

**February 7, 2011**

**Executive Session**

*At 6:05 PM Councilman Danielson made a motion to open an executive session to discuss the acquisition of real property, consider investment of public funds, consult with staff about pending or potential litigation and discuss negotiating bid proposals. The motion was seconded by Councilman Gregory, passing unanimously.*

*All Council members were present as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer. Scott Getchell, Director of Public Works joined this session at 6:36 PM.*

*The Council held discussion with Staff on several items, no action was taken.*

*At 6:59 PM Councilman Danielson made a motion to close the executive session, seconded by Councilman Porter, passing unanimously.*

**Regular Meeting**

*Mayor Clendaniel 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 Clendaniel announced that the Town Council had held an executive session earlier on this date to consult with staff about pending or potential litigation, negotiating bid proposals, acquisition of real property and to consider investment of public funds.*

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

*Councilman Porter made a motion to approve the minutes of the January 3, 2011 regular meeting, seconded by Councilman Danielson, passing unanimously.*

**Public Hearing**

**Ordinance #616 – Stormwater Utilities**

*Mayor Clendaniel opened a public hearing at 7:02 PM to receive public comments on Ordinance #616 - An ordinance of the Town of Denton revising Chapter 8, § 8-1 of the Town Code to include stormwater utilities within the jurisdiction of the Denton Utilities Commission.*

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

*Mayor Clendaniel asked for comments from the County – there were none*

*Mayor Clendaniel asked for comments from the Council – there were none*

*Mayor Clendaniel asked for comments from the Public – there were none*

*With no further comments Mayor Clendaniel closed this public hearing at 7:04 PM.*

**Ordinance #617- Stormwater Utility**

*Mayor Clendaniel opened a public hearing at 7:04 PM to receive public comments on Ordinance #617 - An ordinance of the Town of Denton enacting Chapter 105, Stormwater Utility of the Town Code.*

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

*Mayor Clendaniel asked for comments from the County – there were none*

*Mayor Clendaniel asked for comments from the Council – there were none*

*Mayor Clendaniel asked for comments from the Public – there were none*

*With no further comments Mayor Clendaniel closed this public hearing at 7:05 PM.*

**Ordinance #619 – PUD Acres Amendment**

Mayor Clendaniel opened a public hearing at 7:05 PM to receive public comments on Ordinance #619 - An ordinance to amend the Town of Denton zoning ordinance planned unit development (PUD) area requirement from 5 acres to 3 acres.

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

Mayor Clendaniel asked for comments from the County – there were none

Mayor Clendaniel asked for comments from the Council

Councilwoman Case added that the Planning Commission Members supported the adoption of this Ordinance mentioning that it will affect 9 parcels in town.

Mayor Clendaniel asked for comments from the Public – there were none

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

**Ordinance #620 – Building Code**

Mayor Clendaniel opened a public hearing at 7:07 PM to receive public comments on Ordinance #620 - An ordinance amending the Town of Denton Building Code, Residential Code, and Mechanical Code provisions contained in Chapter 38 of the Denton Town Code with respect to building construction

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

Mayor Clendaniel asked for comments from the County – there were none

Mayor Clendaniel asked for comments from the Council – there were none

Mayor Clendaniel asked for comments from the Public – there were none

With no further comments Mayor Clendaniel closed this public hearing at 7:08 PM.

**Ordinance #622 – Property Maintenance Code**

Mayor Clendaniel opened a public hearing at 7:08 PM to receive public comments on Ordinance #622 - An ordinance amending the Town of Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to property maintenance.

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

Mayor Clendaniel asked for comments from the County – there were none

Mayor Clendaniel asked for comments from the Council – there were none

Mayor Clendaniel asked for comments from the Public

Mr. Brandon Hollingsworth of 1112 Market St. spoke to the Council asking for the law to be amended to allow for one untagged vehicle per property.

Mr. Steve Ott of 1020 Market St., also spoke in support of allowing one untagged vehicle per property.

Mr. Tom Batchelor, Senior Codes Enforcement Officer for the Town, answered questions from the Council about garage kept cars and or those covered. Mr. Batchelor added that an average of 9 letters are sent by staff each month to property owners having untagged vehicles, the majority comply with removal within the 30 days provided.

Mayor Clendaniel asked to have additional discussion with Staff before considering this ordinance for adoption.

With no further comments Mayor Clendaniel closed this public hearing at 7:23 PM.

**Petitions, Remonstrance's and Communication**

**DVFD – Awards Banquet Recognition**

*The Mayor took the opportunity to publicly announced and honor the Denton Volunteer Fire Department member (s) who recently received years of service awards. Making special mention of former Mayor & Councilman - Mr. John Webster with 50 years of service, former Mayor & Councilman - Mr. Lester Branson with 35 years and former Mayor and current Councilman - Mr. Dennis Porter with 28 years.*

**Crouse Park Grant Transfer**

*A letter from the State of Maryland Dept of Housing and Community Development, acknowledging and approving the transfer of the Caroline County Commissioners Crouse Park Grant MD-05-ED-77 to the Town was reviewed by the Council. This item was informational only, no action required.*

**Spring Gala**

*Councilwoman Case took the opportunity to announce that in order to make an effort for the Council to be open to the Public, she will setting up a booth during the Downtown Main Street Spring Gala on May 7, 2011 entitled “Councilman on the Corner”. Councilwoman Case encouraged her fellow council members to join her and the public to come.*

**Ordinances and Resolutions**

**Ordinance #616 – Stormwater Utilities**

*An ordinance of the Town of Denton revising Chapter 8, § 8-1 of the Town Code to include stormwater utilities within the jurisdiction of the Denton Utilities Commission.*

*Councilman Danielson made a motion to adopt Ordinance #616, seconded by Councilwoman Case.*

*In discussion: Councilman Porter, also serving on the Utility Commission, expressed the Utility Commission apprehensions about this Ordinance, but stated the Utility members are willing to learn about the law and enforce. Mr. Steve Kehoe, Town Attorney, stated that this is fairly new and has not been mandated yet, however the Maryland Dept. of Environment is working on scheduling Municipal trainings.*

*The motion to adopt Ordinance #616 was passed unanimously.*

**Ordinance #617 – Stormwater Utility**

*An ordinance of the Town of Denton enacting Chapter 105, Stormwater Utility of the Town Code.*

*Councilman Danielson made a motion to adopt Ordinance #617, seconded by Councilman Gregory.*

*In discussion: Mayor Clendaniel stated that this looks like a new fee/tax that will be charged onto citizens.*

*Mr. Steve Kehoe explained that subdivisions with existing Home Owners Associations are privately maintained and this would not apply, unless the HOA becomes non-existing. This legislation will allow the Town to charge a fee to surrounding property owners to maintain stormwater areas where an expense may be incurred. All funds collected will be required to be kept in a separate fund designated to be used for stormwater maintenance only.*

*Mr. Bill Kastning, Director of Planning and Codes, added that these fees will be used for maintenance and enhancements to stormwater areas required by the State.*

*Mr. Kehoe further explained that once adopted, that the Town will need to come up with fee to be designated for future maintenance. The fee structure will be brought back to the Council for consideration of implementation.*

*Mayor Clendaniel stated that he was not inclined to adopt with out all the fee details in place.*

*Councilman Porter stated that he supports the legislation and that the Utility Commission members will work to calculate a maintenance fee and will be keeping a watchful eye on the program to modify to make it better as this moves forward.*

*Councilwoman Case supports the legislation.*

*Councilman Danielson expressed that the Council will approve the fees to be implemented, that this legislation is just putting the ability to create a Stormwater Utility into place.*

*The motion to adopt Ordinance #617 passed 4 to 1 with Mayor Clendaniel voting no.*

**Ordinance #619 – PUD Acreage Amendment**

*An ordinance to amend the Town of Denton zoning ordinance planned unit development (PUD) area requirement from 5 acres to 3 acres.*

*Mr. Kastning announced that the Planning Commission was unanimously in favor of Option A, for this legislation to be applied through out the Town to all parcels 3acres or more and not to be limited to a specific district as is included in Option B.*

*Councilwoman Case made a motion to adopted Ordinance #619, seconded by Councilman Gregory.*

*In discussion: Councilman Porter asked about the negatives of applying toward the whole town.*

*Ms. Sue Cruickshank, Planning Commission Member explained that if applied toward all parcels, then it would give the opportunity for the Planning Commission and the Council to review all applications and approve.*

*Councilwoman Case amended the motion to select Option A – to reduce from 5 to 3 acres throughout the town, seconded by Councilman Gregory.*

*The motion to adopt Ordinance #619 as amended passed unanimously.*

**Ordinance #620 – Building Code**

*An ordinance amending the Town of Denton Building Code, Residential Code, and Mechanical Code provisions contained in Chapter 38 of the Denton Town Code with respect to building construction.*

*Mr. Steve Kehoe recommended to amend the Ordinance Pg. 2, Section 1 last sentence to replace the word “repealed” with the word “amended”, and on Pg. 8 (C) Prosecution of Violation, last sentence to replace the words “Maryland State Attorney” with “ Town Attorney”.*

*Councilman Gregory made a motion to adopt Ordinance #620 as amended by the Town Attorney, seconded by Councilman Danielson, passing unanimously.*

**Ordinance #621 – Forest Conservation**

*An ordinance of the Town of Denton repealing and reenacting with amendments Chapter 60 of the Town Code regarding forest conservation.*

*Councilman Porter made a motion to introduce Ordinance #621, seconded by Councilman Gregory.*

*In discussion: Mr. Kastning provided an overview of the ordinance and Senate Bill 666 and explained that the amendment is to account for reforestation areas and other zones.*

*Councilman Porter mentioned that the State has adopted new Forest Conservation regulation that is more restrictive, by the Town adopting its own legislation it can modify some of what applies to properties within the Town limits.*

*The motion to introduce Ordinance #621 passed unanimously.*

**Ordinance #622 – Property Maintenance Code**

*An ordinance amending the Town of Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to property maintenance.*

*Councilman Gregory made a motion to adopt Ordinance #622, seconded by Councilwoman Case.*

*In discussion: Mr. Batchelor provided an overview of the Ordinance, summarizing any changes to the current codes, the connection to Chapter 98 “Rentals” and the International Property Maintenance Code. Mr. Batchelor explained that the penalties are being revised to increase fees for life safety violations. The ordinance also provides more clarification for violent and repeat violations, how notices are posted and will allow on site postings, and allow fines for unauthorized tampering. Maintenance of trees has been added to address dead trees that pose a life safety threat. Provisions are included to set up an appeals process to be handled by the Town Council first before going to Circuit Court, which will help to speed up the process and give staff extra enforcement opportunities. Currently any appeals go directly to Circuit Court.*

*The Council held additional discussion about allowing covered untagged vehicles, limiting the size of vehicle, obtaining proof of ownership, require owners to apply for a town permit, require vehicles to be located off street and ways to avoid placing undo burden on staff to enforce.*

*Councilwoman Case suggested tabling the motion to a future meeting to allow for more discussion to be held.*

*The motion to adopt Ordinance #622 was tabled until the March 7, 2011.*

**Ordinance #623 – Land Subdivision – Naming Streets & Alleys**

*An ordinance of the Town of Denton amending the land subdivision provisions contained in Chapter 73 of the Denton Town Code with respect to naming of streets and alleys.*

*Mayor Clendaniel recommended this ordinance to require future subdivisions to have to utilize a symbolic nature when naming new streets and to receive the Historic Society recommendations for names in the future.*

*Councilman Porter made a motion to introduce Ordinance #623, seconded by Councilman Gregory, passing unanimously.*

**Ordinance #624 – Critical Area Map**

*An ordinance of the Denton Town Council repealing and reenacting the current Critical Area Map for the Town of Denton to correct certain mapping errors.*

*Councilman Porter made a motion to introduce Ordinance #624, seconded by Councilman Danielson.*

*In discussion: Mr. Kastning provided an overview explaining that there was an area east of Market, Gay and Franklin Streets that was not defined as LDA or IDA. Staff*

met with the State Critical Area commission and received a recommendation for a portion of the area to be zoned RCA and the remainder IDA. This ordinance amends the map accordingly and how the zoning should have been represented all along. Mr. Kastning defined that LDA –allows for less density of development, where as IDA allows anything, with the exception of stormwater. Once the Ordinance is introduced it will be sent to the State Critical Area Commission for formal approval. It will then come back to the Council for consideration of adoption.

The motion to introduce Ordinance #624 passed 4-1, with Councilwoman Case voting no.

Mayor Clendaniel took a moment to recognize County Commissioner Larry Porter in the audience.

**Ordinance #625 – Abandon Property**

An ordinance of the Town of Denton amending the Denton Property Maintenance Code provisions contained in Chapter 94 of the Denton Town Code with respect to unsafe, abandoned, vacant, and foreclosed properties building standards.

Councilman Danielson made a motion to introduce Ordinance #625, seconded by Councilwoman Case.

In discussion: Mr. Batchelor provided an overview, explaining that this will mostly address slum & blight properties, sets up a registration program and fee for vacant and abandoned properties and foreclosed properties. Councilman Porter questioned the \$300 fee. Staff was requested to add more details to define vacant buildings, exemptions and waivers.

The motion to introduce Ordinance #625 passed unanimously.

**Ordinance #627 – Residential Rental Housing Provision**

An ordinance of the Town of Denton amending the residential rental housing provisions contained in Chapter 98 of the Denton Town Code with residential rental properties.

Councilman Danielson made a motion to introduce Ordinance #627, seconded by Councilman Gregory.

In discussion: Councilman Porter questioned providing waivers of properties that fall under other Federal and or State inspection regulations. Mr. Batchelor explained that if the property owner can provide a certification of passing another more restrictive inspection, the Town would waive having to do another inspection, however, it would not waive the requirement to register the rental.

The motion to introduce Ordinance #627 passed unanimously.

**Reports of Officers, Board and Committees**

None

**Unfinished Business**

None

**New Business**

**Agenda #1 –\$87,850 Byrne Grant for Mobile Data Transmission Project:**

Chief Cox announced that the Denton Police Dept. applied for and was awarded a grant from the Governor’s Office of Crime Control and Prevention. Chief Cox came before the Council seeking approval to spend the funds to purchase the hardware and software as awarded and in compliance with the grant. The grant allows for \$36,442 for rugged Laptop computers and docking stations from CDCE Mobile Computing and

\$51,408 in software from Crime Star, licenses and IT services to complete the project. Chief Cox explained the benefits of the grant.

Councilman Danielson made a motion to approve to spend the grant funds, seconded by Councilwoman Case, passing unanimously.

**Agenda #2 – Dollar General Site**

Mr. Mulrine provided a letter from Cindy Stone, from the Department of Housing and Community Development (DHCD), that has been received regarding monitoring issues on this project. The letter outlined a resolution to resolve the issues. Mr. Mulrine asked the Council for approval to move forward the recommendations.

Councilman Porter made a motion to proceed to a solution as discussed in the CDBG letter, seconded by Councilman Danielson.

In discussion: Councilman Porter asked that staff go ahead and seek an appraisal on the property so the Town would know what it will cost to reimburse CDBG, should the Town re-sell the property to get out of the grant requirements.

The motion passed unanimously.

**Agenda #3 - Crouse Park Entrepreneurship and Discovery Center – EDA**

**Response Letter**

Mr. Mulrine provided a letter from the Economic Development Administration (EDA) that has been received in response to a letter sent requesting investment assistance for the Crouse Park Entrepreneurship and Discovery Center. Mr. Mulrine explained that the letter announces that the EDA grant has been denied, after almost two years of waiting for EDA to make a decision. Staff and the DDC will regroup to figure out how to proceed.

Mr. John Evans questioned the project grants.

This item was informational only, no action was taken.

**Miscellaneous**

The Mayor asked County Commissioner Larry Porter if he had anything he wanted to add or share with the Council.

Commissioner Porter mentioned that he is visiting different Town meetings to work with the Towns on similar issues.

Mr. Evans apologized for his early out burst and opinion provided to the Council.

Councilman Danielson commended the Planning & Codes Staff and Commission for all the work, the time and effort they have put into the ordinances.

With no further business to discuss, Councilman Danielson made a motion to close the meeting at 9:08PM, seconded by Councilwoman Case, passing unanimously.

Respectfully submitted,

Karen L. Monteith  
Clerk-Treasurer