

October 2, 2006

Executive Session

Councilwoman Stockley made a motion to hold an executive session to seek legal advice, seconded by Councilman Horsey, the motion passed 4-0.

Present: Councilman Horsey, Councilwoman Stockley, Councilman Gregory and Mayor Branson. Town Attorney - Brynja Booth, Town Administrator - Terry Fearins and Clerk-Treasurer - Karen Monteith. Councilman Foster was absent.

Discussion was held regarding an employee issue, County-Camp Road Issue Quit Claim Deed and Wal-Mart - Legion Rd.

With no further discussion Councilman Horsey made a motion to close the executive session at 6:59 PM, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Regular Meeting

Mayor Branson called the regular meeting of the Denton Town Council to order at 7:00 PM advising that the Council had held an executive session prior to this meeting to seek legal advice.

The Mayor led everyone in the Pledge of Allegiance to the Flag.

Mayor Branson asked that the record reflect that all Council members were present except for Councilman Foster.

Councilman Branson made a motion to accept the minutes of the October 2, 2006 meeting as presented, seconded by Councilwoman Stockley, the motion passed unanimously.

Public Hearings**Ordinance #523 – Loitering Ordinance Repeal**

Mayor Branson opened a public hearing at 7:03PM to receive public comments on Ordinance #523 – an ordinance repealing chapter 78 of the Denton Town Code relating to loitering.

Mayor Branson asked if there were any comments from the State – there were none

Mayor Branson asked if there were any comments from the County – there were none

Mayor Branson asked if there were any comments from the Council – there were none

Mayor Branson asked if there were any comments from the Public – Mr. Robert Clendaniel asked that the Council consider another ordinance that provides some protection. Mayor Branson advised that the Chief will research to see what is legal and would not violate amendments.

With no further discussion Mayor Branson closed this public hearing at 7:06 PM.

Resolution #681 – Fortner, et al Annexation Petition

Mayor Branson opened a public hearing at 7:06 PM to receive public comments on the proposed annexation resolution for 60.845 acres on Market Street and Pearson Road.

Mayor Branson asked if there were any comments from the State – there were none

Mayor Branson asked if there were any comments from the County –written notice was received in opposition from the Commissioners of Caroline County

Mayor Branson asked if there were any comments from the Council – there were none

Mayor Branson asked if there were any comments from the Public – Mr. Robert Clendaniel asked the Council to consider a moratorium on further annexations at this time.

With no further discussion Mayor Branson closed this public hearing at 7:08 PM.

Resolution #682 – Wells Annexation Petition

Mayor Branson opened a public hearing at 7:08 PM to receive public comments on the proposed annexation resolution for 17.882 acres on Camp Road.

Mayor Branson asked if there were any comments from the State – there were none

Mayor Branson asked if there were any comments from the County –written notice was received in opposition from the Commissioners of Caroline County

Mayor Branson asked if there were any comments from the Council – Councilman Horsey expressed that the annexations all fit within the Town’s growth plan and comprehensive plan that was adopted 9 years ago.

Mayor Branson asked if there were any comments from the Public – Mr. George Nier, Attorney representing the petitioners, advised that the application has been signed by all of the property owners involved, all fees have been paid to the Town. The Town’s Planning Commission gave a unanimous approval. Mr. Nier spoke with neighboring property owners and they have no objections.

With no further discussion Mayor Branson closed this public hearing at 7:11 PM.

Petitions, Remonstrances and Communication

Ordinances and Resolutions

Resolution #681 – Fortner, et al Annexation

Councilwoman Stockley made a motion to adopt Resolution #681, seconded by Councilman Horsey, the motion passed unanimously 4-0

Resolution #682 – Wells Annexation

Councilman Horsey made a motion to adopt Resolution #682 Wells annexation, seconded by Councilwoman Stockley, the motion passed unanimously 4-0

Ordinance #523 – Loitering Ordinance Repeal

The Town Attorney and Chief of Police requested the repeal of the loitering ordinance from the Denton Town Code as it presents constitutional concerns. This ordinance was introduced on August 7, 2006 and was brought before the Council for consideration of adoption.

Councilman Gregory made a motion to adopt Ordinance #523, seconded by Councilman Horsey, the motion passed unanimously 4-0.

Ordinance #524 PN Zoning District Designation –Village at Watts Creek

Following the positive recommendation of the Planning Commission, and the presentation by the applicant at the Sept 11th Council meeting, the town attorney has prepared an ordinance that would apply the floating zone designation of Planned Neighborhood (PN) to the project known as the Village at Watts Creek.

Councilman Horsey made a motion to introduce Ordinance #524, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

The Town Attorney recommended that the Council schedule a workshop to discuss the PN and DRRA for Watts Creek.

Ordinance #525 DRRA-Village at Watts Creek

A developer's rights and responsibilities agreement (DRRA) was presented by Jeff Thompson on behalf of the Village at Watts Creek at the Sept 11th Council meeting. The DRRA is a tool which legally obligates both the town and the developer to agree upon tasks, fees and terms for a specific project, and property. The Town Attorney was directed by the Council to prepare an ordinance for introduction of the DRRA. A public hearing will be scheduled simultaneously with the PN floating zone designation.

Councilwoman Stockley made a motion to introduce Ordinance #525, seconded by Councilman Horsey, the motion passed unanimously 4-0.

Ordinance #526 Zoning Amendment - Places of Worship Lot size:

An ordinance has been prepared at the request of staff, Jennifer Shull, to remove the requirement that religious organizations conform to minimum lot size requirements of 30,000 sq ft. Places of worship would still have to meet other site plan approval requirements such as adequate parking, stormwater management, zoning district setbacks, etc regardless of lot size. This ordinance removes the burden from small in fill churches that historically have been located in neighborhoods on lots less than 30,000 sq ft. This ordinance received a favorable recommendation from the Planning Commission.

Councilman Gregory made a motion to introduce Ordinance #526, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Ordinance #527 – Noise Ordinance

An Ordinance of the Town of Denton revising section 85-2 of the Denton Town Code (noise ordinance) to make the noise provisions of the Town Code consistent with the section 64-6 relating to trash collection. This ordinance has been prepared by the town attorney and was brought before the council for consideration of introduction.

Councilwoman Stockley made a motion to introduce Ordinance #527, seconded by Councilman Gregory, the motion passed unanimously 4-0.

Resolution #688 – DDC – USDA RBEG Grant Application

A resolution supporting the Denton Development Corp. application to USDA for Rural Business Enterprise Grant funds to assist with the development and construction of an incubator kitchen at the Caroline High School.

Councilman Gregory made a motion to adopt Resolution #688, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Reports of officers, boards and committees

None

Unfinished Business**Agenda #1 - 4th Street Stormwater Report**

As directed by the Council, Scott Getchell has conducted a 6-month flow pattern study of the ditch on North 4th Street next to the Keating property. A copy of the report was presented to the Council and there was no recommended action at this time.

The Council thanked Mr. Getchell for his efforts and asked that he follow up with Mrs. Keating.

Agenda #2 - Mayor's Voting Rights

The Town Attorney provided an update on the Mayor's voting rights as a follow up from the last meeting, advising that the Mayor has the same voting rights as the rest of the Council. The Attorney advised that the Council could change from Mayor to

President but recommended to keep in mind the cost for codification to make the change. No action was requested at this time.

Agenda #3 - Municipal Building Design

The Town of Denton New Municipal Building is under design by Torchio Architects. At the recent Pattern Book update meeting, there was discussion and questions raised as to the Town utilizing the Pattern Book in the development of their Municipal Building. There are two areas that Peter Johnston is recommending that the Town look to potentially comply with – the construction of a building that meets the objectives in the Civic building portion of the Pattern Book and the use of “Green building” and/or LEED Certified Standards. An excerpt from the Pattern Book which discusses these two components was provided to the Council. Terry Fearins has been in touch with Greg Torchio and relayed this potential interest. The architect is incorporating components of “Green Building” standards, but not at a level of LEED Certification. The Municipal Building Committee is recommending that they be permitted to discuss this further with Mr. Torchio and have him prepare an amendment to his proposal to incorporate these components. This will then be brought back to the Council for consideration.

Councilman Gregory made a motion to ask the Architect to give a cost estimate to design a civic building and to use the green building standards, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Agenda #4 – Camp Road Annexation

When the Maloney Property (subdivision Savannah Overlook) was annexed into Town, the County had requested that the Town take in the remaining portion of Camp Road when the utilities were to be extended. This would be the roadway portion beyond the Wells property (if annexed into town.) Town Staff requested the Town Council consider authorizing the Town Attorney to draft a quit claim deed for submission to the County Commissioners for their consideration. This would then immediately transfer ownership to the Town. Staff also requested authorization to move forward with the annexation of this area, along with the roadway, the Benchoff property would also need to be part of the annexation.

Councilman Horsey made a motion to have the Town Attorney and Town Administrator move forward with annexation of this portion of Camp Road and the Benchoff property and prepare the quit claim deed for signature, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Other Unfinished Business

None

New Business

Agenda #1 – Denton Industrial Park Storm Water Access Road Request

Mr. Ray Briscuso came before the Town Council as the owner of 404 Station and requested consideration to allow him to improve the Town’s right of way in the industrial park at his expense and to maintain it so that he can use it for a property he is prosing to acquire. Mayor Branson inquired about having the Town Attorney draft an agreement in which the Town would maintain ownership, but allow Mr. Briscuso to upgrade and use.

Mayor Branson made a motion to allow this request pending approval of the Town Attorney, the Denton Industrial Park Owners Association, the Planning Commission and the Road Superintendent, seconded by Councilman Gregory.

Discussion – Councilman Gregory asked Mr. Getchell if it can be widened, and staff advised that it would have to be researched to see how the right of way exist.

The motion passed unanimously 4-0.

Agenda #2 Tourism Coordinator

The Town Administrator requested the opportunity to contract a part time Tourism Coordinator, who would be housed out of the same office building with the Main Street Manager and DDC Project Managers. There is adequate space to accommodate a fourth person. The funding for this service would initially come from a line item amendment, and would not require any additional funding appropriation. Future year funding would come from the deferred real estate taxes on the hotel. The Town receives 20% Hotel Tax which is earmarked for Tourism initiatives.

Councilwoman Stockley made a motion to take on a person on a part-time basis for Tourism, seconded by Councilman Horsey.

Discussion: Councilman Gregory inquired about the hours of this person, and staff advised that 20 hours a week or less is affordable. Mayor Branson asked if this would be an employee of the Town and Staff replied that this would be privately contracted.

The motion passed unanimously 4-0.

Agenda #3 -Wood Property

The Wood property, 323 Market Street is one of the properties which is part of the A&E District. The owner of the property has contacted Town Staff and relayed his willingness to sell the property. A request has been made that the Town of Denton formalize an agreement to purchase with the ability to assign the contract, potentially to the Denton Development Corporation. They may be the entity that actually purchases the building. The DDC is proposing to subdivide the back of the lot and relocate the Knott's property (two story structure presently stored at the Old Schoolhouse), onto this lot, facing the pedestrian alley. This is the last property in the present A&E District on this side of Market Street.

Mayor Branson asked about funding, and staff advised that the DDC is looking to use Community Legacy funds for part and take out a loan for the rest. The DDC is also looking to continue renting out the house to cover the cost of the loan payments.

Councilman Gregory made a motion to move forward with the acquisition of this property, seconded by Mayor Branson, the motion passed. 3 yes, Councilman Horsey abstained due to membership on the DDC.

Agenda #4 - Durner Property

The Town of Denton has leased the ground floor of the Durner Property. During the leasing period, Mr. Durner offered to sell the property to the Town. He has submitted a letter willing to sell the property. Similar to the Wood property, the building could be owned by the Town or the DDC. The Town of Denton is presently paying \$500 a month and the office space that houses the Main Street Program, DDC Office and potentially Tourism for the Town of Denton. The second floor has two offices, one of which could be leased as an apartment or a second office. The exterior of the building needs to be painted, and the DDC does have façade money which can be used towards this cost. Request the Town Council consideration to enter into an agreement, and Town Staff work to structure acquisition and/or assignment which cash flows project and maintains occupancy of the DDC, Main Street and Tourism.

The Council wanted an opportunity to do a site visit before making a decision on acquisition. A visit will be scheduled for 5:30 PM on Oct. 16, 2006 prior to the working session.

Councilwoman Stockley made a motion to defer this item until the next meeting, seconded by Councilman Horsey, the motion passed unanimously 4-0.

Agenda #5 - Chesapeake Bay Trust Grant Agreement

Ms. Jennifer Shull and Mr. Steve Horn provided an overview of a grant in the amount of \$150,000 that has been awarded to the town by the Chesapeake Bay Trust. The grant is a partnership between the town, Low Impact Design (a non-profit) and the Elm Street Development to identify, design and construct low impact stormwater management techniques in an urban residential community. The process will identify the practicality and affordability of the techniques and be included in the pattern book that is under design. Funds from the grant will offset the publication and distribution of the pattern book. Authorization is requested to permit the Mayor to execute the grant agreement letter, and related documents.

Councilman Horsey made a motion to permit the Mayor to execute the necessary documents, seconded by Councilman Gregory, the motion passed unanimously 4-0.

Agenda #6 - Homestead Tax Credit

County Treasurer Dorsey Wooters has provided notification that the County has reduced their Homestead Tax Credit from 10% to 5%. The Homestead Tax Credit limits the increase in taxable assessments each year to a fixed percentage. Presently it is 10%. If a Town does not wish to reduce its own cap, they would need to adopt a resolution.

Mayor Branson made a motion to introduce Ordinance #529 that would maintain Denton's Homestead Tax Credit at 10%, seconded by Councilman Horsey, the motion passed 3-1 with Councilman Gregory voting no.

Other New Business

Chief Cox shared a awards plaque the Police Department received for their efforts in the Chief's Challenges seatbelt safety program. The Council asked that Chief Cox express the Council's appreciation for all their efforts in earning this award.

Councilman Horsey introduced Mrs. Joan Horsey who is running for the House of Delegates and her husband Mr. Elmer Horsey, former Mayor of Chestertown.

With no further business to discuss Mayor Branson closed the meeting at 8:26 PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer