

June 6, 2011

Executive Session

At 6:34 PM Councilman Danielson made a motion to open an executive session to seek legal advice and discuss personnel, seconded by Councilman Gregory, passing unanimously.

Councilwoman Case, Councilman Danielson, Councilman Gregory were present, Mayor Clendaniel joined in at 6:36 PM. Also in attendance was Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer and Steve Kehoe, Town Attorney.

At 6:58 PM the Mayor closed the executive session to relocate down stairs for the Council regular monthly meeting.

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 discuss personnel and seek legal advice.

The Mayor also announced that the Council had held a special meeting on May 16, 2011.

Mayor Clendaniel asked that the record reflect that all Council members were present, with the exception of Councilman Porter who was ill.

Councilman Danielson made a motion to approve the minutes of the May 2, 2011 regular meeting, the May 9, 2011 Working Session, May 16, 2011 Working Session and Special Meeting, seconded by Councilwoman Case, passing unanimously.

Public Hearing

Ordinance #631- Sign Ordinance Amendments

Mayor Clendaniel opened a public hearing at 7:07 PM to receive public comments on Ordinance #631 – An ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to signs.

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

P.M.

Petitions, Remonstrance's and Communication

Homestead Manor Salutes the Denton Fire Company

Linda Evans and Elizabeth Midiri, from Homestead Manor Assisted Living, came before the Council to invite them to an upcoming special event honoring the Denton Fire Company. The event is scheduled for Friday, July 1, 2011 12PM-1:30PM.

Proclamation – Mid Shore Board of Realtors

The Mayor announced and signed a proclamation of recognition to be awarded at the Mid Shore Board of Realtors business meeting on Thursday, June 9, 2011, when they will be honoring a Denton business person with the Lifetime Achievement Award.

Ordinances and Resolutions

Resolution # 752 – LGIT Ninth Amended and Restated Trust Agreement

An act of the Denton Town Council approving and accepting the Ninth Amended and Restated Trust Agreement of the Local Government Insurance Trust (LGIT).

Councilman Gregory made a motion to adopt Resolution #752, seconded by Councilman Danielson, passing unanimously.

Ordinance #630 – General Fund FY2012 Appropriation Ordinance

An ordinance of the Town of Denton to appropriate funds and estimate income in accordance with the budget to be adopted for the fiscal year beginning July 1, 2011 and ending June 30, 2012. This ordinance was introduced May 2, 2011; a public hearing was held on May 16, 2011. The Town Charter requires the General Fund budget to be adopted annually by June 10, 2011.

Mayor Clendaniel mentioned that the FY2012 tax rates were adopted at the May 16, 2011 meeting.

Councilman Gregory made a motion to adopt Ordinance #630 and the FY2012 General Fund Budget, seconded by Councilman Danielson.

In discussion, it was questioned if they should consider adopting in the absence of Councilman Porter. Mr. Mulrine stated that he had met with Councilman Porter and that changes had been made to the Fire Dept line items to accommodate the Councilman's concerns. Mayor Clendaniel also mentioned that he had spoke to Councilman Porter earlier and that he was supportive of the changes.

The motion passed 3-1 with Mayor Clendaniel voting no.

Ordinance #631 – Sign Ordinance Amendments

An ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to signs.

Councilman Danielson made a motion to adopt Ordinance #631, seconded by Councilman Gregory.

In discussion, Mr. Kastning, Director of Planning & Codes, provided a summary of the changes and mentioned that the flag definition does not define sports flags.

Councilman Gregory said that he felt the ordinance, as written, is ok because it does reference professional and trademarks.

Mr. Kastning added that it also does not allow off premise advertising.

Councilman Danielson said that the ordinance was open for interpretation and can be tweaked if any issues arise.

The motion to adopt Ordinance #631 passed unanimously.

Ordinance #632 – Council Regular Meeting Night Change

An ordinance of the Town of Denton amending Chapter 5, Section 1 of the Town Code to change the date and time of regular meetings from the first Monday of the month at 7:00 P.M. to the first Thursday of the month at 7:00 P.M., and omitting the meeting location.

Councilwoman Case made a motion to introduce Ordinance #632, seconded by Councilman Danielson.

In discussion, Mayor Clendaniel asked why the ordinance referenced omitting the meeting location and Mr. Mulrine explained.

Mayor Clendaniel asked if anyone had any concerns about the meeting change.

Mr. John Evans, Editor of the Times Record, asked why the meeting night was being changed. Councilman Gregory mentioned that the night was being changed to

accommodate a members working schedule and to allow the members to be able to attend other government meetings that are held on the same night.

The motion to introduce Ordinance #632 passed unanimously.

Ordinance #633 – Peddlers License Regulations

An ordinance of the Town of Denton amending the Town of Denton Code to add Chapter 92 regulating peddlers, solicitors, and distributors within the Town of Denton in order to promote public health, safety, and welfare.

Councilman Gregory made a motion to introduce Ordinance #633, seconded by Councilman Danielson.

In discussion, Councilwoman Case mentioned that the Planning Commission has been working hard on drafting this new regulation.

Mayor Clendaniel mentioned when he talked with Councilman Porter earlier, that they both were concerned if this was including everyone and not just the ones it is intended for. For instance on Pg 3, 92-2, making sure that it is clear that it does not require a license for like a lemonade stand.

Planning Commission member, Mrs. Sue Cruickshank said that she thought minors were excluded on Pg. 8, 92-12 Exemptions.

Mayor Clendaniel asked to have 92-12 E. changed to specifically exclude school age children. Mr. Mulrine will go over with Councilman Porter.

Mrs. Jacobs asked how this would affect a store owner having a flea market. Mr. Kastning clarified that Stores are not covered by this ordinance as they would be regulated by the State Business license requirements.

The motion to introduce Ordinance #633 passed unanimously.

Ordinance #634 – Board of Appeals Variances

An ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town Code with respect to Board of Appeals Variances.

Councilman Danielson made a motion to introduce Ordinance #634, seconded by Councilman Gregory.

In discussion, Mr. Kastning provided an overview of Article 66B State Law regarding Board of Appeals for special exemptions on variances and a discrepancy with the Town Code. The proposed ordinance will strike language that is inconsistent with State Law and bring the Town into compliance.

The motion to introduce Ordinance #634 passed unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 – FY2012 General Fund Budget

The FY2012 detailed general fund budget was provided to the Council earlier and was adopted along with Ordinance #630.

Agenda #2 – IRP Loan – Choptank Design & Custom Furnishings

Councilman Gregory made a motion to discuss approval of the loan request, seconded by Councilman Danielson.

Discussion was held in which Mr. Mulrine provided an overview and stated that Mr. Edward Bombaro has applied for a \$20,000 revolving Small Business Loan through the Town to renovate 9 N. Fourth St. Staff has found that the Maryland CDBG loan

program is unable to approve loan funds for this property due to previous grant restrictions, but that the loan may be eligible through the USDA IRP Loan Program. If the Council approves, staff will submit the loan application to the USDA for approval.

Mr. Bombaro and his team plan to completely restore 9 N. Fourth Street. The Town plans to lease the building to Edward for 6 years rent free, to allow for the complete restoration of the building and for him to set up his business in Denton. Mr. Bombaro's added that his long term plan is to keep their headquarter operations in Denton and continue to purchase and restore buildings throughout the county.

The motion to approve the loan request to be submitted to USDA for consideration passed unanimously.

New Business

Agenda #1 Loan Review Committee New Appointees

The Business Loan Review Committee currently has two vacant positions that were previously occupied by Mr. Patrick Bilbrough of PNC Bank and Mr. Larry Porter of Cabell Corporation.

Mr. Rick Harris, of Provident State Bank, and Mr. William Liimatainen of Savannah Overlook Homeowners Association, both have expressed interest in serving on the Town's Business Loan Review Committee. Background information on both applicants was provided to the Council for review and to consider appointments to serve on the Committee.

Councilwoman Case made a motion to appoint both Mr. Rick Harris and Mr. William Liimatainen to serve on the Business Loan Review Committee, seconded by Councilman Danielson, passing unanimously.

Minamoto Property – Zoning Change Request

Mr. Kastning provided an overview of a request that has been received from Mr. Minamoto seeking a growth allocation change from RCA to LDA for his property located at Tax Map 102, Grid 23, Parcel 5 on River Landing Rd. and Route 328. Mr. Kastning advised that this will need approval from several outside agencies before the Planning Commission review begins and the Council is asked to take any action.

Mr. Phil Roirdan, realtor representative for Mr. Minamoto, explained that they wanted to make sure the Council still supports the proposal before moving forward with seeking the outside agency approvals.

The Council expressed their support.

Agenda #3 - FY2012 Corporation Tax Abatements

Blue Heron Realty and Schaffner Printing, both former businesses that were located within the Town of Denton, have filed Chapter 7 Bankruptcy. The Bankruptcy Trustee's for each case has declared that there are no assets to be distributed enabling the Town to be able to collect on the taxes due at this time. Staff came before the Council seeking approval to officially write off the uncollectible Corporation Taxes due the Town: for Blue Heron Realty \$398.50 and for Schaffner Printing Co. Inc, \$854.73.

Councilman Danielson made a motion to approve the abatements as presented, seconded by Councilman Gregory, passing unanimously.

Agenda #4 - MOU Hotel Tax Distribution

Mr. Mulrine provided copies and advised the Council that the current Hotel Tax Memorandum of Understanding (MOU) between Caroline County Government and the Town of Denton expired December 31, 2010.

Councilman Gregory stated that he would like to change the agreement where the Town would receive more of the Hotel Tax funds to be used to directly benefit Denton tourism.

Mr. Jok Walsh, Director of Caroline County Economic Development, recommended that the Council set up a meeting with the Caroline County Tourism staff, Mrs. Kathy Mackel and Ms. Christina Lippincott, to discuss the agreement and the current tourism program.

No action was taken on this item.

Agenda #5 – Denton Town Code Update

The Council reviewed the options to update the Town Code with legislation that has been enacted by the Denton Town Council from April 2010 through March 2011. Due to the major changes to Chapter 73 – Land Subdivision and Chapter 128 – Zoning, plus the addition of Chapter 30 - Adult Oriented Business regulations, the cost to codify the legislation exceeds what was originally anticipated for codification expenses for FY2011. Staff and Councilman Gregory explained the codification process and necessity of having the Town Code updated to include all legislation.

Councilman Danielson made a motion to adopt Option #2, which would codify all legislation including Chapter 128 – Zoning at a cost not to exceed \$13,340. The motion was seconded by Councilman Gregory, passing unanimously.

Agenda #6 – Community Garden Presentation

Mrs. Marina Dowdall, Ms. Sue Wyndham and Mrs. Sue Simmons made a presentation to the Council revealing project construction plans for the creation of a community garden to be located within the ArtsWay district on North Fourth Street.

Ms. Wyndham provided an overview of the concept of a community garden, the educational value and explained that it is a way to establish healthy eating for children, especially in urban areas.

The Council was asked to sponsor a grant application to be submitted to the Caroline County Human Services Council seeking \$50,000 in grant funds. The grant, if approved by the Governor's Office, would be good for one year and the funds would be used to hire an expert to work on a contractual basis to over see the project and the infrastructure to get the gardens started. The funds will also provide the town with an administration fee to help cover staff's time. Mrs. Simmons explained that other than the Town's support in submitting the grant application and about 40 to 60 hours of staff time to administer the quarterly reports, the Town will not be required to provide any matching funds. The Council confirmed that if at the end of the year the project collapses, the Town will not have any requirements to pay back any of the grant funds. Mrs. Simmons added that the Committee will continue to seek funding from other sources to expand the project and plans for the gardens to be managed by community groups once developed, however, they are still working on finalizing.

The Mayor asked Mrs. Dowdall to follow up and provide additional information about the concept of community gardens and the project to the Editor of the Times Record.

Councilman Danielson made a motion to support submitting the grant application to the Caroline Human Services Council as requested, seconded by Councilwoman Case, passing unanimously.

Agenda #7 – Hardee House Region Quilt Center Grant

Mrs. Marina Dowdall, of the Caroline Co. Arts Council, announced that in partnership with the Denton Development Corporation they are applying for a \$50,000 grant from the Maryland Heritage Areas Authority, to finish renovating the Hardee House, with plans to house a regional Quilt Art Center. If awarded, the Art's Council will be responsible for the cash match. This item was informational only.

Agenda #8 – Crouse Park – CDBG Approval of Transfer

This item was placed on the agenda to provide an update of the official transfer of the CDBG Crouse Park Grant from Caroline County to the Town of Denton, however, Mr. Mulrine advised that the Town is still waiting on the confirmation letter from the State. Verbal approval has been received that this has already been transferred. Once the written approval from the State has been received, it will be provided to the Council.

Agenda #9 – Crouse Park Grant Subrecipient Agreement

Councilman Danielson made a motion to discuss approval of the agreement, seconded by Councilman Gregory.

In discussion Mr. Jok Walsh and Mr. Glenn Collins of the Denton Development Corporation came before the Council to request the review and approval of this agreement between the Town and DDC. This Subrecipient Agreement covers management of the \$600,000 Crouse Park Grant that is being transferred over from Caroline County to the Town. Mr. Walsh explained that this is a standard CDBG subrecipient agreement and that the Town will not be accountable for the initial grant funding that has already been spent by the County. The only request at this time would be for the funds for the advertisement cost for the RFP of about \$160.00.

Councilwoman Case asked if there is no developer who would pay for the maintenance of the visitor center. Mr. Walsh advised that the County Tourism will pay to maintain the center.

Mr. Walsh added that the visitor center will be used as an education center.

Mr. Mulrine added that the State has already approved the subrecipient agreement and that it is similar to the one previously approved for the Microenterprise Business Center.

Councilwoman Case stated that she had no particular problem with the agreement, but that she does have a problem with building in a flood zone and the possibility that the tax payers will end up paying to maintain. She questioned where the boats will park and where the basketball players will go and that she thinks this is a bad idea.

Councilman Danielson expressed that the Town Council has already voted on this project twice and that it was time to move forward, that there is no guarantee if it will work or fail, and that by relocating the restaurant and with the critical area suggestions taken into consideration, that the Town should stop stalling the project.

Mr. Harry Wyre – owner of Harry's on the Green stated that part of the reason he relocated his restaurant to Denton was for the competition and the diversity of places to eat, explaining that having several different styles of restaurants will bring new people to town and that he fully supports and welcomes as much business as possible.

Mr. Matt Breedlove, of 306 S. Second Street stated that he has an understanding where the project is headed and the importance of bringing people to town, but his concern was about the conveniences of the pavilion and launching kayaks and having something for kids to do.

Mr. Collins stated the project will enhance the use of the park for boating, fishing, etc. and that these conveniences will be improved.

Councilman Danielson said that other than relocating the basketball courts to the Sharp Road Park that the use of the park will not change.

Mrs. Sue Cruickshank, of 905 Market Street asked for re-assurance what the Town can do for the kids.

Mr. Walsh mentioned that the only thing being eliminated at Crouse Park will be the basketball courts, which have been relocated to the Sharp Road Park. The wharf part of the project has already been built, and was designed to improve access and fishing safety. The green area will be enhanced along with the walking trail. Mr. Walsh added, that as part of the leasing contract with the Town, that the restaurant will be responsible for paying for the maintenance and provides funding for future improvements to the park. The visitor center will house an education/learning discovery center to teach and provide additional amenities. The park will be very family oriented. Mr. Walsh explained that several years ago the Town Council formed the DDC board. The board began looking at the Historic Downtown and how to retain and restore it, the key components that came out of many studies was to improve the water activity, and by doing so it would bring people downtown. These studies were shared with the Town Council and that's when the project planning began.

Mayor Clendaniel expressed concern about voting on approving the agreement with Councilman Porter being absent, as he may be the deciding vote.

Councilman Gregory stated that he thought this had already been voted on.

Mr. Collins explained that the town had previously voted to take this CDBG project on, this agreement is part of the standard process.

Mayor Clendaniel asked to have this researched and if this was merely a formality, that he will sign it.

Mr. Walsh provided additional information about the project and that it will not impact the Green Space currently in Crouse Park.

Mr. Collins added that the building is planned to be built above the 100 year flood zone and has met all building code regulations.

Mrs. Cruickshank said she still has flood concerns and what the insurance will cost.

Councilman Gregory announced that he was very supportive of the project.

Mr. Walsh stated that it has taken eight years to get all the permits, nine years to get the funding in place and now is the time to move forward.

Agenda #10 – Municipal Parking Lot Bio Retention Grant

Mr. Kastning announced that the Zoning Department applied for a \$30,000 grant to retrofit the municipal parking lot with a Bio Retention system to help reduce nutrients and sediment entering the storm drains that empty into the Choptank River. Mr. Kastning apologized for asking for a retroactive approval, as the grant has already been submitted, but advised that the grant application can be withdrawn if the Council so desires. Mr. Kastning provided an overview of the proposed project and advised that there is a 25% in-kind match. Mr. Kastning mentioned that he plans to work with Ms. Betty Ballas, parole group and the Denton Public Works Dept. to help to meet the match requirements.

Councilman Gregory made a motion to accept the grant application submission, seconded by Councilwoman Case, passing unanimously.

Miscellaneous

Mayor Clendaniel mentioned that he had recently received several concerns from the Medical Claim Aid business and other's that had experienced problems with the Post Office.

Mr. Mulrine confirmed that Senator Mikulski's office was contacted asking for assistance after several concerns about the establishment had been raised.

With no further discussion, councilman Danielson made a motion to close the meeting at 9:29PM, seconded by Councilwoman Case, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*