

*August 4, 2011*

**Executive Session**

*At 6:30 PM Councilman Danielson made a motion to open an executive session to seek legal advice and discuss an ongoing legal matter, seconded by Councilwoman Case, passing unanimously.*

*All Council members were present, with the exception of Councilman Gregory who was absent.*

*Also in attendance was Donald Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer and Steve Kehoe, Town Attorney.*

*Mr. Kehoe provided an update on pending litigation.*

*At 6:56 PM Councilman Danielson made a motion to close the executive session, seconded by Councilwoman Case, passing unanimously.*

*The Council relocated downstairs for their 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.*

*Mayor Clendaniel announced that the Town Council had held an executive session earlier on this date to meet with legal counsel to discuss an ongoing legal issue.*

*Mayor Clendaniel asked that the record reflect that all Council members were present, except Councilman Gregory who was on a scheduled vacation.*

*Mayor Clendaniel questioned the Planning Commission's vote count reflected on Page #3140 of the July 11, 2011 minutes under the Board of Appeals Ordinance. The minutes reflect 4-1, Councilman Clendaniel asked the Clerk to review the tape to confirm if it was 4-1 or 3-2 and to correct accordingly.*

*Councilwoman Case made a motion to approve the minutes of the July 11, 2011 regular meeting as amended, seconded by Councilman Danielson, passing unanimously.*

**Public Hearing**

*none*

**Petitions, Remonstrance's and Communication**

**Summerfest Proclamation**

*Mayor Clendaniel read the proclamation proclaiming Friday, August 19 through Sunday, August 21, 2011 as Caroline Summerfest Days in Caroline County and to extend their warm wishes to the general public who join in the celebration.*

*Councilman Porter made a motion to pass the proclamation as read, seconded by Councilwoman Case, passing unanimously.*

*Mrs. Ann Jacobs, Denton Downtown Main Street Manager shared a flyer announcing that the downtown businesses will be open during the festival, the flyer will be provided to all the businesses to post in their windows.*

**PNC Bank Building**

*Mr. Don Mulrine, Town Administrator announced that he has been contacted by Ms. Ashley Graziano regarding the Town bid on the PNC Bank building at Market and Second St. PNC Bank is in the process of obtaining a new property assessment for the building. Once the new property assessment has been obtained, the Town and PNC will discuss the building further. This item was informational only.*

**Fairfield Deed Letter**

*Mr. Mulrine provided an overview of the letter that was sent to Mr. Chris Coile noting corrections to the development that need to be made, before the Town will take*

over ownership of the right-of-ways and common areas. Further action is awaiting a reply from Mr. Coile. Once the items are repaired, the Town Council can consider taking over ownership and assessing a fee to surrounding property owners.

Mr. Douglas Gunther, a Fairfield property owner, thanked the Town for taking steps to save the residents. He expressed that he did not feel that the property owners of Fairfield should be treated differently than others throughout the town for storm water management and that they should not have to pay extra for the maintenance, and they all pay the same taxes. This item was on the agenda to provide an update to the Town Council, no action was necessary at this time.

**Ordinances and Resolutions**

**Resolution #755- Fearins Surety Release Agreement**

A Resolution of the Town of Denton approving a Surety Release Agreement with Reliable Fearins Group, LLC, regarding the posting of bonds and other matters related to improvements in the Fearins Crossing Subdivision. Action on this Resolution was deferred from the July 11, 2011 meeting.

Councilman Porter made a motion to adopt Resolution #755, seconded by Councilwoman Case.

In discussion, Mr. Steve Kehoe, Town Attorney, advised that the Reliable Fearins Group were the first to request such an agreement and that it was a reflection of the poor housing market that exists at this time. Mr. Kehoe explained that for this particular property no infrastructure has been started. This is bare land and that consideration for these agreements will need to be sight specific.

Mr. Bill Kastning, Director of Planning and Codes, added that the Gardens Development is the only other one that has not started construction. All the rest are under construction and that he would not recommend the Council consider a release on any development that is already under construction.

The motion to adopt Resolution #755 passed unanimously.

**Resolution #756 - Habitat for Humanity Together We Stand**

A Resolution of the Town of Denton supporting Caroline County Habitat for Humanity's participation in Together We Stand Revitalizing Denton One Home at a Time. Habitat will be working on 5 homes over a 2 year period.

Councilman Porter made a motion to adopt Resolution #756, seconded by Councilwoman Case, passing unanimously.

**Reports of Officers, Board and Committees**

None

**Unfinished Business**

**Agenda #1 - First Street One Way Traffic Survey**

At a previous meeting a visitor of the Library had raised a concern about the traffic flow on First Street between Market St. and Franklin St. Staff recently had a traffic study completed that was presented to the Council. Mr. Mulrine provided an overview and mentioned that this item will be placed on the next working session agenda for additional information and discussion.

**Agenda #2 - Council Meeting Dates**

At the July meeting, Ordinance #632 was adopted changing the Town Council's regular monthly meetings to be held on the first Thursday of the month. Upon updating

the meeting schedule in December it was noticed that it will conflict with the annual Holiday Parade and Lighting of the Green Ceremonies.

Staff presented an updated meeting schedule, seeking consideration to hold the December meeting on the second ~~Monday~~ Thursday of the month, on December 8, 2011.

Councilwoman Case made a motion to accept the new scheduled of meeting dates, to include holding the December meeting on December 8, 2011. The motion was seconded by Councilman Danielson, passing unanimously.

**Agenda #3 - 4 S. First Street – Farina - Emerson House Lease**

Mayor Clendaniel announced that this item is on the agenda to settle pending litigations.

Councilman Porter made a motion to approve settlement as discuss in executive session with the Town Attorney to close out the lease and pay for the replacement handicap ramp on the First St. – Emerson House, seconded by Councilman Danielson, passing unanimously.

**Agenda #4 - 9 N. Fourth Street – Lease Agreement**

At the July 11, 2011 meeting, the Town Council made a motion to approve moving forward with the 9 N. Fourth St. lease, contingent upon final review by the Town's Insurance Company and the Town Attorney. Approval was also given to allow for early occupancy while the review was being finalized. The lease was modified as per their recommendations and was brought before the Council for final approval and to authorize the Mayor to execute such agreement.

Councilman Danielson made a motion to authorize the Mayor to execute the lease agreement as presented, seconded by Councilwoman Case, passing unanimously.

**New Business**

**Agenda #1 – Historic & Architectural Review Commission Appointment**

Mr. Ray Claytor resigned from the Historic & Architectural Review Commission. Staff received one letter of interest from a resident of 1207 Painted Fern and requested consideration of appointment to fill the unexpired member's term which expires December 31, 2012.

Councilman Porter made a motion to appoint Ms. Katherine Houchins-Holsclaw to the unexpired term through December 31, 2012 to the Historic & Architectural Review Commission, seconded by Councilwoman Case, the motion passed unanimously.

Staff will prepare a letter for the Mayor's signature to welcome Ms. Houchins-Holsclaw to the commission.

**Agenda #2 – Speed Cameras in School Zones-**

Chief Cox informed the Council that the Maryland legislation in 2009 passed a bill allowing for speed cameras to be posted in work and school zones and advised that he had recently had a company, Red Speed USA, that provides this service conduct a speed survey for three proposed locations in Denton. The results indicate that there is a substantial amount of speeders in our school zones. The areas surveyed are Camp Road near the Wesleyan School, Sharp Road near Denton Elementary School and Sixth Street in the area of Caroline next to Lockerman Middle School. Red Speed USA is interested in installing equipment in our town should the Town Council decide to support the project with an ordinance. Chief Cox added that the vendor would set up the equipment and maintain it. The Police Dept. would review the tape for violations and issue the citations and the vendor would handle all collections. If approved they are considering

setting the fine at \$40, \$15 of which would be shared with the vendor. Violations would be given 5 days a week, possibly from 6 AM to 8 PM or mostly when school is in session.

Some parents in attendance supported the program for the safety for the kids, but recommended providing public awareness. Another parent recommended making sure when signing the contract how vehicle violations are handled to avoid problems with the wrong vehicle being assessed.

The Council unanimously supported the Chief exploring further to try this on Sharp Road near the elementary school.

Chief Cox will follow up with the vendor to obtain additional information, a contract for review and draft an ordinance for the Council to consider.

**Agenda #3 - Community Parks & Playgrounds Grant**

Mr. Mulrine, Town Administrator provided information and expressed that staff would like to submit a \$95,000 grant application to construct a basketball court at the corner of Third St. and Lincoln St. on property owned by the Town. If applied for and awarded, the basketball court would offer residents that use the Crouse Park court an alternate location after construction begins at Crouse Park. Mr. Mulrine added that if awarded the Town will notify the surrounding residents and could control the hours the courts would be open.

This grant provides funding assistance to restore existing park and green space systems and creates new park and green space systems in the municipal corporations in Maryland and Baltimore City.

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

**Miscellaneous**

**Community Arts Council Block Party**

Mrs. Marina Dowdall, of the Caroline County Council of Arts, provided information about the Community Arts Block Party scheduled for Sept. 24, 2011, advised that the Liquor Board has provided approval, pending the Town's support. Mrs. Dowdall asked for the Council's support in extending the service area.

Councilman Porter made a motion to approve the extended service area and support the event as requested, seconded by Councilwoman Case, passing unanimously.

Mr. Edward Bombaro, of Choptank Design, thanked the Council for their support of the lease and renovations for 9 N. Fourth St.

Councilman Danielson announced that a Cruise-In Car show is scheduled for August 12, 2011 and that they are partnering with the charity organization Shoes to Share.

With no further discussion, Councilman Porter made a motion to close the meeting at 7:56PM, seconded by Councilman Danielson, passing unanimously.

Respectfully submitted,

Karen L. Monteith  
Clerk-Treasurer

~~Strike~~ through on page 3146 amended before adoption 9/1/2011