

September 10, 2007

Executive Session

Councilman Gregory made a motion at 6:35 PM to hold an executive session to seek legal advice on annexation issues, seconded by Councilman Clendaniel, passing unanimously.

All Council members were present during this meeting, no action was taken. The Town Attorney – Brynja Booth, Town Administrator Terry Fearins and Karen Monteith were also present during this session.

With no further discussion Councilman Clendaniel made a motion to close the executive session at 6:59 PM, seconded by Councilman Porter, passing unanimously.

Regular Meeting

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

Mayor Foster announced that the Council had held an executive session prior to this meeting to seek legal advice on annexation issues.

Councilman Clendaniel made a motion to approve the minutes of the August 6, 2007 regular meeting and the July 30, 2007 working session with the Planning Commission, seconded by Councilman Porter, passing unanimously.

Petitions, Remonstrance's and Communication

Ruff property & Cindy's Country Store property annexation petition

A petition received from H.J. Ruff Family Partnerships and Suppo & Wells Investment LLC for the annexation of their properties on the west side of Route 313 known as the Ruff property and Cindy's Country Store was presented to the Council. Total area requested for annexation is 17.13 acres consisting of two parcels: 1.04 acres and 16.09 acres. The smaller parcel is zoned C-2 and is requesting the equivalent town zoning of HC highway commercial. The larger parcel has split zoning of C-2 in the county equivalent to town zoning of HC highway commercial, and the rear of the parcel is zoned R Rural in the county, and the request is to make this MR Mixed Residential in the town.

Mr. Willard Parker representative for the Ruff Family and Mr. Bob Jarrell representative for Dr. Suppo requested the Council to refer their annexation petition to the Town Attorney for a determination of legal sufficiency, and to the Planning Commission for review.

Councilman Branson made a motion to refer to the Town Attorney to determine legal sufficiency and the Planning Commission for review, Councilman Clendaniel seconded the motion with an amendment to provide awareness to the petitioners that the Council is not in favor of adopting this annexation at this time, the amended motion passed unanimously.

Ordinances and Resolutions

Community Legacy Resolution

The Denton Development Corporation provided the Town of Denton with a Resolution for their application to the Maryland Department of Housing and Community Development for Community Legacy Funding. This is for the Arts and Entertainment District project.

Councilman Branson made a motion to adopt Resolution #697, seconded by Councilman Clendaniel, passing unanimously.

Ordinance #545 – Denton Industrial Park Land Acquisition Lot 10A-

This ordinance provides authorization to proceed with the acquisition of Lot 10A in the Denton Industrial Park. This Ordinance was brought before the Town Council for consideration of introduction. Additionally, Lot 10 A is proposed to be subdivided, with the potential sale of one of the lots for Hershey Creamery. Town staff requested the Council's consideration for a letter of intent to be prepared by the Town Attorney referencing this endeavor.

Councilman Branson asked about funding and staff responded that the Town will work with One Maryland Program funding.

Councilman Branson made a motion to introduce Ordinance #545, seconded by Councilman Porter, passing unanimously.

Ordinance #546 – Denton Industrial Park Land Acquisition Lot 11 and Lot 12

This ordinance provides authorization to proceed with the acquisition of Lot 11 and Lot 12 in the Denton Industrial Park. This Ordinance was brought before the Town Council for consideration of introduction.

Councilman Branson made a motion to introduce Ordinance #545, seconded by Councilman Porter, passing unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 Denton Little League

As previously requested at the July 2007 Council meeting, the Denton Little League has come up with a proposal for the Council to consider as the maximum annual contribution towards the water usage for the Little League fields and concession stands. Presently the Town's General Fund – Park budget absorb the cost of the water usage for these fields.

Note: The Denton Little League reimbursed the Town \$450.00 to help off set the large landscaping water usage for the Maryland Ave. field for the billing quarter April-June. This covered about half of the bill and was applied back toward the expense line item.

Mrs. Nadine Mentecki, President of the Denton Little League asked the Council to consider allocating \$500 a year towards the water usage for the little league parks, the Denton Little League will be responsible for any overage.

Councilman Branson made a motion to allow \$500 a year to be appropriated for the water usage for the Denton Little League parks, seconded by Councilman Clendaniel. Discussion was held about finding a place for the basketball courts. The motion passed unanimously.

Agenda #2 Sharp Road Annexation Correspondence

A letter from Cynthia McCann, attorney for the Sharp Road annexation petitioners was received. The letter is in response to concerns raised at the last Council meeting, and requests the introduction of an annexation resolution.

Ms. McCann, representing the petitioners of the Sharp Road annexation spoke to the Council referencing that the law states that if an annexation request meets legal sufficiency of contiguity and is within the Town's existing comp plan that the petitioner

shall have the opportunity to request to be annexed. The annexation application presented has met all of the law requirements. Ms. McCann requested that the Council direct the Town Attorney to prepare legislation to introduce the annexation.

A letter received this date from the Caroline County Public Schools in support of the conversion of the existing Sharp Road force main to gravity flow system, as proposed as part of this annexation was provided to the Council for review.

Councilman Branson made a motion to have the Town Attorney prepare the annexation resolution, seconded by Councilman Gregory, passing unanimously.

Agenda #3 Metropolitan Church

An update regarding the Planning Commission meeting with the Metropolitan Church was provided by Councilman Clendaniel. Mrs. Doris Walls, chair person for the Planning Commission, Ms. Jennifer Shull, Director of Planning & Zoning, Ms. Lucretia Nixon a representative from the Metropolitan Church and their engineering firm participated in the discussion. Both the Town Engineer and Lane Engineering, the firm for the Church, have been working together. The preliminary and final plans should be presented to the Planning Commission for review on Sept. 25, 2007.

Councilman Clendaniel advised that after reviewing Article 66B, that he found that as long as the Town controls off street parking there shall be a bike storage area. Jennifer Shull advised that the plans reviewed by the Planning Commission at their last meeting did include a bike rack.

This item was information only, no action was taken.

New Business

Agenda #1 – Historic Review Commission Appointment

Mr. Richard Peterson, 209 S. Fifth Avenue, has requested reappointment to the Historic & Architectural Review Commission. His current term expired on August 31, 2007. Ms Melissa Jones, owner of 214 S. Fifth Avenue, has also requested reappointment. There are five members of this commission each of whom serve a term of three years, and whom are qualified by special interest, knowledge or training. If reappointed Mr. Peterson's and Ms Jones terms would expire in 2010.

Councilman Branson made a motion to reappoint Mr. Peterson and Ms. Jones to the Historic Review Committee, seconded by Councilman Clendaniel, passing unanimously.

Agenda #2 - Residential Sprinkler Ordinance

Mr. Bruce Lecates, Camp Director, Denton Wesleyan Camp, came before the Council to discuss the Residential Sprinkler Ordinance seeking an exemption for their cottages. These units are presently used during their summer camping program and are shut down for the winter there is no electric of water is on during the non camping season.

Councilman Branson made a motion to refer to the Town Attorney to review for possible exemption for transient use, seconded by Councilman Porter, passing unanimously.

Agenda #3 - Small Business Loan Program

Market Street Café is presently under contract. The Town of Denton has an existing small business loan with the owner of this property/business. The balance of this loan is approximately \$50,000. The contract purchasers have prepared an application for Denton's Small Business Loan Program.

Councilman Branson made a motion to approve this small business loan request upon approval from the members of the Denton Loan Review Committee. Discussion was held as some Council members wanted additional information and to have the recommendation from the loan review committee prior to making a decision. The motion died for lack of support.

Councilman Clendaniel made a motion that if the loan review committee recommendations are available the Denton Town Council will hold a special meeting on Sept. 24, 2007 at 6:00 to make a decision on this item, seconded by Councilman Gregory, passing unanimously.

Agenda #4 - Caraballo Request

Ramone Caraballo of 201 South 8th Street requested ownership of a 15-foot right-of-way next to his property. No deed has been found claiming ownership of this right-of-way, only a 1910 subdivision plat that does not reflect today's parcel maps. Staff from DPW and the Zoning Department has reviewed this request and do not foresee a problem with it. The right-of-way in question serves no purpose at this time and has no anticipated future use. Several documents are enclosed for the Council's review. Mr. Caraballo understands that he will be responsible for all costs associated in transferring ownership.

Councilman Branson made a motion to direct the Town Attorney to draft a quit claim deed for Mr. Caraballo at his expense, seconded by Councilman Clendaniel, passing unanimously.

Agenda #5 - U. S. Census Bureau

The 2010 U.S. Census is approaching and the Town has an opportunity to participate in the LUCA program (local update of census addresses). Participating in this piece of the census is very important to the overall outcome of the Census.

This is the only opportunity that the Town of Denton is allowed to assist the U.S. Census Bureau in making sure that they have accurate address's of all of the residential units located within the Town limits and to try to insure that every resident receives the census form.

This was presented to seek approval from the Council for the Mayor to execute the registration form and designate staff to be the liaison's for the Town. All Staff assigned to work on this program will be required to sign confidentiality statements.

Councilman Branson made a motion to approve, seconded by Councilman Clendaniel, passing unanimously.

Misc.

Staff provided the Council with an invitation to Choptank Electric Grand Opening ceremony for their new facility.

With no further discussion Mayor Foster adjourned this meeting at 7:59 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*