

**September 1, 2011**

**Executive Session**

*At 6:00 PM Councilman Danielson made a motion to hold an Executive Session to seek legal advice on pending litigation, real property acquisition and projects, seconded by Councilman Gregory, the motion passed unanimously.*

*All Council members were present as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer and Sharon VanEmburch, Town Attorney.*

*The Council held discussion with the Town Attorney on pending litigation, real property acquisition and projects.*

*At 7:00 PM Councilman Danielson made a motion to close the executive session to relocate down stairs for the Council regular monthly meeting, seconded by Councilman Gregory, passing unanimously.*

**Regular Meeting**

*Mayor Clendaniel called the regular meeting of the Denton Town Council to order at 7:02 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 seek legal advice.*

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

*Staff informed the Council of one correction to be made on the August 4, 2011 draft of the minutes on page 3146. To correct that the December meeting will be held on the second Thursday of the month not on Monday.*

*Councilman Danielson made a motion to approve the minutes of the August 4, 2011 regular meeting as amended by staff, seconded by Councilwoman Case, passing unanimously.*

**Public Hearing**

*None*

**Petitions, Remonstrance's and Communication**

**Proclamation - Smiles by Holsinger and Higgins 25<sup>th</sup> Anniversary**

*The Mayor read and signed a proclamation honoring Smiles by Holsinger & Higgins, as they are getting ready to celebrate 25 years of serving the community and will be holding a special celebration on September 9, 2011.*

**Farina v. Town of Denton**

*Mr. Donald H. Mulrine, Jr., Town Administrator, announced that the pending litigation case between the Town of Denton and Mr. & Mrs. Dennis Farina regarding the handicap ramp replacement at 4 S. First Street had been settled and the case is now closed.*

**First Street One-way Traffic**

*Mr. Mulrine provided an update regarding the pending closure of Bank Alley from the Library onto South First St. Mr. Mulrine shared Mrs. Debbie Bennett's, the Caroline County Library Director, response and concerns. Staff will move forward with preparing an Ordinance for consideration to initiate closing the alley.*

**Habitat for Humanity**

*Mr. Bill Clemens of the Caroline County Habitat for Humanity thanked the Town Council for serving time in the Jail at their recent fund raising event during the Caroline Summerfest. Mr. Clemens announced that Habitat has plans to construct 5 new homes in*

the Denton area. They have applied for various funding programs to help with the cost and he mentioned that the projects will bring together community involvement, place taxable property back on the tax rolls, and will include the hiring of contractors to help.

Mr. Mulrine asked the Council for support in gifting two vacant properties owned by the Town, known as 414 High Street and 502 High Street to the Caroline County Habitat for Humanity to construct homes on.

Councilwoman Case made a motion to support the donation of the properties of 414 High St. and 502 High St. to the Caroline County Habitat for Humanity, seconded by Councilman Danielson, passing unanimously.

Mrs. Sharon VanEmburch, Town Attorney, will draft an ordinance for consideration to properly donate the properties.

**Ordinances and Resolutions**

**Resolution # 757 – FY2011 General Fund Budget Amendment**

As per an audit recommendation a Resolution of the Denton Town Council was presented amending the General Fund Budget for the Fiscal Year July 1, 2010 through June 30, 2011.

Councilman Porter made a motion to adopt Resolution #757 amending the FY2011 General Fund Budget, seconded by Councilman Gregory, passing unanimously.

**Ordinance # 635 –Codification Technical Corrections**

An Ordinance of the Town of Denton making technical corrections for the purpose of codifying recently enacted Ordinances #604 - Adult Oriented Business and #622 - Property Maintenance Trees and Shrubs.

Councilman Porter made a motion to introduce Ordinance #635, seconded by Councilwoman Case, passing unanimously.

**Ordinance #636 – Ethics Amendment**

An Ordinance of the Town of Denton revising and amending Chapter 14 of the Denton Town Code pertaining to Ethics. This will comply with State of Maryland regulations.

Councilman Gregory made a motion to introduce Ordinance #636, seconded by Councilman Danielson.

In discussion: clarification was provided on section E (2) and (1). Mrs. VanEmburch recommended that the Council review the Ordinance carefully. The Attorney will make the recommended changes and once adopted the Ordinance will be forwarded to the State for final approval.

The motion to introduce Ordinance #636 passed unanimously.

**Ordinance#637 –Zoning Use Table- Utility Facilities**

An Ordinance to amend the Official Use Table of the Denton Zoning Ordinance to permit “utility facilities - neighborhood” and “utility facilities - community or regional” use in the Recreation and Parks (RP) District as a conditional use.

Councilman Danielson made a motion to introduce Ordinance #637, seconded by Councilman Gregory.

In discussion: Councilwoman Case questioned if this was another adjustment for Crouse Park. Mr. Kastning advised that it was never the intention of the Planning Commission to change this type of use when going through the Comprehensive Plan process and that the Planning Commission supports this amendment. Mr. Kastning

mentioned that the ordinance is necessary for Delmarva Power and Light to move forward with the expansion of their substation on Camp Road.

Mr. Ryan Showalter, Attorney representing Delmarva Power and Light, reaffirmed the overview given by Mr. Kastning and said that he would be glad to answer any questions either now or during the public hearing. Mr. Showalter thanked the Council for their support.

The motion to introduce Ordinance #637 passed unanimously.

**Reports of Officers, Board and Committees**

None

**Unfinished Business**

**Agenda #1 - Hardee House Easement Request & Project Update**

Mrs. Marina Dowdall, from the Caroline County Council of Arts, came before the Council to request their support to allow an historic easement to be placed on 7 N. Fourth St. (Hardee House) in exchange for grant funding. Mrs. Dowdall provided an overview of the project and announced that the CCC of Arts has been awarded a \$47,000 grant from the Maryland Historic Trust to finalize improvements to the facility to house the Quilters Group. Mrs. Dowdall said the main area of concern with this type of easement will be the requirement that the facility be maintained and that any future renovations would need the approval of the Maryland Historic Trust. The Arts Council is scheduled to hold public meetings about the project on September 22, 2011 and October 29, 2011. Additional information about the quilters will also be available at the upcoming block party scheduled for September 24, 2011.

Councilman Gregory expressed concerns over the restrictions and control that the MHT will have over renovation work and wanted to confirm that the CCC of Arts and the Town can support these restrictions years down the road.

Mrs. Dowdall explained that once the current renovations that are being worked on are done that the Town could consider transferring ownership of the property to the Quilters Group. At this time the plan is to have the major renovations completed before the Easement would go into affect and the dwelling would not need maintenance for a long time. The only other foreseeable work that may need to be done in 5 to 10 years would be replacing the roof. Mrs. Dowdall added that without the easement there will be no grant funding provided. If there is no grant funding, then the completion and occupancy would have to wait until funding is raised or another source is located.

Mrs. VanEmburch added that the Council could vote to support the easement now, and that the restriction of the easement would not be enforced until it is approved and signed by all parties. Mrs. Dowdall added that the plan is to have all the major renovations, with the exception of the roof, completed before the easement takes effect.

Councilman Porter made a motion to approve the easement request of the Hardee House with the contingency that it not be signed until the completion of the major work, seconded by Councilman Danielson, passing unanimously.

When the easement paper work is drawn up, Mrs. VanEmburch will review the documents and present to the Council for final approval.

**New Business**

**Agenda #1 – FY2013 Homestead Tax Credit**

This item was placed on the agenda for discussion to see if the Council wanted to make any changes to the Homestead Tax Credit Percentage for July 1, 2012.

*The Homestead tax credit is available to all owner-occupied residential properties in which the real estate tax on a qualifying property can not increase by more than 5% each year, no matter how much the assessment changes. The 5% tax credit cap has remained the same since July 1, 2008 when it was decreased from 10% to 5%.*

*The Council unanimously agreed to keep the Homestead Tax Credit percentage the same in FY2013.*

**Agenda #2 –406 Market St. Business Loan Deferment Request**

*Mrs. Abigail McNinch and Mr. Michael McCrea requested a 6 month deferment on their current business loan payments. Mr. McCrea provided an overview on the status of the renovations to the dwelling and talked about the current tenants and future tenants that are waiting for the completion of the rehab. Mr. McCrea stated, that if the deferment is approved, it will allow them to focus their resources on finishing the rehab to allow them to work towards full occupancy.*

*Councilman Porter made a motion to grant the six month deferment to 406 Market LLC, seconded by Councilman Gregory. The motion passed 4-1 with Councilwoman Case abstaining for more financial support.*

**Agenda #3 - 323 Market Street Micro Enterprise Bid Award**

*Mr. Glenn Collins, Denton Development Corporation Project Manager, came before the Council to provide an update on the Micro Enterprise project and to seek approval to award the construction bid to Wooter's Home Improvement, lowest responsible bid. The majority of the funding comes from the State of Maryland Community Development Block Grant program and \$20,000 will come from the Business Works Neighborhood Façade Grant.*

*Councilman Gregory made a motion to approve the award to the contractor selected for the project, seconded by Councilman Danielson, passing unanimously.*

**Agenda #4 - Courthouse Square Building Business Loan**

*Mr. & Mrs. Brian Tyler have submitted a business loan request to the Town. The loan would be for \$150,000.00 (\$50,000.00 deferred for 2 years). Mr. Mulrine suggested deferring this item until the Town's Business Loan Committee completes the final review of the application and makes a recommendation.*

**Agenda #5 – Savannah Overlook Conveyance**

*Mr. Bill Liimatainen, President of the Savannah Overlook Homeowner's Association, provided a letter requesting support from the Council with regard to the developer completing all outstanding requirements for the conveyance of the community to the Town.*

*Councilwoman Case asked for the record to reflect that she wishes to recuse herself from discussion of this matter due to her residency in this sub-division.*

*Mr. Mulrine provided an overview and update on the status of the transfer, and acknowledged that the Savannah HOA would like to be involved in all negotiations. No action was taken on this item.*

**Miscellaneous**

**Old Caroline High School Abatement Contractor Award**

*Mr. Glenn Collins, Denton Development Corporation Project Manager, came before the Council to announce that eight bids had been received for the Old Caroline High School Abatement portion of the project. The committee reviewed the bids and the most responsible lowest bidder for the project was selected. Mr. Collins asked for the*

*Council's support to officially award the contract to WACO Inc. If awarded, WACO Inc. will complete the abatement work at the Old Caroline High School / new Chesapeake Culinary School. The work will include testing and removal of Lead and Asbestos. The guidelines required for K-12 schools will be used during this abatement removal.*

*Councilman Gregory made a motion to award the bid to WACO Inc., to complete the abatement work, seconded by Councilman Danielson.*

*In discussion: Mr. Collins acknowledged that the bid was for \$120,000 and confirmed that the contractor is lead paint removal certified. Mr. Michael McCrea added that that the contractor will comply with state law which requires notification to surrounding property owners.*

**Hurricane Irene**

*Mayor Clendaniel commended all the Town workers, especially the Police Department and the Public Works Department, for a spectacularly good job during the storm and all the clean-up efforts.*

*Mr. Bill Kastning concurred with the Mayor's comments and took the opportunity to raise concerns about the people swimming in the Choptank River after the storm and the dangerous conditions with the septic over flowing. Mr. Kastning recommended that the Town test the river for chloroform after every significant storm and notify the public of the dangers and to provide training to the residents.*

*The Mayor acknowledged the concerns and said that he would recommend just encouraging people not to swim in the river after storms.*

**Cruise In -Car show**

*Councilman Danielson announced that with the upcoming 10<sup>th</sup> Anniversary of the September 11, 2001 events, that the cruise in - car show scheduled for September 9, 2011 will be partnering up with local emergency responders to honor them. Councilman Danielson encouraged everyone to come out and show their support.*

*With no further discussion, Councilwoman Case made a motion to close the meeting at 8:14 PM, seconded by Councilman Gregory, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*