

October 6, 2011

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 except for Councilman Gregory.

Councilman Danielson made a motion to approve the minutes of the September 1, 2011 regular meeting, seconded by Councilwoman Case, passing unanimously.

Public Hearing

Ordinance #635 – Code Supplement Amendment

Mayor Clendaniel opened a public hearing at 7:04 PM to receive public comments on Ordinance #635 - An Ordinance of the Town of Denton making technical corrections for the purpose of codifying recently enacted Ordinance #604 - Adult Oriented Business and Ordinance #622 - Property Maintenance Trees and Shrubs.

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 #636 – Ethics Revision and Amendment

Mayor Clendaniel opened a public hearing a 7:05 PM to receive public comments on Ordinance #636 – An Ordinance revising and amending Chapter 14 of the Denton Town code pertaining to ethics.

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 7:06 PM.

Ordinance #637 – Utility Facilities use Table Amendment

Mayor Clendaniel opened a public hearing at 7:06 PM to receive public comments on Ordinance #637 - 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.

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. Ryan Showalter, Attorney for Delmarva Power, was present to answer any questions that the Council or Public might have. He added that Delmarva Power is ready to proceed with the upgrades and expansion of the Camp Road Substation.

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

Petitions, Remonstrance’s and Communication

Letter of Support – Interfaith Housing Edenton Manor

Interfaith Housing has submitted an application for funding for Edenton Manor Senior Apartments. A copy of a letter of support for the project that was forwarded to Mr. Rick Della to include with his application was presented to the Council. Mr. Mulrine, Town Administrator, gave an overview of the letter for those attending the meeting. This item was placed on the agenda to inform the Town Council. No action was necessary.

Consolidate Transportation Program

Maryland Department of Transportation (MDOT) has invited municipalities from Caroline County to their annual tour meeting. The meeting will be held October 11, 2011, 10:30a.m., at the Board of Education hearing room located at 204 Franklin St. in Denton. A letter was drafted and signed by the Mayor and presented to the Caroline County Commissioners with information and requests on needs for infrastructure improvements for the Town. This item was placed on the agenda for informational purposes and discussion. No action was necessary.

Lockerman High School Class of 1961 50th Anniversary

A copy of a letter that was sent earlier to congratulate and recognize the Lockerman High School Class of 1961 on their 50th class reunion to be held October 22, 2011 was presented. The letter will be placed in the LHS Souvenir Program. This item was placed on the agenda to inform the Town Council. No action was necessary.

Town of Denton's 230th Birthday

Mrs. Ann Jacobs, Denton Downtown Main Street Manager, shared that the Town of Denton will be turning 230 years old this month. Mr. Mike Owens, of Color n Clay, initiated a celebration that has been planned for October 22, 2011 . The planting of a poplar tree and presentation of a plaque commemorating the birthday will be included in the festivities.

Statement From the Denton Development Corporation Board of Directors

Mr. Glenn Collins, Project Manager for the Denton Development Corporation (DDC) read a statement addressed to the Town Council with regards to the newspaper article that appeared in the Times Record and Star Democrat. The DDC is more than happy to make available any and all information in its files to the Council or appointed representatives regarding the expenditure of grant funds as related to the Wharves Project. The DDC Board rejects the idea implied by the newspaper that it has in any way, mismanaged or misused the grant funds it manages in regards to the Wharves at Choptank Crossing Project. The DDC's Board would like to speak to the Town Council in open session at the November Council Session and respectfully requested that ample time be allotted to allow comment by all interested parties. The DDC also requested that the Council vote on 2 issues at that session. 1). Does the Town Wish to continue with the Wharves at Choptank Crossing Project? 2). Does the Town wish to have the DDC continue to assist with its downtown revitalization efforts?

Mr. John Evans, Editor for the Times Record, stated that the paper took no stand and only reported on something that was done by one member.

Mayor Clendaniel asked that this be put on the November agenda.

Ordinances and Resolutions

Resolution #760 - Gardens Land Group Surety Release Agreement

A Resolution of the Town of Denton approving an agreement with the Gardens Land Group, Inc., regarding the posting of bonds and other matters related to improvements in the Gardens Subdivision.

Mrs. Victoria Hoffman, from the Gardens Land Group, stated that the land is owned by the Corporation and that they plan to develop the property and thanked the Town for waiving the posting of bonds and other matters until they are ready to proceed with the development of the property.

Mr. Bill Kastning, Director of Planning and Codes, added that this had been done previously for Fearins Crossing.

Councilman Porter made a motion to adopt Resolution #760, seconded by Councilman Danielson, passing unanimously.

Resolution #761 - Sustainable Community Designation

A Resolution of the Town of Denton approving the designation of a Sustainable Community and a Sustainable Community Plan and application further described in the Sustainable Community Application (“the Application”), to be approved either directly by the Department of Housing and Community Development (the “Department”) or the State of Maryland or through the Smart Growth Subcabinet of the State of Maryland.

Mr. Don Mulrine, Town Administrator, explained that all State Grants have been rolled up into one program called “Sustainable Community Plan.” Ann Jacobs and Abby McNinch will be meeting with various groups and interested parties before completing the application for the Grant.

Councilman Porter made a motion to adopt Resolution #761, seconded by Councilwoman Case, passing unanimously.

Ordinance #635 – Code Supplement Amendment

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

Mr. Bill Kastning added that this ordinance is just cleaning up language from the recently enacted ordinances and that the Planning Commission voted and supports this Ordinance.

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

Ordinance #636 – Ethics Revision and Amendment

An Ordinance of the Town of Denton revising and amending Chapter 14 of the Denton Town Code pertaining to Ethics.

Mrs. Sharon M. VanEmbarg, Town Attorney, asked that the adoption of this Ordinance be deferred until the November 3rd Town Council Meeting. The State Ethics Committee still has not reviewed it yet and the Town Code requires that the Ordinance must be adopted in 60 days once introduced or deferred to a specific date.

Councilman Danielson made a motion to defer Ordinance #636 until the November 3, 2011 Denton Town Council Meeting , seconded by Councilwoman Case, passing unanimously.

Councilman Porter questioned the uncompensated boards having to also provide financial records and interest in any properties owned. Town Attorney, Mrs. Sharon VanEmbarg answered that this must be done per the State unless a waiver is granted.

Planning and Codes Director, Mr. Bill Kastning, suggested that board members and employees be made aware of this and be able to comment.

Mayor Clendaniel asked if the Town could ask for a waiver. The Town Attorney, Mrs. Sharon VanEmbarg, said that could be done and when Town Clerk, Karen Monteith, returns to work, they will complete the required form and submit the request.

Councilman Porter made a motion, seconded by Councilman Danielson to send a letter asking for an exception signed by Mayor Clendaniel. Motion passed unanimously.

Information will be passed on to board members and employees of the Town.

Ordinance#637 –Utility Facilities use Table Amendment

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 Porter made a motion to adopt Ordinance #637, seconded by Councilwoman Case, passing unanimously.

Councilman Porter thanked Delmarva Power for their efforts after the Hurricane, stating they did a great job! A representative from Delmarva Power thanked the Town for the recognition.

Town Administrator, Mr. Don Mulrine, added that Delmarva Power had been throughout the Town trimming tree branches before the Hurricane.

Ordinance#638 - Gifting 414 High Street to Caroline County Habitat for Humanity

An Ordinance of the Town of Denton authorizing the Town to gift 414 High Street to Caroline County Habitat for Humanity, Inc., whose purpose is to provide suitable housing to low and moderate income families.

Councilwoman Case asked if the property was inhabitable and was being fixed up so that it could return to the Tax Records. Mr. Mulrine replied that it was.

Councilwoman Case, made a motion to introduce Ordinance #638, seconded by Councilman Porter, passing unanimously.

Ordinance#639 - Gifting 502 High Street to Caroline County Habitat for Humanity

An Ordinance of the Town of Denton authorizing the Town to gift 502 High Street to Caroline County Habitat for Humanity, Inc., whose purpose is to provide suitable housing to low and moderate income families.

Councilwoman Case made a motion to introduce Ordinance #639, seconded by Councilman Porter, passing unanimously.

Ordinance #640 – Bank Alley Closure

An Ordinance of the Town of Denton closing the Bank Alley entrance on to South First Street, between South First Street and South Second Street in downtown Denton.

Councilman Danielson made a motion to introduce Ordinance #640, seconded by Councilman Porter, passing unanimously.

Mrs. Jean Oliva, of Moreland Drive in Denton, expressed her concern of the extra flow of traffic that would travel onto Second Street which she already considers an unsafe intersection and questioned access to the Library drop off box.

Mrs. Ann Jacobs relayed her concern of how difficult it is to exit onto First Street from the Library.

Mr. Bill Kastning suggested with this being a land use issue that it should go before the Planning Commission and see what they recommend before considering adoption. When questioned about loss of parking and how it would be closed off, Mr. Mulrine said there would be no loss of spaces, that actually one space will be added and that with funding as it is, concrete would be used to close the entrance.

Councilman Porter made a motion, seconded by Councilwoman Case to have the Planning Commission take a general look at traffic flow in that area, passing unanimously.

Ordinance #641 – Red Speed School Zone

An Ordinance of the Town of Denton to amend the Code of the Town of Denton, Maryland by adding a new Article IX, Entitled “School Zones”, to establish school zones within the town and maximum speed limits on municipal roads within those school zones and a new Article X, entitled “Speed Monitoring Systems”, to provide for the authorization and use of speed monitoring systems in school zones in the town.

Chief Rodney Cox, of the Denton Police Department, said this will make our school zones safer. The Denton Elementary School on Sharp Road and Lockerman Middle School were studied and it was shown that speed is a problem there. The cameras would be in operation between the hours of 6-8 am and again in the afternoon and only warnings would be given out the first 30 days.

Mr. Bill Kastning suggested that this be forwarded to the Denton Planning Commission for review.

Councilman Case made a motion to introduce Ordinance #640, seconded by Councilman Porter, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

None

New Business

Agenda #1 – Business Loan Application – Hardee House Quilt & Textile

Center

The Caroline County Council of Arts submitted a Small Business Loan Application to the Town in the amount of \$35,000.00. This loan will allow the CCC of Arts to adapt the 7 N. Fourth Street interior to house a Regional Quilt and Textile Center for exhibit, retail, studio, and instruction space.

Mr. Mulrine added that the Town’s Business Loan Review committee has unanimously recommended the loan. If approved by the Council the loan application will now be forwarded to USDA for approval.

Mayor Clendaniel asked if this would have an effect on any pending applications of potential loans. Town Administrator Don Mulrine replied that it would not.

Councilman Porter said that he is comfortable with just getting the sheet from the packet that has the approval for the loan. He feels the Loan Committee is business financial and the Council is political and if the Loan Committee approves it then that is good enough for him.

Councilman Danielson said that per the Ethic rules he has nothing to do with this decision.

Mr. John Evans asked if the Town is loaning the money, which Mr. Mulrine stated that the Town is approving for the loan application to go to USDA.

Councilman Porter made a motion, seconded by Councilman Danielson to approve the loan and submitting the application to USDA, passing unanimously.

Agenda #2 – Denton Development Corporation – State Bond Bill Funding

Mr. J.O.K. Walsh, Chairman of the Denton Development Corporation, came before the Council seeking support to apply for State Bond Bill Funding in the amount of \$192,000.00 during the next Maryland State Legislative Session.

Councilman Danielson made a motion, seconded by Councilman Porter to support the DDC’s application for State Bond Money during the next Maryland State Legislative Session for the Heritage and Welcome Center and its associated infrastructure that is planned for Crouse Park.

In discussion: Councilwoman Case commented that if you don’t have the money available for the project you need to downsize the project. The DDC lost the grant from the Maryland Heritage Authority. (I was blamed for calling them, so I did call them and was told by the director that the committee turned it down because of concern of the sustainability of the project of such magnitude. The scope of the project lacked a plan for the future for streaming of funds). Councilwoman Case said that “you can’t count on always getting a grant to pay for something or a politician to put pork on something.” The project needs to live on its own means or be downsized if the money is not there. “(The Bond Bill is Pork. As in Pork Barrel Spending)”.

Mr. Mulrine added that the project has been cut and downsized and cannot be cut anymore.

Councilman Porter added that State Bond Money is going to be spent here or somewhere else and we might as well get our share.

Councilwoman Case stated that “she would rather see the money go to Easton before the tax payers have to foot any other bill and if the State is worried so am I. Any Town Project taken on by the town should be self-sufficient or it should not be taken on.”

Council Danielson rescinded his original motion and made a motion that the request be tabled until the full Council can be there to vote, seconded by Councilman Porter. The motion passed 3 to 1, with Councilwoman Case voting no.

Agenda #3 – MML Fall Conference

The upcoming fall MML Convention includes a seminar discussing the Watershed Implementation Plan. The WIP will be affecting Caroline County and its municipalities. The cost of the Monday Seminar is \$25 per person.

Councilman Porter made a motion seconded by Councilwoman Case to send representatives to the meeting.

Mr. Bill Kastning, Planning and Codes Department Manager added that MACO will be devoting a whole day to the WIP, and that he feels that MML is not giving the municipalities a fair shake.

The motion passed unanimously.

Mr. John Evans, Editor of the Times Record, asked for clarification that the Town Council would be voting on the 2 questions that the DDC asked. He also asked what does the request for ample time mean? How much time is ample time?

Mayor Clendaniel said that the time would be allowed at the next meeting and that it was up to the Council to decide if they wanted to vote on the questions and that the Council has already voted on it.

With no further discussion Councilman Porter made a motion to close the meeting at 8:35 PM, seconded by Councilman Danielson, passing unanimously.

Respectfully submitted,

*Joanna Reedy,
Acct – Clerk III*