

**March 5, 2007**

**Executive Session**

Councilman Gregory made a motion at 6:09 PM to hold an executive session to discuss personnel evaluation form for the Town Administrator and to seek legal advice on sick leave and accrued sick leave policy under the State Retirement, seconded by Councilman Clendaniel, passing unanimously.

All Council members were present during this meeting along with the Town Administrator, Clerk-Treasurer and the Brynja Booth, Town Attorney.

No action was taken.

At 6:59 PM. Councilman Horsey made a motion to close the executive session, seconded by Councilman Clendaniel, 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.

After a review of the minutes prepared for the Feb 5, 2007 meeting Councilman Branson asked that a correction be made reflecting that Councilman Horsey made the motion to approve the minutes for Jan 8, 2007, they were seconded by Councilman Branson.. Councilman Gregory asked that the new business #2 reflect that the motion passed 4-0 instead of 4-1 since Councilman Horsey abstained.

With these corrections Councilman Clendaniel made a motion to approve the minutes of the February 5, 2007 regular meeting and the working session notes of Jan. 29, 2007 and Feb. 28, 2007, seconded by Councilman Branson, passing unanimously.

**Public Hearing**

**Ordinance #534**

Mayor Foster opened a public hearing at 7:03PM to receive public comments on Ordinance #534 entitled "An ordinance of the Town of Denton authorizing the Mayor of the Town Council to execute an option agreement for the sale of property described as 401 Market Street, Denton, Maryland."

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 – Abigail McNinch, project manager for the Denton Development Corp. thanked the Council for their support on this project.

Marina Dowdall of 111 Riverton Ave., a member of the Arts Council provided an overview of their organization and the purpose of the project, thanking the Council for their support.

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

**Resolution #690**

Mayor Foster opened a public hearing at 7:06 PM to receive public comments on Resolution #690 the proposed annexation of a portion of Camp Road, and the adjoining parcel of land owned by Sheila Benchhoff. The annexation consists of a total of 17.19 acres, is located within the town's 1997 growth area, is supported by the Planning

*Commission and was initiated by the Town to facilitate looping of utilities within Camp Road.*

*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 7:08 PM.*

**Petitions, Remonstrance's and Communication**

**FY2006 Audit Presentation-** *Mr. John Montoro and Mr. Brad Haun of Cherry, Bekeart & Holland came before the Councilman and provided an overview of the Town's FY2006 Financial Report regarding the annual audit.*

**Red Cross Month** - *Councilman Branson made a motion to direct the Mayor to sign a proclamation making March American Red Cross Month, seconded by Councilman Horsey, the motion passed unanimously.*

**Ordinances and Resolutions**

**Resolution #690 Annexation of Camp Road & Benchoff/Behlke property-** *An annexation resolution and agreement prepared by the town attorney for the annexation of a portion of Camp Road, and the single parcel owned by Sheila Benchoff was presented for consideration of adoption. 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 defined in 1997, and is the only remaining parcel on the south side of Camp Road not located within town limits. Total acreage is 17.19 acres including the road. An annexation agreement would permit Ms. Benchoff continued existing use of the property as her home including the keeping of four horses or ponies.*

*Councilman Gregory made a motion to accept annexation resolution #690, seconded by Councilman Horsey. Discussion was held in which the Council recognized that the Town approach the property owner for the annexation as per request from the County to loop the water line needed to take in Camp Rd., the Town will absorb the cost of the annexation, the cost under \$2,000. The motion passed unanimously.*

**Ordinance #533 – Impact Fee Assessment** - *An ordinance 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 was presented for consideration of adoption. This item was deferred from the February 5, 2007 meeting.*

*Councilman Branson made a motion to adopt Ordinance #533, seconded by Councilman Gregory. Discussion – Mr. David Dansker of 1104 Canvasback Lane asked if the assessment would affect existing properties under construction and was advised that it would take place when a new building permit is issued. Mr. Dean Danielson asked about the fee schedule and was advised that the fee scheduled would be adopted separately. The Town Attorney provided an overview of the amendments that had been incorporated into the ordinance in response to the public comments that were received previously. The motion passed 4-1 with Councilman Clendaniel voting against.*

**Ordinance #534 401 Market Street Property Sale** – *The Caroline County Arts Council had been before the Denton Town Council at the January 8, 2007, meeting to request an option to purchase 401 Market Street. Ordinance #534 authorizes the Mayor*

to execute an Option Agreement. This was brought before the Council for consideration of adoption.

Councilman Branson made a motion to adopt ordinance #534, seconded by Councilman Clendaniel, passing unanimously.

**Ordinance #535 Zoning Ordinance Use Table Amendment:** The Planning Commission recommended the Town Council consider amending the Use Table in the Zoning Ordinance. The changes are to permit accessory apartments in combination with principal residences in the Suburban Residential SR and Townscale Residential TR district with Planning Commission approval. They are already permitted in the MR Multifamily Residential district. To permit with Planning Commission approval Barbers/Beauty Salons in the Light Industrial (LI) district; other professional & retail uses are permitted; and finally, to permit Home Occupations in SR and TR districts with Planning Commission approval instead of Board of Appeals approval.

Councilman Horsey made a motion to introduce Ordinance #535, seconded by Councilman Branson, passing unanimously.

**Reports of officers, board and committees**

The Planning Commission 2006 Annual Report was presented to the Council. Councilman Gregory stated he was amazed with the amount of work the Planning Commission members do for the Town. Councilman Branson wished to publicly thank the Planning Commission for their efforts.

Staff announced that the Planning Commission will hold a public presentation of the proposed comprehensive plan at the Library on March 6, 2007.

**Unfinished Business**

**Agenda #1- Residential Sprinkler Requirement**

As a follow up from the February 5<sup>th</sup> meeting this item was placed on the agenda for direction.

Councilman Branson made a motion to direct the Town Attorney to formulate an ordinance to apply to new residential and rehab of over 50% of value, to include having the Life Safety Inspector to do the safety inspections, mirroring the City of Annapolis to include in town water line connection so it can not be turned off, with a five year re-inspection, Councilman Horsey seconded by motion and asked to amend the motion to have the specifications according to the State Fire Marshall's office and to have the inspector certified by the Fire Marshall.

Discussion was held in regards to defining rehab-alterations to an existing structure increasing the value or square foot by 50% or more, how to handle inspections once the house is occupied, cost added to the house. The State Fire Marshall's office advised that with the adoption of law they would inspect single family house during construction. The motion passed unanimously.

**Agenda #2 Riverview Gardens** - The Denton Town Council met with Mr. Rick Della, Vice President The Rainmaker Group, and Mr. Larry Porter on January 29, 2007, to discuss Interfaith Housing Development Corporation's intent and plan to purchase and renovate the three apartment facilities at Riverview Garden. The Council adopted a resolution of local support at their February 5<sup>th</sup> meeting. Chief Cox was present to discuss a proposal to use the Community Center as the Town's local support for the project.

Councilman Gregory made a motion to amend the proposal to include a time line, and to stipulate value as \$2,100 per month until the \$160,000 local match is reached with renewal to be subject to need, seconded by Councilman Branson, the motion passed unanimously. This will be assigned Resolution #692.

**Agenda #3 Impact Assessment – Fee Schedule** - This item was on the agenda to provide the Council and opportunity to discuss a potential fee schedule for the Impact Assessment Ordinance.

Councilman Branson made a motion to have the Town Attorney prepare an ordinance to set the Impact fee at \$3,992 for single family, \$3,098 other residential, and to set commercial at 50% of the figure included in the Impact fee study, seconded by Councilman Branson.

Discussion was held about including an industrial aspect, and to include a fee for schools and the fire dept. The Town Attorney recommended that the Council consider separate fee for these items as the impact fee is to be used strictly for Town capital expenses. Other fees could be adopted as part of the building permit fee and possibly include a fee for schools and the fire dept.

The motion passed unanimously.

**New Business**

**Agenda #1 – Denton Town Council Sick Leave** – This item was on the agenda for the Denton Town Council to consider the establishment of a Sick Leave benefit for the Council members.

Councilman Gregory made a motion to table this item and #2 until the next meeting, seconded by Councilman Branson, the motion passed unanimously.

**Agenda #2 Denton Town Council Retirement** – This item is on the agenda for the Denton Town Council to consider a Retirement Benefit for Council members who are presently not participating in the State of Maryland Retirement Program and serve more than 20 years in office.

See motion for new business agenda #1

**Agenda #3 Lily Pad Purchase Second Option** – As part of the financing package provided by the Town of Denton for the Lily Pad Café and Catering to purchase the Women’s Club, a request was made for an option to purchase. The First Option to Purchase is provided to the Caroline County Historical Society. The Second Option is provided to the Town of Denton.

Councilman Horsey made a motion to enter into a second option on the Lily Pad Purchase, seconded by Councilman Branson, the motion passed unanimously.

**Agenda #4 Core Resources Request** – The Public Works Department presented a request on behalf of Sean R. Buschmann of Core Resources, Inc. to allow the development of the property at Route 404 and Deep Shore Road with the use of private well and septic. Since public utilities are not available now at this site, they would be willing to connect to the Town utilities when they are available at that property.

Councilman Gregory made a motion to allow Core Resources to allow the development to use a private well and septic, with requirements that they would connect at the time services are available, seconded by Councilman Branson.

Following discussion of an overview of the connection, Councilman Branson withdrew his second and Councilman Gregory withdrew the motion.

Councilman Branson made a motion to deny the request and to forward to the Planning Commission for review, seconded by Councilman Clendaniel, the motion passed unanimously.

**Agenda #5 W/S Comp Plan Amendment** – The Public Works Director asked the Council to approve authorization to sign the Application for Amendment to the 2006 Caroline County Comprehensive Water and Sewerage Plan on behalf of Fearins Crossing, LLC. The application will be submitted to the County Commissioners and County Planning Commission and then Fearins Crossing LLC can proceed with application to the Town for final subdivision approval to complete Phase 2 of Fearins Crossing.

Councilman Branson made a motion to authorize the signing of the application, seconded by Councilman Horsey. During discussion Councilman Clendaniel raised some concerns. Staff informed the Council that there is a recapture fee established for this area that pays back debt that was previously incurred by the Town.

The motion passed 4-0 with Councilman Clendaniel abstaining.

**Agenda #6 Historic Tax Credit** – The Denton Development Corporation is in the process of preparing two Historic Tax Credit applications for the Maryland Department of Housing and Community Development. One application is for the Caroline High School and the other is for the 401 Market Street Property (presently proposed to be acquired by the Caroline County Arts Council.) The DDC prepared two letters requesting the Council's authorization of the Mayor's signature.

Councilman Branson made a motion to allow the Mayor to sign these letters as requested, seconded by Councilman Gregory, the motion passed 3-0 with Councilman Horsey abstaining due to his membership on the DDC board, Councilman Clendaniel abstained due to be neighbor of the Caroline High School project.

**Agenda #7 Emerson House** – A letter from The Chesapeake Culinary Center requesting the opportunity to establish a chef residency program in the Emerson House. Presently the Town of Denton leases this facility and then sub-leases to the Chesapeake Culinary Center. Ms. Beth Brewster has been in touch with the owners of the property and they have approved the request.

Councilman Branson made a motion to approve the Chesapeake Culinary's request, seconded by Councilman Clendaniel. The motion passed 4-0, Councilman Gregory had stepped out of the room.

Councilman Horsey recommended that the Town start looking for additional industrial park land.

With no further discussion Councilman Branson made a motion to adjourn the meeting at 9:10 PM, seconded by Councilman Horsey, the motion passed unanimously.

Respectfully submitted,

Karen L. Monteith  
Clerk-Treasurer