

December 3, 2007

**Executive Session**

*Councilman Clendaniel made a motion at 6:02 PM to hold an executive session to discuss some private and personnel issues within the Police Dept., private negotiations and letters of interest received for appointment to the Planning Commission.*

*Mayor Foster, Councilman Gregory & Councilman Clendaniel, were present during this session, along with the staff members Terry Fearins, Rodney Cox & Karen Monteith.*

*No action was taken during this session.*

*At 7:00 PM. Mayor Foster closed the executive session to begin the regular meeting.*

**Regular Meeting**

*Mayor Foster called the regular meeting of the Denton Town Council to order at 7:05 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.*

*Mayor Foster announced that the Town Council had just held an executive session to discuss some private and personnel issues within the Police Dept, some private negotiations and Planning Commission letters of interests.*

*Councilman Porter made a motion to approve the minutes of the November 5, 2007 regular meeting and the November 19, 2007 working session meeting, seconded by Councilman Clendaniel, passing unanimously.*

**Public Hearing**

**Resolution #698- Sharp Road Annexation**

*Mayor Foster opened a public hearing at 7:08PM to receive public comments on Resolution #698. A resolution of the Denton Town Council to annex certain lands located on the south side of the Town of Denton on the south side of Sharp Road, and including portions of Sharp Road and Lupine Lane, in the Third Election District, Caroline County, Maryland, and consisting of 17.127 acres of land, more or less and to provide for the terms and conditions of the annexation to the Town of Denton.*

*Mayor Foster asked for comments from the State – there were none*

*Mayor Foster asked for comments from the Public –*

*Ms. Cynthia McCann attorney representing Chris Coile Development LLC and the petitioners provided an overview of the annexation.*

*Mr. Coile added that the annexation will help with some storm water management issues and provide for the ability to relocate the pump station out of Denton Elementary School. Mr. Coile also advised that there is no new development proposed on the properties being considered for annexation.*

*Ms. Brynja Booth, Town Attorney mentioned that the Attorney for Caroline County Mr. Ernie Crowfoot had advised early this date in a phone conversation that the County had no position on this annexation.*

*A letter received from the Maryland Department of Planning was submitted to the Council for the record.*

*Councilman Clendaniel asked questions about the existing zoning on these properties and if extra lots were possible. Also questioned tax abatements.*

*Mr. Dave Wolcott – Engineer from McCrone advised the Council that the existing town boundary is in the middle of the river up to the area of Sunset Drive, shortly there after the boundary moves to the river bank, explaining the contiguity and how the lands west of Denton were previously annexed.*

*Ms. McCann advised that this is a selective annexation, no present water and sewer is necessary and that no new development is planned for these parcels. Ms. McCann advised that the annexation agreement does provide for a waiver of town taxes to these property owners until services are required or the property has a change of ownership. Ms. McCann provided a letter of support from the Caroline County Board of Education for the record. The annexation potentially creates new improvements and services to be provided and asked the Council to vote to approve the annexation.*

*Mayor Foster asked for comments from the County – there were none*

*Mayor Foster asked for any other comments – there were none*

*With no further comments Mayor Foster closed this public hearing at 7:43PM.*

**Ordinance #548 – Residential Sprinkler Ord. Amendment**

*At 7:44 PM Mayor Foster opened a public hearing to receive comments on Ordinance #548. An ordinance of the Town of Denton Town Code, to provide that, the residential sprinkler requirement shall not apply to seasonal cottages or recreational structures that do not exceed 780 square feet.*

*Mayor Foster asked for any comments from the State – there were none*

*Mayor Foster asked for any comments from the County – there were none*

*Mayor Foster asked for any comments from the Council –*

*Councilman Gregory asked is the Fire Company had any input on this amendment. Both Councilman Porter and Branson spoke on behalf of the Fire Dept. advising that the fire dept. did not have any problem with the adoption of this ordinance.*

*Mayor Foster asked for any comments from the Public –*

*Pastor Lecates expressed that he positively appreciated working with the Council on this ordinance and asked for their support in adopting it.*

*With no further comments Mayor Foster closed this public hearing at 7:46 PM.*

**Ordinance #549 – Ind. Park – Contract of Sale Lot 2 Expansion III**

*At 7:46 PM Mayor Foster opened a public hearing to receive comments on Ordinance #549. An ordinance that provides authorization to proceed with the sale of Lot #2 in the Expansion Area III of the Denton Industrial Park.*

*Mayor Foster asked for any comments from the State – there were none*

*Mayor Foster asked for any comments from the County – there were none*

*Mayor Foster asked for any comments from the Council – there were none*

*Mayor Foster asked for any comments from the Public – there were none*

*With no comments Mayor Foster closed this public hearing at 7:47PM*

**Ordinance #550 – Ind. Park – Contract of Sale Lot 3 Expansion III**

*At 7:47 PM Mayor Foster opened a public hearing to receive comments on Ordinance #550. An ordinance that authorizes the Town to proceed with the sale of Lot #3 in the Expansion Area III of the Denton Industrial Park.*

*Mayor Foster asked for any comments from the State – there were none*

*Mayor Foster asked for any comments from the County – there were none*

*Mayor Foster asked for any comments from the Council – there were none*

*Mayor Foster asked for any comments from the Public – there were none  
With no comments Mayor Foster closed this public hearing at 7:48 PM.*

**Ordinance #551 – Conveyance of Button Factory Property**

*At 7:48 PM Mayor Foster opened a public hearing to receive public comments on ordinance #551. An ordinance authorizing the sale and conveyance of the Button Factory Facility as more fully described in a deed recorded among the land records of Caroline County at Liber 340, Folio 474.*

*Mayor Foster asked for any comments from the State – there were none  
Mayor Foster asked for any comments from the County – there were none  
Mayor Foster asked for any comments from the Council – there were none  
Mayor Foster asked for any comments from the Public – there were none  
With no comments Mayor Foster closed this public hearing at 7:49 PM.*

**Petitions, Remonstrance's and Communication**

**Caroline County Chamber of Commerce**

*The Chamber of Commerce is holding its first Annual Membership Dinner Meeting and extended an invitation to the Council.*

*Councilman Porter is planning to attend.*

**Caroline Economic Development Corporation**

*Mr. JOK Walsh, Executive Director for the Caroline Economic Development Corporation, provided a written request seeking input from the Town Council on filling an existing vacancy.*

*The Council will consider submitting a nomination.*

**Maryland Department of Transportation – Long Range Transportation Update**

*An invitation from MDOT to participate in updating the State's long range transportation plan was provided to the Council.*

*Informational only no action was required.*

**Ordinances and Resolutions**

**Resolution #698 – Sharp Road Annexation**

*At the September 10, 2007 meeting the Town Council directed the Town Attorney to prepare an annexation resolution for properties along Sharp and Lupine. This was introduced at the October 1, 2007 meeting and was presented for consideration of adoption.*

*Councilman Porter made a motion to adopt resolution #698, authorizing the Mayor to sign any agreements associated with it, seconded by Councilman Gregory.*

*In discussion the Town Attorney clarified the agreements. Councilman Branson advised that upon adoption it is the discretion of the Council to vote yes or no in any agreements.*

*Ms. McCann provided an overview of the annexation agreements, and advised that the project offers very little impact to the Town.*

*Mr. Coile explained the Glenfield project and advised the Council that if they did not want this project to not to adopt the annexation resolution.*

*Councilman Gregory asked to clarify that the property owners would not be required to connect to the Town services until their system fails or there is a change of ownership and was advised this is correct.*

*Mr. Coile provided an overview of the cost involved in this annexation.*

Councilman Gregory announced that he planned to vote in favor for the annexation, expressing that he has seen what this developer has done and from past experience he recognizes that Mr. Coile honors his word. Councilman Gregory continued stating that this is the type of growth that he would like to see in this town.

The Mayor called for the vote.

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

Councilman Branson added one comment that he does not like the abatement of taxes.

**Resolution #700 - MD 313 Ruff Family/Suppo & Wells Annexation**

At the November 5<sup>th</sup> meeting the Town Council directed the Town Attorney to prepare an annexation resolution for the Ruff Family and Suppo & Wells property. This resolution was presented for consideration of introduction.

Councilman Branson made a motion to introduce resolution #700 as long as it does not include any real estate tax abatements, seconded by Councilman Porter. In discussion Mr. Parker advised that they are not seeking any tax abatement. The motion passed unanimously.

**Ordinance #548 –Residential Sprinkler System Amendment**

In response to an inquiry from the Wesleyan Camp Director, Rev. Lecates, 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 1<sup>st</sup> meeting Mrs. Booth prepared an amendment to the ordinance that would exclude seasonal cottages and recreational structures that do not exceed 780 sq ft. The ordinance was presented for consideration of adoption.

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

**Ordinance # 549 Ind. Park Contract of Sale Lot #2 IP 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. If adopted settlement would be scheduled within 90 days of an executed agreement.

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

**Ordinance # 550 Ind. Park Contract of Sale Lot #3 IP 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. If adopted settlement would be scheduled within 90 days of an executed agreement.

Councilman Branson made a motion to adopt ordinance #550, seconded by Councilman Clendaniel, passing unanimously.

**Ordinance # 551 – Conveyance of Button Factory Property**

The Council reviewed a written request from Mr. Donald Braden, attorney for Mr. Zeb Brodie, 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. The ordinance was introduced at the November 5<sup>th</sup> meeting and was brought before the Council for consideration of adoption.

Councilman Branson asked the Town Attorney if the terms between the County and the State would provide any liability for the Town. Ms. Booth responded that the Town has no responsibility to repay anything and that the County Attorney, Mr. Ernie Crowfoot will coordinate with the State prior to settlement.

Councilman Branson stated that with no financial burden to the citizens of Denton he made a motion to adopt ordinance #551, seconded by Councilman Porter. In discussion Councilman Gregory asked if the Town will incur any cost, and Ms. Booth advised that the option is with Mr. Brodie and he has to exercise it and will cover all cost. The motion passed unanimously.

**Ordinance # 552 Ind. Park Contract of Sale Lot #1 IP Expansion III**

Judge Yachts has submitted a letter of interest in purchasing Lot #1 in the third expansion area of the Denton Industrial Park. Brynja Booth prepared an ordinance and contract for the Council's consideration of introduction.

Councilman Branson made a motion to introduce ordinance #552, seconded by Councilman Porter. Discussion was held in which Councilman Porter asked that the agreement be amended to require Judge Yachts to cover the cost associated with the transfer. With the amendment the motion passed unanimously.

**Ordinance # 553 Ind. Park Contract of Sale Lot 10A-2**

The Town of Denton had sent Black Oak Properties, LLC, a non-binding Letter of Intent to sell Lot 10 A-2. The Town could not formally enter into a contract of sale until Lot 10A was purchased by the Town. Settlement has taken place and the Town now owns Lot 10A. The Planning Commission has approved the subdivision plat. The Town Attorney drafted Ordinance #533 and a Contract of Sale that was brought before the Council for consideration of introduction. This lot is proposed for the relocation of Hershey Creamery Distribution facility.

Councilman Branson made a motion to introduce ordinance #553, seconded by Councilman Porter, passing unanimously.

**Reports of officers, board and committees**

None

**Unfinished Business**

**Agenda #1- Fortner Letter of Request**

At the November 5, 2007 meeting the Town Council had discussion with the Fortner's on their request to have their town real estate taxes abated. The Fortner's follow up written response was presented to the Council for consideration.

Councilman Gregory questioned the Fortner's flip-flop about de-annexing from the last meeting and asked if they wish to be in town or not. If located in Town why would the Council want to abate the taxes.

The Fortner's advised that they wished to keep their property in town and continue working with Mr. Cipretti on the project proposed.

The Town Administrator provided an overview of the conversation with the Fortner's and Mr. Cipretti after the last Council meeting.

Councilman Gregory stated that the issue regarding the taxes should really be taken up with Mr. Cipretti and that they should pay the taxes.

Councilman Clendaniel agreed with Councilman Gregory but would like to help the Fortner's if possible. He questioned if there was some way to defer the taxes or make Mr. Cipretti pay the taxes as part of the project, but then recognized that if the project does not go through the Town would be out the funds.

Councilman Gregory recommended to the Fortner's to try to work this out with Mr. Cipretti because it really has nothing to do with the Town.

Councilman Branson made a motion to table this item. Motion was withdrawn. No action was taken by the Council.

### **Agenda #2 - Basketball Court**

The Town of Denton had written the County requesting the opportunity to locate a basketball court in the undeveloped area behind the Health and Public Service Building (HAPS.) A copy of the County's response which included recommendations from Sue Simmons was reviewed. Mrs. Simmons recommended retrofitting an existing tennis court at the Fourth Str. Park, or incorporating into the master plan design for the Sharp Road Park or facilitating the purchase of a portion of property located on the corner of Caroline St and MD 313.

Chief Cox suggested Lockerman Ball field since it is already an athletic field.

Mayor Foster asked to send a follow up letter to the County.

### **Agenda #3 - Director of Housing and Community Development**

The Denton Town Council had discussed amending the present class specification for the Director of Housing and Community Development.

Councilman Gregory asked to defer this item for further discussion at the Dec. 17, 2007 workshop.

Councilman Clendaniel suggested that the Town Administrator talk with Stacey Weisner, Caroline County Planning Director and obtain her input as well.

No action was taken on this item.

### **New Business**

#### **Agenda #1 -Main Street Program**

Ms. Jessica Perez was introduced as Denton's new Main Street Manager.

Ms. Perez went over a Memorandum of Understanding that was provided by the Department of Housing and Community Development as a requirement of the National Main Street Program and asked the Council to consider adopting.

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

Councilman Clendaniel encouraged Ms. Perez to go out and talk about the Main Street program to existing businesses.

#### **Agenda #2 -Planning Commission and Board of Appeals Re-appointment/Appointment**

Presently two Planning Commission member's terms expire in December and Mr. David Grey has resigned from the Planning Commission. Mr. Ed Bell has moved and subsequently resigned from the Board of Appeals. The vacancies were advertised and

letters of interested that have been received were presented to the Town Council for consideration.

Councilman Branson made a motion to re-appoint Mrs. Valerie Miller to the Planning Commission, appoint Mr. Frank Fluharty to the Board of Appeals, and to appoint Mr. Greg Socks and Mr. William Quick to the Planning Commission, seconded by Councilman Gregory.

In discussion Councilman Clendaniel advised that there is also a vacancy on the Economic Development Committee and ask Mr. Quick if he would be interested in being appointed to that position instead.

Mr. Quick responded that he was in pursuit of the application to be appointed to the Planning Commission and was not familiar with the Economic Development position.

Councilman Clendaniel stated that he was in favor of appointing Mr. Dean Danielson to the Planning Commission and that if Mr. Quick was interested in the EDC he would support that.

Councilman Gregory supported Councilman Clendaniel's recommendation.

Councilman Porter stated that he was considering appointing Mr. Danielson to replace Mr. Gray due to his construction background, reappointing Mrs. Miller and appointing Mr. Socks in place of Mr. Fluharty because of his fire background.

Councilman Clendaniel re-iterated that he wished to appoint Mr. Danielson and reappoint Mrs. Miller and to hold off on deciding the third person until the January meeting.

Councilman Branson withdrew his motion.

Councilman Clendaniel made a motion to appoint Mr. Dean Danielson to fulfill Mr. David Gray vacancy and to re-appoint Mrs. Valerie Miller and to appoint and move Mr. Fluharty to the Board of Appeals and decide on the remaining Planning Commission seat in January, seconded by Councilman Porter, the motion passed unanimously.

Mrs. Doris Walls, president of the Planning Commission confirmed that Mr. Fluharty would not transfer boards until the end of the year.

Mr. Quick advised the Council that he would speak with JOK Walsh about the EDC board but would rather serve on the Planning Commission.

### **Agenda #3 - Maryland Municipal League – Municipal Main Street**

The Town of Denton participated last year in the Municipal Main Street at the MML Convention. The Council was asked if they wish to consider having a booth at the 2008 Convention. The cost is \$175. If approved staff will look to have the same booth space as last year.

Councilman Porter made a motion to participate again, seconded by Councilman Gregory, passing unanimously.

### **Agenda #4 - Water and Sewer Allocation**

A copy of requests for water and sewer allocation for John Draper/John W. Logan – Corner of 8<sup>th</sup> and Gay Street 4 units for a total of 900 gpd. was reviewed by the Council.

Councilman Branson made a motion to allow the allocation request, seconded by Councilman Porter, passing unanimously.

### **Agenda #5 - Denton Development Corporation**

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*Councilman Clendaniel requested the opportunity to discuss participation from the Town Council on the Denton Development Corporation board.*

*The Council asked to seek Ellis Davidson's opinion on a Council member serving on this board.*

*The Council held discussion as to whether formal recognition had been done in memory of former Councilman Brad Horsey and the possibility of naming a street after him.*

*Staff will see what has been done and report back to the Council.*

**Agenda #6 - County Municipal Joint Planning Resource Element**

*At the Association of Municipality meeting, Stacy Weisner, Director of Planning for Caroline County, had offered for the County and Towns to work together on a Joint Water and Sewer Resource Element plan. Ms. Weisner is going to provide the Town with a MOU for consideration. Looking for sense of direction from the Council to continue moving forward.*

*The Council expressed interest. Staff will work with the County on this.*

*A working session will be held on December 17, 2007 at 6:00, staff was directed to provide food.*

*With no further discussion Mayor Foster adjourned this meeting at 9:34 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*