

May 7, 2007

Executive Session

The Denton Town Council voted unanimously to hold an executive session on this date at 6:05 PM to discuss a personnel performance evaluation. No action was taken.

Denton Town Council members that were present included Mayor Foster, Councilmen Branson, Gregory and Clendaniel. The executive session was closed at 6:50 PM.

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 and a moment of silence in memory of their colleague.

Mayor Foster asked that the record reflect that all Council members were present.

Councilman Clendaniel made a motion to approve the minutes of the April 2, 2007 regular meeting as presented, seconded by Councilman Gregory, the motion passed. Councilman Branson abstained as he was unable to attend that meeting.

Councilman Clendaniel made a motion to approve the minutes of the April 16, 2007 working session as presented, seconded by Councilman Branson, the motion passed unanimously.

Councilman Branson made a motion to approve the minutes of the April 30, 2007 working session as presented, seconded by Councilman Clendaniel, the motion passed. Mayor Foster abstained as he was unable to attend that meeting.

Councilman Branson made a motion to approve the minutes of the April 30, 2007 Special meeting as presented, seconded by Councilman Clendaniel, the motion passed. Mayor Foster abstained as he was unable to attend that meeting.

Proclamation

The Mayor proclaimed the week of May 20-26, 2007 as National Public Works Week. The Director of Public Works and several members of the Department were present.

Public Hearings

Ordinance #536

At 7:08 PM Mayor Foster opened a public hearing to receive comments on Ordinance #536 an ordinance which permits the Denton Town Council to establish Impact Fees for Residential and Commercial Uses.

Staff provided an overview of the amendments to the ordinance; the scheduled was revised by Mr. Dean Ballas.

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

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

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

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

With no further comments Mayor Foster closed this public hearing at 7:10 PM.

Ordinance #537

At 7:10 PM Mayor Foster opened a public hearing to receive comments on Ordinance #537 that would establish a requirement for sprinkler systems in all new residential one and two family homes. The ordinance also applies to substantial rehab in

residences where the value of the work exceeds 50% of the pre-construction assessed value.

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

Ms. Bonnie Johnson spoke on behalf of Mr. Jim Robinson in opposition of the ordinance being adopted, citing the history of damaged caused by sprinkler systems. Ms. Johnson asked the Council to consider creating a task force to further investigate before making this law in Denton.

Mr. Jeff Trice expressed concerns of the economic impact adopting this ordinance would cause and that it would hurt affordable housing, depressing the market.

Mr. Farin Taylor of the MD State Fire Marshall Assoc. expressed that the cost to install would add around 1 to 1 ½ % per sq. ft. to the price of the house. He provided statistics regarding death's within the State of Maryland. Mr. Taylor advised that areas that have adopted similar legislation have seen a reduction in deaths caused by fires.

Mr. Jim Didanato of Mallard Homes spoke in opposition of this being adopted, expressing that the cost to add sprinklers in their project has been greater than the percentage that the Fire Marshall's office is predicting.

Mr. Danny Foster asked for the Fire Marshall's information to be provided in writing to the Council to review prior to making a decision to adopt this legislation.

Ms. Anne Jones questioned how long the Council has been reviewing this legislation and raised concerns on including renovated homes.

Mr. Doug Alexander of Carroll County, with the MD State Fire Association spoke on behalf explaining that this would have a positive impact on the Volunteer Fire Dept. & Fireman Safety.

Mr. Carlisle Shrowder, a resident of the area and CPA questioned the effect on existing homes and that the cost would be pushed off to the buyer effecting affordable housing.

A letter received from Mr. Dale Minner of 423 S. Second Street was presented for the record in which Mr. Minner asked the Council to vote no on the passage of this ordinance.

Mr. Bill Bernard a MD State Fire Marshall provided a history of the sprinkler system legislation in Maryland and that it is a life safety mechanism, not necessarily a property protection system.

Mr. Danny Foster expressed that it would be better to encourage the use of fire alarms and have a battery replacement program, asking who is going to inspect the sprinkler systems once installed.

*Mayor Foster asked for comments from the Council – there were none
With no further comments Mayor Foster closed this public hearing at 7:35 PM.*

Petitions, Remonstrances and Communication

Lincoln and Third Street - A written request from Ms. Rita Jenkins for permission to place a portable basketball stand at the lot the Town presently leases from Mrs. Elisabeth Bloor was provided to the Council.

The Council raised concerns about who assumes the liability, and kids playing in the street.

Councilman Branson made a motion to reject the request, there was further discussion and Councilman Branson withdrew his motion.

Councilman Gregory ask to obtain more information and to hold off making a decision until Ms. Jenkins could be present.

Councilman Gregory made a motion to table, seconded by Councilman Clendaniel, passing unanimously.

LGIT 20th Anniversary – LGIT is celebrating their 20th Anniversary and is seeking quote's from it's members.

The Council delegated to Town Staff to respond.

Town of Oakland Maryland – The Denton Town Council reviewed a request from the Town of Oakland on whether the by-pass at Denton had a positive or negative impact on the business community.

The Council asked Town Staff to share their opinion that the by-pass will reduce traffic that flows through the city and that it will create an avenue for business to be built on the outside of the Town.

Resolution # 695 Sick Leave Benefit – Policy Amendment

A resolution prepared at the request of the Denton Town Council permitting employees of the Town and the Town Council members participating in the Maryland State Retirement and Pension System to transfer their accumulated sick leave to the Town from another participating employer, and to allow members of the Town Council to accrue up to nine hours per year of sick leave. This resolution amends the Town's personnel sick leave policy.

Councilman Gregory asked that the resolution be amended 14-2 A to allow the Council to earn 12 hours of sick leave per year instead of nine, 14-2 b to receive full credit not "a" credit.

Councilman Gregory made a motion to adopt resolution #695 as amended, seconded by Councilman Clendaniel, passing unanimously.

Ordinances & Resolutions

Ordinance #536 Schedule of Impact Fees for Residential and Commercial Uses

An ordinance of the Denton Town Council to establish a schedule of Impact Fees for Residential and Commercial Uses. Staff advised that the figures had been amended to add the total jobs that exist. The impact fees proposed per unit: One Bedroom Residential \$3,713, all other residential would be \$4,785. Non Residential – Office \$3,432.75, Retail \$2,293.03, Live Work Units #3,454.79, Hotel \$2,291.74 per unit.

Councilman Branson made a motion to adopt ordinance #536 with the new fee schedule reflecting the new figures presented by Dean Ballas, seconded by Councilman Gregory, passing unanimously.

Ordinance #537 - Residential Sprinkler System

At the Council's request an ordinance has been prepared by the Town Attorney to establish a requirement for sprinkler systems in all new residential one and two family homes. The ordinance also applies to substantial rehab in residences where the value of the work exceeds 50% of assessed value.

Councilman Branson made a motion to adopt ordinance #537, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #538 Water Meter Fees – An ordinance to amend ordinance #498, which establishes water meter fees. The Public Works Department and Utility

Commission would like to increase the replacement fee from \$2.50 to \$3.50 to insure adequate funds for future replacements. In addition to the fee increase, it was proposed to charge the replacement fee to those having 1-inch meters or less. Currently the size limitation is 3/4-inch or less. The Public Works Director was present to explain in more detail if necessary and answer questions.

Councilman Branson made a motion to introduce ordinance #538, seconded by Councilman Clendaniel. During discussion Councilman Gregory questioned the Director about this just having increase last year and stated that he did not want to have to revisit an increase every year, they should make up their mind what the fee should be. Staff advised that the original proposal provided to the Council in 2005 reflected that the rate would increase each year to help defray the cost of meter replacements to residential properties. Staff will provide the Council with another copy of the previous proposal to review. The motion passed unanimously.

Ordinance #539 Utility Commission – An ordinance to revise the Denton Town Code by adding a chapter establishing general terms, duties and membership qualifications for members of the Denton Utility Commission. Currently, there are no chapters related to the Utility Commission. Ms. Brynja Booth has approved this proposed ordinance.

Councilman Branson made a motion to introduce Ordinance #539, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #540 - Utility Commission Admin Procedures

An ordinance approving the administrative procedures for the Denton Utility Commission as proposed and approved by Ms. Brynja Booth.

Councilman Gregory made a motion to introduce Ordinance #540, seconded by Councilman Branson, passing unanimously.

Ordinance #541 – As requested by the Council on April 2, 2007, an ordinance has been prepared for consideration of introduction. This ordinance provides that any councilperson having served twenty (20) years in elected office on the Denton Town Council and does not participate in the State of Maryland Retirement program shall receive a monthly pension benefit from the Town of Denton in the amount of \$100 per month after reaching the age of 62 years. Section C3-3 of the Town Charter requires that such an ordinance be approved by the majority of the qualified voters during the next election.

The Town Attorney advised that all forms of compensation are considered salary and the Charter requires these items once adopted by the Council to be approved by the voters during the next election.

Councilman Gregory made a motion to introduce Ordinance #541, seconded by Councilman Clendaniel, the motion passed with Councilman Branson abstaining.

Ordinance #542 Water Capacity Ordinance

The 2008 proposed Capital Budget has been completed. This Water Capacity Ordinance proposes to amend the existing capacity charge, increasing per unit for single family from \$1,500 to \$4,000, Multi Family residential efficiency/one bedroom from \$750 to \$2,000 and two or more bedrooms from \$1,500 to \$4,000.

Councilman Clendaniel made a motion to introduce Ordinance #542, seconded by Councilman Gregory, passing unanimously.

Ordinance #543 Sewer Capacity Ordinance

The 2008 proposed Capital Budget has been completed. This Sewer Capacity Ordinance proposes to amend the existing capacity charge per unit for single family from \$4,500 to \$5,000, Multi Family residential efficiency/one bedroom from \$2,250 to \$2,500 and two or more bedrooms from \$4,500 to \$5,000.

Councilman Branson made a motion to introduce Ordinance #543, seconded by Councilman Clendaniel, passing unanimously.

Staff was asked to provide the Council a comparison of other jurisdictions.

Unfinished Business

Agenda #1- Industrial Park Land Acquisition

Town Staff asked for authorization to draft an option agreement to potentially purchase and sell industrial park land. Staff advised that one of the Industrial Park land owners is interested in selling three lots back to the Town as requested by the Town. Councilman Gregory questioned having a requirement that when Industrial Park Land is purchased that it has to be developed within a certain time span or transfer back to the Town. The Council was advised that this company purchased the land many years ago helping the Town out financially and provided the ability for leasing opportunities.

The Council authorized staff to pull together an option agreement for their consideration.

Agenda #2 West Denton

Mr. Robert Rauch came before the Council and provided a background and update of the status on the West Denton project.

Agenda #3 – Summer Hours

Councilman Branson made a motion to keep the hours as they are now and to not have any different summer hours, seconded by Councilman Gregory, passing unanimously.

Agenda #4 – Council Vacancy

Councilman Branson asked to add to the agenda the ability to fill the vacancy on the Council.

Councilman Branson made a motion to appoint Dennis Porter to fulfill Brad Horsey's seat until the next election, seconded by Councilman Clendaniel, passing unanimously.

New Business

Agenda #1 - Industrial Park Development

At the March 5, 2007 Council meeting, Councilmember Horsey had requested the opportunity to discuss industrial park development needs for the Town of Denton.

Staff will bring options to the Council to review in June.

Agenda #2 - CDBG Application

The submission deadline for the next CDBG round is May 30th, 2007. The application is proposed to be submitted to address water line and sewer deficiencies and failing road conditions on Lockerman, High, Third and Caroline Street.

Councilman Clendaniel made a motion to bring before the Council for discussion the CDBG application, seconded by Councilman Branson, passing unanimously.

Councilman Branson made a motion to direct Town Staff to go ahead and send in the CDBG application, seconded by Councilman Clendaniel, passing unanimously.

Agenda #3- LGIT Ballot

The Town of Denton as a member of LGIT has the opportunity to participate in the election for the Board of Trustees and cast the vote on the ballot.

Councilman Branson made a motion to authorize the Mayor to vote, seconded by Councilman Clendaniel, passing unanimously.

Agenda #4 - Pearson Road Development LLC Planned Neighborhood
Application:

An application has been received for a concept Planned Neighborhood (PN) at the intersection of Market and Pearson Roads. The site is approximately 29 acres which is below the threshold of 50 acres which would require the site to develop as a PN per the ordinance. The applicants have taken the initiative to propose a mixed use site creating a diverse population in a location that is presently supported with utilities, and has a base residential zoning. John Moynahan and Billy Bozalis of Urban Design and Planning and Christine Dayton came before the Council to discuss the project.

The Council scheduled a working session to review the application at length with the designers, owners, and Planning Commission on June 4, 2007 at 6:00 at the Police Dept. prior to the regular meeting.

Agenda #5 - Comprehensive Water and Sewer Plan Amendment
The Town of Denton submitted an application to Caroline County to amend the Water and Sewer Plan. The County, in 2004 had requested that the Town file individual applications, until they are in a position to move forward with the amendment of their plan. An application and cover letter from Robert E. Jarrell, Attorney for the Allston Farm was presented to the Council. Staff provided an overview. Mr. Danny Foster and Mr. Dan Foster also came before the Council seeking their support for authorization to sign the application.

Councilman Branson made a motion to direct the Town Administrator to sign the application to Caroline County to amend the water and sewer comprehensive plan, seconded by Councilman Clendaniel, passing unanimously.

Executive Session
At 9:55 PM Councilman Gregory made a motion to go back into executive session to seek legal advice from the Town Attorney, with only the Attorney present, seconded by Councilman Clendaniel, passing unanimously.

Those present for this session included the Denton Town Council members Mayor Foster, Councilmen Branson, Gregory and Clendaniel as well as the Town Attorney, Brynja Booth.

At 10:25 PM the Council left the building.

Respectfully submitted,

*Karen L. Monteith
 Clerk-Treasurer*