

September 6, 2012

Caroline County Commissioners Meet & Greet

The Caroline County Commissioners held a casual question and answers Municipal Town Hall Tour Meeting prior to the Council's regular monthly meeting. In which the Town Council, staff and residents attended.

During this meeting, the County Commissioners discussed their plans and ideas for the upcoming State Highway Administration meeting; ideas for offering community swimming lessons; goals for seeking a local health care facility; explaining the disparity grant and what will be required for future funding for the State Teachers Pensions; the County is working on drafting a 20 year infrastructure plan; efforts for business recruitment initiatives; provide an update on the status of the Ridgely Tech Park; eliminating County involvement in future grant administration for outside agencies; discussion on upcoming debt that will be incurred for improvement planned for Chesapeake College and the status of the North County Water system, ideas and concerns for the next State legislative session.

Mayor Porter questioned if the residential trash collection site permits are covering the cost of trash collections. He expressed that if the permit fees are not covering the expense of the collection sites, then Denton residents are subsidizing out of Town trash collection, which is unfair for the Town's to still be paying to cover this cost.

Regular Meeting

Mayor Porter 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 Porter asked that the record reflect that all Council members were present with the exception of Councilman Gregory who was away on personal business.

Councilman Danielson made a motion to approve the minutes of the August 2, 2012 regular meeting, seconded by Councilwoman Case, passing unanimously.

Public Hearing

Resolution #772 – Foster Annexation Amendment

Mayor Porter opened a public hearing at 7:04 PM to receive public comments on Resolution #772 – A resolution of the Town of Denton approving an amendment to the February 6, 2006, annexation agreement between the Town of Denton and Denton Sales and Rentals, LLC, and Superior Rentals, LLC.

Mayor Porter asked for any comments from the State – there were none.

Mayor Porter asked for any comments from the County – there were none.

Mayor Porter asked for any comments from Council Members – there were none.

Mayor Porter asked for any comments from the Public –

Attorney Robert Jarrell representing Denton Sales and Rentals LLC and Superior Rentals LLC explained that this was a request from the owners that the zoning be changed from “Planned Neighborhood” to “Regional Highway Commercial (RHC). The Town and the Property Owners no longer wish to have the property developed as a Planned Neighborhood.

Alan Lockerman from the neighboring property outside of the Town limits voiced his concerns on what this change could do to his property.

Letters were also entered into the record from Michael Lewis of 24903 Woods Drive and Fred and Patricia Hubbard of 10614 Greensboro Rd. who opposed the

amendment and have concerns with the increased traffic and feel that Legion Road would be a better place for Commercial.

With no further discussion, Mayor Porter closed this public hearing at 7:15 PM

Petitions, Remonstrance's and Communication

Proclamation - Lt. Richard Roark

The Town Council approved a proclamation in recognition, thanking Lt. Richard Roark for his dedicated service in the U.S. Marine Corps and to welcome him home, back into the States.

Proclamation – Captain John Campbell

The Town Council approved a proclamation in recognition, thanking Captain John Campbell for his dedicated service in the U.S. Marine Corps and to welcome him home, back into the States.

Proclamation- Sgt. Justin Smith

The Town Council approved a proclamation in recognition, thanking Sgt. Justin Smith for his dedicated service in the U.S. Marine Corps and to welcome him home, back into the States.

2007 Heritage Grant

Mrs. Kathy Mackel, Director of Caroline County Tourism, spoke to the Council in regards to a 2007 Heritage Grant for Murals that Dorchester County has taken on. This is a \$100,000 grant that will be managed by Dorchester County and requires no match of cash or in kind. Denton and Federalsburg will share in this. Three murals 20 feet high by 50 feet long reproduced from pictures from Sonny Callahan would be placed on the stances under the bridge at Crouse Park. They are just waiting for approval from State Highway to place the murals on the bridge stances.

Councilman Danielson made a motion to support the efforts of this project as long as there is no cost or maintance needed from the Town, seconded by Councilman Clendaniel, passing unanimously.

Ordinances and Resolutions

Resolution #772 – Foster Annexation Amendment

A resolution of the Town of Denton approving an amendment to the February 6, 2006, annexation agreement between the Town of Denton and Denton Sales and Rentals, LLC, and Superior Rentals, LLC.

Attorney Sharon VanEmburch suggested that this item be deferred until Ordinance #648 is approved. This item was deferred at the August 2nd Town Council Meeting and was on the agenda for consideration of adoption.

Councilman Clendaniel made a motion to defer adoption of Resolution #772, seconded by Councilwoman Case, passing unanimously.

Resolution #776 - Smart Growth Grant Application

A Resolution of the Town of Denton approving the application and receipt of financing for a Strategic Demolition & Smart Growth Impact Fund project in Denton, Maryland to be funded either directly by the Department of Housing and Community Development of the State of Maryland or through other departments or agencies of the State of Maryland.

Mr. Don Mulrine, Town Administrator, gave an explanation of the project and asked for the support of the Council. The town has been working with Mr. Bill Clemens from Caroline County Habitat for Humanity. There are 34 locations in town that are

condemned and or vacant. This grant would help fund the purchase and demolition of the properties so that single family homes can be built and the properties can then go back on the tax rolls. The request is for \$150,000 to \$250,000.

Councilwoman Case asked if office time would be the only requirement of the Town and could it be handled by the staff.

Mr. Mulrine replied that was correct.

Councilman Danielson made a motion to adopt Resolution #776, seconded by Councilwoman Case, passing unanimously.

Ordinance # 645 – Water Rate Revision

An Ordinance proposing to revise the Water Rates per the Denton Utility Commission's recommendation as presented at the July 5, 2012 Council meeting. The increase of 20 cents per 1,000 gallons along with a \$3.00 increase to the base fee, if adopted will be implemented October 1.

Councilman Clendaniel said that it was hard to vote for citizens to have to pay more during a bad economic time, but the original model was based on connections and with the slow down in the housing market there are no new home connections.

Councilman Danielson remarked that with the State's requirement that the Water Fund be self-sufficient, the rates have to be increased.

Councilman Clendaniel remarked that Andy Mackel and the Utility Commission have fixed the model and the fund was in the red a few years ago and is now in the black.

Mayor Porter said that the only alternative is to not do any maintenance.

Councilman Danielson made a motion to adopt Ordinance #645, seconded by Councilman Porter, passing unanimously.

Ordinance # 646 – Sewer Rate Revision

An Ordinance proposing to revise the Sewer Rates per the Denton Utility Commission's recommendation as presented at the July 5, 2012 Council meeting. The increase of 37 cents per 1,000 gallons along with a \$3.00 increase to the base fee, if adopted will be implemented on October 1.

The Council thanked the Utility Commission for doing a good job and also thanked Scott Getchel and his crew on the job they do.

Councilman Danielson made a motion to adopt Ordinance #646, seconded by Councilman Porter, passing unanimously.

Ordinance #647- Zoning Map Update

An Ordinance of the Denton Town Council to repeal and reenact the Official Zoning Map for the Town of Denton to update the Official Zoning Map of the Town of Denton. This amendment includes the corrections to the map for the Allston /Foster Annexation.

Councilwoman Case made a motion to introduce Ordinance #647, seconded by Councilman Danielson, passing unanimously.

Ordinance #648 – Foster Rezoning

An Ordinance of the Town of Denton, granting the application of Denton Sales and Rentals, LLC, and Superior Rentals, LLC, to rezone parcels 1025 and 1026 on Caroline County Tax Map 101 from Mixed Residential (MR) and Rural Agriculture (RA) to Regional Highway Commercial (RHC).

Councilman Danielson explained that this was recommended by the Planning Commission for approval. There is a lot of land available for housing and this would better fit the comprehensive plan for Business.

Councilman Danielson made a motion to introduce Ordinance #648, seconded by Councilman Case, passing unanimously.

Ordinance #649 - Zoning Sign Amendment

An ordinance of the Town of Denton amending the zoning ordinance provisions contained in Chapter 128 Sections 8, 128, and 142 of the Denton Town Code with respect to signs in commercial shopping and industrial centers.

Mr. Tom Batchelor, of the Department of Planning and Codes, advised that this would define the requirements for signs in the Commercial and Industrial Centers in Town. This was not done during the revision on the Code previously. There would be no changes to the Industrial Center Signage, but it would provide definitions, procedures and the appeal process guidelines for the Commercial Centers in Town. This will assist a business in marketing their business. The Planning Commission has reviewed this and provided their comments.

Councilman Danielson made a motion to introduce Ordinance #649, seconded by Councilman Clendaniel, passing unanimously.

Reports of Officers, Board and Committees

None

Unfinished Business

Agenda #1- Crouse Park Restaurant

This item is on the agenda for discussion regarding the developer, restaurateur, and CDBG staff.

Mr. Mulrine mentioned that there has not been any meeting with a developer and asked that this be deferred until the meeting with CDBG Staff. Mrs. Cindy Stone and Mr. Les Hall are scheduled to meet with the Mayor and Staff next week. They are trying to minimize the impact of closing out the project.

Agenda #2 - Parking Meters

This item is on the agenda to continue discussion from the July meeting about the most recent parking meter fee increase and the affect it has had on Caroline County Court House Staff and other users. Caroline County Staff have been working with the Mayor to come up with a proposal for consideration of the option for all users to purchase parking permits at a reduced rate for designated areas around the Court House green.

A draft of the proposal received from the County seeking consideration of allowing for the purchase of parking permits was provided to the Council for review along with additional comments received from Town Staff.

The Council will review the proposal and bring comments to the October 18, 2012 working session. This will allow for more time to explore the proposal and all options to come up with a solution that will work in the best interest of all parties involved.

Agenda #3 - Savannah Overlook

Mr. Mulrine asked that the Council to not move forward on this. Code enforcement for the Town had sent a letter to the owners requesting information on the storm water ponds and no response has been received.

Mr. Batchelor remarked that he has had a conversation with Tim Glass in regards to this request and it was suggested that the Developers have the Engineer provide the maintenance records to certify that the ponds work and are in good condition.

No action was taken by the Town Council on this agenda item at this time.

Miscellaneous Unfinished Business

Councilman Danielson suggested that Councilwoman Case respond to Mr. Owens questions and put the answers in writing as this has been going back and forth for some time and needs to be done with.

Councilwoman Case asked to clarify that if anyone in the audience asks a question and demands an answer in writing that anyone on the council would need to comply.

Councilman Danielson replied that he did not know the legal requirements but that she has remarked that she is more than happy to answer any questions that the people have.

Mr. Mike Owens, owner of Color and Clay, spoke and said that he wants them in writing so that if there is any question on what was said it can be verified.

Mayor Porter apologized that this has not been taken care of and stated that he will facilitate this and get it completed.

New Business

Agenda #1 - Septic Tier Map

Senate Bill 236 requires all jurisdictions to map Tiers for sewerage systems and adopt the Tier Map by October 1, 2012. SB236 allows jurisdictions to adopt the Tier Map administratively and incorporate the Tier Map into the next 6 year Comprehensive Plan review.

The Denton Planning Commission, Caroline County Planning and Codes, and Maryland Department of Planning have reviewed the proposed Septic Tier Map.

Mr. Mulrine remarked that this is in regards to the Governor's Initiative to do away with septic systems and run off. This is easy for the Town of Denton, because we have a sewer system in place and any new development will be connected to the system.

Councilman Danielson made a motion to adopt the Septic Tier Map and have the Mayor sign the letter that is to be forwarded to the Maryland Department of Planning as required by Senate Bill 236. The motion was seconded by Councilwoman Case, passing unanimously.

Agenda #2 - FY2014 Homestead Tax Credit Cap

This item is on the agenda for discussion to see if the Council wishes to make any changes to the Homestead Tax Credit Percentage for July 1, 2013.

The Homestead Tax Credit is available to all owner occupied residential properties in which the real estate tax on a qualifying property can not increase by more than 5% each year, no matter how much the assessment changes. The tax credit cap has remained the same since July 1, 2008 when the Council decreased the percentage from 10% to 5%.

At this time the Council does not wish to make any changes, therefore no further action is required.

Agenda #3 - Water Fund FY2013 Budget

The FY2013 Water Fund Budget was presented to the Town Council for discussion and consideration of Adoption.

Councilman Danielson made a motion to adopt the FY2013 Water Fund Budget as presented, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 - Sewer Fund FY2013 Budget

The FY2013 Sewer Fund Budget was presented to the Town Council for discussion and consideration of Adoption.

Councilwoman Case made a motion to adopt the FY2013 Sewer Fund Budget as presented, seconded by Councilman Clendaniel, passing unanimously

Miscellaneous

None

Executive Session

At this time the Mayor entertained a motion to go into executive session.

At 8:23 PM Councilman Danielson made a motion to hold an Executive Session to discuss contracts and possible litigation, seconded by Councilman Clendaniel, the motion passed unanimously.

At 8:26 PM the Closed Executive Session convened.

All Council members were present, with the exception of Councilman Gregory who was away on personal business.

Mr. Don Mulrine, Town Administrator, and Mrs. Sharon VanEmburch, Town Attorney, were also present during this session.

The Council held discussion with Staff and the Town Attorney on possible pending litigation, Attorney Applications and the Main Street Manager Applications and interviewing process.

No action was taken by the Council during this session.

At 8:37 PM, Councilman Danielson made a motion to close the Executive Session, seconded by Councilman Clendaniel, passing unanimously.

Regular Meeting Reconvened

At 8:38 PM, Councilman Danielson made a motion to reopen the regular monthly meeting, seconded by Councilwoman Case, passing unanimously.

At 8:38 PM, with no further business to discuss, Councilman Danielson made a motion to close the regular meeting, seconded by Councilman Clendaniel, passing unanimously.

Respectfully submitted,

*Joanna Reedy
Account Clerk III*