

December 6, 2010

Executive Session

At 6:05 PM Councilman Danielson made a motion to hold an executive session to seek legal advice and to consult with staff about pending or potential litigation, seconded by Councilwoman Case, the motion passed unanimously.

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

The Council held discussion with Staff and the Town Attorney on several items; this was informational only no action was taken.

At 6:59 PM Councilman Porter made a motion to close the executive session, seconded by Councilman Danielson, the motion passed 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 asked that the record reflect that all Council members were present.

Mayor Gregory announced that the Town Council had held an executive session earlier on this date to seek legal advice and to consult with staff about pending or potential litigation.

Councilwoman Case made a motion to approve the minutes of the November 1, 2010 regular meeting, the November 15, 2010 working session and special meeting, seconded by Councilman Danielson. Councilman Danielson asked that the record reflect that he was not present for the Nov. 15, working session. The motion passed unanimously.

Public Hearing

Ordinance #615- Zoning Table of Use RP District Amendment

Mayor Gregory opened a public hearing at 7:05PM to receive public comments on Ordinance #615 – an ordinance to amend the Official Use Table of the Denton Zoning Ordinance to permit “restaurant, riverfront” use in the Recreation and Parks (RP) District as a conditional use and to add a definition of restaurant, riverfront.

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 – Councilwoman Case announced that she was against changing the zoning and shared her concerns about the risk to the Town, parking issues, and questioned why the project has taken so long.

Mayor Gregory asked for comments from the Public – Mr. JOK Walsh, Denton Development Chairman, provided a brief history of the Crouse Park project and mentioned that the park was zoned commercial until recently when the new comprehensive plan was adopted. This ordinance would change the zoning back so the project can move forward.

Mayor Gregory took a moment to remind everyone that the ordinance will change the zoning which would permit a restaurant to be placed in the river-front area, but that there are still many steps to take before the restaurant project is finalized.

Mr. Andrew Mackel, Denton resident and member of the DDC, stated that the Town and the DDC have made an enthusiastic investment to improve the quality of life for the future of Denton.

Mrs. Doris Walls, Chairperson of the Planning Commission, expressed that she did not believe the Planning Commission had been presented the full picture at their Nov. 30, 2010 meeting when the majority of the board approved to recommend this ordinance to the Council. She questioned why the County wants no part of the project and raised concerns about the responsibilities the Town will be taking on.

Mr. Mike Lewis, member of the DDC and downtown business owner, stated that there is a degree of risk with anything, stressing however, that this would have very little to no risk to the Town. That is, if the agreement is structured properly the Developer of the restaurant will assume the risk and the Town could own the building, if there is a default. Any concerns about parking, would be a good thing to have. Mr. Lewis said that with regards to it taking so long, that it is not a bad thing, as the project is cumbersome. It has taken time to secure all the grants, and that it takes time to pull together a well planned project such as this. Mr. Lewis stated that he supports the Crouse Park Project because it will improve the quality of life for all of the residents of Denton.

Mr. Kenneth Gornic, resident, asked the Council to think hard about investing the residents future and tax payers money in this project, especially with the flooding in the area. He suggested taking a look at other projects such as the Museum of Rural Life and mentioned that with Harry's, a new restaurant having just opened and trying to get established, the project has already waited thirteen years, why not wait some more.

Mr. John Evans, Editor of the Times Record, asked why the County wants the Town to take over the grant.

Mr. Mulrine explained that the County and the State had approached the Town to take over the grant since it is really intended for a Town project.

Mr. Charlie Schline expressed that the waterfront is the biggest asset and is what made Denton become a town many years ago. He asked what other asset the Town has and rather than loosing the big asset, the Town needs to do something with it and use the river to make Denton a better place.

Mr. Glenn Collins, the new Project Manager for the DDC – Crouse Park Project, mentioned that the Town has done a number of studies over the years and they all recommend a restaurant on the waterfront to provide fine dining and to bring visitors to other areas of the town. Mr. Collins stated that there are 17 grants all interlocked together in this project and that it is a great project, receiving lots of support from several different funding sources. The project involves a lot of team work between the Town of Denton Staff, the DDC members, the engineers and the granting agencies. If the project does not move forward, the granting agencies that have already expended funds may want the money back. Mr. Collins added that the DDC was formed by the Town to help the Town with development goals to revitalize the downtown and many of the projects are at the starting point.

Mr. Evans added that there are a lot of restaurants closing in the Easton area and wondered why the Town couldn't just place benches and use the park in a different way.

Mr. Walsh stated that he has spoken with Mr. Harry Wyre, the owner of Harry's on the Green. Mr. Wyre is in support of making Denton a place to visit and has expressed his support of the Crouse Park Project.

Mrs. Sue Cruikshank, member of the Planning Commission, mentioned that everyone should keep to the issue and that the zoning should not be the demise of the project and that is why she voted in favor of this ordinance.

Mr. Ken Gornic stated that before the Town provides any more funding, that the Town should receive an accounting of how the “cowboy developers” are spending the Town’s money and it should be available to the Public.

Mrs. Walls stated that parking will be an issue if the State takes the area under the bridge away.

Mr. Walsh stated that a second parking area is part of the plan and that adequate parking areas have received approval by the Critical Area Commission.

Mayor Gregory made it clear that the Town Council does not refer to the DDC as some “cowboy organization”. The Council appreciates all their volunteer hours, planning and dedication that the DDC members have put into finding ways to make Denton a better place. With no further comments, Mayor Gregory closed this public hearing at 7:39 PM.

Petitions, Remonstrance’s and Communication

None

Ordinances and Resolutions

Resolution #741 – County Crouse Park CDBG Grant

A resolution of the Town of Denton to receive ownership and assume responsibility of the approved Caroline County CDBG Grant (MD-05-ED-77) for the construction of 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: Councilwoman Case mentioned that since the project will not die if the Town does not take over the grant that she would rather the County continue managing the grant.

Councilman Danielson stated that since this is a Town project that the Town should and would have better control over the project if the Town manages the grant.

Councilman Porter stated that the County was pushed into applying for this grant back in 1997 because of the amount of grants the Town already had going on. As for the restaurant agreement, that is what the town pays the attorney for to create an iron clad agreement to protect the Town.

Mayor Gregory responded to an earlier comment about the Town not having received an accounting from the Developers. He stated that this was not so, that Mr. Davison, the previous project Manager had provided several presentations to the Council and many documents on the project.

Councilman Danielson added that the minutes of past Council meetings are available on the Town website for anyone who wants to read them to see what previous presentations and actions have been taken on this project.

With no further comments, the Mayor asked for a vote on the motion on the floor to adopt Resolution #741 – to take over the County Crouse Park CDBG Grant, the motion passed 4-1 with Councilwoman Case voting –no.

Resolution #747 - Fifth Ave Bond Council Resolution

A resolution approving the form of note of the Town of Denton payable to Provident State Bank, Inc., with respect to the interim financing for the 5th Avenue Infrastructure Project which hereby authorizes the Town of Denton General Obligation, Public Improvement Note, Series 2010 in the principal amount of \$2,400,000.

Councilman Danielson made a motion to adopt Resolution #747, seconded by Councilwoman Case, passing unanimously.

Ordinance #615 - Zoning Table of Use RP District Amendment

An ordinance to amend the Official Use Table of the Denton Zoning Ordinance to permit “restaurant, riverfront” use in the Recreation and Parks (RP) District as a conditional use and to add a definition of restaurant, riverfront.

Councilman Porter made a motion to adopt Ordinance #615, seconded by Councilman Danielson.

In discussion, Councilman Clendaniel provided a history of the riverfront that many years ago had plenty of options for dining, but as he stated, that the dining dropped off and with the other restaurants just opening in the area, he was curious as to what this will bring to Denton. Councilman Clendaniel agreed that there should be a connection between the river and the downtown, but raised concerns and mentioned that he felt that Wal-Mart should come first, that he was worried about public perception if the Council concentrates on a riverfront restaurant. He stated that he does not support a zoning change at this time.

Councilwoman Case stated that she opposes the Choptank at the Wharves Project, not because it is a bad project, but would rather support the existing businesses. She raised concerns about devoting staff time to this project and that the Town needs to focus on Wal-Mart. Councilwoman Case said that she could not support this ordinance and that she needs to see a legally binding agreement of the responsibilities of all parties, a regular budget and the cash flow, how this will cost the Town in the future for maintenance, and to know that everything will be financially secure when the grants are done.

Councilman Danielson added that it is not up to the Council to see that a business succeeds or fails, that is up to the business owners and that this ordinance has nothing to do with the restaurant at this time, it only deals with the zoning change. Once the zoning is changed, then the Council can deal with the restaurant agreement as the project moves forward.

Councilman Porter agreed with Councilman Danielson adding that the property zoning was changed in 2003 to Central Commercial, and that it was not caught when the 2010 Comp Plan was adopted and that the Council is only allowing this as a conditional use in this area. Councilman Porter stated that the plan has always been to tie the riverfront to the downtown. He stated that he also agrees with Councilwoman Case with regards to future planning as they will need to make sure the agreement with the developer for the restaurant is created to protect the town.

Mayor Gregory stated that the Council is at a junction where the Town needs to move forward and that there is no question that the planning should include the waterfront area and that he could only see this as a positive benefit.

With no further discussion, the Mayor called for the vote on the motion on the floor to adopt Ordinance #615. The motion passed 3-2 with Councilwoman Case and Councilman Clendaniel voting – no.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business**Agenda #1 - Sandy Meadows – Transfer of Ownership**

The current owners of Sandy Meadows neighborhood (Vendemia & DeCesaris Builders, Inc. & Its Affiliates) as well as the prospective buyers of the project came before the Council to introduce themselves and express their intentions for the future of the subdivision.

Mr. Scott Getchell, Director of Public Works, introduced the current owners Mr. Tom Vendemia, Albert DeCesaris and the prospective buyers Laura & Tracey Shultz and Bill Corbin from their sales and marketing team.

Mr. Vendemia advised the Council that they want to transfer over the public works agreement to the new owners, an agreement that will be coming before the Council for consideration.

Mr. Getchell advised the Council that discussion have already been held with the Town Attorney to prepare a legal agreement transferring the existing public works agreement to the new owners.

Mr. Kehoe, Town Attorney, confirmed that the Town has an existing public works agreement that does include a provision that the agreement can be transferred along with adequate assurances of bonds to the new owner.

Mayor Gregory confirmed that the cost to handle this transaction will be billed to the new owners and not incurred by the Town.

Councilman Danielson asked and was advised that 16 lots still remain to be developed and he wanted to make sure that they will be built to town code.

Mr. Tracey Shultz stated that they are looking to buy all 16 lots and they plan to build some very nice homes that they can keep affordable, and will continue to comply with the Town specifications.

Agenda #2 - General Banking

Staff advised that the Town has received an announcement that PNC Bank is closing the downtown branch. For convenience of making daily deposits, staff asked for the Council's support to authorize the Clerk-Treasurer and Town Administrator to relocate some of the Town's operating bank accounts that are used on a regular basis to Provident State Bank. Provident is offering no fee accounts and will be able to accommodate the special grants and government needs of the Town. This will also help to reduce the interest rate on the revolving line of credit when used.

Councilman Porter made a motion to agree to transfer accounts as set forth by the Clerk-Treasurer and the Town Administrator, seconded by Councilwoman Case, the motion passed unanimously.

Agenda #3 - Community Legacy Artsway Project Update

Abby McNinch, DDC Project Manager, provided the Council with an update on the design progress of the Community Legacy Artsway Project. Mrs. McNinch announced that the project was awarded a Community Legacy Grant last month for \$50,000 to be used for the pedestrian pathway, and that no monetary match is necessary.

Mayor Gregory questioned the type of pathway, in which Mr. Mulrine advised that it will be created with impervious pavers, with some gardens and solar lighting with an additional bench for seating.

Mayor Gregory asked for a copy of the rendering to be provided to the Council for review.

Mrs. McNinch also announced that the banners are up on Market St. and took the opportunity to thank all involved.

Mr. Kastning, Director of Planning & Codes, mentioned that the pathway will require approval from the Planning Dept and the Planning Commission.

This item was informational only, no action was required.

Agenda #4 - Town Office Server

A price quote from Corsica Technologies was provided to the Council to purchase a new server for the Town Office.

Councilman Clendaniel made a motion to discuss the servers, the one for the Town Office and the one for the Police Dept., seconded by Councilwoman Case.

In discussion, Councilman Clendaniel stated that he knows that Corsica is a good company and is currently the Town IT provider but he questioned if staff had received any quotes from other vendors. Staff advised they had not.

Mayor Gregory confirmed that the quote for the Town server is for \$13,198 and \$12,379 for the Police Dept.

Councilman Clendaniel amended his motion to ask staff to contact one or both vendors that the County has used in the past to see if they can offer a better price, Councilwoman Case seconded the amendment. Councilman Clendaniel will follow up with staff and provide additional vendor contact information.

In further discussion, Councilman Porter asked for the motion to be amended to allow staff to research additional prices and to authorize them to be able to move forward with a purchase as long as it does not exceed these quotes.

Councilman Clendaniel amended his motion again to allow staff to move forward and purchase the new servers, as long as they do not exceed these original quotes. The amended motion was seconded by Councilwoman Case, and passed unanimously.

Agenda #5 - Police Department Server

A price quote from Corsica Technologies was provided to the Council for a new server for the Police Department.

This item was approved along with agenda item #4.

Agenda #6 - One Maryland Industrial Park Land Swap

The State of Maryland has agreed to a land exchange transfer pertaining to the One Maryland Conditional Loan obligations of the Industrial Park. Mr. Mulrine provided additional details and asked the Council for authorization to proceed.

Councilman Porter made a motion to authorize the Mayor to sign any documents to swap the land as agreed to by the State, seconded by Councilman Clendaniel, passing unanimously.

Miscellaneous

Rental Inspections – Alice Birch

Ms. Alice Birch, a rental property owner in Denton, came before the Council questioning the \$25.00 annual rental inspection fee and wanted to know why she was required to have a fire alarm in each bedroom when another friend's unit was not required. She asked for the Town to give landlords a checklist of requirements of what has to be done prior to the inspections.

Mayor Gregory asked for staff to provide Mrs. Birch with a copy of the rental ordinances and particulars and to give her a list of requirements for the different types of

rentals. The Mayor asked that this list of requirements also be sent to all landlords. The Planning Staff will take care of this.

Councilman Porter stated that as a Fire Fighter that the number of smoke detectors is determined by state law and that it depends on the year the house was built and that is why the requirements may be different for some units.

Mayor Gregory took the opportunity to express how much he has enjoyed being on the Council and thanked everyone for their support.

Councilman Danielson thanked all those that organized the holiday parade, stating that it was the best he has ever seen. He also thanked everyone that was involved in putting up the banners.

Councilman Clendaniel mentioned that he had received a copy of a letter from Mr. Nagel regarding some tenant issues on Market St. Chief Cox advised that he had responded to the letter and that since there has been a change in the tenants and in that vicinity, the neighbors should see a positive change.

With no further discussion, Mayor Gregory adjourned this meeting at 8:35 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*