

August 5, 2009

Executive Session

At 6:17 PM Vice - Mayor Clendaniel made a motion to hold an executive session to obtain legal advice from the Town Attorney, seconded by Councilman Gregory, passing unanimously.

Councilman Branson and Porter were also in attendance along with the Town Administrator, Clerk-Treasurer and Stephen Kehoe, the Town Attorney. No decisions were made during this session. At 6:57 PM Councilman Porter made a motion to close the executive session, seconded by Councilman Gregory, passing unanimously.

Regular Meeting

Vice-Mayor Clendaniel 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.

Vice - Mayor Clendaniel announced that the Council had held an executive session earlier on this date to seek legal advice.

Councilman Gregory made a motion to approve the minutes of the July 6, 2009 meeting, seconded by Councilman Branson, passing unanimously.

Vice - Mayor Clendaniel asked that the record reflect that all Council members were present.

Appointment of Council member

With the resignation of Mayor Foster in July the Council took this opportunity to appoint a replacement to fill the vacancy through the end of 2009.

Councilman Porter made a motion to appoint Dr. Agnes Case as a new member to the Town Council, seconded by Councilman Branson. Vice-Mayor Clendaniel wished to note that Dr. Case has been serving on the Planning Commission for a while and had run for office in the Town election last year. The motion passed unanimously.

Election of Mayor

Councilman Gregory made a motion to nominate Lester Branson to serve as the Mayor for the remainder of the year, seconded by Councilman Porter, the motion passed unanimously.

Councilman Clendaniel will continue as the Vice-Mayor

Councilman Clendaniel made a motion to nominate Conway Gregory to serve as the Mayor Pro-Tem, seconded by Councilman Porter, passing unanimously.

Mayor Branson resided over the remainder of the meeting.

Public Hearing

Ordinance #583

Mayor Branson opened a public hearing at 7:04PM to receive public comments on Ordinance #583 – An Ordinance of the Town of Denton amending the Denton Town Code by amending Chapter 128-8 definitions, adding 128-42.1 to adopt procedures for notifying the Critical Area Commission of project approvals and denials and by amending 128-159 and 128-163 and adding 128-159.1 for the purpose of complying with House Bill 1253 to ensure that non-conforming lots in the Critical Area are brought into conformance with the Critical Area Program and generally relating to the consolidation or reconfiguration of existing lots of record in the critical area in the Town of Denton.

Mr. William Kastning, Director of Planning and Codes provided an overview of the proposed ordinance.

*Mayor Branson asked for comments from the State – there was none
 Mayor Branson asked for comments from the County – there was none
 Mayor Branson asked for comments from the Council – there was none
 Mayor Branson asked for comments from the Public – there was none
 With no further comments Mayor Branson closed this public hearing at 7:06 PM.*

Ordinance# 584

Mayor Branson opened a public hearing at 7:06PM to receive public comments on Ordinance #584 – An Ordinance for the Town Council for consideration of adoption, to amend the Town Code Chapter 125-5 regarding water and sewer allocations to delegate approval authority for a buildable approved lot not having already received allocations to the Director of Planning and Codes.

Mr. William Kastning, Director of Planning and Codes provided an overview of the proposed ordinance.

*Mayor Branson asked for comments from the State – there was none
 Mayor Branson asked for comments from the County – there was none
 Mayor Branson asked for comments from the Council – Councilman Gregory clarified with the adoption of this ordinance that the Planning & Codes Director would now be authorized to grant water and sewer allocation instead of the Town Administrator.*

*Mayor Branson asked for comments from the Public – there was none
 With no further comments Mayor Branson closed this public hearing at 7:10 PM.*

Petitions, Remonstrance's and Communication

Proclamation – Caroline Summerfest 2009

Mayor Branson read a proclamation drafted for the Council to recognize August 14 through August 16 as Caroline Summerfest Days in Caroline County and furthermore, extended their warm wishes to the general public who join in the Summerfest celebration.

Councilman Clendaniel made a motion to issue the proclamation, seconded by Councilman Porter, passing unanimously.

Chesapeake Culinary Center Presentation

As a follow up to the FY2010 budget process, Ms. Beth Brewster came before the Denton Town Council to provide an update on the Chesapeake Culinary Center Project.

Councilman Clendaniel expressed how great the project is and that he can't wait to see it complete and advised how important it is to keep in mind that the school will be located in a residential area.

Councilman Gregory complemented Ms. Brewster about being a catalyst for this project.

Ms. Brewster thanked the Council for their continued support and advised that the Shore Gourmet is ready to open, and that the Culinary School Project is scheduled for a visit by Comptroller Peter Franchot.

Special Events Permit

Farafina Kan Community Workshop

Caroline County Recreation and Parks submitted a special event permit form to hold an event at the Riverview Gardens Community Center. Farafina Kan will be holding a Community Drumming and Dance Workshop on August 11 & 14 from 7:30 pm to 9:30 pm.

Councilman Clendaniel made a motion to grant the special permit, seconded by Councilman Gregory, passing unanimously.

Councilman Clendaniel asked staff to follow up with Ann Jacobs regarding the car show on Market St. during Summerfest.

Introduction of Senior Codes Enforcement Officer

Mr. William Kastning, Director of Planning and Codes, took the opportunity to introduce Mr. Thomas Batchelor as the Town's new Senior Codes Enforcement Officer. The Council welcomed Mr. Batchelor.

Ordinances and Resolutions

Resolution #718 – Community Legacy Application FY2010

A resolution of the Town of Denton approving the submission of an application and receipt of financing for a Community Legacy Plan - Community Legacy Project. Funding is being requested for the Arts and Entertainment District.

Ms. Abby McNinch provided an overview of the Community Legacy project planned for FY2010.

Councilman Clendaniel made a motion to adopt Resolution #718 as presented, seconded by Councilman Gregory, passing unanimously.

Ordinance #583 – Critical Area Lot Consolidation

Ordinance #583 was brought before the Town Council for consideration of adoption, to amend Ordinance #575 adopted on May 4, 2009 to strike the phrase, "that are not individually owned" from 128-159.1 A. The Critical Area commission determined this phrase to be inconsistent with their regulations.

Mr. Bill Kastning, Director of Planning & Codes, provided an overview of the ordinance and answered questions.

Councilman Gregory made a motion to enact Ordinance #583, seconded by Councilman Clendaniel, passing unanimously.

Ordinance # 584 – Water and Sewer Allocation Process

An Ordinance for the Town Council for consideration of adoption, to amend the Town Code Chapter 125-5 regarding water and sewer allocations to delegate approval authority for a buildable approved lot not having already received allocations to the Director of Planning and Codes.

Councilman Porter made a motion to adopt Ordinance #584, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #585 – Plat Approval

An Ordinance for consideration of introduction, amending the land subdivision provisions contained in Chapter 73 of the Denton Town Code with respect to approvals of plats.

Mr. William Kastning, Director of Planning and Codes, provided an overview and recommended to the Council to consider a one-time extension of six months.

At the request of the Council, Mr. Tristan Stewart of McCrone provided an opinion on the terms of the approval process and expressed that six months time is a little short depending on the project and getting through the State process. Mr. Stewart suggested allowing for 2 six month extension or a maximum of 1 year.

Councilman Gregory asked if a 9 month preliminary plus a 6 month extension would be adequate. Mr. Stewart stated that would work, if a project takes longer than

there maybe other issues. Mr. Kastning acknowledged that this would not create any issues for the staff.

Councilman Porter made a motion to introduce the ordinance with a nine-month preliminary and six-month extension, seconded by Councilman Clendaniel. In discussion it was acknowledged that the motion amended the ordinance that was presented and changed the language from having a six-month preliminary to nine-month. The motion passed unanimously.

Ordinance #586 – Floating Zone Amendments

An Ordinance for consideration of introduction, amending the zoning ordinance provisions contained in Chapter 128 of the Denton Town code with respect to amendments for floating zones.

Mr. William Kastning advised that this ordinance is Attorney driven to clarify the floating zone language in the Town Code.

Councilman Porter made a motion to introduce Ordinance #586, seconded by Councilman Clendaniel, passing unanimously.

Reports of officers, board and committees

None

Unfinished Business

None

New Business

Agenda #1 – Reapplication of Gay Street Redevelopment Zone

Mr. Tristan Stewart, representing Bob Ciprietti of CIII Builders, came forth to ask the Council for consideration of granting an extension of the Gay St. redevelopment overlay zone. Mr. Stewart advised that the project went before the Planning Commission in April and with the economy in the state it is that they have been having trouble getting funding for the project.

Councilman Porter made a motion to grant an extension of one year from the expiration date, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 – Planning Commission Members

Mayor Branson advised that with the appointment of Dr. Agnes Case to the Town Council that it would be necessary for her to forfeit the alternate position that she currently holds on the Planning Commission at the time she is sworn into office on Sept. 14, 2009. Mayor Branson asked for Mr. Kastning to advertise for letters of interest for a replacement and to bring them before the Council for consideration of appointment in Sept.

Miscellaneous

Agenda #1– Wal-mart Update

Mr. Kastning came before the Council to provide an update on the Wal-mart project. Mr. Kastning advised that Wal-mart is scheduled to be on the Planning Commission's Aug. 25 agenda for consideration of a preliminary. If approval is granted at the Planning Commission meeting, construction could possibly start in the spring of 2010.

Agenda #2 - Basketball Court Update

Councilman Porter advised that he has received some complaints about the new basketball courts regarding noise in the area. Mr. Tom Batchelor advised that he has inspected the workmanship of the courts and has been working with Brandon Nier to

notify the contractor about visible dips. Mayor Branson asked about lights and was advised that there are no lights at the Sharp Road Park and that it closed at dark.

Any concerns about noise are encouraged to contact the Denton Police Dept.

Residential Rental

Mr. Kastning's took the opportunity to advise the Council that a follow up letter went out regarding the Rental Registration Ordinance to all that have not complied.

Mr. Kastning also advised that the Planning Commission had designed a four-page/thirty question survey to assist them with what landowners would like Denton to be when it grows up.

Councilman Gregory went back to rental registration and asked about penalties for not complying and was advised by Staff that a citation would be issued using the Town Codes municipal citation laws.

Summerfest

The Council was reminded about participating in the opening ceremony for Summerfest on Friday at 4:45 PM.

With no further business to discuss Mayor Branson adjourned this meeting at 8:25PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*