

November 5, 2007

Executive Session

Councilman Clendaniel made a motion at 6:30 PM to hold an executive session to obtain legal advice on tax abatement and water/sewer allocations; and to discuss proposal for business to locate within the Town, seconded by Councilman Gregory, passing unanimously.

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

No action was taken during this session.

At 6:57PM. Mayor Foster 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.

Councilman Branson made a motion to approve the minutes of the October 1, 2007 regular meeting, seconded by Councilman Clendaniel, passing unanimously.

Councilman Gregory made a motion to approve the minutes of the October 15, 2007 working session, seconded by Councilman Branson, passing unanimously.

Public Hearing

Ordinance #547

Mayor Foster opened the public hearing at 7:01PM to receive public comments on Ordinance #547an amendment to the Denton Zoning Ordinance. This ordinance would adopt the Denton Pattern Book as an appendix to the Zoning Ordinance and designate how the pattern book will be applied.

Mayor Foster asked for comments from the Public –

Mr. Dean Danielson expressed concerns about how the book will be used on existing homes with specific attention to page 89 – asking the purpose to define existing and future development of Denton visually and architecturally to ensure the preservation of the town’s character, asking if this will be a tool or an enforcement tool. The Mayor acknowledged that the pattern book is to be used as a tool for guidance. The Town Attorney advised that the pattern book would only be required in a Planned Neighborhood or when critical area growth allocation is necessary. It would not be required for any existing lots of record only in a PN.

Mrs. Florence Doherty of 109 Riverton Ave. – referenced a letter to the Planning Commission in May 2007 and expressed that some of the concerns from this letter have not been addressed in the proposed pattern book. It was her understanding that this would only apply to new development and new construction. Mrs. Doherty that she did not like the regulations on the types of windows and questioned similarity to being fashion police and dictating style that should be left up to the individual home owners. Further discussion was held regarding floating zones and the requirements.

Mrs. Doris Walls, President of the Planning Commission stated that this does not apply to existing single family lots of records.

With no further comments Mayor Foster closed this public hearing at 7:19 PM.

Petitions, Remonstrance’s and Communication

Mayor Foster announced that prior to this regular session the Council held an executive session to consult with legal council.

Ordinances and Resolutions

Ordinance #547 - Zoning Amendment-Pattern Book:

An Ordinance prepared by the Town Attorney, was introduced by the Council on October 1st that amends the Zoning ordinance to include the pattern book as an appendix. As requested the ordinance states that the pattern book does not apply to existing single family residences on lots of record that are not part of a PN (Planned Neighborhood), overlay or historic district unless those dwellings request a variance or special exception. The ordinance fully states the applicability and was advertised as same in the Times-Record.

Councilman Branson made a motion to adopt ordinance #547, seconded by Councilman Porter.

Discussion was held in which Councilman Clendaniel said he has no problem with the Pattern Book, but had concerns regarding the perception or reality that there will be an element of compulsion to this. If adopted as it stands Councilman Clendaniel expressed concerns that it will get mission creep and get implied in areas where it should not be. Amend to apply only to major development where it is defined by a DRRA (Developer Rights and Responsibilities Agreement).

Councilman Porter mentioned that it devils in details and should define major subdivisions.

The Town Attorney explained that major subdivisions have to apply with the PN requirements. A PN is required if undeveloped 50 acres or more.

Further discussion was held about the A&E District. Councilman Clendaniel stated that he was looking for something with a minimal effect on the homeowner.

Councilman Gregory expressed his reservations about the pattern book and stated that he was in agreement with all of the concerns raised previously. He stated that the document is ok to use as a tool, but was concerned with requirement perception as well.

With no further discussion Mayor Foster called for the vote on the motion to adopt ordinance #547. The ordinance did not pass, 2-3 vote with Councilman Gregory, Clendaniel and Mayor Foster voting against.

Ordinance #548 - Residential Sprinkler Ordinance Amendment

In response to an inquiry from the Wesleyan Camp Director, Rev Legates, about the requirement for fire sprinklers in seasonal cottages, the Council directed the town attorney, Brynja Booth, to research the topic. As a result of that research and at the direction of the Town Council at the October 1st meeting Mrs. Booth prepared an amendment to the ordinance that would exclude seasonal cottages and recreational structures that do not exceed 780 sq ft.

Councilman Branson made a motion to introduce ordinance #548, seconded by Councilman Clendaniel, passing unanimously.

Ordinance # 549 Industrial Park Contract of Sale Lot #2 Industrial Park Expansion III

The existing option agreement for this lot has expired. The Really Cool Foods Company is now seeking to move forward with acquisition of this lot. Because the option

agreement has expired, the Town Attorney is recommending a new ordinance be drafted. Settlement would be scheduled for within 90 days of an executed agreement.

Councilman Branson made a motion to introduce ordinance #549, seconded by Councilman Clendaniel, passing unanimously.

Ordinance # 550 Industrial Park Contract of Sale Lot #3 Industrial Park

Expansion III-

The existing option agreement for this lot has expired. The Really Cool Foods Company is now seeking to move forward with acquisition of this lot. Because the option agreement has expired, the Town Attorney is recommending a new ordinance be drafted. Settlement would be scheduled for within 90 days of an executed agreement.)

Councilman Branson made a motion to introduce ordinance #550, seconded by Councilman Porter, passing unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1- Homestead Tax Credit

Last year the Town Council adopted resolution #689 reducing the Homestead tax credit percentage from 110% to 105%. This takes affect for all homeowner occupied property real estate taxes beginning July 1, 2008. This item was on the agenda for the Council to discuss to make any changes to reduce or increase the tax credit percentage for July 1, 2008.

Councilman Branson made a motion to keep the homestead tax credit percentage at 5%, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 Fortner letter

At the October 1st Council meeting the Town Council referred a request by Richard, Brenda, David and Christine Fortner to the Town Attorney for investigation. The Fortners were requesting abatement of the town taxes applied to their properties this year. The properties were annexed in 2006 by Resolution #681. It was introduced August 7th, adopted October 2nd, and effective November 16, 2006.

The Council reviewed the Town Attorney's findings that neither the annexation petition or annexation agreement had any mention that the property owners were seeking any real estate tax abatement from the Town. Historically the Town does not normally give tax abatements when development is proposed at the time of annexation.

Discussion was held between the Council, the Town Attorney and the property owners. The discussion included de-annexing the property, holding off paying the taxes until further research is done.

Ms. Christine Dayton spoke on behalf of the developer expressing his interest in working out the taxes with the property owner at the time of settlement.

Councilman Gregory made a motion directing the Town Attorney to study the possibility to reverse the annexation as requested by the Fortner Family; the motion was seconded by Councilman Branson, passing unanimously.

Agenda #3 -Sharp Road Utility Agreement

An agreement between the Town and Chris Coile regarding infrastructure improvements to the municipal water/sewer system, specifically, the construction of a pump station that will accommodate the elementary school and his project, and the

extension of utilities on Second Street at his expense was presented to the Council. These documents have been reviewed by Scott Getchell & Brynja Booth.

Mr. Chris Coile provided an overview of the project to the Council, advising that they have met with Mr. Getchell and the engineers to redesign to include looping of South Second St. Mr. Getchell added that looping the water will be very beneficial to the quality of water and to help get adequate water flow to Denton Elementary School.

Councilman Branson made a motion to direct the Town Attorney and Mr. Getchell to continue to work with Mr. Chris Coile and Ms. Cindy McCann on this project and to also look at looping through Susanne St. as well.

Agenda #4 - Ruff/Suppo Amended Annexation Petition

Mr. Willard Parker attorney for Harold Ruff submitted a letter requesting the Council considered the amended annexation petition. Based on previous comments from the Council the applicants have amended the annexation petition to request Highway Commercial zoning on all portions of both properties. Presently the Suppo property is zoned C-2 in the County which is the equivalent of the Town Highway Commercial, and two-thirds of the Ruff property is also zoned C-2. The back third of the parcel roughly 6.05 acres is zoned Rural and would need County concurrence to change to Highway Commercial.

The Town Attorney has already reviewed the request and found the amended petition legally sufficient.

Councilman Branson made a motion to direct the Town Attorney to prepare a resolution of annexation to present at the December meeting as highway commercial, Councilman Porter seconded the motion with an amendment that no real estate tax abatement is to be provided. The amended motion passed unanimously.

New Business

Agenda #1 -End of the Year Bonus

This item was on the agenda for the Denton Town Council to consider appropriation of the End of the Year bonus as budgeted for the same level as funded last year of 1%.

Councilman Gregory asked for staff to advise what the bonus cost at the next meeting.

Councilman Branson made a motion to provide a 1 % end of the year bonus, seconded by Councilman Gregory, passing unanimously.

Agenda #2 Gay Street Redevelopment-Stockley Alley

As a follow up of the Town Council October 15th Working Session, where the Council discussed an inquiry by Bob Ciprietti to potentially use the land the Town owns off of Stockley Alley for additional parking. The Council expressed interest in potentially leasing this land. Mr. Ciprietti has relayed his interest in potentially improving the lot and making it available for public parking for this area, not having it leased by the HOA.

Mrs. Doris Walls, President of the Planning Commission would like to see a final plan.

Staff advised that the Fishers, property owners for one of the lots is working on the home owners association agreement with Mr. Ciprietti and that the plan may not change from what was originally submitted.

Councilman Branson made a motion if needed that Mr. Ciprietti can improve the Town's lot and the Town will maintain ownership, seconded by Councilman Porter, the motion passed unanimously.

Agenda #3 - Legion Road Caroline Street Land Transfer

Mr. Raymond Briscuso requested the Denton Town Council's consideration in potentially transferring a portion of the property the Town owns on Legion Road for a portion of the property he owns on Caroline Street.

Councilman Branson made a motion to defer this item at the request of Mr. Briscuso, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 - Main Street Manager

The Council reviewed the candidate recommendation to be contracted for the Main Street Manager position.

Councilman Branson made a motion to approve the recommended candidate for the position, seconded by Councilman Clendaniel, passing unanimously.

The Council asked to have Ms. Perez invited to the open house.

Agenda #5 - Button Factory Exercise Option to Purchase

Mr. Donald Braden, attorney for Mr. Zeb Brodie, has written exercising the option on the Button Factory. The Town of Denton was given the building, and subsequently leased the facility to Mr. Brodie for an initial period of two years, with an option to purchase. This two year lease was later amended for a 10 year period – at the request of the County. Funding from the state for lease hold improvements for the Caroline County Economic Development office required the Town maintain ownership for a 10-year period. Mr. Braden is working with the County to address any State funding issues prior to the transfer of this property. An ordinance was presented to the Council to introduce that would allow the transfer of this property.

Councilman Branson made a motion to introduce Ordinance #551, seconded by Councilman Porter, passing unanimously.

Agenda #6 -Holiday Schedule

This year Christmas and New Years will be observed on Tuesday and the offices will be closed on these holidays. This item was on the agenda for discussion on whether the office's should remain open or be closed on Christmas Eve and New Years Eve since they both fall on Monday.

Councilman Gregory made a motion to close the office on Christmas Eve as a paid holiday and to close the office on New Years Eve and for the employees to use accrued leave, seconded by Councilman Clendaniel, passing unanimously.

Agenda #7 - Director of Housing and Community Development

Councilman Branson made a motion to place the vacancy and class specification on the workshop agenda for November 19, 2007 for discussion, seconded by Councilman Clendaniel, passing unanimously.

Agenda #8 - Water and Sewer Allocation

Water and sewer allocation for the following projects were presented to the Council for consideration.

Gary Womer – There are presently 3 lots of record, which are proposed to be subdivided to amend the lot lines and create two additional lots for a total of 5. The primary house is presently connected to the municipal sewer. An allocation request for 4 lots is before the Council. This is a total ERU of 900 gpd.

Coursey Run – Located on Camp Ground Road, this project is seeking allocation for 58 units, an ERU of 13,050 gpd.

Market Place - Located on Market Street, this project is seeking allocation for 16 lots, an ERU of 3600 gpd.

Councilman Branson made a motion to grant the allocations, seconded by Councilman Gregory. Discussion was held in which Councilman Clendaniel wanted to clarify that the Town Attorney had advised that the Council was required to grant all of these allocations as long as capacity is available. Mr. Getchell stated that the allocations are available.

The motion passed 4-1 with Councilman Clendaniel voting no.

Executive Session

The Town Attorney asked the Board to consider reconvening the executive session from earlier so that she could provide some additional legal advice.

At 9:03 PM Councilman Porter made a motion to enter an executive session as requested, seconded by Councilman Gregory, passing unanimously.

No action was taken during this session.

At 9:42 PM Councilman Branson made a motion to close the executive session and the regular meeting, seconded by Councilman Clendaniel, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*