

August 9, 2010

Executive Session

At 6:05 PM Councilman Clendaniel made a motion to hold an executive session to discuss personnel, investment of public funds and to seek legal advice, seconded by Councilman Danielson. The motion passed unanimously

All Council members were present as well as Don Mulrine, Town Administrator, and Karen Monteith, Clerk-Treasurer. Mr. Steve Kehoe, Town Attorney, joined the session at 6:40 PM.

At 6:50 PM Councilman Porter made a motion to close the executive session, seconded by Councilman Clendaniel, passing 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, investment of public funds, and seek the advice of Counsel.

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

Councilman Clendaniel asked to have a change made to the July 12, 2010 minutes changing "to vague" to "too vague" on page 3050. Councilman Clendaniel made a motion to approve the minutes of the July 12, 2010 regular meeting as amended, seconded by Councilman Danielson, passing 4-0, with Councilwoman Case abstaining due to being absent at the July meeting.

Public Hearing

None

Petitions, Remonstrance's and Communication

Proclamation – Caroline Summerfest 2010

Mayor Gregory read a proclamation to commemorate Caroline Summerfest 2010, this was passed unanimously.

Mrs. Sue Simmons of Caroline County Recreation and Parks presented the Council members with a Super Hero Cape for them to wear during the festival.

Proclamation – North Carolina 11 & 12 Girls Softball All Star Team

Mayor Gregory read a proclamation to recognize and congratulate the North Carolina 11 & 12 Girls Softball Team for winning the District Six Division and the Maryland State Tournament. The proclamation was passed unanimously.

Proclamation – North Carolina High School Top High School Achievement

Mayor Gregory read a proclamation to recognize the North Carolina High School's entry into the 2010 Newsweek Magazine's Top High Schools. Only 6% of High Schools in the U.S. made this list. The proclamation was passed unanimously.

Certificate Presentation

Mayor Gregory presented Mrs. Christine Longo with a Certificate of Appreciation for lending aid to their neighbor whose son fell into a back yard swimming pool and assisting in this life saving event. A certificate was also read to be given to Mrs. Gail Pardoe.

Yard Sale Request

The Council reviewed a request received from Ms. April ~~Eckhart~~ Elgard asking for permission to use the lot at the corner of 3rd and Market St. for residents to hold yard sales.

Councilman Danielson recommended having staff review the town code for compliance of on going yard sales.

Mr. Tom Batchelor, Senior Codes Enforcement Officer, stated that the code allows for two yard sales per year.

Mayor Gregory asked staff to research to see if more than two yard sales per year would require a business license, etc.

Staff will also research insurance requirements, since the yard sale land belongs to the Town.

The Council unanimously agreed to allow one yard sale to be held in September on this lot, and for staff to review and get back to the Council on regulations regarding multiple yard sales.

Ordinances and Resolutions

Resolution # 733 – Maryland General Assembly Petition

A Resolution for the purpose of petitioning the administration and the Maryland General Assembly to reinstate state shared revenues diverted from municipal governments to fund operations of the state and to provide more diverse revenue raising authority to municipalities.

Councilman Clendaniel made a motion to approve Resolution #733, seconded by Councilwoman Case, passing unanimously.

Resolution #734 – Wal-Mart Construction and Access Easement Agreements

A Resolution of the Town of Denton approving a temporary construction easement agreement and an access easement agreement between the Town of Denton and Wal-Mart Real Estate Business Trust.

Councilman Porter made a motion to accept Resolution #734, seconded by Councilman Danielson. In discussion: The Town Attorney provided an overview.

The motion passed unanimously.

Resolution #735 – Diem Amended Annexation Agreement

A Resolution of the Town of Denton approving an amendment to the October 3, 2005, annexation agreement between the Town of Denton and Ronald Diem and Jennie Diem.

Councilman Danielson made a motion to accept Resolution #735, seconded by Councilman Porter, the motion passed unanimously.

Resolution # 736 – Maryland Smart Sites Initiative

A Resolution for the purpose of nominating Caroline High School as a “Smart Site” for participation in the Maryland Smart Sites Initiative of the Governor’s Smart Green and Growing Initiative, administered by the Maryland Department of Housing and Community Development.

Councilman Clendaniel made a motion to accept Resolution #736, seconded by Councilman Porter. In discussion: the Town Administrator provided an overview. The motion passed unanimously.

Resolution #737 – Fortner Amended Annexation Agreement

A resolution of the Town of Denton approving an amendment to the October 2, 2006, annexation agreement between the Town of Denton and David Richard Fortner, Christine Renee Fortner, James Richard Fortner, and Brenda J. Fortner.

Councilman Porter made a motion to adopt Resolution #737, seconded by Councilman Danielson. In discussion: Mayor Gregory explained the purpose behind the amendment which would provide a real estate tax waiver on the Fortner properties. The Town Attorney mentioned that with the adoption of this amendment the PN (Planned Neighborhood) zone will be removed, and the property will be zoned AG (Agricultural) for Assessment purposes.

With no further discussion, the Mayor called for a vote on the motion to adopt Resolution #737, the motion passed unanimously.

Resolution #738 – Walmart Neighbors Letter

The Town Attorney provided an overview and stated that this action can be in the form of a letter and does not need to be a resolution.

Councilman Porter made a motion to authorize the Town Administrator to send a letter to Mr. Brodie, seconded by Councilwoman Case, and passed unanimously.

Ordinance #611 – Official Zoning Map

An Ordinance of the Town of Denton repealing and reenacting with Amendments Chapter 128, Zoning of the Town Code, adopting a new official Zoning Map for the Town of Denton, and adopting a new official Critical Area Overlay District Map for the Town of Denton.

Councilman Porter made a motion to introduce Ordinance #611, seconded by Councilman Clendaniel. In discussion: Councilman Porter questions the zoning on S. 2nd St. Critical Area, whether it should be LDA or IDA. Mr. Batchelor will check on the proper zoning.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #611, the motion passed unanimously.

Ordinance #612 – Land Subdivision Amendment

An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 73, Land Subdivision of the Town Code.

Councilwoman Case made a motion to introduce Ordinance #612, seconded by Councilman Danielson, passing unanimously.

Ordinance #613 – Donohue Façade Easement

An Ordinance of the Town of Denton approving a historical façade easement on a building known as “Plain Dealing”, located at 808 South Fifth Avenue in the Town of Denton.

Councilman Clendaniel made a motion to introduce Ordinance #613, seconded by Councilman Danielson. In discussion: The Town Attorney advised that he had been working with Mr. Nier, the Donohue’s Attorney, to add language to protect the home.

With no further discussion, the Mayor called for a vote on the motion to introduce Ordinance #613, the motion passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

5th Ave Infrastructure Project Bid Award

The Public Works Director, Mr. Scott Getchell, recommended for the Council to award the contract to Metro Paving Corporation of Hyattsville, MD, the lowest bidder, and authorize the Mayor's signature on all documents pertaining to the contract. The total bid amount is \$1,530,697. In addition to the low bidder award, the Public Works Director also requested the Council to approve the Construction Management Proposal from Lane Engineering in the amount of \$168,150. The low bid is under review by USDA and SHA, the primary funding agencies, and the Council's approval would be contingent upon approval by both agencies.

Councilman Clendaniel made a motion to authorize the Mayor to sign all documents pertaining to the contract, and to award the construction contract to Metro Paving in the amount of \$1,530,697, and to award the construction management contract to Lane Engineering in the amount of \$168,150. The motion was seconded by Councilman Porter and passed unanimously.

7 N. Fourth Street

Mrs. Abby McNinch, DDC Project Manager, presented information to the Council seeking consideration to award the façade construction bid for 7 N. Fourth St. (Arts Way District) to Neil Jones Carpentry.

Councilman Danielson made a motion to award the construction contract to Neil Jones Carpentry to get the outside renovations started, seconded by Councilman Clendaniel, passed unanimously.

FY2011 Water Fund Budget

The FY2011 Water Fund Budget was presented to the Town Council for consideration of adoption.

Councilman Danielson made a motion to adopt the FY2011 Water Fund Budget as presented, seconded by Councilman Porter. The motion passed 4-0 with Councilman Clendaniel abstaining.

FY2011 Sewer Fund Budget

The FY2011 Sewer Fund Budget was presented to the Council for consideration of adoption.

Councilman Danielson made a motion to adopt the FY2011 Sewer Fund Budget as presented, seconded by Councilman Porter. The motion passed 4-0 with Councilman Clendaniel abstaining.

New Business

Agenda #1 – 323 Market Street Presentation

Mr. Tom Batchelor provided an overview of the Town's property located at 323 Market Street and summarized the proposed construction and renovation project, as well as the CDBG Funds awarded to cover the renovations.

This item was informational only, no action taken by the Council.

Agenda #2 – Friends of the Grape

This item was pulled from the agenda.

Agenda #3 - Board of Appeals Procedures

Mr. Kehoe, Town Attorney, provided an overview of the options before the Council for creating rules on how to handle appeals to go before the Board of Appeals. Option One would be where the appeal is based on the proceeding before the Commissioning Board where the Board of Appeals only looks at whether or not that

Commission committed an error. The other option would be for a proceeding before the Board of Appeals to be considered a new proceeding.

Councilman Clendaniel asked for thoughts from the Planning Commission members that were present.

Mrs. Doris Walls, Chair person, and Mrs. Marina Dowdall of the Planning Commission supported the option for an appeal to only be viewed on an error.

Councilman Danielson agreed for an appeal to be based on an error.

Planning Commission Member Sue Cruickshank supported the option to review on error, sighting that if appealed to a higher court, it would have to be because of an error and that the Town rules should be consistent.

The consensus of the Council was to choose the option to be on an error. Staff and the Town Attorney will move forward with drafting language to be presented in the future for consideration of adoption.

Agenda #4 Route 50 Corridor Commuter Update

Staff asked for consideration to have approval for the Mayor to sign a letter supporting the Route 50 corridor master plan.

The Mayor read the letter that had been drafted to Mr. David Dahlstrom, at the Queen Anne's County Dept. of Land Use. It was the consensus of the Council for the Mayor to sign the letter as drafted.

Agenda #5 – Trice Meadows PWA

Public Works Agreement for Trice Meadows.

This item was pulled from the agenda.

Miscellaneous

Mrs. Marina Dowdall announced that the Spring Gala committee members are planning their next event and working on obtaining their alcohol permit and member training and asked for the Councils support.

The Council had no objection.

With no further discussion, Mayor Gregory adjourned this meeting at 8:05PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*