

November 1, 2010

Executive Session

At 6:00 PM Mayor Gregory made a motion to hold an executive session to consult with staff about pending or potential litigation and to seek legal advice of counsel, seconded by Councilman Clendaniel, the motion passed unanimously.

Along with Mayor Gregory, Councilman Clendaniel, Councilman Porter and Councilwoman Case were present. As was the Town Administrator, Clerk-Treasurer and Steve Kehoe, Town Attorney. The Planning & Codes Director, Mr. Bill Kastning, joined the meeting at 6:30.

The Council held discussion with Staff and the Town Attorney on several items. The Town Attorney was directed to draft a letter representing the Council's position on the 4 S. 1st St. lease settlement and Fairfield street lights and open space area.

At 6:51 PM Mayor Gregory closed the executive session.

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 at 6:00 PM on this date to consult with Counsel and staff about pending or potential litigation and to seek legal advice.

Mayor Gregory announced that the Town Council will hold a special meeting on November 15, 2010 at 6:30 PM at the Denton Police Dept. to discuss concerns dealing with the Fairfield community stormwater management area.

Mayor Gregory announced that three of the Town Council members had participated in the Caroline High School Smart Sites Designation ceremony at 5:00 PM on this date. The Caroline High School project has been designated as a Smart Site, one of only two sites on the eastern shore and of sixteen Smart Sites Designation within the State of Maryland. The Smart Sites Designation is a program that was created by the O'Malley Administration to promote innovative state and local partnerships and to better focus private and public funds for economic motivations. The program is run by the State of Maryland Department of Community Development. The Town is pleased with the proposed Culinary School project and honored to have received this limited designation and to have participated in the dedication. Councilman Porter, Council Clendaniel, several representatives from the State, Mr. Don Mulrine, Mrs. Karen Monteith, Mr. Scott Getchell and Mr. Bill Kastning joined Mayor Gregory at the dedication ceremony.

Mayor Gregory sadly announced the passing away of Chief Rodney Cox's mother, extended sympathy and regards to Cox family, and held a moment of silence.

Mayor Gregory asked that the record reflect that all Council members were present for tonight's meeting

Councilman Clendaniel asked to have the October 4, 2010 minutes amended on page 3071, Resolution #741 to include that he shared Councilwoman Case's concerns about the restaurant. Councilman Clendaniel made a motion to approve the minutes of the October 4, 2010 regular meeting as amended and the October 18, 2010 working session. The minutes were seconded by Mayor Gregory, passing unanimously.

Public Hearing

Ordinance #614 – WWTP MDE Borrowing Authority

Mayor Gregory opened a public hearing at 7:05 PM to receive public comments on Ordinance #614 – an Ordinance authorizing the Town to borrow funds from MDE to

cover the grant ineligible costs for the WWTP ENR upgrade. This ordinance is necessary to be consistent with both MDE policies and the Town Charter.

Mr. Stephen Kehoe, Town Attorney, advised that the Ordinance had been reviewed by the Maryland Dept. of Environment and was being presented with some minor amendments which had been made by MDE, clarified the A & B Bonds.

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 7:06 PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Resolution #746 – Provident State Bank 5th Ave. Interim Financing

A resolution authorizing the Town of Denton to borrow funds from Provident State Bank to provide interim financing for the 5th Avenue infrastructure project.

Councilman Porter made a motion adopt Resolution #746, seconded by Councilman Danielson, passing unanimously.

Ordinance #614 – WWTP MDE Borrowing Authority

Ordinance #614 – an Ordinance authorizing the Town to borrow funds from MDE to cover the grant ineligible costs for the WWTP ENR upgrade. This ordinance is necessary to be consistent with both MDE policies and the Town Charter.

Councilman Danielson made a motion to adopted Ordinance #614 as amended by the MDE, seconded by Councilwoman Case. In discussion the Town Attorney explained the bond amount of \$428,000 and the two bond notes. The motion to adopt Ordinance #614 passed unanimously.

Ordinance #615 – Zoning Ordinance Amendment RP district

An ordinance to amend the official use table of the Denton Zoning Ordinance to permit “restaurant, standard” use in the Recreation and Parks (RP) District as a conditional use.

Councilman Porter made a motion to introduce Ordinance #615, seconded by Councilman Danielson. In discussion Councilwoman Case questioned if this had been presented to the Planning Commission, and Mr. Kastning advised that there is no regulation that requires this to go to the Planning Commission first. Councilwoman Case expressed that she wanted the PC recommendation. Mr. Kastning advised that once introduced by the Town Council, the ordinance will go before the Planning Commission for recommendation prior to the Council consideration of adoption.

Councilman Clendaniel stated that he would like the Planning Commission to review first. Mr. Kastning advised that the ordinance would set this as a special exception that would be a conditional use.

Mayor Gregory asked for the Attorney's advice.

Mr. Kehoe advise that the Council can introduce the ordinance and before adoption receive the Planning Commission's recommendations.

Councilman Danielson stated that he sees no problem with introducing the ordinance and obtaining the Planning Commissions recommendation before adopting.

Councilman Clendaniel added that as long as the Planning Commission has the opportunity to review before adoption that he was okay with it.

Councilwoman Case added that she trusted the expertise of the Planning Commission.

The Mayor asked for a vote on the motion to introduce Ordinance #615, the motion passed 4-1 with Councilwoman Case voting against.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business

Agenda #1 – Ray Briscuso

Mr. Ray Briscuso discussed his proposed redevelopment of the property located at the corner of N. 6th and Caroline Streets. Mr. Briscuso was seeking informal support from the Council before moving forward and going through the expense.

Mr. Kastning advised that it was procedure for this type of project to go before the Council first for a formal request at which time the Council should refer to the Planning Commission to review and make recommendations to the Council for consideration of a zoning change. Then it will go back to the Planning Commission to finalize.

The Council expressed that while they could not guarantee full approval of the project as submitted, that they would like to offer their support as it sound like a good plan.

Mr. Briscuso acknowledged that he was just receiving support and not full approval which was appreciated as it at least gives him some direction about moving forward. Mr. Briscuso will bring back to the Council for a formal request at a later date.

Agenda #2- Planning Commission Reappointment

Seeking reappointment of Mrs. Sue Cruickshank to the Planning Commission for a five year term. Current term expires December 31, 2010 and the new term would expire December 31, 2015.

Councilman Clendaniel made a motion to reappoint Mrs. Sue Cruickshank to the Planning Commission for a five year term, seconded by Councilwoman Case, the motion passed unanimously.

Agenda #3- Historic Review Commission Reappointment

Seeking reappointment of Mr. Richard Peterson to the Historic Review Commission for a three year term. The current term expires December 31, 2010, and the new term will expire December 31, 2013.

Councilman Danielson made a motion to reappoint Mr. Richard Peterson to the Historic Review Commission for a three year term, seconded by Councilman Porter, passing unanimously.

Agenda #4- Board of Appeals Reappointment

Seeking reappointment of Mrs. Florence Doherty to the Board of Appeals for a three year term. The current term expires December 31, 2010, and the new term will expire December 31, 2013.

Councilman Clendaniel made a motion to reappoint Mrs. Florence Doherty to the Planning Commission for a three year term, seconded by Councilman Porter, the motion passed unanimously.

Agenda #5 - Board of Appeals Alternate Appointment

Seeking appointment of Mr. Dallas Lister to the Board of Appeals as an Alternate member. Mr. Lister's term would expire December 31, 2011.

Councilman Porter made a motion to appoint Mr. Dallas Lister to serve as the Alternate Member on the Board of Appeals, seconded by Councilman Clendaniel. In discussion: Mayor Gregory announced that Mr. Lister lives across the street from him and that he is very involved in the fire department. The motion passed unanimously.

Agenda #6 – MOU – Caroline Human Services Council/Town of Denton/Friends of the Grape

Mr. Mulrine provided an overview and asked the Council to approve extending the original Memorandum of Understanding Agreement between the Caroline Human Services Council, the Town of Denton and the Friends of the Grape. The original contract dated July 1, 2008 would be extended through June 30, 2012. The agreement pertains to funds for the Old Caroline High School project and provides funding in the amount of \$300,000.00 toward the kitchen training center.

The Town Attorney asked for an amendment to the agreement, page 1, III B. to change: Funding for the program will be at a rate of \$300,000.00, to will be in the amount \$300,000.00.

Councilman Clendaniel had questions about the advisory board as to who serves on it, who appoints the members and who the Friends of the Grape were. The Town Administrator will research the board guidelines. The Clerk-Treasurer advised that the legal name for the culinary program is “The Friends of the Grape” and they do business as Chesapeake Culinary.

Councilman Danielson made a motion to accept the MOU as amended, seconded by Councilman Clendaniel, passing unanimously.

Miscellaneous Items

Ruff Property Utility Easement

The Town Attorney asked for the Mayor to sign the Ruff Property Right of Way Utility Easement. With no objections, the Mayor signed the document.

Political Signs

Councilman Porter expressed concerns over the plethora of voting signs that were placed on S. Seventh Street during the early voting and asked staff to come up with a policy that would do away with these signs and provide a copy to both the Republican and Democrat Central Committees. Most of the signs may have been in the right of way and if so the staff could pick up the signs when placed inappropriately.

Councilman Danielson mentioned the passing of Mr. Roland Roy who was an advocate of youth sports stating that the community lost a good supporter.

Mr. Mulrine mentioned that he had been approved to serve on the Caroline County Economic Development Board.

With no further discussion, Mayor Gregory adjourned this meeting at 7:45 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*