

December 1, 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 wanted to clarify from the November 3, 2008 meeting that the Gold Star Group represents the Mothers and Fathers of service men and women who have lost their lives while on active duty.

Councilman Branson made a motion to approve the minutes of the November 3, 2008 meeting, seconded by Councilman Moore, passing unanimously.

Councilman Clendaniel made a motion to approve the minutes of the November 17, 2008 working session, seconded by Councilman Branson, passing unanimously.

Public Hearing

None

Petitions, Remonstrance's and Communication

None

Ordinances and Resolutions

None

Reports of officers, board and committees

None

Unfinished Business

Agenda #1- Holiday Schedule

This item was deferred during the November meeting so that Staff could pull together a cost for providing an extra holiday. The cost was provided to the Council.

Councilman Moore made a motion to close as a holiday on Christmas and New Years day and to close the day after Christmas and to have employee take their own leave time for that day, seconded by Councilman Branson, passing unanimously.

Agenda #2 - 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). This 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 to the Council for review. Additional information related to the existing AT&T lease and all other lease agreements were included as well, per the Council's request at their last monthly meeting. The proposed AT&T amendment will result in reduced lease payments but for an extended term. Additionally 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.

Mr. Getchell, Director of Public Works, explained that under the present lease the rent is \$9,266 per year and it expires July 31, 2009. The proposed lease amendment would reduce the contract amount to \$7,788 per year, but extend the lease for a longer term arrangement and would begin July 1, 2009.

Councilman Branson made a motion to authorize the Mayor to sign the lease agreement amendment, seconded by Councilman Clendaniel, passing unanimously.

Agenda #3 Neighborhood Conservation Initiative

The Denton Town Council approved, at their November 3, 2008 meeting, for the Town to submit a preliminary application. Town staff is seeking direction from the Council on the potential to submit a final application. A meeting is scheduled with County personnel for the week of December 8th. The application would be submitted, if approved, through the County. The Maryland Rural Development Corporation is the non-profit partnering with the Town of Denton. MRDC will be administering the NCI program for Caroline County outside of the incorporated limits of Denton. A copy of the revised foreclosure mapping representing the third quarter statistics and revised guidelines were provided to the Council along with a copy of the preliminary application.

Mrs. Fearins, the Town Administrator provided details on the program funding and what benefits Denton could receive by participating in this program.

Councilman Branson confirmed that if Denton were to choose not to apply that MRDC would include Denton in with the rest of the County when working and implementing.

Councilman Moore asked how staff would handle running the program. Mrs. Fearins advised that the Town would hire a contract employee to work on the program while funding was in place.

Councilman Moore and Councilman Clendaniel expressed concern about taking on the added administration.

Councilman Moore asked staff to find out what the Town's responsibilities would be.

Mayor Foster added that he did not want the Town to become realtors, and that the Town has enough to keep staff occupied.

Councilman Moore made a motion for MRDC to administer and for the Town to lend support, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 Dollar General Lot

The Town of Denton has received notice from Mr. Bill Maloney that he will not be proceeding with the redevelopment of the 303 Market Street Property. Previously the Town Council had indicated that they would seek to repurchase the lot. Brynja Booth prepared an ordinance and contract to purchase for the Council's consideration.

Councilman Branson asked where the funding would come from to reacquire the property and staff advised that the Town would have to use money from the reserve fund. Once the property is resold the funding would be replaced.

Councilman Porter made a motion to introduce Ordinance #570 to repurchase the property at \$63,000, seconded by Councilman Moore, passing unanimously.

Agenda #5 - Boat Ramp Fee

Ms. Sue Simmons met with the Town Council at the November 17, 2008 working session. This item was placed on the agenda to see if the Town Council would like to further discuss the proposed fee.

The Mayor indicated that he would like to have discussion with the Town Attorney on this topic. An executive session will be scheduled for the January 2009 meeting.

Councilman Branson made a motion to table this item, seconded by Councilman Clendaniel, passing unanimously.

New Business

Agenda #1 - Glenfield Critical Area Growth Allocation

The Council reviewed a request from Mr. Coile seeking Critical Area Growth Allocation for the Glenfield Subdivision. The Caroline County Commissioners voted on November 19, 2008 to approve the grant of Critical Area Growth Allocation from LDA to

IDA to the Town of Denton. Mr. Coile is applying for an Amendment in the Critical Area District (§ 128-174) and a Change of the Official Zoning Map (§ 128-173).

The Town Attorney provided an overview of the growth allocation program and advised the Council to refer to the Planning Commission and Critical Area Commission for review and comments. Once reviewed and comments are received this will come back to the Council for consideration to adopt an ordinance and hold a public hearing.

Councilman Branson made a motion to refer to the Planning Commission and the Critical Area Commission, seconded by Councilman Porter. In discussion Councilman Clendaniel asked how the developer decides what they are going to name the streets, expressing that he felt that they should be named after prominent Dentonion's. The Town Administrator advised that Staff is currently working on pulling together a list of former Council members. The Town Attorney advised that the Developers would probably be open to this idea. There being no further discussion the Mayor called for the vote, the motion passed unanimously.

Agenda #2 - Planning Commission Alternate Appointment

Four applicants requesting appointment to the newly created Alternate position on the Planning Commission were reviewed by the Planning Commission and their recommendation was forwarded to the Town Council's for consideration. Appointment would be for five years commencing from the effective date of appointment. The Director of Planning & Codes requested that an appointment be made and become effective January 1, 2009.

Councilman Branson made a motion to appoint Dr. Agnes Case to serve as an alternate on the Planning Commission, seconded by Councilman Clendaniel, passing unanimously.

Agenda #3 - Official Zoning Map Presentation

The Director of Planning & Codes, his staff and the Town Attorney have reviewed all changes since the last Official Zoning Map (May 1999). The changes include all subsequent annexations; ordinance authorized parcel-specific zoning changes; error corrections, and removal of dual zoning on various single parcels.

William Kastning, Director of Planning and Codes provided an overview of the current zoning maps, identifying all of the proposed changes and requested the Town Council make a recommendation to forward to the Planning Commission for its review and recommendations. Upon Planning Commission review on January 27, 2009, the Town Council may wish to introduce an ordinance adopting the map on or after February 2, 2009. A public hearing must be held to address the proposed changes, after which the Town Council shall consider adoption of a revised Official Zoning Map on or after March 2, 2009.

Councilman Moore made a motion to update the map and to have the Planning Commission review and make recommendations, seconded by Councilman Branson. Additional discussion was held regarding possibly having a separate zoning for parks. With no further discussion the Mayor called for the vote, the motion passed unanimously.

Agenda #4 - Water and Sewer Allocation

Lane Engineer, LLC, submitted a request for water and sewer allocation for Fearins Crossing Phase 2. The Town Council had previously approved the submission of an amendment to the County Water and Sewer Plan. This amendment had been approved by the County on June 24, 2008. The allocation is for 14 units and is at a rate of 3150.

Mr. Kastning advised that the development has already received approval, however, there was a lot of discussion at the Planning Commission level and it did not receive unanimous approval.

Councilman Porter made a motion to grant the water and sewer allocation because the project has met all of the requirements, seconded by Councilman Branson. The motion did not pass 2-3, with Councilmen Moore and Porter voting yes and Councilmen Branson, Clendaniel and Mayor Foster voting no.

Further discussion was held in which Councilman Branson raised a concern about denying the allocation and the ramifications and considered changing his vote. Discussion continued after which Councilman Branson decided to leave his vote as is and wait and see what happens. The motion stood.

Agenda #5 -Denton Police Dept. Capital Expenditure

Chief Cox is seeking authorization to spend capital funds in the amount of \$8,551.16 to purchase new tactical bullet resistant vests for the tactical team. Currently officers are using their issued concealable body armor they wear while on routine patrol to conduct special operations. The concealable body armor is less resistant to bullet penetration, covers less of the body, and is not designed for high threat operations. The proposed body armor is more resistant to bullets, covers more of the body, and is designed for higher risk operations. Chief proposed to purchase a total of 6 vests.

Mayor Foster stated that he would like to discuss this in executive session along with some other issues and seek legal advice.

Councilman Clendaniel made a motion to table this agenda item to obtain some legal advice on police issues, seconded by Councilman Moore. The Mayor asked to have this item placed on the agenda for discussion with the boat ramp fees in executive session at the January meeting.

Councilman Branson thanked Mr. Kastning for a wonderful presentation on the zoning map and asked him to express appreciation to his staff for their work efforts in pulling this together.

Councilman Branson thanked Councilman Randy Moore for his time on the board.

Councilman Moore thanked his fellow Council members for being so nice to him and expressed thanks to the staff for working so well with him.

With no further business to discuss, Councilman Branson made a motion at 8:49 PM to adjourn the meeting, seconded by Councilman Moore, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*