

September 13, 2010

Executive Session

At 6:04 PM Councilman Danielson made a motion to open an executive session to consult with staff about pending and potential litigation, consider the investment of public funds and consider marketing of public securities, the motion was seconded by Councilman Clendaniel and passed unanimously.

All Council members were present as well as Don Mulrine, Town Administrator and Karen Monteith, Clerk-Treasurer.

This session was informational only, no action was taken.

At 6:59 PM Councilman Danielson made a motion to close the executive session seconded by Councilwoman Case, 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 consult with staff about pending and potential litigation, consider the investment of public funds and consider marketing of public securities

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

Councilman Clendaniel asked to have a name correction made on page 3061 of the August minutes to reflect April Elgard instead of April Eckhart, and to remove the "comma" in the word Manager on page 3063 corrected. Councilman Clendaniel made a motion to approve the minutes of the August 9, 2010 regular meeting as amended, seconded by Councilman Danielson, passing unanimously.

Public Hearing

Resolution #739 – 2010 Comprehensive Plan

Mayor Gregory opened a public hearing at 7:01 PM to receive public comments on Resolution #739 - A resolution of the Town of Denton adopting the amendments to the Town of Denton 2010 Comprehensive Plan.

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 7:02 PM.

Ordinance #611 – Chapter 128 Zoning Code

Mayor Gregory opened a public hearing at 7:02 PM to receive public comments on Ordinance #611 - 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 and adopting a new official Critical Area Overlay District Map for the Town of Denton.

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 #612 – Chapter 73 Land Subdivision

Mayor Gregory opened a public hearing at 7:03 PM to receive public comments on Ordinance #612 – An ordinance of the Town of Denton repealing and reenacting with amendments Chapter 73, Land Subdivision of the Town Code.

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.

Ordinance #613 – 808 S. Fifth Ave – Historical Façade Easement

Mayor Gregory opened a public hearing at 7:04 PM to receive public comments on Ordinance #613 – 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.

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 – Mr. George Nier, Attorney representing the property owners Mr. & Mrs. Donohue of 808 S. Fifth Ave., took the opportunity to speak to the Council.

Mr. Nier started with referencing an article in the Times Record which described him as being agitated at the last public hearing. Mr. Nier offered an apology if his actions appeared inappropriate. Mr. Nier went on to mention that the Ordinance before the Council was passed by the Planning Commission with a 4-1 vote, and that Mr. & Mrs. Donohue support and have signed the agreement and ask for the Council’s consideration to adopt.

With no further comments Mayor Gregory closed this public hearing at 7:07 PM.

Petitions, Remonstrance’s and Communication

Proclamation – Domestic Violence Awareness Month

Mayor Gregory read and proclaimed the month of October as Domestic Violence Awareness Month and urge citizens to work together to eliminate domestic violence from the community.

North Caroline High School Recognition

Councilwoman Case shared with the Council an official thank you received from Mr. Brian Spiering for the Town’s previous recognition of the NCHS Achievement award.

Ordinances and Resolutions

Ordinance #613 – 808 S. Fifth Ave. Historic 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 Porter made a motion to adopt Ordinance #613, seconded by Councilwoman Case, passing unanimously.

Resolution #739 – 2010 Comprehensive Plan

A Resolution of the Town of Denton adopting amendments to the 2010 Comprehensive Plan.

Councilman Porter made a motion to adopt Resolution #739, seconded by Councilman Danielson, passing unanimously.

Resolution #740 – Minamoto Annexation Agreement Amendment

A Resolution of the Town of Denton approving an amendment to the August 7, 2006, annexation agreement between the Town of Denton and Ben and Beatrice Minamoto.

Councilwoman Case made a motion to adopt Resolution #740, seconded by Councilman Danielson, passing unanimously.

Resolution #742 – Wyre Business Loan

A resolution of the Town of Denton supporting Maryland Department of Housing and Community Development, Neighborhood BusinessWorks Program to provide financing to Harry and Geraldine Wyre by way of a \$50,000 loan. The Town's Business Loan Committee provided a favorable recommendation.

Councilman Danielson made a motion to adopt Resolution #742, seconded by Councilman Porter, passing unanimously.

Resolution #743 – Fifth Avenue Project Interim Financing

A Resolution of the Town of Denton authorizing the Town to borrow funds from Provident State Bank in the amount of \$2,400,000 to provide Interim Financing for the 5th Ave. Infrastructure Project. This resolution repeals Resolution #731 by adding the first two paragraphs, per Bond Council recommendation.

Councilman Porter made a motion to adopt Resolution #743, seconded by Councilwoman Case. In discussion, Staff provided an overview of what the project includes and Mayor Gregory explained how that funding from USDA is not received until the project is complete, therefore interim financing is necessary to provide funding to complete the project.

With no further discussion, the Mayor called for a vote on the motion on the floor to adopt Resolution #743, the motion passed unanimously.

Resolution #744 – Mutual of America – TDA Retirement Plan Amendment

A Resolution of the Town of Denton with respect to administrative services of the TDA Retirement Plan through Mutual of America. Staff provided a history and overview of proposed changes to the plan.

Councilman Danielson made a motion to adopt Resolution #744, seconded by Councilwoman Case, passing unanimously.

Ordinance #611 - Chapter 128 Zoning Code

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 and adopting a new official Critical Area Overlay District Map for the Town of Denton.

Councilman Clendaniel made a motion to adopt Ordinance #611, seconded by Councilwoman Case. In discussion, Mr. Bill Kastning, Director of Planning and Codes, provided a synopsis of the changes for this ordinance and Ordinance #612. Councilman Clendaniel questioned if the Board of Education had been notified and supports the changes, and Staff confirmed.

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

Ordinance #612 – Chapter 73 Land Subdivision

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

Councilman Danielson made a motion to adopt Ordinance #612, seconded by Councilman Porter, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 - 4 S. First St. – Farina/Emerson House

Mr. Don Mulrine, Town Administrator advised that bids had been received from several contractors for replacing the handicap ramp at 4 S. First St., that had been removed previously when the Town was leasing the property. Mr. Mulrine recommended the Council consider approving the low bid of \$4400 and offer to the owner to pay for the replacement ramp.

Councilman Porter made a motion to offer the Farina's, the owners of the property, the amount of the low bid, either in cash or in services from the bidder. The motion was seconded by Councilman Danielson, passing unanimously.

Agenda #2 5th Avenue Infrastructure Project

Mr. Mulrine provided a project update, and announced that staff is getting ready to start the bid process and that public information meetings will be scheduled. This item was informational only, no action was taken.

Agenda #3 - Old Schoolhouse

Mr. Mulrine advised that the Maryland Historical Trust has given approval for the demolition part of the project to begin to include the lead abatement and asbestos removal. The signed deed has been delivered and as the project begins Staff will submit a letter to CDBG seeking a 6 month extension on the grant funding.

This item was informational only, no action was taken.

New Business

Agenda #1 – FY2012 Homestead Tax Credit

This item was placed on the Agenda for discussion to see if the Council wanted to make any changes to the Homestead Tax Credit Percentage for July 1, 2011.

The Homestead tax credit is available to all owner occupied residential properties in which the real estate tax on a qualifying property can not increase by more than 5% each year, no matter how much the assessment changes. The 5% tax credit cap has remained the same since July 1, 2008 when it was decreased from 10% to 5%.

The Council unanimously agreed to keep the Homestead Tax Credit percentage the same in FY2012.

Agenda #2 – Brandon Hollingsworth

Mr. Brandon Hollingsworth came before the Council to discuss a violation he received with regards to the Property Maintenance Code 302.8 Untagged Vehicle. Mr. Hollingsworth was seeking approval to operate a home occupation (vehicle repair shop) at his residence located at 1112 Market Street.

The Denton Town Code §128-68 Home Occupations B(1) states vehicle repair shops would not be appropriate as a home occupation and should not be permitted. Mr. Kastning added that home occupations are permitted but must be located within the home or accessory structure on the property. Currently the Town Code does not permit this type of business in a town scale residential neighborhood.

Mayor Gregory acknowledged that the Town code does not allow this type of business, but asked the Town solicitor to review the code for compliance and report to the Council at the October meeting.

Agenda #3 - Harry's on the Green

Small Business Loan Application, this item was covered by the adoption of Resolution #742.

Agenda #4- Denton Town Employee Homeownership Financial Assistance Program

Officer Dan Franklin is preparing to purchase a home in Denton and had previously applied for the Town Employee Homeownership Financial Assistance Program. Officer Franklin successfully completed the requirements qualifying to receive \$2,500 toward the settlement cost as defined in the program. This item was before the Council seeking approval to provide funding.

Councilman Clendaniel made a motion to approve as requested, seconded by Councilman Danielson. In discussion, Councilman Danielson asked if the program had a length of service requirement, staff replied that the employee is required to remain an employee of the Town for 5 years. Should the employee leave within the 5 years, the employee will be required to pay back a prorated portion of the funding supplied based on the number of years remaining.

With no further discussion, Mayor Gregory asked for a vote on the motion on the floor to approve providing \$2,500 towards Officer Franklin's settlement. The motion passed unanimously.

With no further discussion, Mayor Gregory adjourned this meeting at 7:54PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer