

October 1, 2007

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.

Councilman Clendaniel made an amendment to the minutes of Sept. 10, 2007, page 2830, Agenda #3 Metropolitan – to add that “Jennifer Shull advised” that the plans included the bike rack. With this amendment the minutes of the Sept. 10, 2007 meeting and the Sept. 12, 2007 meeting were unanimously approved.

Councilman Gregory made a motion to approve the minutes of the special meeting and working session that was held on Sept. 24, 2007, seconded by Councilman Porter, the motion passed with Councilman Branson abstaining since he was absent at those meetings.

Public Hearings

Ordinance # 545

Mayor Foster opened a public hearing at 7:03 PM to receive comments on Ordinance #545, an ordinance that provides authorization to proceed with the acquisition of Lot 10A in the Denton Industrial Park

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 & Staff – 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 7:04 PM.

Ordinance #546

Mayor Foster opened a public hearing at 7:04 PM to receive comments on Ordinance #546, an ordinance that provides authorization to proceed with the acquisition of Lot 11 and Lot 12 in the Denton Industrial Park.

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 & Staff – 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 7:05 PM.

Petitions, Remonstrance's and Communication

Fortner, J. Richard, Brenda J., David R., and Christine R. letter

The Fortner's of 1316 and 1320 Market Street came before the Council requesting an amendment to the annexation agreement signed August 2006. Specifically, the Fortner's were requesting a town tax waiver exemption which was not included in the annexation agreement that they signed.

The Mayor asked the Council for consideration to defer to the Town Attorney to review.

Councilman Clendaniel made a motion to defer to the Town Attorney, seconded by Councilman Branson, the motion passed unanimously.

Ordinances and Resolutions

Ordinance #545 – Denton Industrial Park Land Acquisition Lot 10A

An ordinance that provides authorization to proceed with the acquisition of Lot 10A in the Denton Industrial Park was brought before the Town Council for consideration of adoption.

Councilman Branson made a motion to adopt ordinance #545, seconded by Councilman Clendaniel, the motion passed unanimously.

Ordinance #546 – Denton Industrial Park Land Acquisition Lot 11 and Lot 12

An ordinance that provides authorization to proceed with the acquisition of Lot 11 and Lot 12 in the Denton Industrial Park was brought before the Town Council for consideration of adoption.

Councilman Branson made a motion to adopt ordinance #546, seconded by Councilman Clendaniel, the motion passed unanimously.

Ordinance #547 Denton Pattern Book

An ordinance prepared by the Town Attorney that amends the Zoning Ordinance to include the pattern book in the appendix was presented to the Council. As requested by the Town Council the ordinance states the applicability of the document, and that it is not required for single family residences on lots of record that are not part of a PN district. Other changes made to the document were noted which include typographical, verbiage & acknowledgement.

Councilman Porter made a motion to introduce ordinance #547, seconded by Councilman Branson, the motion passed 3-2 with Councilmen Clendaniel and Gregory voting against.

Sharp Road Annexation Resolution #698

As requested at the September 10th meeting the Town Attorney prepared an annexation resolution for properties along Sharp Rd. and Lupine Lane that was presented for consideration of introduction.

Councilman Porter made a motion to introduce Resolution #698, seconded by Councilman Gregory, passing unanimously. A public hearing will be scheduled for the December 3rd meeting.

Resolution #699 – State Retirement & Pension System Employer Pick Up

A resolution authorizing the Town of Denton to participate in the pick up program with the Maryland State Retirement System in which employees mandatory retirement contributions can be deducted prior to calculating federal payroll taxes was reviewed for consideration of adoption by the Council.

Councilman Porter made a motion to adopt resolution #699, seconded by Councilman Gregory, passing unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Residential Sprinkler Ordinance

Mr. Bruce Lecates, Camp Director, Denton Wesleyan Camp, was present at the September 10, 2007 meeting to discuss the Residential Sprinkler Ordinance. They are seeking to do an addition onto one of their cottages. These units are presently used during their summer camping program and are shut down for the winter. The Town Attorney researched and discussed with the Council.

Councilman Clendaniel made a motion asking the Town Attorney to draft legislation for the Council to consider that would allow for a specific exemption for

seasonal residential camp use under a 1,000 square foot, seconded by Councilman Branson, passing unanimously.

Agenda #2 Municipal Building

Greg Torchio presented an overview of the proposed site plan and building design for the new Town Municipal Building. The Denton Planning Commission approved the site plan at their August 28th agenda. Funding sources were discussed. Seeking to go out to bid in February 2008.

This item was for discussion only, no action was taken.

Agenda #3 Small Business Loan Program

The Market Street Public House small business loan request received three written approvals from the loan review committee, providing unanimous recommendation for the Council's consideration.

Councilman Branson made a motion to approve the small business loan request for the Market St. Public House, seconded by Councilman Porter, passing unanimously.

Agenda #4 Ruff/Suppo Annexation

At the September Council meeting the Council referred the Ruff/Suppo annexation petition to the town attorney for review, and to the planning commission for a recommendation. Brynja Booth, Town Attorney, provided her findings on the legal sufficiency of the petition.

Mr. Parker, Attorney for Mr. Ruff asked the Council to defer consideration to allow for additional review time.

Councilman Branson expressed that he did not have a problem with annexing in the commercial aspect of this project but that he was not in favor of including the residential portion. This same concern was expressed by some of the other members of the board.

Ms. Jennifer Shull went over the findings of facts from the Planning Commission. No action was taken on this item.

Agenda #5 –Basketball Court

At the joint meeting between the Town Council and the Caroline County Commissioners, Mayor Foster had discussed potential sites for the relocation of the Basketball Court at Crouse Park.

Councilman Clendaniel made a motion to have a letter drafted to the Caroline County Commissioners as a follow up of this conversation, seconded by Councilman Branson, the motion passed unanimously.

New Business

Agenda #1 – Test Well Bid Award

The Public Works Department requested approval to award the bid to drill a test well, a component of the Well 6 project, to American Water Well Systems of Seaford, DE for the sum of \$21,360.00. Documents from GMB were provided in support of this request. The bidding process was conducted per Town of Denton's procurement policy.

Councilman Branson asked about the location and Staff advised that this would be located at the same place as the Wesleyan tower site.

Councilman Branson made a motion to award to American Water Well Systems of Seaford DE, seconded by Councilman Porter, passing unanimously.

Agenda #2 Holiday Open House:

The Planning Commission has hosted an open house for a couple of years for municipal planning commissions. Last years open house was expanded and it seemed appropriate that if this were to be extended to other municipal elected officials, and appointed boards and that the Town Council be the host. Traditionally it has been held at the museum the last week of November to avoid the holiday competition. The Council was asked if they would like to host a “meet & greet” open house on Wednesday, November 28th.

Councilman Clendaniel made a motion to hold an open house, seconded by Councilman Branson, passing unanimously.

Agenda #3 North Denton Phase I Infrastructure

The Town of Denton has received a grant through the MD Small Cities Community Development Block Grant Program for the North Denton Phase I Infrastructure project. Funding had been previously approved through MDE for the Lockerman Street Pumping Station. Lane Engineering has prepared a proposal to initiate design of the proposed project. Seeking the Denton Town Council’s consideration to award the proposal through Bid/Award Administration. The Construction Administration would be considered for award, if the Town Council moves forward with award of the construction phase for this project. The total amount of this portion of the proposal is \$42,330 for design.

Councilman Gregory made a motion to accept, seconded by Councilman Branson, passing unanimously.

Agenda #4 Second Street Utility Easement

At the joint meeting between the Denton Town Council and the Caroline County Commissioners, there was discussion on the potential to extend the municipal water and sewer line on Second Street. The water line is proposed to be looped to Sharp Road and as a requirement for the proposed development on the 14 acre parcel already annexed into Denton. The sewer line would be a gravity fed line, allowing the Denton Elementary School to tie in and remove the pumping station, presently located in the school. Scott Getchell has been in contact with Chris Coile and his engineer and has discussed incorporating this work in their project and at their expense. The portion on Second Street would be outside of the incorporated limits of Denton and would require an easement from the County. Presently the sewer force main for the Second Street Pumping Station runs along this area. This was installed in the early 60’s. A copy of the proposed right of way was provided.

Councilman Gregory made a motion to send a letter to the Caroline County Commissioners seeking an easement for the right of way, seconded by Councilman Branson, passing unanimously.

Agenda #5 Heritage Area Certification

Natalie Chabot has begun working to assist municipalities who are presently not certified as a Heritage Area. Denton has been working towards this endeavor for the past two years. The latest Ordinance adopted by the Town Council, Ordinance #514, was not approved by the Maryland Department of Housing and Community Development. Natalie Chabot came before the Town Council to ask them to revisit the Heritage Area ordinance and discuss the concerns of the Town and the requirements of the State. Brynja Booth had drafted Ordinance #514 (replacing ordinance #499) after

discussing her concerns with the DHCD attorney. The Attorney drafted the ordinance based on their discussion. Once adopted the State would not accept the Ordinance.

Councilman Gregory referenced the Town Attorney's letter and concerns. The Town Attorney stated that the Town has adopted the Chesapeake Heritage Area, and could obtain the Attorney General's opinion is needed.

Councilman Branson made a motion to direct the Town Attorney to contact the counter part at the State and try to work out an agreement, seconded by Councilman Gregory, the motion passed with Councilman Clendaniel abstaining, and Councilman Porter abstaining due to unfamiliarity with this project.

Mayor Foster asked if there was anything else from the Council.

Staff asked the Council if they would like to review the Homestead tax credit for fiscal year 2009, this item will be placed on the November agenda.

An executive session was scheduled for 6:30 PM on November 5, 2007 before the next regular meeting regarding the Fortner real estate tax waiver request.

With no further discussion Mayor Foster adjourned this meeting at 8:58 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*