

February 6, 2006

Executive Session

At 6:00 PM on this date Mayor Branson asked for a motion to hold an executive session to seek legal advice. Attorney Brynja Booth clarified expressing that the need for the executive session was to seek legal advice on a legal matter, pending litigation and acquisition of real property.

Councilwoman Stockley made a motion to go into executive session, seconded by Councilman Foster, the motion passed unanimously.

At 6:52 PM Councilwoman Stockley made a motion to close the executive session, seconded by Councilman Foster, the motion passed unanimously.

Regular Meeting

Mayor Branson called the regular meeting of the Denton Town Council to order on this date at 7:00 PM, leading everyone in the Pledge of Allegiance to the Flag.

Mayor Branson asked that the record reflect that Councilman Horsey was absent due to illness and Councilman Gregory was absent due to a conflicting meeting, all of the other Council members were present.

Councilwoman Stockley made a motion to approve the minutes of the January 9, 2006 regular meeting, seconded by Councilman Foster, the motion passed unanimously.

Mayor Branson asked for a moment of silent prayer for Councilman Horsey due to his health and County Commissioner Roger Layton, wishing both well.

Public Hearings**Resolution #671 - Allston/Foster/Dixon Brothers/Superior Rentals**

At 7:01 PM Mayor Branson opened a public hearing to receive comments on the proposed annexation resolution #671.

The Mayor asked for any comments from the:

State - there were none

County - Caroline County Commissioner Mr. Jack Cole was present, he advised that he had submitted written comments from the County Commissioners in opposition of the annexation.

Town Council - there were none

Public - Mr. Bob Jarrell, an attorney representing the Fosters asked for the Council support in adopting the annexation.

Mr. Alan Lockerman asked for additional information, wanting to know what the County had to say. He stated that property owners should be able to do what they want with their properties, and raised concerns about the increase in taxes and housing afford ability. The Mayor and Mr. Bob Jarrell provided some overview.

Mr. Dudley Dixon owns the adjoining fifteen acres that was previously annexed into town and has approximately 2 acres that are part of this annexation. Mr. Dixon expressed how nice it has been to work with the Town on other projects, the previous annexation and asked for the Councils support, adding that he is looking forward to the annexation.

Caroline County Commissioner Jack Cole spoke again indicating that he would make the County letter available to Mr. Lockerman.

With no further discussion on this item, the Mayor declared the public hearing closed at

2718

7:10 PM.

Ordinance #505 - Public Burning

At 7:10 PM Mayor Branson opened a public hearing to receive comments on the proposed public burning ordinance #505.

The Mayor asked for any comments from the:

State - there were none

County - there were none

Town Council - there were none

Public - Mr. Alan Lockerman asked what the ordinance was for. The Mayor and Staff provided an overview.

With no further discussion on this item, the Mayor declared the public hearing closed at 7:16 PM.

Ordinance #506 - Critical Area Text Amendment

At 7:16 PM Mayor Branson opened a public hearing to receive comments on the proposed Critical Area Text Amendment ordinance #506.

The Mayor asked for any comments from the:

State - there were none

County - there were none

Town Council - there were none

Public - there were none

With no further discussion on this item, the Mayor declared the public hearing closed at 7:17 PM.

Ordinance #507 - Critical Area Map Amendment

At 7:17 PM Mayor Branson opened a public hearing to receive comments on the proposed Critical Area Map Amendment ordinance #507.

The Mayor asked for any comments from the:

State - there were none

County - there were none

Town Council - there were none

Public - Mr. Alan Lockerman asked for information about this ordinance. Mr. Roby Hurley of the Dept. Of Planning advised that this was an amendment to the map to keep up with the changes in the Town.

With no further discussion on this item, the Mayor declared the public hearing closed at 7:19 PM.

Ordinance #508 - Property Maintenance Amendment

At 7:20 PM Mayor Branson opened a public hearing to receive comments on the proposed Property Maintenance Amendment ordinance #508.

The Mayor asked for any comments from the:

State - there were none

County - there were none

Town Council - there were none

Staff provided clarification of this ordinance

Public - Ms. Patricia Little asked if this had anything to do with the Steam Boat Alley

road condition and was advised that street is not within the town limits and that this ordinance deals with property maintenance issues within the Town.

Mr. Alan Lockerman asked for information about this ordinance.

With no further discussion on this item, the Mayor declared the public hearing closed at 7:22 PM.

Town of Denton Audit Presentation: John Montoro from Cherry, Bekeart and Holland was present to provide an overview of the Town's FY2005 Financial Report regarding the annual audit. Mr. Montoro advised that it was a clean audit with no findings, all laws and requirements have been followed by staff.

Petitions, remonstrances and communication

Mayor Branson shared an invitation with the Council from Lockerman Middle School, to participate in a ceremony recognizing the teachers for their outstanding MSA scores. The ceremony is scheduled for Feb. 8, 2006 at 3:00.

Introduction and adoption of resolutions and ordinances

Resolution #671 Allston/Foster Annexation Request: At the request of the Town Council the Planning Commission has reviewed the petition for annexation received from Mr. Allston, Dixon Brothers, and Superior Rentals Inc for the annexation of land on the east side of Route 313. The 3 parcels total 54+/-acres and include the annexation of that portion of Route 313 in front of the property. The maintenance of Route 313 remains with State Highway. The property is within the town's growth area, and represents the final properties adjoining the growth boundary at this location. Town Attorney Brynja Booth prepared the annexation resolution which was introduced December 5, 2005, and prepared the legal advertisements as required by law.

Councilwoman Stockley made a motion to adopt annexation resolution #671, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 505 Public Burning: At the request of the Town Council the town attorney, Brynja Booth, has drafted an updated ordinance regulating burning by the public.

Councilwoman Stockley made a motion to adopt ordinance #505, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 506 Critical Area Text Amendment: The Planning Commission has forwarded proposed text changes to the critical area program and zoning ordinance for consideration. These text changes are mandated by state legislation. Roby Hurley, Maryland Dept of Planning, Critical Area Circuit Rider was present. The ordinance has been amended to clarify the definition of hardship.

Councilman Foster made a motion to adopt ordinance #506 as amended, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 507 Critical Area Map Amendment: The Planning Commission has forwarded proposed map changes to the critical area program and zoning ordinance for consideration. These map changes incorporate areas recently annexed, and show the critical area within the town's growth area. Roby Hurley, Maryland Dept of Planning, Critical Area Circuit Rider was present.

Councilwoman Stockley made a motion to adopt ordinance #507, seconded by

Councilman Foster, the motion passed unanimously.

Ordinance # 508 Property Maintenance Amendment:

The Town attorney, Brynja Booth, prepared an ordinance updating the property maintenance ordinance fee schedule, this was introduced at the January meeting and was presented for consideration of adoption.

Councilman Foster made a motion to adopt ordinance #508, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

none

Unfinished Business

Agenda #1 -Sharp Road Park Update: Staff member, Jennifer Shull, provided an update on the planning and development of a park on Sharp Road. Currently the town has a lease with Choptank Athletic Association, a non-profit, to design and plan a multi-use park. A grading and sediment erosion control plan has been submitted to the appropriate agency and requires signature of the Mayor as the property owner/applicant. The town attorney is aware of the permit process, and has no objections to execution of the permit request for grading and sediment erosion control.

Councilwoman Stockley made a motion to authorize the Mayor to sign the application, seconded by Councilman Foster, the motion passed unanimously.

Other Unfinished Business

Mayor Branson asked the Town Attorney to update the Public on the County Lawsuit against the Town.

Town Attorney, Mrs. Brynja Booth provided an overview of what has taken place and that the Mayor was served the lawsuit papers on Jan. 10, 2006. The Town Attorneys will be filing a motion to dismiss in the Caroline Courts tomorrow, Feb. 7, 2006.

New Business

Agenda #1- Pattern Book : Jennifer Shull has been working to obtain grant funding to cover 50% of the cost of the Pattern Book development and 100% of the cost for the printing and postage. Staff provided an overview of the proposed project and how a plan to have this project done with no expense to the Town. Staff is seeking Council approval to authorize award of the project to Urban Designs.

Roby Hurley, of Maryland Dept of Planning was present and complimented the Town for the application, stating that Staff had done a wonderful job in pulling this together and that this is a great project for the Town.

Councilwoman Stockley made a motion to go ahead with the pattern book, seconded by Councilman Foster, the motion passed unanimously.

Agenda #2 - Gannon Utility Easement: An easement has been prepared that would permit the extension and looping of town utilities. The easement is on the Deford property located on Double Hills Road adjacent to both the industrial park, and the Preston Ford dealership. This easement would permit the extension of utilities between the Gannon project "The Village at Watts Creek" from Sharp Road via Blades Farm Road under Route 404 thru the easement to Park Lane in the industrial park. All utility extensions are at the expense of the

developer as previously addressed, and any compensation to the Deford's for the easement is also a private agreement with Mr. Gannon. The Town Attorney has reviewed and assisted in the preparation of the easement, and supports the Council's acceptance & execution of the utility easement.

Councilman Foster made a motion to authorize the Mayor to sign the agreement between the Deford's and Gannon for purpose of the easement, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3- MDE Permit: A notice that has been received from MDE regarding an air quality Permit from Schultz and Sons Salvage, Inc. was provided to the Council. A recommendation has been made by Brynja Booth for the Town Council to provide a written request for an informational meeting. Mayor Branson stated that he would like more information.

Councilwoman Stockley made a motion to send a letter to request an informational meeting, seconded by Councilman Foster, the motion passed unanimously.

Agenda #4 -Gay Street Redevelopment Project - The Town presently owns the property located at 522 Gay St., and staff has been approached by an interested person in acquiring the property for a redevelopment project.

Councilwoman Stockley made a motion to authorize to have an ordinance drafted to dispose of the property, seconded by Councilman Foster, the motion passed unanimously.

Agenda #5 -Personnel Amendment: Seeking consideration from the Council to amend the Town of Denton's Personnel Manual. To amend section 5-12.12, removing a set mileage reimbursement rate and defaulting to the IRS standard mileage rate.

Councilwoman Stockley made a motion to adopt the personnel manual amendment as proposed, seconded by Councilman Foster, the motion passed unanimously.

Agenda #6 Retreat: The Denton Town Department Head and Administrator have pulled together a schedule to work to define a long range operating and servicing plan for the Town of Denton.

The Council advised that Thursday in April would work best, staff will check with the other members to set a date.

Other New Business

None

With no further business to discuss the meeting Mayor Branson adjourned the meeting at 8:02 PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer