

December 4, 2006

Executive Session

Councilwoman Stockley made a motion at 6:05 PM to hold an executive session to review the personnel evaluation for the Town Administrator and to discuss the proposed impact fee assessment and other personnel issues, seconded by Councilman Horsey, passing unanimously.

All Council members were present during this meeting, no action was taken.

With no further discussion the executive session was closed at 7:00 PM.

Regular Meeting

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.

Mayor Branson advised the Public that the Council had held an executive session prior to this meeting to review the personnel evaluation for the Town Administrator, discuss the proposed impact fee assessment and other personnel issues.

Councilwoman Stockley made a motion to approve the minutes of the November 6, 2006 meeting, seconded by Councilman Gregory, passing unanimously.

Public Hearing

Ordinance #530

Mayor Branson opened a public hearing at 7:05 PM to receive public comments on Ordinance #530 which amends chapter 114 of the Denton Town Code to establish a Brown fields Property Tax Credit for qualified Brown fields sites located within the Town of Denton for the taxable year beginning July 1, 2007. Staff provided an overview.

Mayor Branson asked for comments from the State – there were none

Mayor Branson asked for comments from the County – there were none

Mayor Branson asked for comments from the Council – there were none

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

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

Ordinance #531

Mayor Branson opened a public hearing at 7:07 PM to receive public comments on the acquisition of 15 S. Third Street.

Mayor Branson asked for comments from the State – there were none

Mayor Branson asked for comments from the County – there were none

Mayor Branson asked for comments from the Council – there were none

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

With no further comments Mayor Branson closed this public hearing at 7:09 PM.

Petitions, Remonstrance's and Communication

Councilman Horsey expressed appreciation for all of the calls, flowers and support that he had received during his recent illness.

Councilman Horsey announced that this was Councilwoman Stockley last official meeting and expressed how much she will be missed. Best wishes were given by all.

Ordinances and Resolutions

Resolution #690 Camp Road Annexation:

A resolution prepared by the Town Attorney for the annexation of Camp Road, and the single parcel owned by Sheila Behlke Benchoff. This annexation was recommended by the Planning Commission, and previously supported by the Town Council to facilitate control of Camp Road. The parcel is within the Town Growth Area

as defined in 1997, and is the only remaining parcel on the south side of Camp Road not located within the town limits. Ms Benchhoff's current use of the property as her home would continue. Total acreage in the annexation is 17.19 acres including the road.

This item was deferred until a later date.

Ordinance #530 Establishing Brown fields Property Tax Credit for Qualified Brown fields Sites:

An Ordinance Amending Chapter 114 of the Denton Town Code to establish a Brown fields Property Tax Credit for qualified Brown fields sites located within the Town of Denton for the taxable year beginning July 1, 2007.

Councilman Horsey made a motion to adopt Ordinance #530, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #531 Durner Building Acquisition:

The Town of Denton has leased the ground floor of the Durner Property. 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 and the Tourism program. 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. Requesting the Town Council consider entering into an agreement, and Town Staff work to structure acquisition and/or assignment which cash flows project and maintains occupancy of the DDC, MainStreet and Tourism. The Denton Development Corporation has agreed to purchase the property and continue leasing to the Town of Denton.

Councilwoman Stockley made a motion to adopt Ordinance #531, seconded by Councilman Gregory, the motion passed 4-1 with Councilman Horsey abstaining due to being a member of the DDC.

Ordinance # 532 Hunting Ordinance:

An ordinance prepared by the Town Attorney that would amend the Town Code that regulates the discharge of firearms. Specifically, the amendment proposes to allow hunting on a parcel of land 50 acres or larger. State and Dept of Natural Resources laws regarding safety would continue to remain unmodified. The ordinance was modeled after other communities that have large tracts of undeveloped property where hunting has taken place.

Councilman Horsey made a motion to introduce Ordinance #532, seconded by Councilman Foster, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Municipal Building Design:

As directed by the Town Council, the Municipal Building Committee met with Greg Torchio to review the design of the municipal building with respect to the proposed Pattern Book. A copy of the proposed amendment to reflect LEED Certification was presented to the Council.. Mr. Greg Torchio was present to discuss this amendment, the LEED Certification process and municipal building design.

Councilman Gregory made a motion to table this item until the Jan. 8th meeting, seconded by Councilwoman Stockley, passing unanimously.

Agenda #2 Impact Fee Study:

Urban Design Analytic has completed the Impact Fee Study for the Town of Denton. A copy of the study was provided to the Council. Mr. Dean Ballas will be available to attend the Dec. 11, 2006 working session to meet with the Council and review the study prepared. If introduced at the December 4th meeting, a Public Hearing can be scheduled for the January 8th Council meeting. As the Council considers the establishment of an Impact Fee, the Council may wish to consider a review process.

Councilman Horsey made a motion to introduce Ordinance #533, impact fees, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #3 Water System Utility Easement Choptank Electric:

A Utility Easement Agreement between the Town of Denton and Choptank Electric was provided to the Council for review. Staff advised that the Utility Commission gave a favorable recommendation. The Town Attorney advised that two separate agreements were prepared, one between the Town of Denton and Choptank Electric, and the other is a reimbursement agreement between the Town and Crouse Farms.

Councilman Gregory made a motion to enter into the agreements with Choptank Electric and Crouse Farms, seconded by Councilwoman Stockley, passing unanimously.

Agenda #4 Welcome Center Crouse Memorial Park:

Ellis Davison, Project Manager for the Denton Development Corporation made a presentation to the Council on the Welcome Center Crouse Memorial Park project, seeking support to generate a formal scope change request to the State Highway Administration and Program Open Space.

Councilman Foster made a motion to allow the Mayor to sign a letter of support to the State Highway Administration and to send a letter in support for Open Space funding, seconded by Councilman Gregory, passing unanimously.

Agenda #5 Community Legacy:

The Council reviewed the request from the Denton Development Corporation to consider making a formal request to the Maryland Department of Housing and Community Development to have the loan portion of the Community Legacy funding received to be converted to a grant, with no repayment obligation. This is specifically for funding received from the Community Legacy program for the Fourth Street Arts and Entertainment District.

Councilman Gregory made a motion to support the Denton Development Corporations request, seconded by Councilman Stockley, the motion passed 4-1, with Councilman Horsey abstaining due to being a member of the DDC..

Other Unfinished Business

None

New Business

Agenda #1 - Chesapeake Culinary Center Small Business Loan Deferment

Request:

The Council reviewed a request from the Chesapeake Culinary Center to defer loan payments on their two loans. Their request is for the deferment to continue one month beyond the date in which Lily Pad Café and Catering moves.

Councilman Horsey made a motion to allow Chesapeake Culinary Center to defer loan payments for 6 months, seconded by Councilman Gregory, passing unanimously.

Agenda #2 Mathew Brothers Loan Subordination Request:

The Council reviewed a request from Mathews Brothers for a loan subordination. They are seeking to refinance their existing operations prior to December 31st. If

approved by the Council, Town Staff are seeking authorization for the Mayor to sign the subordination documents. These will be reviewed by the Town Attorney.

Councilman Horsey made a motion to allow Mathews Brothers loan subordination request, seconded by Councilwoman Stockley, passing unanimously.

Agenda #3 Kathryn Court Transfer:

The Council was requested to authorize the Mayor's signature on a deed transferring ownership of Kathryn Court, located in the subdivision known as "Edenton", to the Town of Denton. The current owner, Jim Robinson, has completed all requirements set forth by The Department of Public Works and the Department of Planning. Brynja Booth has reviewed and approved the deed as well. A copy of the deed was provided along with a letter from Jim Robinson.

Staff advised that the Fire Department reviewed the plans before subdivision approval.

Councilman Horsey made a motion to adopt the Kathryn Court transfer, seconded by Councilman Foster, passing unanimously.

Other New Business

Councilman Gregory made a motion for the Town to become a member of the LESMA (Lower Eastern Shore Mayor's Association), seconded by Councilman Foster, the motion passed 4-1, with Councilman Horsey voting no.

Staff advised that the color choice for the background of the flag will be placed on the Jan. 8th agenda.

Councilman Horsey made a motion to direct the Town Attorney to amend the Impact Ordinance #533 to include a commercial impact fee, seconded by Councilman Foster, passing unanimously.

Councilman Foster asked when the construction on Rt. 404 was scheduled to be complete and was advised in the fall of 2007.

Councilman Foster asked about the Police Dept. building dedication, staff advise that the final work is finished. Looking to schedule the dedication.

Councilman Foster asked about the lights in Savannah Overlook, staff advised that phase one is about complete.

Jennifer Shull advised the Council that the Advisory board for the Upper Shore Water Shed, decided to change their members from staff to elected officials. Mayor Branson stated that he would like to see Jennifer continue to be the Town of Denton's representative, full support was received from the rest of the Council members.

With no further discussion Mayor Branson adjourned this meeting at 8:45 PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer