

November 6, 2006

Mayor Branson called the 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 Branson asked that the record reflect that all Council members were present except Councilman Horsey, who was ill.

Mayor Branson encouraged all present to be sure to vote in the Election tomorrow.

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

Public Hearing

Ordinance #524 –PN Floating District Village at Watts Creek

Mayor Branson opened a public hearing at 7:02 PM to receive public comments on Ordinance #524 -Application of the Planned Neighborhood (PN) floating zone for the project known as the Village at Watts Creek located on Blades Farm 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 – 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. Jeff Thompson, Attorney Representative for the Village at Watts Creek, provided a brief overview.

With no further comments Mayor Branson closed this public hearing at 7:04 PM.

Ordinance #525 – DRRR Village at Watts Creek

Mayor Branson opened a public hearing at 7:05 PM to receive public comments on Ordinance #525 the Developer's Rights and Responsibilities Agreement (DRRA) for the project known as the Village at Watts Creek, a Planned Neighborhood, located on Blades Farm 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 – 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 – there were none.

The Town Attorney advised the Council that the Planning Commission adopted a resolution at their last meeting.

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

Ordinance #526 – Zoning Amendment - Sq. Ft. Places of Worship

Mayor Branson opened a public hearing at 7:06 PM to receive public comments on Ordinance #526 a zoning amendment which removes the minimum lot size requirement of 30,000 square feet for places of worship. All other site plan requirements remain.

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 – there were none.

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

Ordinance #528 – Acquisition of 323 Market St.

Mayor Branson opened a public hearing at 7:07 PM to receive public comments on Ordinance #528 authorizing settlement of the purchase and acquisition of property located at 323 Market Street, Denton Maryland.

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 – there were none.

With no further comments Mayor Branson closed this public hearing at 7:07 PM.

Ordinance # 529 – Homestead Tax Credit

Mayor Branson opened a public hearing at 7:07 PM to receive public comments on Ordinance #529 which proposes to maintain and set the homestead tax credit percentage at 110% for the taxable year beginning July 1, 2007 for homeowners who meet the requirements of Md. Code Ann. Tax Property Article Section 9-105.

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 – the Mayor clarified that this was for owner occupied properties only.

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

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

Petitions, Remonstrances and Communication

Mike Campbell – Caroline County Mental Health Clinic - Mr. Mike Campbell came before the Council and provided an overview of the Caroline County Mental Health Clinic operations seeking support.

Councilman Gregory asked for ways the Town could assist other than monetary. Mr. Campbell suggested subsidizing Town residents by waiving taxes and/or water and sewer, the Council could become a member of the Advisory Board and assist with fund raising events. This was informational only.

Ordinances & Resolutions

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 prepared an ordinance that was introduced on October 2nd that would apply the floating zone designation of Planned Neighborhood (PN) to the project known as the Village at Watts Creek.

Councilwoman Stockley made a motion to adopt Ordinance #524 seconded by Councilman Foster. Discussion was held in which Councilman Gregory advised that he visited the area as required and expressed that he feels bad to see the area become developed.

With no further discussion Mayor Branson asked for the vote from the Council, and the motion passed unanimously, 4-0.

Ordinance #525 Developers Rights and Responsibilities Agreement-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 agreed upon tasks, fees and terms for a specific project, and property. At the direction of the Council the Town Attorney prepared an ordinance which introduced the proposed DRRA on October 2nd. A resolution from the Planning Commission giving a positive recommendation on the DRRA as in compliance with the Comprehensive Plan and as required by State Law was attached.

As required all Council members visited the site.

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

Ordinance #526 Zoning Amendment - Places of Worship Lot size: An ordinance prepared at the request of staff, Jennifer Shull, to remove the requirement that places of worship meet 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. The town Attorney prepared the ordinance which was introduced on October 2nd.

Councilman Gregory made a motion to adopt 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 adoption.

Councilman Gregory made a motion to adopt Ordinance #527, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Ordinance #528 Acquisition of 323 Market Street – Ordinance #528 is for consideration of the acquisition of 323 Market Street as part of the Arts and Entertainment District Project being facilitated by the Denton Development Corporation.

Councilwoman Stockley made a motion to adopt Ordinance #528, seconded by Councilman Foster. Discussion was held in which Councilman Gregory asked about funding - staff advised that \$120,000 would come from the Community Legacy Grant, and the Denton Development Corp would look to rent out the unit to subsidize loan payments on the balance.

With no further discussion Mayor Branson asked the pleasure of the Council, the motion passed unanimously, 4-0.

Ordinance #529 Homestead Tax Credit Percentages – The Denton Town Council introduced at their October 2, 2006, meeting to maintain the existing 110% Homestead Tax Credit for the taxable year beginning July 1, 2007 for homeowners who meet the requirements of MD Code Ann. Tax Property Article Section 9-105.

Mayor Branson made a motion to adopt Ordinance #529, seconded by Councilwoman Stockley. Discussion was held in which Councilman Gregory expressed that he was opposed to maintaining 110%, he would like to do the same as the County at 105%.

With no further discussion the Mayor asked the pleasure of the Council. The Council unanimously agreed 4-0 to reject the ordinance and to be consistent with the County.

Ordinance #530 Establishing Brownfields Property Tax Credit for Qualified Brownfields Sites: An Ordinance Amending Chapter 114 of the Denton Town Code to establish a Brownfields Property Tax Credit for qualified Brownfields sites located within the Town of Denton for the taxable year beginning July 1, 2007.

Councilwoman Stockley made a motion to introduce Ordinance #530, seconded by Councilman Gregory, passing unanimously, 4-0.

Ordinance #531 Durner Building Acquisition

The Town of Denton has leased the ground floor of the Durner Property at 15 S. Third St. 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 houses the Main Street Program, DDC Office's and the Tourism office. 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. A request was made for the Town Council to give consideration to entering into an agreement, and Town Staff work to structure acquisition and/or assignment which cash flows the project and

maintain occupancy of the DDC, Main Street and Tourism. This was deferred from the October meeting.

The Council asked that Staff give financial figures prior to adoption.

Councilwoman Stockley made a motion to introduce Ordinance #531, seconded by Councilman Gregory, the motion passed unanimously, 4-0.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Market & Second St. Intersection

The Downtown Business Association has written a letter to Scott Getchell requesting the Town make the intersection at Market & Second Streets a four-way stop as part of the improvements planned under the Market Street Improvement Project Phase II. A copy of the letter was provided to the Council to consider the request.

Mr. Scott Getchell provided an overview.

Chief Cox advised that while he agrees the intersection was worthy of improvements, he is not in favor of a four-way stop.

Mrs. Cindy Draper of the Denton Business Association advised that they are concerned with the current traffic pattern and if there was not support to make the intersection a four-way stop then consider making Second St. one-way from Gay St. to Market St.

Mayor Branson made a motion to have Mr. Getchell continue with the improvements at the intersection that are part of the Market St. project and then monitor with the Chief for other suggestions, and to pool the public for opinion regarding a four-way stop or making Second St. one-way, the motion was seconded by Councilman Gregory, the motion passed unanimously, 4-0.

Staff also advised that water meter excess funds will be used to replace the water line on Market to Third.

Agenda #2 - Denton Industrial Park Storm Water Access Road Request

Mr. Ray Briscuso has written the Town Council requesting consideration to allow the owner of 404 Station and Prime Time Tent to improve the right of way and use the same access. The Town Council referred this matter to the Planning Commission, the Town Attorney, and the Denton Industrial Park Owners Association.

The Planning Commission has made a favorable recommendation that Mr. Briscuso be permitted to improve the access road to public works standards, and enter into a maintenance agreement for the roadway. About 75% of the Industrial Park Owners Association has responded with a favorable. The Town Attorney confirmed that the Town owns the road.

Councilman Gregory made a motion to direct the Town Attorney to draft an easement agreement in the event that the Industrial Park Owners Association gives complete approval, the motion was seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Agenda #3 - Travel Policy Amendment

At the October 16 working session, the Town Council discussed with Department Head staff potential revisions to the Travel Policy. The proposed revisions to the existing travel policy and a draft policy for Council members was presented.

Councilman Gregory made a motion to accept the revised travel policy as presented, seconded by Mayor Branson, the motion passed unanimously, 4-0.

Agenda #4 - Legion Road Improvements

Staff went over the Legion Road Improvements and potential capital recapture and cost share program - to dualize Legion Rd. from MD Rte 404 to Commerce, obtain easements to Engerman for future dualization, and to make Commerce dual from Legion to Gay St./MD Rt. 404.

Councilman Gregory made a motion to authorize the Town Attorney to draft and Ordinance for Capital Recapture, to send a letter to the State Highway Administration to seek consideration to allow and access from Gay St. over to Commerce Drive, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Agenda #5 - Fifth Ave Design Proposal

Contingent upon funding, the Public Works Department asked the Council to approve a proposal from Lane Engineering in the amount of \$51,600.00 for the engineering design services necessary to reconstruct Fifth Avenue and some contiguous side streets. The conceptual design of the project has been established and input was solicited from local residents. A copy of the proposal was provided and Staff discussed the potential for funding sources with the Council.

Councilman Gregory made a motion to adopt the Fifth Ave. design proposal as presented, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Agenda #6 - Denton Industrial Park Option Agreement Extension

Hershey Creamery requested a six month extension on their existing option agreement to purchase Lot 9A in the Denton Industrial Park. Their existing property on Legion Road is presently optioned by Black Oak, Inc, for commercial redevelopment. This project would take place in the event the Wal-Mart project proceeds. The extension would be through May 7, 2007.

Councilman Foster made a motion to allow the extension to Hershey Creamery, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Other Unfinished Business

None

New Business

Agenda #1 - Water/Sewer Rate Study Proposal – The Utility Commission would like the Council to approve proceeding with a rate study to be performed by Maryland Center for Environmental Training. The objective is to establish a 5-year rate projection that includes current and future capital and operating costs. The cost to perform the wastewater study is covered by a grant from MDE but the remaining balance of \$6900 would be charged to the water fund. A copy of the proposal was provided.

Councilman Gregory made a motion to accept the water/sewer rate study proposal, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Agenda #2 - Bay Broadband Contract

Bay Broadband is a wireless broadband company who is interested in installing equipment on all three water towers to service the Denton area. They have agreed to pay a fee for being on the towers, supply internet service to the Town Office, Public Works Office and set up a “Hot Spot” in the downtown area. The proposed contract has been approved by the Town’s Attorney.

Councilman Gregory made a motion to accept the tower lease agreement, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Agenda #3 -End of the Year

Councilwoman Stockley made a motion approve the End of the Year 1% bonus to employees, seconded by Councilman Gregory, the motion passed unanimously, 4-0.

Agenda #4 - Performance Evaluation

Annually a Performance Evaluation should be completed for the Town Administrator. This item is on the agenda for the Council to schedule.

Councilman Gregory requested that the evaluations be given to each Council member individually and then they would get together at the December working session to go over and finalize.

Agenda #5 - Municipal Flag

Council members previously requested for there to be a Denton Municipal Flag. Background color choices were provided for the Council to select. The Council asked that an article be put in the Times Record seeking the public to choose. The cost of the flag will be about \$100.

Agenda #6 - Council Working Session

The Denton Town Council has six working sessions which are held throughout the year, usually on the third Monday of the month in which a working session is held. This is usually in the following months – March, April, May, October, November and December. A request has been made to change the working session date from the third Monday to the second Monday. This was brought before the Council for consideration.

Councilman Foster made a motion to hold the working sessions on the second Monday of the month in which they are normally held, seconded by Councilman Gregory, the motion passed unanimously, 4-0.

Agenda #7 – Community Advisory Council

Phil Favaro contacted the Town Administrator seeking a representative from Denton to serve on a Community Advisory Council. This group would seek to identify sensitive areas both historical, and environmental within the Tuckahoe and Choptank watershed.

The Council unanimously agreed to have Ms. Jennifer Shull to represent the Town on this board.

Other New Business

None

With no further business to discuss Mayor Branson adjourned the meeting at 9:31 PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer