

October 4, 2010

Executive Session

At 6:25 PM Councilman Danielson made a motion to open an executive session to discuss business proposal to locate in Denton, consult with staff about pending or potential litigation, conduct bargaining negotiations and to seek legal advice, seconded by Councilman Porter, passing unanimously.

Council members present included Councilman Clendaniel, Porter, Danielson and Councilwoman Case.

Staff present included Don Mulrine, Town Administrator & Karen Monteith, Clerk-Treasurer along with Steve Kehoe, Town Attorney.

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

Vice Mayor Clendaniel called the 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.

Vice Mayor Clendaniel announced that the Town Council had held an executive session earlier on this date to discuss items with staff and to seek legal advice.

Vice Mayor Clendaniel asked that the record reflect that all Council members were present, with the exception of Mayor Gregory who was out of town.

Councilman Danielson made a motion to approve the minutes of the September 13, 2010 regular meeting, seconded by Councilwoman Case, passing unanimously.

Public Hearing

Resolution #741 – County CDBG Grant – Crouse Park

Vice Mayor Clendaniel opened a public hearing at 7:02 PM to receive public comments on Resolution # 741, a resolution to receive ownership and assume responsibility of the approved State of Maryland CDBG Grant (MD05-ED-77) for the construction of the shell building foundation to attract a restaurant business as part of the development of Crouse Park.

Vice Mayor Clendaniel asked for comments from the State – there were none

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Vice Mayor Clendaniel asked for comments from the Public – Mr. JOK Walsh, Chairman for the Denton Development Corporation, Mr. Ellis Davison Project Manager and Mr. Scott Warner from the Economic Development Association spoke about the project.

Mr. Walsh provided an overview of the Crouse Park project and history of the CDBG \$600,000 grant that was applied for and awarded to the County back in 2004. The County has spent approximately \$45,000 of the grant and is asking the Town to take over the grant since it is connected to a town project. The grant funds will be used to construct the pilings and deck for a restaurant to be built in Crouse Park.

Mr. Zeb Brodie has agreed to be the developer to build and own the restaurant and spoke about his restaurant management experience. Mr. Walsh explained that the liability to the Town for accepting the grant is the requirement for a jobs agreement to create 24 jobs, once the agreement has been met, the liability of the grant goes away. If the restaurant should transfer ownership, the jobs agreement is transferable.

Mr. Walsh also mentioned that Mr. Davison will be leaving as the project manager and that Mr. Glenn Collins will be taking his place.

With no further comments, Vice Mayor Clendaniel closed this public hearing at 7:14 PM.

Petitions, remonstrances and communications

Proclamation

Vice Mayor Clendaniel read a proclamation thanking the Eastern District of the Baltimore Conference African Methodist Episcopal Church for holding their annual conference in Denton this past September.

Visit

Mr. Mario Gangemi had previously asked for an opportunity to address the Council but was unable to attend.

Resolutions & Ordinances

Resolution #741 – County CDBG Grant – Crouse Park

A resolution to receive ownership and assume responsibility of the approved State of Maryland CDBG Grant (MD05-ED-77) for the construction of the foundation for a shell building to attract a restaurant business as part of the development of Crouse Park.

Councilman Porter made a motion to adopt Resolution #741, seconded by Councilman Danielson. In discussion: Councilman Porter confirmed that the Town will own the land and foundation while Mr. Brodie will build and own the restaurant and pay the Town ground rent and property taxes on the building.

Mr. Walsh added that if the restaurant was to close that the State would work with the town to extend the jobs agreement, as has been done with other grant projects throughout Denton and Caroline County in the past.

Councilwoman Case raised concerns about: the length of the planning, that this project has been going on since 1997, the Town having to provide extra policing of the park because she felt the project would create a place for kids to hang out, and that the Town should not be in the restaurant business, locating in a flood area and the extra expense to maintain, and whether the Town could support another restaurant.

Mr. Walsh mentioned that this was not originally an idea of the Denton Development Corp., that it actually came out of a study the Town had completed by professional advisors who made the recommendation to utilize the water front to revitalize and restore the downtown.

Vice Mayor Clendaniel stated that he would like to see the connectivity of the park to the restaurant, “but also shares Councilwoman Case’s concerns”.

Mr. Walsh added that they are working to lower the maintenance for dredging the shore as part of the project and for the future.

Vice Mayor Clendaniel stated that he had a lot of faith in Mr. Brodie building and owning the restaurant, but was concerned about it being located under a bridge, and recommended that the Council hold off approving at a future meeting to provide additional time to study.

Councilman Porter asked about the number of jobs being created and maintenance cost.

Mr. Warner advised that the Town should receive a response in about 30 days as to whether the EDA grant funds have been approved for the infrastructure portion of the project and stated that the job creation is the most important deciding factor.

Councilman Porter made a motion to table voting on the motion on the floor to adopted Resolution #741, to allow for more time to review, seconded by Councilman Danielson, the motion passed unanimously.

Resolution #745 – Habitat for Humanity Neighborhood Revitalization Initiative

A resolution supporting the Caroline County Habitat for Humanity's participation in the Habitat for Humanity Internationals Neighborhood Revitalization Initiative which will include new house construction, rehabilitation of vacant and foreclosed properties, house repairs for low income homeowners and weatherization to make house more energy efficient and affordable.

Councilman Porter made a motion to adopt Resolution #745, seconded by Councilman Danielson. In discussion: Mr. Mulrine advised that Habitat has been working with the Town to identify properties for future consideration.

Mr. Bill Clemens, Executive Director of Habitat for Humanity, spoke to the Council about how the focus of the program has changed from building new homes to renovating and revitalizing existing homes, to provide intervention and encourage energy improvements. USDA is also working along with Habitat to qualify for state tax credit grants.

With no further discussion, the Council voted unanimously to accept the motion to adopt Resolution #645.

Ordinance #614 – ENR Loan from MDE

An ordinance authorizing the Town to borrow funds from MDE to cover the grants ineligible cost for the WWTP ENR Upgrade. The ordinance is consistent with both MDE policies and the Town Charter. The ordinance is still under review by MDE and may be amended before final adoption.

Councilman Porter made a motion to introduce Ordinance #614, authorizing to borrow up to \$428,000, seconded by Councilman Danielson, the motion passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 – Hollingsworth Request

At the September Council meeting the Attorney was asked to review the Town code to see if the Town could grant Mr. Hollingsworth's request to operate a home occupation vehicle repair shop at his 1112 Market St. residence, which is located in a residential neighborhood.

Mr. Kehoe advised that Chapter 128-68 prohibits this type of business to be located within a residential neighborhood. Mr. Kehoe stated that if the Town repeals and or decides to allow a variance that several chapters of the code would need to be revisited, however the State law does not allow a special use variance of this kind.

Mr. Hollingsworth stated that this was only a hobby for him and would not be a fulltime big business and asked for the Council to consider his request.

Councilman Clendaniel questioned if the neighbor's have any objections and Mr. Kehoe restated that the Town cannot grant a special use variance for this.

Councilman Danielson mentioned that if allowed for one that it would open up for anyone else in town, and that he did not recommend.

Vice Mayor Clendaniel recommended that Mr. Hollingsworth look around for a space to rent in an area of town where this type of business was allowed. Mr. Hollingsworth responded that he could not afford any space.

Councilman Danielson explained to Mr. Hollingsworth that putting this type of business in a residential area is not allowed.

Councilwoman Case stated that the town should not set precedence.

Mr. Hollingsworth asked if he could get a petition signed by the neighbors stating their support would the Council reconsider.

Mr. Kastning, Director of Planning and Codes, advised that the State does not allow granting of a use variance, and that the town code clearly states that a motor vehicle and or boat repair type of business is not allowed in a residential neighborhood.

Vice Mayor Clendaniel told Mr. Hollingsworth that there was nothing the Town could do for him.

Mr. Hollingsworth asked if any grants were available to build a garage and Vice Mayor Clendaniel told him to see Mr. Walsh.

New Business

Agenda #1 – Fairfield Development

Mr. Mulrine provided an update on the Fairfield Development request for the Town to take over the stormwater ponds, open space areas and the infrastructure, and advised that staff will be meeting on Monday to discuss with the owner.

Agenda #2 – YMCA Presentation & Water & Sewer Allocation

Mr. Robbie Gill, CEO of the YMCA of Talbot County, made a presentation to the Council about the proposed YMCA to be located at 40 Denton Plaza and requesting approval for the water and sewer allocation of 1.25 ERU's totaling \$11,250. Mr. Gill mentioned that there are no provisions for the Town to waive the allocation fees, but would like the Council to find a way to forgive for non-profit organizations. Mr. Gill invited the Council and public to attend the opening ceremonies that will be held at noon on October 24, 2010.

Councilman Porter made a motion to approve the water and sewer allocation of 1.25 ERU's, seconded by Councilman Danielson. In discussion Councilman Porter advised that the Town cannot waive the allocation fees.

With no further discussion, the Council unanimously voted to approve the motion to grant the allocation.

Agenda #3 - Shore Health Systems Water & Sewer Allocation

Shore Health Systems is relocating its medical facilities to 838 South Fifth Ave and requested approval for the water and sewer allocation of 1.75 ERU's totaling \$15,750.

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

Agenda #4 – Wal-Mart Water & Sewer Allocation

The Wal-Mart water and sewer allocation expired and the Council was asked to approve the reallocation of 4700 gpd, 21 ERU's totaling \$189,000.

Councilwoman Case made a motion to reallocate as requested, seconded by Councilman Porter. In discussion: Mr. Kastning advised that the allocation is only good for 1 year and staff will continue to work with all parties to help move the project along.

Vice Mayor Clendaniel expressed how distressed the Council is that this project has taken so long.

The motion passed unanimously to approve the reallocation of the water and sewer for Wal-Mart.

Mr. Kastning provide an overview of the current issue between the parties regarding a small piece of roadway that Wal-Mart will be constructing to be used with future development and the property owners of the connecting properties wanting someone else to maintain until their projects move forward. Mr. Kastning recommended to the Council to agree to maintain this section to help settle the issue and asked for authorization to sign an agreement.

Councilman Porter made a motion that in the interest to get Wal-Mart moving forward for the Town to agree to accept to maintain a small piece of roadway on the Didanoto property and to sign an agreement with all parties as written by the Town Attorney, seconded by Councilwoman Case, the motion passed unanimously.

Councilman Porter made a motion to authorize the Town Administrator to sign a letter to Mr. Brodie agreeing to keep the access to his sight open unless a life or safety issue arises, seconded by Councilwoman Case, passing unanimously.

Councilman Porter took a moment to recognize the efforts of the Town Administrator and the Planning & Codes Director for working this out with the property owners involved.

Vice Mayor Clendaniel recognized County Commissioner Candidate James Brown being in the audience and asked if he had anything he would like to say.

Mr. Brown said that he came to listen and learn.

Councilman Danielson thanked the Town Administrator, Planning Director and Staff for completing the Comprehensive Plan.

With no further business to discuss, Councilman Danielson made a motion to adjourn this meeting at 8:22PM, seconded by Councilwoman Case, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*