

**October 4, 2012**

**Executive Session**

*At 6:46 PM Councilman Danielson made a motion to hold an Executive Session to discuss personnel, seconded by Councilman Gregory, the motion passed unanimously.*

*All Council members were present as well as Don Mulrine, Town Administrator, Karen Monteith, Clerk-Treasurer, and Steve Kehoe, Town Attorney, and Mrs. Tara Lightner, Head of the Search Committee for the Main St. Manager Position.*

*The Council held discussion specific to the recruitment and selection process for the Main Street Manager Program Vacancy.*

*At 6:59 PM Councilman Danielson made a motion to close the executive session and to relocate down stairs for the Council's regular monthly meeting, seconded by Councilman Clendaniel, passing unanimously.*

**Regular Meeting**

*Mayor Porter called the regular meeting of the Denton Town Council to order at 7:02 PM on this date leading everyone in the Pledge of Allegiance to the Flag.*

*Mayor Porter announced that the Town Council had held an Executive Session earlier on this date to discuss personnel for recruiting applicants for the Main Street Program; no decisions just informational only. (The Mayor later amended this announcement at the end of the meeting).*

*Mayor Porter asked that the record reflect that all Council Members were present.*

*Councilman Danielson made a motion to approve the minutes of the September 6, 2012 regular meeting, seconded by Councilman Clendaniel, passing unanimously.*

**Public Hearing**

**Ordinance #648 – Rezoning Amendment**

*Mayor Porter opened a public hearing at 7:06 PM to receive public comments on Ordinance #648 – 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).*

*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 –*

*Mr. Robert Jarrell, Legal Counsel representative for the applicants, spoke in favor of the amendment and asked to have his comments from the last meeting incorporated into the record.*

*Mr. Tom Batchelor, Senior Codes Enforcement Officer, advised that the Planning Commission sees this as a previous zoning error and recommends rezoning.*

*With no further discussion, Mayor Porter closed this public hearing at 7:08 PM.*

**Ordinance #647 – Official Zoning Map**

*Mayor Porter opened a public hearing at 7:08 PM to receive public comments on Ordinance #647 – 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.*

*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 – there were none  
 With no further discussion, Mayor Porter closed this public hearing at 7:09 PM.

**Ordinance #649 – Sign Ordinance**

Mayor Porter opened a public hearing at 7.09 PM to receive public comments on Ordinance #649 – 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.

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 – there were none.  
 With no further discussion, Mayor Porter closed this public hearing at 7:10 PM.

**Petitions, Remonstrance's and Communication**

**Letter from Caroline County Administrator, Ken Decker**

The Council reviewed a letter received from the County Administrator requesting Denton Police Department stats for their annual financial audit and so they could work on the FY2014 Municipal Tax Differential.

Mr. Mulrine, the Town Administrator, and Chief Cox advised the information is being requested is available on the State website and rather than re-do the work, it was recommended to direct the County to that website.

Councilman Gregory made a motion to send the letter to the County with the website information, seconded by Councilman Danielson. The motion passed unanimously.

**MD Dept of Transportation Response – Jester Farm Acquisition**

The Council reviewed a copy of the letter received from MDOT in response to their earlier inquiry on the SHA acquisition of land owned by Mr. Jester. No action was taken; this was informational only.

**State Highway Administration – MD 404 Crosswalks**

The Council reviewed a copy of a letter received from SHA acknowledging that they will be installing a pedestrian activated crosswalk at the intersection of MD 404 and Legion Rd. Construction is anticipated to begin in the spring of 2013. No action was taken; this was informational only.

**Ordinances and Resolutions**

**Resolution #772 – Denton Sales & Rentals Annexation Agreement 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. This item was deferred at the September 6<sup>th</sup> Town Council Meeting.

Councilwoman Case made a motion to adopt Resolution #772, seconded by Councilman Danielson. In discussion, Councilman Danielson asked if the Planning Commission approved this amendment.

Mr. Mulrine explained the 3-month process and stated that the Planning Commission gave a favorable recommendation to approve.

*With no further discussion, the Mayor called for a vote on the motion on the floor to adopt Resolution #772. The motion passed unanimously.*

**Ordinance #648 – Rezoning Amendment**

*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).*

*Councilwoman Case made a motion to adopt Ordinance #648, seconded by Councilman Clendaniel, passing unanimously.*

**Ordinance #647 – Official Zoning Map**

*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.*

*Councilman Clendaniel made a motion to adopt Ordinance #647, seconded by Councilwoman Case, passing unanimously.*

**Ordinance #649- Sign Ordinance 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.*

*Councilman Danielson made a motion to adopt Ordinance #649, seconded by Councilman Gregory.*

*In discussion, Mayor Porter confirmed if this was recommended by the Planning Commission.*

*Mr. Batchelor provided an overview of the Ordinance, it address's the Industrial and Commercial areas that were not previously addressed in the prior sign Ordinance changes. Mr. Batchelor said that this Ordinance sets the standards for height, distances, setbacks and the type of lettering; and that it provides more details for signs in the Commercial Shopping Center and Industrial Zones.*

*With no further discussion, the Mayor called for the vote, for the motion on the floor, to adopt Ordinance #649. The motion passed unanimously.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1- Crouse Park Restaurant**

*The Mayor and Town Administrator recently met with Cindy Stone and Les Hall, of the Community Development Block Grant (CDBG) Program, regarding the progress of the Crouse Park Restaurant. Due to the absence of a restaurant developer, staff recommends the Town suspend the Crouse Park Restaurant project until the economy picks up. At that time, the Town can re-apply for grant funds to complete the restaurant portion of this project.*

*Mr. Mulrine explained that if it is decided that the restaurant project should be suspended, this will affect a Grant from the USDA. However, per the USDA office, the remainder of the money for this project can be de-obligated with no penalty to the Town.*

*Copies of letters from CDBG and Caroline County Commissioners, outlining the grant takeover details and the Town Council minutes approving the takeover of the grant, were provided for reference.*

*The Council is respectfully requested to make a motion whether to suspend restaurant funding or not.*

*The Mayor explained that the State has basically terminated the grant and that the Town needs to officially motion to suspend any funding for the restaurant, at this time. When the Mayor and Mr. Mulrine met with the State, they made an attempt to get the County portion of the grant funds forgiven. The County is now aware of the status of the grant and is also planning to meet with the State to seek a waiver of having to pay the \$32,000 back. Mayor Porter said that CDBG is aware that the Town had made a good-faith effort in trying to locate a restaurant developer.*

*With no further questions, the Mayor entertained a motion from the Council.*

*Councilman Danielson made a motion to inform the State that the Town will suspend attempts to build a restaurant at Crouse Park, at this time. Councilman Gregory said that he would also like to have it noted that in the future, when the economy picks back up, that the Town will look into reapplying for these funds to complete the restaurant portion of the project. With that said, Councilman Gregory then seconded the motion. The motion passed unanimously.*

### **New Business**

#### **Agenda #1 - LiveScan Grant Agreement**

*Chief Cox announced that the GOCCP Grant has been awarded to the Police Department in the amount of \$25,000. The Grant will cover all the expense to purchase a fingerprint scanner for the department.*

*Councilman Clendaniel made a motion to accept the Grant, seconded by Councilman Gregory. The motion passed unanimously.*

#### **Agenda #2 - Public Works Chipper Purchase**

*Mr. Mulrine and Mr. Getchell, Director of Public Works, provided a history of the maintenance of the current chipper that recently stopped working. The estimate to repair it is around \$3,800 and the Town spent \$4,500 in repairs last year.*

*Mr. Getchell said the cost to purchase a new chipper is approximately \$28,000, and asked the Council for direction. The Town has temporarily borrowed a chipper from the County to avoid a delay in providing this service to the citizens. Mr. Getchell mentioned that this equipment was previously cut from the General Fund budget for this year.*

*Councilwoman Case questioned what happens if the Town does not repair or replace the equipment?*

*Mr. Mulrine responded by saying that the Town would no longer be able to provide brush pick-up services.*

*Councilman Gregory said that after having raised the taxes this year, that he felt the Town has an obligation to the citizens to not reduce the services.*

*Mr. Mulrine suggested that one option would be to look into a lease-purchase. The FY13 Budget currently sets aside \$5,000 for purchasing a new truck. The Town was able to acquire the new truck using leftover 5<sup>th</sup> Avenue Grant Funds. Therefore, this \$5,000 could be redirected to apply towards a lease-payment on a new chipper.*

*Councilman Danielson expressed the need to let the citizens know that the Town has this unexpected cost and proposed looking into a fee for leaf collection and brush.*

*Mr. Troy Livingstone, a resident of 714 Market St., expressed a concern that, if the Town were to implement a fee for branch pick-up the Town would have branches just sitting around town. A lot of folks may not do anything to get rid of their branches.*

*Mayor Porter added that he would be concerned if the Town did not provide this service, as elderly residents can not load up their branches and haul them.*

*Councilman Clendaniel made a motion to authorize the Town Administrator to work with the Public Works Director to look at a lease to see how it will fit into the budget.*

*Mr. Mulrine explained that they would rather move forward with the purchase, if possible.*

*Councilman Clendaniel made a new motion to authorize the Town Administrator to purchase a new chipper within the budgetary restraints and report back to the Council. The motion was seconded by Councilwoman Case, passing unanimously.*

*Mr. Getchell thanked the Council for their support and also mentioned that the truck, that pulls the chipper, is not in much better shape and that it needs to be considered for replacement next year.*

#### **Miscellaneous**

*Mayor Porter announced the Habitat for Humanity Halloween 5K Run/Walk Event is scheduled for Saturday Oct. 27, 2012.*

*Mr. Mulrine said that he has reached out to PNC again about the Town's offer to purchase their building, PNC is exploring their options.*

*Councilman Clendaniel questioned having something in the Town Code, which would give the Town the authority to lower the Town flag, when someone passes.*

*Mr. Mulrine explained that the Mayor already has the authority to raise and lower the Town flag, when necessary.*

#### **Summerfest**

*Councilman Clendaniel said that he received a series of questions about Town's position on continuing Summerfest from the CCRP Director, Mrs. Sue Simmons.*

*Mr. Mulrine said that the Council had held a conversation a couple years ago about the festival, during which time staff pleaded to continue to support the festival through the 25<sup>th</sup> year.*

*Councilman Gregory wants to know what the in-kind cost for the event is for the Town and the County, in order to make any decisions about the future of the festival and the Town's roll. Staff was directed to pull together the cost for the many hours that staff puts into the event, the cost for equipment, electric, and so on, to figure out the Town's total in-kind contribution for the event.*

*Mayor Porter mentioned that he had recently had a conversation with Ms. Visintainer about quantifying the County and Town's cost of the event, and he recommended setting up a meeting next month to discuss.*

#### **Mr. Owens Inquiry Update**

*Mayor Porter stated that with the help of Councilman Clendaniel, that he has some answers for Mr. Owens, and that he would like to deliver them to Mr. Owens, before he distributes to everyone else.*

*Councilman Danielson announced that the August car show, that was rained out has been rescheduled for October 12<sup>th</sup>.*

*Mayor Porter corrected his early announcement about the Executive Session, and said that the Council had actually agreed to extend the deadline for recruiting the Main Street Manager position and encouraged anyone interested to contact the Town Office.*

*With no further discussion, Councilman Danielson made a motion to close the meeting at 8:11 PM, seconded by Councilman Clendaniel, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith,  
Clerk – Treasurer*

These minutes were adopted as amended on Nov. 1, 2012. The amendment was on page #3233 – Executive Session to identify that Tara Lightner attended the Executive Session as the Head of the Search Committee for the Main St. Manager Position.