

November 3, 2008

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 a motion to approve the minutes of the October 6, 2008 regular meeting, seconded by Councilman Branson, passing unanimously.

Councilman Clendaniel made a motion to approve the minutes of the October 20, 2008 working session, seconded by Councilman Branson, passing with Councilman Porter abstaining due to being absent during that meeting.

Councilman Branson made a motion to approve the minutes of the October 20, 2008 special meeting, seconded by Councilman Clendaniel, passing with Councilman Porter abstaining due to being absent during that meeting.

Public Hearing

Ordinance #568

Mayor Foster opened a public hearing at 7:04PM to receive public comments on Ordinance #568 – An ordinance of the Town of Denton amending Section 128.162A of the Town Code to provide for an alternate member to the Denton Planning Commission, and to ensure that the composition and appointment of the Planning Commission Members is consistent with Article 66B, Section 3.02 of the Maryland Annotated Code.

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 7:05PM.

Ordinance #569

Mayor Foster opened a public hearing at 7:05PM to receive public comments on Ordinance# 569 – An ordinance of the Town of Denton authorizing the purchase an acquisition of certain property located at 323 Market Street Denton, MD.

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 7:06 PM.

Petitions, Remonstrance's and Communication

Silver Star Banner Day 2009

A request received from Sunshine Roth, Silver Star Families of America (SSFOA) State Representative for Illinois, for a proclamation in recognition of Silver Star Banner Day was reviewed by the Council. The Town Administrator provided an overview that this was to show support for the wounded of our Armed Forces. Councilman Clendaniel mentioned that there is also a Gold Star group for those that are currently serving.

Councilman Branson made a motion to have the Mayor sign a proclamation, seconded by Councilman Porter, passing unanimously.

Councilman Clendaniel made a motion to recognize by giving thanks and support to all of those serving in the Military, seconded by Councilman Moore, passing.

unanimously. Staff was asked to prepare a proclamation for Veterans Day to be signed by all of the Council members.

Ordinances and Resolutions

Ordinance # 568

An ordinance of the Town of Denton amending Section 128.162A of the Town Code to provide for an alternate member to the Denton Planning Commission, and to ensure that the composition and appointment of the Planning Commission is consistent with Article 66B, Section 3.02 of the Maryland Annotated Code.

Councilman Branson made a motion to adopt Ordinance #568, seconded by Councilman Porter, passing unanimously.

Ordinance #569

An ordinance of the Town of Denton authorizing the purchase and acquisition of 323 Market Street Denton, MD. Staff advised that an application for grant funds to acquire this property will be submitted.

Councilman Branson made a motion to adopt Ordinance #569 as long as the contract states that purchase is based on receiving the grant funds. No grant, no do, seconded by Councilman Clendaniel, passing unanimously.

Main Street Manager

The Town Administrator introduced Mrs. Ann Jacobs as the new Denton Downtown Main Street Manager. Mrs. Jacob invited the Council to attend the Main Street planning session on Nov. 5, 2008 at 5:00 to be held in the Museum of Rural Life. The meeting will be to discuss what everyone in visions in downtown Denton.

Mayor Foster welcomed Mrs. Jacobs aboard.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1 - Market Street Parking

At the October 20, 2008, working session, members of the Denton Town Council walked Market Street to review proposed parking restrictions adopted by the Denton Town Council at their September 8, 2008, meeting. This item was placed on the agenda for follow up discussion from the last meeting. Mr. Aaron Edwards had also submitted a letter in writing to the Town Council seeking the opportunity to discuss this issue. The Council was also provided an email letter from Ms. Amy Kreiner with comments about the parking.

Councilman Moore started the discussion by saying that he had considered parking one-way, two-way stops and the effects on the traffic flow. The biggest concern was for the fire trucks being able to make the turn onto Market. Councilman Moore expressed that he had spent a lot of time visiting the street, observing and that he felt it would be best to leave the decision as was decided before, to have no parking on Market St. from 6th St. to Gay St.

Councilman Clendaniel agreed with Councilman Moore saying that he was sympathetic to the residents in this area, but that the decision to make no parking was the best solution. He would also like to do something to control the speed.

Councilman Moore asked to have Scott, Chief and Bill look into ways to slow the traffic down.

Councilman Moore made a motion to leave the last motion as it stands, seconded by Councilman Clendaniel, passing unanimously.

Mayor Foster mentioned that they need to address when to uncover the signage and make the no parking effective so it can appear in the newspaper.

Councilman Moore made a motion to make this effective December 1, 2008, seconded by Councilman Porter, passing unanimously.

Mr. Edwards wanted to make sure that it would be plowed for snow.

New Business

Agenda #1 – AT&T Lease Amendment

Black Dot Wireless, who represents AT&T, requested an amendment to the lease agreement between the Town of Denton and New Cingular Wireless PCS, LLC (Owned by AT&T). The lease pertains to equipment installed on the Camp Road water tower. A copy of the letter explaining the reasons for the request from Black Dot Wireless was provided. The new amendment will result in reduced lease payments for an extended term. In addition, if the Town Council approves the amendment, AT&T has agreed to wait until the beginning of the next fiscal year to implement the new agreement. The Public Works Director requests the Council authorize the Mayor to sign the agreement.

The Council asked for staff to pull together the current fees collected and terms and bring back.

Councilman Porter made a motion to table a decision on this item until the Council is provided additional information, seconded by Councilman Moore, passing unanimously.

Agenda #2 - Land Use Agreement

Ms. Beaven, who owns property adjacent to property owned by the Town of Denton in the Industrial Park, requested permission to allow a farmer to use the Town property in conjunction with her property. This would alleviate the Town from having to keep the grass cut throughout the growing season. A lease agreement was drafted and sent to Mr. Michael Brown, who is the interested farmer. The Town Attorney has reviewed and approved the agreement. Staff is still waiting on Mr. Brown's signature if accepted as written. The Council is requested to authorize the Mayor to sign the agreement.

Councilman Branson made a motion to sign the lease agreement, seconded by Councilman Porter, passing unanimously.

Agenda #3- End of the Year Bonus

The End of the Year Bonus was included in the FY2009 Budget at the same level that was funded in prior years of 1% of regular pay.

Councilman Branson made a motion to continue with giving the Bonus, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 - Holiday Schedule

This year Christmas and New Years will be observed on Thursday and the offices will be closed on these holidays. Discussion was held about whether the office hours should be adjusted for Christmas Eve and News Year Eve. A listing of what some of the surrounding Municipalities and other Government Agencies are planning was provided.

Councilman Porter made a motion to table a decision and have staff bring back with what the cost would be to provide an extra holiday and to poll the employees, seconded by Councilman Branson, passing unanimously.

Agenda #5 - Homestead Tax Credit

The Denton Town Council previously set the Homestead Tax Credit percentage at 5%, which took effect July 1, 2008. If the Council wishes to make any changes (reduce or increase) the tax credit percentage for July 1, 2009 it would need to be adopted by resolution and submitted to the State of Maryland by Nov. 25, 2008.

Councilman Moore made a motion to leave the tax credit percentage rate alone, seconded by Councilman Branson, passing unanimously. The Council directed Staff to bring this back for review annually.

Agenda #6 - Police Dept. Classification

The Factoring Committee completed the review of the class specifications for the Police Dept. creating a lieutenant position. This change was included in the FY09 budget, and was initially discussed during the FY-08 budget process which carried over into FY09. This is a new position and per the Factoring Committee guidelines, a recommendation was forwarded to the Town Council for consideration of adoption. The lieutenant position if approved, will be in Grade 11.

Chief Cox provided additional information and answered questions.

Councilman Moore made a motion to approve the lieutenant job classification, seconded by Councilman Clendaniel. Further discussion was held on when to make effective. Councilman Moore amended the motion to make effective with the closest pay period to January 1, 2009, seconded by Councilman Clendaniel, passing unanimously.

Agenda #7 - Governor Hughes and Tribbett Memorial Contribution

A follow up request was made from the initial presentation on support for the memorial, for consideration of a contribution.

Councilman Porter made a motion to donate \$250 to the project, seconded by Councilman Clendaniel, passing with Councilman Moore abstaining due to prior involvement in supplying the plaque.

Agenda #8 - Denton Development Corporation Artsway at Denton Request

Abby McNinch, Project Manager for the Denton Development Corporation requested an opportunity to provide the Council an update on the Artsway at Denton as well as a proposed Community Mosaic Project.

Abby McNinch and Lucille Coen came before the Council to discuss the proposed Community Mosaic Project and to ask for approval to locate the mosaic panels on the Town property located on North Fourth St.

Councilman Branson made a motion to let the Mosaic Panels Project to move forward stating that it adds to the community, seconded by Councilman Moore, passing unanimously.

Mrs. McNinch provided an update to the Council about the status of 7 N. 4th St. and 9 N 4th St. project.

Mrs. McNinch talked with the Council about the Community Legacy Grant application for \$400,000 that has been submitted to continue the rehab work on 4th St. and advised that the application included the Denton Improvement Program for \$10,000 for the lease holders. This was informational only.

Agenda #9 - Chesapeake Culinary Center USDA Grant Application Request

Beth Brewster, with the Chesapeake Culinary Center, requested authorization from the Town Council for the submission of an application to USDA through the Town for additional grant funding to help get the funds necessary to complete the building.

Councilman Branson asked if the grant was being administered through the Town, would the Town receive funds to cover the admin. Staff advised that the grant could be structured that way.

Councilman Clendaniel asked how the building will be utilized at one time as far as parking. Mrs. Brewster replied that the culinary students would be bussed over from the school and that there would be different schedules for other classes.

Councilman Moore made a motion for the Town to help facilitate the grant as requested, seconded by Councilman Porter, passing with Councilman Clendaniel abstaining.

Agenda #11 – Maryland Neighborhood Conservation Initiative

The State of Maryland announced a federal allocation of funds in the Neighborhood Stabilization funding authorized by Congress through the Housing and Economic Recovery Act of 2008. The Town was contacted by the State of Maryland asking the Town to consider working with the County to make an application for federal allocation of funds that may be available to the Town. The Phase I preliminary proposal is due by Nov. 5, 2008. Staff pulled together information for the Council to review seeking approval to submit a preliminary proposal. The final application is due in January 2009.

Councilman Porter made a motion to have staff prepare and submit the preliminary proposal, seconded by Councilman Moore, the motion passed 4 Yes with Councilman Clendaniel voting No. 4-1.

Traffic Study

Mark Keeley of Traffic Concepts, Inc. came before the Council to provide a brief overview of the simulated traffic study of Route 404 and Legion Road that has been completed. This item will be presented to the Council in more detail during the November 17, 2008 working session.

Special Events

The Town Attorney talked with the Council about permits for special events and suggested that if more discussion is needed, to place this item on the agenda for the working session.

The Mayor stated that he had thought about this and inquired with Odie Wheeler of Cambridge and after looking at it, he thought this could be handled in house through the Town Administrator who could, as a courtesy, give the Council notice when an event is approved.

Moratorium

The Town Attorney mentioned that she had read in the newspaper where the Council had directed her to draft a moratorium ordinance, however did not remember the Council taking any action nor did the minutes reflect this instruction. She asked for looking for direction from the Council.

The Mayor asked for the Town Attorney to provide a template for the Council to review at the working session on November 17, 2008.

Gay St. Redevelopment

Ernesto Zamparini, a representative for the Gay St. redevelopment project, advised the Council that the agreements with the Demby's and the Fishers have been signed and the project is moving forward. Staff advised that this project has been placed on the agenda for the Planning Commission meeting of Nov. 25, 2008 for preliminary

and working towards final approval. The stormwater management will also be discussed by the Planning Commission.

Crouse Farms

Mr. Bob Rauch took the opportunity dispel a rumor about changes in the West Denton project. Mr. Rowe advised the Council that the plans have not changed. They are proceeding with the project as directed by the Council, for an age restricted community.

Councilman Clendaniel asked if they still anticipate a build out of 3,000 units.

Mr. Rauch stated that the annexation agreement has the project to include about 3,000 units, however, it still needs to go through the planning process with the Planning Commission and they will be willing to work with the Town on this.

Executive Session

At 8:59 PM Councilman Porter made a motion to go into an executive session to discuss a real estate matter, seconded by Councilman Moore, passing unanimously.

At 9:10 PM Councilman Moore made a motion to close the executive session, seconded by Councilman Porter, passing unanimously.

Regular Meeting Reconvened

At 9:10 PM with no further business to discuss Councilman Branson made a motion to adjourn this meeting, seconded by Councilman Moore, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*