

April 5, 2010

Executive Session

At 6:02 PM the Mayor opened an executive session to seek legal advice and discuss personnel.

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

The Council held discussion to seek legal advice from the Town Attorney; then met with the incoming Town Administrator, Mr. Don Mulrine.

At 6:57 PM the Mayor closed the executive session to relocate down stairs for the Council regular monthly meeting.

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.

Appointment of Town Administrator

Mayor Gregory provided an overview of the process the Town Council recently completed in seeking a new Town Administrator, and announced that the Council had selected Mr. Donald H. Mulrine.

Councilman Clendaniel made a motion to appoint Mr. Donald H. Mulrine as the new Town Administrator effective April 14, 2010, seconded by Councilwoman Case, the motion passed unanimously.

Mayor Gregory announced that Ms. Terry Fearins will remain on board as Senior Advisor to the Council.

Mayor Gregory expressed thanks and appreciation to Karen Monteith for serving as the Acting Town Administrator for the past six months.

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 asked for a correction to be made to the March 1, 2010 minutes, on page 3025EDA Grant application, where it states that Councilman Clendaniel made a motion to approve and lock in the Town's contribution; the minutes should state "motion to approve, if this would be the Town's last contribution".

Councilman Clendaniel made a motion to approve the minutes of the March 1, 2010 regular meeting as amended, the minutes of the March 15, 2010 working session/special meeting and the minutes of the March 22, 2010 working session. The motion was seconded by Councilman Porter and passed unanimously.

Public Hearing

Ordinance # 599

Mayor Gregory opened a public hearing at 7:07 PM to receive public comments on Ordinance #599 - an ordinance of the Town of Denton repealing and reenacting with amendments Chapter 106 of the Town Code regarding stormwater management

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 7:08 PM.

Ordinance # 600

Mayor Gregory opened a public hearing at 7:08 PM to receive public comments on Ordinance #600 - an Ordinance repealing and reenacting certain provisions of Chapter 120 of the Denton Town Code, entitled vehicles and traffic specifically relating to sections 120-17 special purpose parking zones.

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 7:09 PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

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

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. This item was carried over from the March 1, 2010 agenda.

The Council deferred action on this resolution to allow time for the Town Attorney to communicate with the property owners.

Ordinance #599 - Stormwater Management Amendment

An ordinance of the Town of Denton repealing and reenacting with amendments Chapter 106 of the Town Code regarding stormwater management. This ordinance was introduced March 1, 2010, and is before the Town Council for consideration of adoption. Recently introduced State legislation, HB 1125, clarifies grandfathering of projects in various stages of approval and allows local governments the ability to issue waivers.

Councilman Danielson made a motion to adopt, seconded by Councilman Clendaniel. In discussion Mr. Bill Kastning, Director of Planning and Codes, provided an overview of the waivers currently being considered at the State House level to fix the language so that it is not so onerous for redevelopment. Mr. Kastning advised that the ordinance is required to be adopted by May 4, 2010. Any amendments from the State will be brought before the Council for consideration at a later date.

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

Ordinance #600 – Vehicle Traffic Code Amendment

An Ordinance repealing and reenacting certain provisions of Chapter 120 of the Denton Town Code, entitled Vehicles and Traffic, specifically relating to Section 120-17 Special Purpose Parking Zones. This ordinance was introduced March 1, 2010 and is being brought before the Town Council for consideration of adoption.

Councilman Danielson made a motion to adopt Ordinance #600, seconded by Councilman Porter, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business

Agenda #1 - DDC Board Member Appointment

The Denton Development Corporation has asked for a Town Councilmember to be appointed to serve on the DDC Board. The Board tries to meet at least once a month; sometimes this is pending on what activity is going on. Meetings are usually held at 6:00 p.m. on Thursdays.

Councilman Clendaniel made a motion to appoint Councilman Dean Danielson to serve on the DDC Board, seconded by Councilwoman Case, the motion passed unanimously.

Staff was asked to provide a copy of the MOU and Articles of Incorporation for the DDC board.

Agenda #2 - Diem Annexation Extension Request

The Council reviewed a letter submitted from Mr. and Mrs. Ronald Diem requesting an extension on paragraph 2A of their annexation agreement to allow them to continue their cattle/livestock operations on their property for an additional 5 years, or until such time development starts on Foy Road. The current use is set to expire October 3, 2010.

Councilman Porter made a motion to extend for another 5 years, seconded by Councilwoman Case. In discussion the Town Attorney advised that he would need to draft an amendment to the original annexation agreement to be signed by all parties to be recorded at the Court House. Councilman Danielson asked to have the Diems pay for all legal cost to amend the agreement, and Mr. Kehoe advised that the original annexation agreement already requires the Diems to pay for any legal cost associated with the agreement.

Councilman Porter amended his motion to extend for 5 years to allow for an additional 5 years if needed, the amended motion was seconded by Councilwoman Case, the motion passed unanimously.

Agenda #3 - Towers Annexation Modification Request

Mr. Bob Jarrell, Attorney representing Ms. Eleanor Towers submitted a letter to the Town regarding her property at 10036 Pearson Road. For estate planning purposes, Ms. Towers would like to set up her deed so she has lifetime rights to the property and upon her death, her daughter, Carol Ann, would become the owner. Before conveying the property, Ms. Towers wanted seek approval from the Town that this would not affect her current real estate tax waiver status until her death.

The original annexation resolution #283B adopted June of 1980 allowed for a tax waiver until either additional town services were requested by the property owner or at which time the property had a transfer of ownership.

Councilman Porter made a motion to allow the request, seconded by Councilman Clendaniel. During discussion Councilwoman Case clarified that the real estate tax waiver would only be in effect while Mrs. Towers was alive. The motion passed unanimously.

Agenda #4 North Denton Improvements Phase II – Bid Award

This item was deferred until the May meeting at the request of the Public Works Director, Mr. Scott Getchell.

Agenda #5 - ENR Upgrade Bid Award

Mr. Scott Getchell, Public Works Director asked the Council for consideration to award the contracts for the construction bid and construction management bid for the ENR Upgrade. Seeking award of the contract to J.L.W. Associates of Leonardtown, MD, the lowest bidder for the ENR Upgrade. The total bid amount is \$3,894,829. In addition to the low bidder, the Public Works Director also requested the Council approve the construction management proposal from GMB for the amount of \$467,000. The low

bidder and the construction management proposal are being reviewed by MDE and the Council's approval would be contingent upon MDE's approval. 91.62% of the total costs of this upgrade will be funded by MDE. The remaining 8.38% will be in the form of a low interest loan to the Town. This upgrade is mandated by the NPDES permit.

Councilman Danielson made a motion to award the bids as requested, seconded by Councilwoman Case, the motion passed unanimously.

Agenda #6 - Board of Appeals Appointment

A regular member vacancy on the Board of Appeals was recently created due to the resignation of Michele Wasson. The policy of the Town Council has been to appoint the sitting Alternate Member to the unexpired regular member term. The Alternate member Florence Doherty has requested the appointment. The unexpired term ends December 31, 2010.

Councilman Clendaniel made a motion to appoint Mrs. Doherty to the vacancy, seconded by Councilman Porter, passing unanimously.

Agenda #7 - Board of Appeals Alternate Appointment

Staff will seek letters of interest to fill the alternate position for the May Council meeting.

Agenda #8 - Market St. Public House Letter of Support

The Owners of the Market St. Public House are in the process of submitting a request for an expansion of their current outdoor seating area and came before the Council seeking a letter of support.

Mr. Kastning mentioned that the Planning & Codes Dept. had already reviewed the plans and has provided a letter to the Tyler's of constraints about placement on the sidewalks, etc.

Councilman Clendaniel made a motion to approve to provide a letter of support, seconded by Councilwoman Case, the motion passed unanimously.

Agenda #9 - FY2011 General Fund Budget

As required by the Denton Town Charter the first submission of the General Fund FY2011 budget was presented to the Town Council. The initial draft of the budget reflects the requests made by each department for FY2011 and the projected balances for FY2010.

The Council will begin budget discussion during the working session that is scheduled for April 19, 2010.

Agenda #10 - FY2011 Constant Yield

The Council announced that it will hold the Town of Denton's Constant Yield Hearing on May 3, 2010.

Agenda #11 - Town Server Replacement

Withdrawn

Agenda #12 - EPA Smart Growth

Mrs. Kathleen Freeman, Caroline County Planning Director came before the Council regarding the EPA, with the assistance of HUD and DOT, offer for direct technical assistance from national experts to communities, tribes, regions, and states that want to incorporate smart growth techniques in their development. EPA is also interested in identifying and documenting innovative solutions to complex problems faced by communities as they seek to incorporate smart growth practices. Mrs. Freeman mentioned that the County is applying for technical assistance to develop an interagency Transfer of Development Rights and Purchase of Development Rights program. Mrs. Freeman advised that this is not a grant, but provides up to \$70,000 worth of technical

assistance in which Federalsburg and Denton are being asked by the County to participate. There is no cost to the County and or towns for this study.

Mrs. Freeman came asking the Council to decide if the Town of Denton wishes to be a recipient of the technical assistance program being offered.

Councilman Porter made a motion to participate, seconded by Councilman Clendaniel. In further discussion Councilman Danielson asked Mr. Kastning what he recommended. Mr. Kastning advised that he has no problem with what is proposed. Councilman Clendaniel asked Mrs. Freeman to double check and make sure there are no catches.

The Mayor called for the vote on the motion, the motion passed 4-1 with Councilwoman Case abstaining due to her personal concerns.

Mrs. Freeman thanked the Town for their consideration and announced that a letter will go to the EPA on April 9, 2010, a copy will be forwarded to the Town.

Agenda #13 - Escrow Fees

Mr. Kastning came before the Council to discuss collecting an escrow fee for any major project that will incur consultant review fees. Mrs. Monteith advised that by having a fee up front that it would avoid cash flow issues.

Staff came seeking the Town Council's permission to establish an escrow procedure and create the appropriate line items in the FY2011 budget.

Councilwoman Case made a motion to support staff pulling together an escrow fee policy, seconded by Councilman Porter, the motion passed unanimously.

Agenda #14 - 2010 Draft Comprehensive Plan

The 2010 Draft Comprehensive Plan has been forwarded to Maryland Department of Planning on March 25, 2010, for review and comments. A joint Public Hearing of the Town Council and the Planning Commission is scheduled to be held on May 25, 2010. Appropriate edits and amendments will be made during the next 60-days based upon comments received from State agencies, Caroline County, Town Council and the public. Staff requested the Town Council's input during the 60-day comment period.

Councilman Porter advised that he had received permission for the use of the Denton Fire Hall to hold the meeting.

Councilman Porter mentioned to the Council that he has been asked to serve on the commission to try to resolve the issue between the Emergency Management Services and the Denton EMS units.

With no further discussion, Mayor Gregory adjourned this meeting at 7:55PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer