

*August 6, 2007*

**Executive Session**

*Councilman Clendaniel made a motion at 6:15 PM to hold an executive session to obtain legal advice on annexation enclave issue; update from Town Attorneys on ongoing litigation with Caroline County, seconded by Councilman Gregory, passing unanimously.*

*Councilmen Porter and Branson were absent. All other Council members were present during this meeting along with the Town Administrator, Clerk-Treasurer, Dave Thompson and Brynja Booth, Town Attorneys.*

*No action was taken.*

*At 6:55 PM. Councilman Gregory 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 announced that the Town Council held an executive session earlier this evening to seek legal advice from the Town Attorneys.*

*Mayor Foster asked that the record reflect that Councilman Branson was absent and that all other Council members were present.*

*Councilman Gregory made a motion to approve the minutes of the July 9, 2007 meeting, seconded by Councilman Clendaniel, passing unanimously.*

**Swearing in of new Police Officers** – *this item was deferred.*

**Petitions, Remonstrance's and Communication**

**Maryland National Guard and Reserve Support**

*A statement of support for the Guard and Reserve was presented to the Council for consideration.*

*Councilman Gregory made a motion to execute the Statement of Support for the Guard and Reserves, endorsing the support of the great State of Maryland and the United States, seconded by Councilman Clendaniel, passing unanimously.*

**Proclamations for the Little League District 6 All Star winners**

*Denton combined with North County Little League teams this year to form several all-star teams called "North Caroline". The girls softball 10/11 year olds won the District 6 title; the girls junior league 13/14 softball won the District 6 title; and the boys junior league baseball won the District 6 title. Denton sent three teams to Waldorf to compete in the State competition. Congratulatory proclamations have been prepared for each of the teams for the Mayor's signature.*

*Mayor Foster applauded the parents, adults and coaches who support the youth and congratulated each team by reading and signing proclamations for those members of the above mentioned teams.*

**Proclamation Abrams Memorial Church**

*Mayor Foster signed a proclamation for the Abrams Memorial Church in recognition of 60 years of worship on Fourth Street in Denton.*

**Ordinances and Resolutions**

**Resolution #696 – Police Car Financing**

Chief Cox came before the Council seeking the adoption of Resolution #696 to approve financing of two patrol cars for the police department by Denton Bank and Trust.

Councilman Porter made a motion to adopt resolution #696, seconded by Councilman Clendaniel, passing unanimously.

**Reports of officers, board and committees**

None

**Unfinished Business**

**Agenda #1 - Sharp Road Annexation Request:** The Town Council previously forwarded this annexation petition for a portion of Sharp Road and a portion of Lupine Lane to the Town Attorney to determine legal sufficiency, and to address enclave concerns; and to the Planning Commission for a recommendation. This item was presented to discuss the findings of the town attorney, and planning commission recommendation.

Councilman Porter questioned contiguity. Councilman Clendaniel expressed that the Town has already annexed in enough land and that he would like to hold off on any future annexations at this time.

Mr. Chris Coile, one of the petitioners explained the reasons to consider annexing in this portion of Sharp Rd to support the Lupine Lane LLC project, to support the residents of that area and how this would benefit Denton Elementary School. Mr. Coile advised that he has a lot of money invested into this project and that he has been working on this for 2 ½ years and asked the Council to consider the annexation request.

Mayor Foster asked if this item could be deferred until a later date and allow the Council additional opportunity to talk with the Town Attorney and with Staff, referencing the benefits of relocating the pump station out of the Elementary School.

In discussion Staff expressed the concerns of having the pump station in the Elementary school and explained how this project would help resolve these issues.

Cynthia McCann representing the property owners included in the proposed annexation inquired about the time frame for future discussions.

Councilman Clendaniel stated that the Council is doing things differently, and beginning to work with the County about growth and that the concern is not with a specific project but about school children, growth and the tax payers.

Councilman Porter talked about bringing in seven properties and not wanting to see additional issues with the County.

Mrs. McCann mentioned that this was not a significant amount of land compared to the existing Town boundary, referencing the comp plan.

Councilman Clendaniel made a motion to defer until a later date to consult with the Town Attorney, seconded by Councilman Gregory, passing unanimously.

**Agenda #2 - 401 Market Street Option Agreement**

The Caroline County Arts Council requested an extension on their Option Agreement to purchase 401 Market Street, while they continue to secure financing/funding for the acquisition and renovations to this property. Seeking an extension through Sept. 30, 2007. They are presently looking to borrow funding through the Town's IRP loan program.

Councilman Gregory made a motion to extend the option agreement through Sept. 30, 2007, seconded by Councilman Clendaniel, passing unanimously.

**New Business**

*Agenda #6 was moved up to discuss with unfinished business #2*

**Agenda #6 - Small Business Loan – IRP 401 Market St.**

*The Caroline County Arts Council submitted an application for funding through Denton’s Small Business Loan IRP Program. The total amount of the loan is \$150,000. The term is for a 25 year period at an interest rate of 3%. This is part of the A & E District. The Loan Review Board has reviewed and recommends approval.*

*Councilman Gregory made a motion to provide a small business loan – IRP of \$150,000 for 25 years at 3% interest rate to the Caroline County Arts Council, seconded by Councilman Porter, passing unanimously.*

**Back to unfinished business****Agenda #3**

**Municipal Building Design** – *The potential to incorporate a generator in the design of the proposed Municipal Building and/or the Police Facility was brought before the Council for discussion and consideration.*

*Councilman Gregory questioned if there was MEMA or Homeland Security grants available to cover this. Chief Cox advised that they have looked for grant funding. They were able to secure some homeland security funding to cover the electronic fence at the Wastewater Treatment Plant, but have not been successful for the generators.*

*Councilman Gregory made a motion to accept the proposal, seconded by Councilman Clendaniel, passing unanimously.*

*Staff was encouraged to continue to seek grant funding.*

**New Business****Agenda #1 – Fourth Street Play Lot Request**

*Councilmember Clendaniel requested a copy of a request from the Gornic’s relative to the Fourth Street Play Lot be placed on the agenda for the discussion.*

*After considerable discussion the Council asked the Town Administrator to draft a letter to the Gornic’s denying their request for the Mayor’s Signature. Councilman Clendaniel advised that he would call the Gornic’s and invite them to attend the National Night Out.*

**Agenda #2**

**Caroline County Mental Health Department Budget Request** – *Councilmember Gregory requested giving the Caroline County Mental Health a donation to be placed on the agenda. Councilman Gregory stated that other Towns had given support and that he was not looking to be in the business to provide handouts or make contributions to other organizations but would like to provide some funding to this agency..*

*Councilman Gregory made a motion for the Town of Denton in the FY2008 budget to provide a \$2,000 gift to the Caroline County Mental Health Dept., seconded by Councilman Clendaniel.*

*Further discussion was held in which Councilman Porter stated that he felt this was a County & State function and not a Town responsibility. Councilman Porter advised that the Town of Denton already provides more support to this Agency than any other Town in the County because they are located within the limits of the Town of Denton.*

*Mayor Foster called for the vote.*

*The motion passed 3-1 with Councilman Porter voting no. The Council approved for the funds to be allocated out of the FY2008 reserve fund.*

**Agenda #3 - Police Vehicle Radio**

*The Denton Police Department came before the Council seeking authorization to purchase two police vehicle radios from the low bidder Teltronics out of Salisbury. The cost for the radios would be \$8,652.09 to be funded out of the police capital fund.*

*Councilman Gregory made a motion to allow the Police Dept. to purchase the vehicle radios for \$8,652.09, seconded by Councilman Porter, passing unanimously.*

**Agenda #4 - DPW Vehicle Purchase**

*The Public Works Department came before the Council requesting authorization to purchase a new 1-ton Ford Pickup Truck from Miller Brothers Ford, who holds the Maryland State contract for 1-ton gasoline pickups. This truck would be equipped with a snow plow, 4-wheel drive, tow package and lift gate. The total cost of this truck, including options, is \$24,080. It would be charged in the following manner, which is consistent with the approved FY08 budget: General Fund = \$12,040 Highway Fund = \$12,040.*

*Councilman Clendaniel made a motion to authorize this purchase, seconded by Councilman Porter, passing unanimously.*

**Agenda #5 - DPW Vehicle Purchase Amendment**

*At the July Council meeting, the Council approved the purchase of two ½-ton trucks from Norris Ford for the total amount of \$25,594. This was the price per the State of MD contract, which Norris Ford holds until November 2007. Subsequent to the Council's approval, Norris Ford rescinded the price stating they could not order 2007 trucks anymore nor do they have any available in stock. Calls were made to other dealerships requesting proposals for the same vehicles with the same specifications. Preston Ford has offered to sell the Town two ½-ton trucks for the total sum of \$28,420, a difference of \$2,826 from the approved purchase price. Presently, this is the best offer. The Public Works Department was seeking approval from the Council to purchase the two ½-ton trucks from the lowest proposal submitted, not to exceed \$28,420. If approved, the purchase would be charged as follows: General Fund = \$10,231.20 Highway Fund = \$3,694.60 Water Fund = \$3,694.60 Sewer Fund = \$10,799.60*

*Councilman Porter questioned if it would be better to wait until the 2008 are available. There was discussion about the increase in cost for a newer model.*

*Councilman Gregory made a motion to accept the amended vehicle purchase agreement for \$28,420, seconded by Councilman Clendaniel, passing unanimously.*

**Agenda #7 - Metropolitan Church**

*Councilman Clendaniel asked to add this item to the agenda to discuss some problems that the Church had come to him with that they were having in trying to obtain permits to rebuild their building. This included the building structure, type of windows, landscaping, stormwater management, bicycle rack, paving the parking lot, etc.*

*Staff spoke on behalf of the Planning Commission giving an overview of what is required for the buildings to be in compliance with State and Local laws. The Planning Commission and Staff have been working on this project for many years and offered to provide the Council with review of this history, which included the initial Town's assistance in getting the original church demolished.*

*Councilman Gregory asked that staff relay to the Planning Commission to try to assist this group. Councilman Clendaniel asked that the Planning Commission be encouraged to not apply the pattern book standards to this project.*

*The Town Administrator advised that the Town has adopted design standards that apply to anything other than a single family residential unit and the Planning Commission and Staff would be required to comply with unless these were amended by new laws.*

*Councilman Gregory stated that maybe the ordinances are too strenuous on these people and that the Town should help them out.*

*Councilman Clendaniel expressed the importance of maintaining building regulations and to consider making an exception from time to time.*

*Ms. Shirley Huff spoke on behalf of the Metropolitan Church and thanked the Town and the Staff for their help in the past, but raised concerns that they seem to be hindered on moving forward. Ms. Huff compared their project to surrounding projects and asked for an explanation of the different requirements, expressing that the Church can not afford some of what is being required.*

*Staff advised that the Planning Commission made several recommendations and that some of them may have been misunderstood as requirements.*

*The Council asked what can be done to move this project forward. The Metropolitan Church members were invited to attend the next Planning Commission meeting on Aug. 28, 2007 to seek further clarification. In the mean time Staff offered to meet with the engineer and the members of the Church to help them along.*

*Ms. Lucricia Nixon, a member of the Church asked to see the plan for the entire Gay St. redevelopment. Staff advised that it was available for review at the Town Office.*

*With no further discussion Councilman Clendaniel made a motion to close this meeting at 9:15PM, seconded by Councilman Porter, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*