to address stormwater management. Mr. Davidson mentioned that the biggest part of this piece is the cost to improve the road.

Mr. Walsh explained that there are no loan funds involved in the project. The project is made up of 11 grant funding sources and Mr. Zeb Brodie, as a private developer, is planning on doing the restaurant portion. The EDA Grant is a source that if approved will cover the cost of this additional infrastructure.

Mayor Gregory confirmed that the project is only projected to cost the town \$12,000 for water/sewer and \$40,000 from the forestation fund and questioned staff involvement. Karen Monteith mentioned that the \$40,000 is funds previously collected from private developers in lieu of trees, and that the DDC Project Manager would handle most of the grant work; town staff would be involved in collecting grant funds and processing payments to the vendors.

Bill Kastning advised that the Visitor Center has already been reviewed by staff. However, the restaurant has not been as it is pending approval for a lease from the MD State Highway Administration for parking under the bridge.

Councilman Danielson questioned why this had not been thought of before, and who is going to run the Visitor Center. Expressing that the citizens want to know why the Town would spend money on this type of project instead of other things that need to be fixed in town, like the roads.

Mrs. Mackel advised that it is planned for the Tourism Office to relocate to the visitor center to operate the facility.

Councilwoman Case raised concerns about the amount of work the park needs.

Mr. Walsh explained this portion of the grant, if approved, will upgrade the road for the Town. This is the only piece left to find funding for. Mr. Walsh stated that this project will re-connect the Town water front to the Historic District and that the project is about bringing people in town.

Mayor Gregory commented on the list of funding that has been awarded for this project, approximately 4.2 million and advised the board that none of these funds can be used for street improvement. All of the funds secured are limited for use for economic development. Mayor Gregory continued to state that the Town will only have to put out \$52,000 of which \$40,000 comes from private property development, expressing that this could be the re-birth for our Town, and recommended that the Council seriously consider supporting this request.

Councilman Clendaniel made a motion to approve ~~and lock in the Town's contribution~~ "if this would be the Town's last contribution". Staff clarified that there was already a motion on the floor to adopt this resolution. Councilman Clendaniel withdrew his motion.

Mayor Gregory congratulated Mr. Walsh and Mr. Davidson for their work on this project and finding these grant funds.

*Councilman Porter stated that he supports moving forward as this project is fixing town infrastructure.*

*The Mayor called for the vote on the floor to Adopt Resolution #724 authorizing the submission of the EDA Grant application. The motion passed 4-1 with Councilman Danielson abstaining.*

*A working session with the DDC will be scheduled at a later date.*

**Misc.**

*Mr. Ernie Crowfoot, a resident of Wood Lane, congratulated the Town Staff on how well the snow removal was handled.*

*With no further discussion, Mayor Gregory adjourned this meeting at 9:01 PM.*

*Respectfully submitted,*

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

Pg 3025 amended before adoption on 4/5/2010. (~~removed~~ and “ inserted new”)