

February 4, 2008

Executive Session

Councilman Gregory made a motion at 6:05 PM to hold an executive session to discuss personnel and private business matters, seconded by Councilman Branson, passing unanimously.

All Council members were present during this meeting along with the Town Administrator, Clerk-Treasurer – later joined by JOK Walsh and Ellis Davidson.

No action was taken.

At 7:00 PM. Councilman Clendaniel made a motion to close the executive session, seconded by Councilman Gregory, the motion passed unanimously.

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 that the record reflect that all Council members were present.

Mayor Foster advised that an executive session was held prior to this meeting.

Councilman Clendaniel made a motion to approve the minutes of the January 14, 2008 meeting, seconded by Councilman Branson, passing unanimously.

Public Hearing

Ruff/Suppo Annexation

This item was deferred and the public hearing was canceled.

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

Ordinance #554 Well Use Ordinance Revision

An ordinance revising 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. This 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. This proposed ordinance was presented to the Council at their January meeting. As directed by the Council, the Town Attorney has revised the language and it was brought before the Council as amended for consideration.

Councilman Branson made a motion to adopt ordinance #554, this motion was withdrawn after discussion about the motions from the previous meeting was held.

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

Ordinance #555 Heritage Areas

As a follow up to the Denton Town Council discussion and consideration of the Heritage Area Certification at their October 2007, Brynja Booth has prepared an ordinance for the Denton Town Council's consideration. The Ordinance amends the Denton Comprehensive Plan to incorporate the Stories of the Chesapeake Heritage Area Management Plan as the Plan relates to those areas of the Town located within the

Denton Central Business District and the Denton Historic District. This was brought before the Council for consideration of introduction. Additionally, if the Town Council introduces the Ordinance, the DDC is proposing to initiate the preparation of a grant application for the Old Schoolhouse Project. A letter was presented for the Councils review and consideration.

The Town Attorney advised that if the ordinance is introduced that the Town Council and the Planning Commission will need to hold a joint public hearing.

Councilman Branson made a motion to introduce Ordinance #555, seconded by Councilman Clendaniel. Discussion was held in the Town Attorney provided an overview of her conversation with the Attorney General's office. The Town Attorney advised that as this ordinance is written that they are comfortable that the Town is protected by limiting this to the Central Business and Historic Districts.

The motion passed with 4 voting yes, Councilman Porter abstained because he did not understand the program enough to be able to vote on it.

Ordinance #556 PN Ordinance Amendment Pattern Book

At the January Council Meeting, Brynja Booth was requested to draft an ordinance which amends the PN Ordinance to include the Pattern Book. Background on this item was provided by Ms. Booth's. An ordinance was drafted for the Town Council for consideration of introduction.

Councilman Branson made a motion to introduce Ordinance #556, seconded by Councilman Porter, passing unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Comprehensive Plan

The Denton Town Council reviewed the Draft Denton Comprehensive Plan, the comments received from the Caroline County Planning Office, and the follow up comments from Peter Johnston. Additionally, as part of the Comprehensive Plan updates the Denton Planning Commission will be proposing a Comprehensive Zoning Map. Mr. William Bozalis has written both the Denton Town Council and the Denton Planning Commission requesting consideration of continuing the zoning proposed for the former Southern States property (General Commercial – this is presently Light Industrial) into the adjacent properties.

The Town Administrator provided an overview of what has transpired to date.

The discussion included concerns about the alignment of the intersection, working with the County, spot zoning, and growth build out.

Mr. Alan Lockerman advised that he is concerned with the effect the comprehensive plan will have on his property that is located just outside the Town boundary. The Town Attorney explained that the greenbelt area is in the County and not within the Town limits.

Councilman Clendaniel expressed that he felt the plan says lets grow as fast as we can, need to review plan some more before adopting and maybe consider hiring an outside agency to review. The Town Administrator went over the current plan language with regards to growth in five years verse a full build out and referenced house bill 1141.

Councilman Gregory asked if Chapter 2 needs to be reviewed more to address growth rate.

Mr. Mike Hannegan, of 1117 Canvasback Lane resident of Denton added that he remembers when he was a kid the plan where he grew up represented a large growth build out that took forty years to come about and didn't think the Council should dwell on that language.

Councilman Porter made a motion to continue reviewing the Plan with the County and to defer action until the Planning Director is on board, seconded by Councilman Branson, passing unanimously.

New Business

Agenda #4 - Bus Stop for Students

Mayor Foster moved this item up on the agenda so that the children in the audience would not have to stay out to late.

Mr. Ian St. John of 1103 Ruddy Duck Court made a presentation seeking the council support in sending a letter to the Caroline County Board of Education to consider relocating the bus stops for the Mallard Landing development for the safety of the children.

Ms. Megan Hannegan, Mr. John Hannegan and Mr. Christian Drew, children of the neighborhood spoke about their experience in getting on the bus where the stop is currently located.

Councilman Branson made a motion to write a letter with all of the Council signatures to the Caroline County Board of Education asking them to consider moving the bus stop off of Market St and set up two stops within Mallard as a result of this concern raised by the Parents to the Director of Transportation and to ask the Board of Ed to look at the safety factors of all of the bus stops located within the town, with a copy of the letter to also be sent to Dr. Shirley, seconded by Councilman Porter, passing unanimously.

The Council recommended having a traffic count done on Market St.

Mayor Foster thanked everyone for coming out and discussing this with the Council and advised that it is not the Town's position to tell the County how to do their job, they can just give assistance and make a recommendation.

Mr. St. John extended an invitation welcoming the Council to attend their Home Owners Association meeting, they are held quarterly.

Back to Unfinished Business

Agenda #2 - Basketball Court

The Town of Denton has 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 is attached.

Councilman Branson made a motion to defer, did not like either offer and would like to look at other options, seconded by Councilman Clendaniel, passing unanimously.

Agenda #3 - Growth/Water Resource Element Joint Project

This was initially discussed by the Council at their December 3, 2007 meeting. Ms. Stacey Weisner, Planning Director for Caroline County, has initiated a joint planning endeavor between the Towns and the County to fulfill the requirements of HB 1141. Ms. Brynja Booth drafted a letter for the Council's consideration.

Councilman Branson made a motion to sign the letter and send it to the Planning Director of the County, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 - SHA Letter MD Route 404 Speed Limits

At the January, 2008, Council meeting, the Denton Town Council requested that a letter be drafted to relay concerns regarding SHA's decision to adjust the speed limit on MD Route 404 and not notify the Town of Denton in a timely manner. Caroline County Commissioners had expressed similar concerns, and as a result a joint letter has been drafted by Sara Visintainer and was presented for the Councils consideration.

Councilman Branson made a motion to sign and send the letter as prepared to the State Highway Administration, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 – Choptank Electric Feasibility Period Extension

The Denton Town Council had approved to have the Town Attorney send a letter to Choptank Electric requesting consideration for a one-year extension on the Feasibility Period. Choptank Electric has approved this request. This item was brought back before the Council to execute the extension amendment.

Councilman Branson made a motion to execute the extension agreement, seconded by Councilman Porter, passing unanimously.

New Business

Agenda #1 – Second Street Motorist Speed

Mr. Scott Brewster, resident on Second Street, requested the Council to look at the continued speeding problems on Second Street. The Director of Public Works spoke of his conversation with Mr. Brewster and recommended a couple options.

Councilman Porter spoke in opposition of speed tables.

The Public Works Dept and the Police Dept. will look at this further.

No action was taken by the Council at this time.

Agenda #2 - Health Care Options for Councilmember's

Councilmember Gregory asked the Council to consider adopting legislation to allow for the Council members to have health care coverage and if adopted for this to be presented on the November ballot for the Citizens to vote on. This would allow Council members to be offered an option to enroll in the Town's health care plan, this does not include the members spouse and or children.

Councilman Gregory made a motion to have the Town Attorney draft an ordinance to be presented at a public hearing, seconded by Councilman Branson, passing unanimously.

Agenda #3 - Town Administrator Performance Evaluation

At the January 2008 Council meeting, a request was made to have this placed on the 2/4 agenda.

Councilman Gregory stated that last year it was discussed that the annual evaluation for the Town Administrator should occur during the month of February.

Councilman Gregory presented the evaluation form to the other members and asked for their input to be returned to him within the next two weeks so that he can combine them together and present to the Town Administrator in March.

Agenda #5 - 15 South Third Street

The Town of Denton had requested the Denton Development Corp. (DDC) to consider the acquisition of 15 S. Third Street. This building is presently being leased by the Town of Denton for the Main Street Program. The DDC and Caroline Tourism also occupy the building. The DDC has been able to obtain a contract and would like the

opportunity to meet with the council to discuss an MOU they have drafted. This item was discussed in the executive session held earlier.

Councilman Branson made a motion to table discussion on this item, seconded by Councilman Gregory, passing unanimously. The Town Administrator was instructed to do some back ground on this and present again at the March meeting.

Agenda #6 - Water and Sewer Comprehensive Plan Amendment

Ms. Cynthia McCann went over the written request, on behalf of Chris Coile Development, for the Councils consideration to authorize the Town to sign off on their application to the County for a Water and Sewer Comprehensive Plan amendment. This was provided for the 8 individual properties recently annexed into town.

Councilman Porter made a motion to direct the Town Administrator to execute the application to the County as requested, seconded by Councilman Gregory, the motion passed with 4 voting yes – Councilman Clendaniel abstained because he voted not for the annexation.

Agenda #7 - Growth Allocation Request

Ms. Cynthia McCann went over the written request, on behalf of Chris Coile Development, for the Councils consideration to authorize the submission of an application to the County for Critical Area Growth Allocation.

Councilman Branson made a motion to authorize the Town Administrator to sign the application to the County, seconded by Councilman Gregory, the motion passed with 4 voting yes – Councilman Clendaniel abstained because he voted not for the annexation.

Agenda #8 - MD Route 313 Annexation – Caroline County Property (USTAR)

Mr. Ernie Crowfoot, attorney for Caroline County, has contacted Ms. Brynja Booth requesting the Town's consideration of the annexation of the County property at the intersection of MD Route 404 and MD Rt. 313. This property presently houses Delmarva Community Transit (formerly USTAR.)

Discussion only, no action was taken by the Council.

Agenda #9 - Farmers Market

The MidShore Regional Economic Development Council Agri-Business Coordinator WinFei Uve has been working with Natalie Chabot and Jessica Perez to expand on previous years efforts to develop a Farmers Market. Presently they are looking at Wednesdays, between 3:00 p.m. and 6:00 p.m. utilizing parking area on Market and Second Street in front of the Courthouse.

Councilman Branson made a motion to support, seconded by Councilman Clendaniel, passing unanimously.

Agenda #10 - Middle Department Inspection Agency Inspections for Electrical and Plumbing

Mr. Michael L. Savage, Senior Inspector with MDIA, submitted a letter outlining his proposal for the Town of Denton to enter into an exclusive contract with MDIA to provide electrical and plumbing inspections in the Town. Presently these inspections are being done by MDIA for the Town, however through the permitting process at the County. Larry Davis, Senior Code Official for the Town of Denton has recommended the permitting for electrical and plumbing services be handled directly with the Planning and Codes Office.

Councilman Branson made a motion to approve, seconded by Councilman Porter.

In discussion, Mr. David Dansker of 1104 Canvasback Lane being a contractor himself asked if this was competitive or if there was another agency being considered.

The motion was withdrawn.

Councilman Branson made a motion to direct the Town Administrator to discuss with the Senior Codes Official and look into other companies, like First State and bring back, seconded by Councilman Porter, passing unanimously.

Agenda #11 - Planning and Codes Director Vacancy

The Town Administrator requested the opportunity to set up a meeting date/time to review with the Town Council the applications received and set up an interview schedule.

Councilman Branson and Councilman Clendaniel were appointed to serve on the interview committee. The interviews were scheduled for Monday, February 11th at 6:00 P.M.

Other New Business items were added

Black Oak Contract

The Town Attorney went over some changes to the Black Oak Contract for the sale of Lot #10A-1 in the industrial park.

Councilman Branson made a motion to accept the changes to the contract, seconded by Councilman Porter, passing unanimously.

Councilman Resignation

Councilman Gregory handed in his letter of resignation from serving on the Council. Stating that he is planning on retiring and in order to receive his retirement benefits he must resign his position on the Town Council and remain retired for a period of at least 45 days.

Councilman Branson made a motion to direct the Town Attorney to advertise for letters of interest for anyone wishing to fill this vacancy from March to December 2008, rather than have the expense of holding a special election, seconded by Councilman Porter, passing unanimously.

With no further discussion Mayor Foster adjourned this meeting at 9.36 PM

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*