

March 7, 2011

Executive Session

At 6:00 PM Councilwoman Case made a motion to open an executive session to seek legal advice and hold discussion regarding consideration of acquisition of real property, investment of public funds and pending litigation, the motion was seconded by Councilman Danielson, passing unanimously.

Mayor Clendaniel, Councilman Danielson and Councilwoman Case were present. Councilman Porter joined this session at 6:19 PM, and Councilman Gregory arrived at 6:45.

Also present: Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer and Steve Kehoe, Town Attorney.

Councilman Porter made a motion authorizing the Town Administrator to make an offer on a property not to exceed a dollar amount discussed, but at a figure to be finalized and determined after the walk through, seconded by Councilman Danielson, passing unanimously.

No other action was taken during this session.

At 6:59 PM Councilwoman Case 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 asked that the record reflect that all Council members were present.

Mayor Clendaniel announced that the Town Council had held an executive session earlier on this date to seek the advice of legal counsel on matters related to the purchase of property and other legal issues.

Councilwoman Case made a motion to approve the minutes of the February 7, 2011 regular meeting, seconded by Councilman Porter, passing unanimously.

Public Hearing

Ordinance # 621 – Forest Conservation Act

Mayor Clendaniel opened a public hearing at 7:01 PM to receive public comments on Ordinance #621 - An Ordinance of the Town of Denton repealing and reenacting with amendments Chapter 60 of the Town Code regarding forest conservation.

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 7:03 PM.

Ordinance #623 – Land Subdivision Street Names

Mayor Clendaniel opened a public hearing at 7:03 PM to receive public comments on Ordinance #623 – 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 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 #624 – Critical Area Map Revisions

Mayor Clendaniel opened a public hearing at 7:04 PM to receive public comments on Ordinance #624 – An Ordinance of the Denton Town Council to repeal and reenact the current Critical Area Map for the Town of Denton to correct certain mapping errors.

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. John Evans, Times Record Editor, asked what the changes were.

Mr. Bill Kastning, Director of Planning & Codes, responded that this ordinance would only impact the Crouse Park area, and explained that it had been brought to attention that this had not been designated correctly when the last revision was adopted. The Critical Area Commission provided a recommendation for these changes.

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

Ordinance #625 – Blight Properties, Unsafe Housing Standards & Foreclosed Property Standards

Mayor Clendaniel opened a public hearing at 7:07 PM to receive public comments on Ordinance #625 - 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. Even though this legislation is being withdrawn to be replaced with Ordinance #629, the public hearing was held as previously advertised.

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 #627 – Residential Rental Property Revisions

Mayor Clendaniel opened a public hearing at 7:08 PM to receive public comments on Ordinance #627 – 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.

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 7:09 PM.

Petitions, Remonstrance's and Communication

CVRA Race Club Boat Race

Mr. Frank Novotny, Mr. John Howard and Mr. Alvin Singer came before the Council to discuss the possibility of reviving boat racing in Denton on the Choptank River and seeking support from the Town. The race would be a two day event that would utilize Crouse Park. Discussion included what the racing club would provide and what support would be needed from the Town to set up and hold the event. The CVRA Club would cover the cost for the first year, but would like the town to cover the cost for all future races. It was suggested to seek non-profit such as the Fire Dept. to handle the food concessions and for the Town to provide the infrastructure to set up the admissions area, river traffic control, ambulance personnel, public rest rooms, etc.

Mr. Mulrine advised that he has forwarded this to the Denton Volunteer Fire Dept for consideration of managing the event.

Councilman Gregory questioned the liability and stated that he would want to indemnify the Town from any accident liability and would need to know what it would cost the Town to help sponsor the event.

Councilman Porter advised that he was taking this proposal to be presented to the Denton Volunteer Fire Dept Board meeting this week to see if the Fire Dept. would be willing to take this event on as a fund raiser.

Mayor Clendaniel mentioned that there seems to be a lot of synergistic energy in having the race back in Denton and that the Town would need to work on the logistics and determine the cost and get back in touch with the CVRA.

Ordinances and Resolutions

Ordinance #621 – Forest Conservation Act

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 adopt Ordinance #621, seconded by Councilman Danielson, passing unanimously.

Ordinance #622 – International 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.

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

In discussion: Mayor Clendaniel questioned regulating the height of grass to be 6” or less, requiring screens, etc.

Councilman Gregory stated the grass height is standard in the 2006 property maintenance code.

Mr. Tom Batchelor, Senior Codes Enforcement Officer said that the grass regulations were standard and that HUD requires the screens as well.

Mayor Clendaniel mentioned that he wanted the regulations to not be too restrictive on the lives of the residents of the Town with having too many laws.

Councilman Gregory advised that sometimes there is a need for laws like this. The motion passed unanimously.

Ordinance #623- Land Subdivision Street Names

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.

Councilman Danielson made a motion to adopt Ordinance #623, seconded by Councilman Gregory, passed unanimously.

Ordinance #624 – Critical Area Map Revisions

An Ordinance of the Town of Denton to repeal and reenact the current Critical Area Map to correct certain mapping errors.

Councilwoman Case made a motion to adopt Ordinance#624, seconded by Councilman Gregory. Councilwoman Case withdrew her motion.

Councilman Gregory made a new motion to adopt Ordinance#624, seconded by Councilman Porter.

In discussion: Councilwoman Case questioned the State Critical Area recommendation. Mr. Kastning responded that staff had met on sight with the Critical Area representatives and the revision to the map follows the State's recommendations. Mr. Kastning added that nothing in this area has changed since 1985 when it was designated IDA and this ordinance corrects the former map and puts back the IDA designation.

Councilman Gregory asked for an explanation on the RCA designation with regards to West Denton, in which Mr. Kastning explained the 1000' critical area requirements and mentioned that this area is undergoing an entire review by the State.

The only change in this legislation is to correct a mistake associated with Crouse Park.

Further discussion was held regarding the IDA designation on the parcels proposed for the former Glenfield project. Mr. Kastning advised that the current State designation is scheduled to expire June 30, 2011. Once the State designation expires the Town can decide whether to leave as an IDA or reclassify.

The motion to adopt Ordinance #624 passed 4-1, with Councilwoman Case voting no, expressing that she does not think the area should be IDA.

Ordinance #625 – Blight Properties, Unsafe Housing Standards & Foreclosed Property Standards

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.

This Ordinance was withdrawn and will be replaced with Ordinance #629.

Ordinance #627 – Residential Rental Property Revision

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.

Councilwoman Case made a motion to adopt Ordinance #627, seconded by Councilman Gregory, passing unanimously.

Ordinance #628 – Green Construction

An Ordinance amending the Town of Denton building code, residential code, mechanical, existing building code, and energy conservation code provisions contained in Chapter 38 of the Denton Town Code with respect to green construction.

Mr. Tom Batchelor provided an overview of the Ordinance. The Green Building Code, Ordinance #628, is an overlay in addition to the Building, Existing Building, Mechanical, and Energy Conservation Codes. The Green Building Code affects larger development projects requiring a greater degree of energy mitigation and material conservation. The only provision for smaller residential homeowners is encouraging recycling of construction materials and at least 20% of the construction cost allocated for green measures. The 20% may be in recycling of construction materials or installing water conservation plumbing fixtures.

Mayor Clendaniel expressed a concern of the regulations on small home owners.

Mr. Kastning stated that the ordinance could be modified to only apply to commercial construction and residential developments.

The Council agreed to table any action on Ordinance #628 until it is modified as discussed.

Ordinance #629 - Blight Properties, Unsafe Housing Standards & Foreclosed Property Standards

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. This Ordinance replaces Ordinance #625 which was withdrawn due to substantive changes.

Councilman Gregory made a motion to introduce Ordinance #629, seconded by Councilwoman Case.

In discussion: Mrs. Anne Ogletree, Attorney at Law, expressed concerns about the language in the proposed legislation that would apply to the trustee of a property foreclosure. Mrs. Ogletree provided an overview of the foreclosure process in Maryland and advised that she currently reviews all foreclosures for Caroline County. She stated that the lender is responsible for the property until sold, not the trustee. The lender are the only ones that make any money on the transfer and that it would be unfair to go after the trustee for any cost associated with compliance to this proposed town law. Mrs. Ogletree recommended that the language be changed to remove the trustee from being responsible for any cost associated with complying to the proposed law, and go directly after the Lender.

Mr. Stephen Kehoe, Town Attorney, mentioned that he had received similar comments from other attorneys and that he can work with Mrs. Ogletree to modify.

Mr. Kastning expressed that the Town issue is with property maintenance when the property is in between owners. Mrs. Ogletree advised that Maryland Law allows the town to file with the courts for an immediate possession when there is an incident.

The Mayor asked for Town Staff and the Town Attorney to work with Mrs. Ogletree to modify the legislation to come to a resolution that protects the interest of the Town and accomplishes the goal at hand.

The motion was tabled pending modifications to the language.

Resolution #749 – Street Naming

A Resolution of the Denton Town Council adopting a policy with respect to the naming of streets and alleys in the town.

Councilman Gregory made a motion to adopt Resolution #749, seconded by Councilwoman Case, passing unanimously.

Mr. Evans asked if there was a difference in between the ordinance and the resolution regarding the same item.

Mr. Kastning advised that Ordinance #623 amends Chapter 73 Subdivision regulations in the code authorizing the Town to adopt criteria for naming of streets and alleys. The resolution goes with the ordinance and adopts the policy setting the provisions of naming the streets and alleys.

Resolution #750 – Edenton Manor Interfaith Housing Grant Support

Mr. Rick Della announced that the Interfaith Housing Development Corporation of the Maryland Eastern Shore is preparing to apply for a Grant to the State of Maryland through the Maryland Community Development Administration of Housing and Community Development for the purchase and the renovation of Edenton Manor Senior Apartments. Mr. Della explained the project and the proposed rehabilitation upgrades that would benefit the senior citizen population that currently occupies the units and stated that a Resolution from the Town in support of the grant application is required. The resolution would be to acknowledge the Town's support of the project and to pledge a contribution. The contribution would not exceed \$60,000 in value and could be in the form of a cash contribution, or a waiver of building permit fees, or by waiving the annual rental registration fees or another in-kind. The contribution is non-refundable.

Councilman Gregory made a motion to adopt Resolution #750, seconded by Councilman Danielson, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business

Agenda #1 – Edenton Manor – Purchase of Riverview Gardens

This item was discussed under the Resolution #750.

Agenda #2 – MHAA Grant Letter of Support

This item was pulled from the agenda.

Agenda #3 - Mid-Atlantic Power Pathway Project

Delmarva Power requested the Councils support of the Mid-Atlantic Power Pathway Project as was outlined in a CD that was provided to the Council.

Councilman Porter made a motion to authorize the Mayor to send a letter of support, seconded by Councilwoman Case, passing unanimously.

Agenda #4 Market Street Public House St. Patrick's Day Event, Letter of Support

Market Street Public House submitted an application to the Caroline Co. Board of License Commissioners for a permit to serve alcohol on a section of Second Street that will be closed off during their St. Patrick's Day event on March 17, 2011. Owners of the Pub respectfully requested a letter of support from the Town Council to be sent to the Board of License Commissioners in support of this event. Attached is the letter of support and approved Special Event Permit.

Councilman Porter made a motion to authorize the Mayor to sign and send a letter of support for the event, seconded by Councilman Danielson, passing unanimously.

Miscellaneous

Mr. John Evans asked for an update on the Crouse Park Project and inquired if Mr. Brodie had withdrawn from the Restaurant Project.

Mr. Mulrine provided an update and acknowledged that Mr. Brodie has backed out of the project.

The Mayor took a moment to recognize Planning Commission members Mrs. Doris Walls and Mrs. Sue Cruickshank that were in the audience.

With no further business to discuss, Mayor Clendaniel made a motion to close this meeting at 8:49PM, seconded by Councilman Danielson, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*