

January 8, 2007

Mayor Branson called the 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 Branson asked that the record reflect that all Council members were present.

Councilman Gregory made a motion to approve the minutes of the special meeting held on November 13, 2006, the regular meeting held on December 4, 2006, and the working session held on December 19, 2006 seconded by Councilman Foster, passing unanimously.

Swearing in Ceremony for new Council member

Mayor Branson did the swearing in of Councilman Clendaniel

Election of Officers

Mayor - *Councilman Gregory made a motion to nominate John Foster for Mayor, seconded by Councilman Clendaniel.*

Councilman Horsey made a motion to nominate Lester Branson for Mayor, the motion died for lack of a second

Mayor Branson called for the vote on the motion for Councilman Foster to serve as Mayor, the motion passed unanimously.

Vice-Mayor – *Councilman Foster made a motion to nominate Conway Gregory for Vice-Mayor, seconded by Councilman Clendaniel, the motion passed unanimously.*

Mayor-Pro Tem – *Councilman Gregory made a motion to nominate Lester Branson for Mayor-Pro Tem, seconded by Councilman Foster, the motion passed unanimously.*

Council members changed seats.

Public Hearings

Ordinance #532

Mayor Foster opened a public hearing at 7:05 PM to receive public comments on Ordinance #532 entitled “An ordinance of the Town of Denton amending chapter 54 of the Denton Town Code to permit hunting on parcels of land 50 acres or larger.

Mayor Foster asked for comments from the State – there were none

Mayor Foster asked for comments from the County – there were none

Mayor Foster asked for comments from the Council – there were none

Mayor Foster asked for comments from the Public – there were none.

With no further comments Mayor Foster closed this public hearing at 7:06PM.

Ordinance #533

Mayor Foster opened a public hearing at 7:06 PM to receive public comments on Ordinance #533 entitled “An ordinance of the Town of Denton amending chapter 52 of the Denton Town Code to provide for the imposition and collection of development impact fees within the town for residential development.

Ms. Brynja Booth, Town Attorney advised the Council that the advertisement for this public hearing only referenced the fee for residential and not commercial. The Attorney recommended for the Council to extend adopting the ordinance until it is re-advertised with the correct language.

Councilman Horsey made a motion to table the public hearing on Ordinance #533 until the amended ordinance is advertised to include the commercial portion, seconded by Councilman Gregory, the motion passed unanimously.

With no further comments Mayor Foster closed this public hearing at 7:10PM.

Petitions, Remonstrance's and Communication

FY2006 Audit Presentation-this item was rescheduled for the February meeting.

Ordinances and Resolutions

Resolution #690 Camp Road Annexation: A resolution prepared by the Town Attorney for the annexation of Camp Road was presented to the Council. This annexation resolution is for a single parcel owned by Sheila Behlke Benchoff. This annexation was recommended by the Planning Commission, and previously supported by the Town Council to facilitate control of Camp Road. The parcel is within the Town Growth Area as defined in 1997, and is the only remaining parcel on the south side of Camp Road not located within the town limits. Ms Benchoff's current use of the property as her home would continue. Total acreage in the annexation is 17.19 acres including the road.

Councilman Horsey made a motion to introduce resolution #690 the annexation of Camp Rd., seconded by Councilman Gregory, the motion passed unanimously.

Ordinance # 532 Hunting Ordinance- An ordinance prepared by the Town Attorney that would amend the Town Code that regulates the discharge of firearms. Specifically, the amendment proposes to allow hunting on a parcel of land 50 acres or larger was presented to the Council. State and Dept of Natural Resources laws regarding safety would continue to remain unmodified. The ordinance was modeled after other communities that have large tracts of undeveloped property where hunting has taken place.

Councilman Gregory made a motion to adopt ordinance #532, seconded by Councilman Clendaniel, the motion passed unanimously.

Ordinance #533 – Impact Fee Assessment - An ordinance has been prepared by the Town Attorney that would amend the Town Code Chapter 52 to provide for the imposition and collection of Development Impact Fees with the Town.

Councilman Clendaniel made motion to hold off on the adoption of ordinance #533 until the February 5, 2007 meeting, seconded by Councilman Gregory, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Municipal Building Design - As directed by the Town Council, the Municipal Building Committee has met with Greg Torchio to review the design of the municipal building with respect to the proposed Pattern Book. A copy of the proposed amendment to reflect LEED Certification was provided. Mr. Greg Torchio was present to discuss this amendment, the LEED Certification process and municipal building design. Mr. Torchio advised that he was present at the recommendation of the Town's Planning Commission.

Councilman Clendaniel advised that he attended the Planning Commission meeting and was impressed at the energy assistance that leed certification requires.

Councilman Gregory stated that he recognized that the pattern book suggest leed certification, but did not feel that it was worth an additional \$40,000.

Councilman Clendaniel made a motion to elect to no pursue lead certification for the new town hall, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #2 Municipal Flag – At the November 6, 2006, Council meeting, The Town Council discussed color backgrounds for a municipal flag. The Times Record was able to include the three color choices the Council selected. The Town received 17 responses with voting as follows 7 votes for Gold (Maryland Flag Gold), 6 votes for Dark Blue and votes 4 for Royal Blue. Town staff contacted F.W. Haxel Company – the same firm who printed Federalsburg’s flag. A copy of their quote was provided. Additionally, the Town Office received a note from an individual who offered comments on the use of the Town Seal.

Councilman Branson made a motion to go with the Public’s choice of a gold background for the flag, seconded by Councilman Clendaniel, the motion passed unanimously.

Councilman Branson made a motion to buy three flags, then amended his motion to buy 4 flags, the motion died for lack of a second.

Councilman Gregory made a motion to purchase twelve polyester flags, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #3 Industrial Park Option Agreement – A request made by CPIII Builders and L. D. Berkindine Sheet Metal Company to extend their option to purchase agreements for the Denton Industrial Park. A copy of the proposed amendment was provided for the Council’s consideration. Both are requesting an additional 6 months.

Councilman Branson made a motion to extend the Industrial park option agreements for six months, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #4 Choptank Electric Agreement – A request made by the attorney for Choptank Electric to amend the option to purchase provision in the agreement adopted by the Council at their December 4 meeting. Brynja Booth’s attached letter provided background on this request. The Town Attorney prepared an amendment and was brought before the Council for consideration. The Town Attorney advised that the agreement had been amended to define that the Town must construct the water tower.

Councilman Clendaniel made a motion to accept the Choptank agreement with the amendments, seconded by Councilman Horsey, the motion passed 4-1, with Councilman Clendaniel abstaining due to Choptank being a client.

Other Unfinished Business

None

New Business

Agenda #1 – Sharp Road Park- Representatives of Choptank Athletic Association presented an update to the Council on development plans for the park, and fundraising activities to date. Choptank Athletic Association is a non-profit formed by local residents to represent varied youth programs at the park, and has had past support of the council to develop the park property. The lease with Choptank Athletic Association for the park land is due for renewal consideration. Mr. Troy Mentecki current President of the Association advised the Council that they have signed a contract with Lane Engineering and would like to extend the lease with the Town for the property for another three years.

Councilman Branson made a motion to extend the Choptank Athletic Association lease for three years, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #2- 401 Market Street Option Agreement – The Caroline County Arts Council provided a written request to enter into an option to purchase agreement for 401 Market Street. Their request has been reviewed and approved by the Denton Development Corporation. The property is part of the Arts and Entertainment District. This is before the Town Council for consideration. Staff advised that an ordinance can be drafted for consideration of introduction next month and a public hearing can be scheduled.

Councilman Branson made a motion to direct the Town Administrator to prepare an ordinance for consideration, seconded by Councilman Clendaniel, the motion passed unanimously.

Agenda #3- Riverview Gardens – Mr. Rick Della, Vice President The Rainmaker Group, has requested the opportunity to meet in a working session with the Town Council. He would like to discuss Interfaith Housing Development Corporation's intent and plan to purchase and renovate the three apartment facilities at Riverview Garden. He is unable to meeting on January 22, but would welcome another date and time.

The Council agreed to hold a working session on Jan. 29th at 6:00.

Agenda #4 -Small Business Loan Program – The Town of Denton received an application from the Denton Development Corporation for financing for the acquisition of 15 S. Third Street and 323 Market Street. Copies of the project summary and loan review committee responses were provided. Both loans were before the Council for consideration of approval.

Councilman Branson made a motion to approve the loans, seconded by Councilman Gregory, the motion passed 4-1 with Councilman Horsey abstaining due to being a member of the DDC.

Agenda #5 - Industrial Park Land Acquisition Request – Shore Doors has written the Town of Denton expressing interest in potentially acquiring land in Denton's Industrial Park. They are interested in Lot 9B-2B and are requesting the opportunity to enter into an option agreement. If acceptable to the Council, an Ordinance will need to be drafted. A six month option period enables the business to go through the planning process and Industrial Park Owners Association review prior to acquiring the property.

Councilman Gregory made a motion to grant the option for the potential acquisition of Denton Industrial Park Land by Shore Doors, seconded by Councilman Horsey, passing unanimously.

Other New Business

Councilman Horsey made a motion to have an ordinance drafted that would require all new construction to have fire sprinkler systems for new homes, seconded by Councilman Gregory. During discussion the Council was advised to allow the Town Attorney to review. Staff asked the Council to make sure before adopting to make sure that the inspections can be done. The motion was withdrawn.

Councilman Clendaniel expressed a few words of kindness for former Councilwoman Stockley and that it was an honor to accept her seat on the Council.

Executive Session

Councilman Gregory made a motion at 8:30 PM to hold an executive session to review the proposed personnel evaluation for the Town Administrator and other personnel issues, seconded by Councilman Horsey, passing unanimously.

All Council members, the Town Administrator, Clerk-Treasurer, Town Attorney and Chief Cox were present for the executive session.

With no further discussion Councilman Horsey made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Branson, the executive session was closed at 8:50 PM.

Regular meeting

Mayor Foster announced for the record that the Council held an executive session to discuss personnel issues.

Councilman Gregory made a motion to adjourn the meeting at 8.52 PM, seconded by Councilman Horsey, the motion passed unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*