

January 14, 2008

Regular Meeting

Mayor Foster 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 Foster asked everyone to remain standing for a moment of silence for the Coen Family.

Mayor Foster asked that the record reflect that all Council members were present, with the exception of Councilman Porter. (Further in the minutes it is reflected when Councilman Porter arrived.)

Councilman Clendaniel made a motion to approve the minutes of the December 3, 2007 regular meeting, seconded by Councilman Branson, passing unanimously.

Councilman Branson made a motion to approve the minutes of the December 17, 2007 working session, seconded by Councilman Clendaniel, passing unanimously.

Swearing in of Council member

Mayor Foster swore Councilman Branson into office.

Elections

Mayor - Councilman Gregory made a motion that John Foster be elected Mayor of the Town of Denton, seconded by Councilman Clendaniel.

Councilman Gregory made a motion to close the nominations, seconded by Councilman Clendaniel.

Councilman Gregory moved to make the appointment by acclamation, seconded by Councilman Clendaniel.

Vice Mayor – Councilman Gregory nominated Councilman Clendaniel to be Vice Mayor, seconded by Mayor Foster, passing unanimously.

Mayor Pro-tem – Councilman Gregory nominated Lester Branson to be Mayor Pro-tem, seconded by Councilman Clendaniel, passing unanimously.

Public Hearing

Town Attorney, Ms. Brynja Booth advised that the Council was preparing to hold public hearings on two ordinances pertaining to the sale of industrial park land. It was clarified that the Council wants the contracts to require the buyer to pay all cost for the settlement including the town's portion of the transfer tax on both proposed Industrial Park lot sales. The Town Attorney will make the corrections to the contracts if adopted.

Ordinance #553- Denton Industrial Park Lot 10A Sale

Mayor Foster opened a public hearing at 7:12PM to receive public comments on Ordinance #553 Industrial Park Contract of Sale Lot 10A-2.

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 7:13 PM.

Ordinance #552- Denton Industrial Park III Lot 1 Sale

Mayor Foster opened a public hearing at 7:13 PM to receive public comments on Ordinance #552 Industrial Park Contract of Sale Lot #1, Industrial Park Expansion III.

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 7:14 PM.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Ordinance # 552 Industrial Park Contract of Sale Lot #1 Ind. Pk Expansion III

Judge Yachts submitted a letter of interest in purchasing Lot #1 in the third expansion of the Denton Industrial Park. Brynja Booth, Town Attorney prepared an ordinance and contract for consideration of adoption.

Councilman Clendaniel made a motion to adopt Ordinance #552, seconded by Councilman Branson, the motion passed unanimously.

Ordinance # 553-Industrial Park Contract of Sale Lot 10A-2

The Town of Denton had sent Black Oak Properties, LLC, a non-binding Letter of Intent to sell Lot 10 A-2. The Town could not formally enter into a contract of sale until Lot 10A was purchased by the Town. Settlement has taken place and the Town now owns Lot 10A. The Planning Commission has approved the subdivision plat. The Town Attorney drafted an Ordinance #553 and a Contract of Sale that was brought before the Council for consideration of adoption. This is the lot proposed for the relocation of Hershey Creamery Distribution facility.

Councilman Branson made a motion to adopt Ordinance #553, seconded by Councilman Clendaniel, passing unanimously.

Ordinance # 554 - Well Use Ordinance Revision

This ordinance revises the existing language in the water code to permit drilling and using wells for irrigation only in parks and agricultural applications within the Town of Denton. Permitting such use will conserve the Town's potable water supply. Currently the water code only allows the use of wells for outside watering on properties that had wells prior to connecting to the Town's water supply. The proposed ordinance was considered and drafted in response to the request made by the Denton Little League to drill and maintain a well at the Lions Club Park. Currently the park is connected to the Town's water supply and the Town pays the water bill. The Town Attorney approved this proposed ordinance and it was brought before the Council for consideration of introduction.

Councilman Branson made a motion to introduce Ordinance #554, seconded by Councilman Clendaniel, passing unanimously.

Councilman Clendaniel advised that obviously the Council supports this ordinance to provide relief to the Lion Club Park, but asked that the Attorney make sure the Town is not opening itself up to provide an opportunity for a bunch of wells to be installed.

Councilman Porter arrived and took his seat at 7:15 PM.

Mr. Scott Getchell and Ms. Brynja Booth provided an overview about the ordinance and what had been taken into consideration during the preparation.

Councilman Gregory raised concerns about defining and allowing for agricultural use.

The Town Attorney was directed to review the agricultural section and amend the ordinance to restrict it as it relates to agricultural or any type of shallow wells.

Mr. Getchell advised that the Utility Commissioner could approve all request for wells.

Councilman Gregory made a motion to defer consideration on this ordinance to allow an opportunity to review the amendments at the next meeting, seconded by Councilman Clendaniel, passing unanimously.

Swearing in of Councilmember

Mayor Foster swore Councilman Porter into office at 7:30 PM.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Planning Commission Appointment

There is presently one vacancy on the Denton Planning Commission and the Council reviewed the remaining letters of interest.

Councilman Clendaniel nominated Mr. Bill Quick for this position and asked about contacting Mr. Socks and see if he would be interested in serving on the Utility Commission, seconded by Councilman Gregory, passing unanimously.

Mr. Quick has also accepted a position on the County Economic Development board as well.

Agenda #2 - Comprehensive Plan

This item was on the agenda for the Town Council to discuss the revised draft of the Comprehensive Plan.

Councilman Porter asked if any comments had been received from the County Planning Office on the proposed plan and staff advised nothing has been received yet. The Council would like to know if the County has any comments before moving forward. Staff will follow up with the Director of the Caroline County Planning & Zoning to obtain comments so the Town Council and the Planning Commission can move forward on the adoption.

Agenda #3 - Pattern Book

The Town of Denton received a grant to provide for the printing of the Pattern Book. Presently, the grant allows for the printing of 6,000 copies. The proposed budget also included postage for direct mailing of the pattern book. A copy of the grant budget was provided.

Councilman Gregory questioned the amount of copies and asked if the town could order a lesser quantity and if necessary give the grant funding back or seek approval to re-allocate the grant funds to another project. Staff will look to see if there is flexibility with the grant and look to see what the cost would be to order a smaller quantity.

Councilman Branson made a motion to direct the Town Attorney to prepare an ordinance for the Council to consider so the pattern book would apply to Planned Neighborhood Developments, seconded by Councilman Porter, the motion passed unanimously.

Agenda #4 - Basketball Court

The Town of Denton received two offers relative to the potential relocation of the basketball courts. One is off of Caroline Street and the other off of Sixth Street. A map showing the two locations was provided to the Council for consideration.

Mr. Ellis Davison – project manager for the Crouse Park project advised that as the project is moving forward and since some of the funding is coming from the State

Highway Administration that he needs to provide a plan or time line for the relocation of the courts by this summer.

Mr. Kenneth Gornic advised the Council that his wife Melissa and he oppose any consideration of relocating the basketball courts to the 4th St. Park if it was an option, and read their twelve reasons why.

The Council agreed to defer discussion on this item and to hold an executive session prior to their February meeting to protect the privacy of those making the proposals.

New Business

Agenda #1 - Water and Sewer Allocation

Walmart is seeking consideration for an extension and the re-allocation for their water and sewer allocation of 4700 gpd. An allocation is good for a two-year period.

Staff advised that the preliminary design is on the agenda for the Planning Commission to review at the January meeting.

Councilman Branson made a motion to extend the allocation for two years, seconded by Councilman Porter, the motion passed unanimously.

Councilman Clendaniel questioned if the Council has to grant allocations. The Town Attorney advised that Maryland Law states that if there is capacity available and there is not an issue of public health, safety and welfare that the Town is required to grant the allocation if requested.

Agenda #2 - CEDC Group Market Specialist

Mr. JOK Walsh and Natalie Chabot discussed the group tour market and propose a part time temporary specialist position. The CEDC has approved to fund \$5,000 towards the budget of \$10,000. They came before the Council seeking consideration from the Town Council for funding in the same amount - \$5,000.

Councilman Gregory asked how much the Town already contributes. Staff advised that the budget reflects \$10,000 to the CEDC, 90 % of the hotel tax goes to the County Tourism (about \$27,000 a year), and the \$15,000 the Town receives in real estate tax from the Hotel is also allotted to Tourism.

Staff advised that the Town collects \$17,000 a year in the Wesleyan Fund for special projects and that it has about \$12,000 left for this year.

Councilman Gregory made a motion to approve a \$5,000 contribution for a CEDC Group Market Specialist, seconded by Councilman Branson, the motion passed with 4 voting yes, Councilman Clendaniel abstained.

Agenda #3 - Downtown Banners

Mrs. Abigail McNinch of the Denton Development Corporation came before the Council seeking approval to install banners in the Central Business District. Funding for this endeavor was raised at the Spring Gala.

Councilman Gregory recommended that they check into receiving grant funding from the Underground Railway and also Coastal Zone for additional banners.

Councilman Branson made a motion to approve the request, seconded by Councilman Porter, passing unanimously.

The Council advised that as more funding is obtained to place additional flags in the Town that the DDC can work with the Town Administrator to review the locations and seek approval.

Agenda #4 - Follow up Meeting with County Commissioners

The Town Council directed staff to contact Caroline County to see about setting up a follow up meeting on Tuesday Jan. 29, 2008, to be held prior to the Counties regular meeting.

Agenda #5 - Recognizing Council members

The Council reviewed a proclamation that was prepared to recognize former Councilman Bradford Horsey and a letter received from Judge Owen Wise about considering recognitions for former Councilman Palmer as well. Staff was directed to research dates of service of others.

Mayor Foster suggested that once the research is done that it would be good to have a commemorative wall in the new building that reflected the names of all former Council members.

Councilman Porter asked staff to amend the proclamation for Councilman Horsey to include his years of service and positions with the Fire Department.

Councilman Porter made a motion to approve the proclamation as amended, seconded by Councilman Clendaniel, passing unanimously.

Agenda #6 - Personnel Policy Amendment

The Council reviewed a Personnel Policy Amendment that would provide for permanent part time employees working 15 – 24 hours per week to receive 4 hours pay per holiday.

Councilman Branson made a motion to approve the personnel policy amendment, seconded by Councilman Gregory, passing unanimously.

Agenda #7 - Choptank Electric Feasibility Period Extension

The Town Attorney prepared a draft letter to Choptank Electric requesting consideration for a one-year extension on the Feasibility Period that was presented along with the background information on the original agreement to the Council for consideration.

Councilman Branson made a motion to ask for a one year extension of the agreement between the Town and Choptank Electric, seconded by Councilman Porter. The Town Attorney provided an overview. The motion passed unanimously.

Agenda #8 - SHA MD Route 404 Speed Limit Change

The State Highway Administration changed the speed limit on a portion of MD Route 404 in Denton to 50 miles per hour. A copy of the traffic engineering study that was referenced in their press release has been requested but has not yet been received.

Councilman Gregory expressed the need to send a letter of protest to the SHA and questioned what they based their reasons on to change this speed limit.

Councilman Branson support Councilman Gregory and wanted to request the letter to ask SHA to provide advanced noticed before changing any other speed limits in the Town.

Councilman Branson made a motion for a letter to be drafted for all of the board members to sign to be sent to the State Highway Administration, seconded by Councilman Porter, passing unanimously.

Agenda #9 - Crouse Park Conditional Approval Request

Ellis Davison provided an update on the project to the Council and asked for consideration to sign a letter providing conditional approval for the application that is being submitted to the Critical Area Commission for their February 6, 2008 meeting.

Councilman Branson made a motion to authorize the Mayor to sign the letter, seconded by Councilman Clendaniel.

In discussion Councilman Gregory asked to go back to the Basketball court item to further discuss the time line requirements that Mr. Davison had referenced earlier in the meeting.

Mr. Davison advised that the SHA has new grant administrator that recently explained that there are restrictions in place for utilizing these funds where recreational activities are involved, so in order to receive the SHA funds there needs to be a plan for replacing the basketball courts submitted.

Councilman Clendaniel made a motion to send a letter to the State Highway Administration stating the Town's commitment to relocating the basketball courts, seconded by Councilman Gregory, passing unanimously.

The Mayor called for the vote on the early motion on the floor "authorizing the Mayor to sign the letter to the Critical Area Commission", the motion passed unanimously.

Agenda #10 - DDC Small Business Loan Interest Rate Adjustment Request

The Council reviewed a request from the Denton Development Corp to have their interest rated adjusted from 5% to 3% on the IRP Loan.

Councilman Porter made a motion to grant the request, seconded by Councilman Clendaniel, passing unanimously.

Agenda #11 - Denton Police Dept Car Acquisition

Chief Cox asked for approval to purchase a used vehicle in the amount of \$9,100. This vehicle would replace one that the transmission has gone up in. With the age of the vehicle and the amount of mileage it would cost more to repair the vehicle than it is worth.

Councilman Branson made a motion for Chief Cox to replace the car for \$9,100, seconded by Councilman Clendaniel, passing unanimously.

Agenda 12 - Tax Differential

The Town was notified that the Caroline County Commissioners will be discussing the tax differential at their January 22, 2008 meeting.

Councilman Branson made a motion to direct the Town Administrator to prepare a letter to the Caroline County Commissioners expressing their support in keeping the tax differential the same as in prior years, seconded by Councilman Porter, passing unanimously.

Agenda #13 - Town Administrator Evaluation

Councilman Gregory asked that the Town Administrators annual evaluation be placed on the February agenda, he is modifying the form will provide a copy of it to the other Council members prior to the meeting for review.

Councilman Clendaniel recognized Caroline County Commissioner Jeff Ghrist for coming to the meeting tonight.

With no further discussion Mayor Foster adjourned this meeting at 9:36 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*