

**February 7, 2013**

**Executive Session**

*At 6:00 PM Councilman Clendaniel made a motion to hold an Executive Session to discuss consideration of acquisition of real property and personnel, seconded by Councilwoman Case, the motion passed unanimously.*

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

*The Council held discussion about filling the Denton Downtown Main Street Manager position and real property acquisition.*

*At 7:45 PM Councilwoman Case made a motion to close the Executive Session to relocate downstairs for the Council regular monthly meeting, seconded by Councilman Porter, passing unanimously.*

**Regular Meeting**

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

*Mayor Danielson announced that the Town Council had held an Executive Session earlier on this date to discuss personnel and consideration of acquisition of real property.*

*Councilman Porter made a motion to approve the minutes of the January 3, 2013 regular meeting and the January 17, 2013 Working Session as published, seconded by Councilman Clendaniel, passing unanimously.*

**Public Hearing**

**Ordinance #650 – Critical Area Program Hearing Continuance**

*At 7:03 PM, Mayor Danielson reopened the Public Hearing from the January 3, 2013 meeting, to continue to receive public comments on Ordinance #650 - An Ordinance of the Town of Denton repealing and reenacting with amendments the provisions contained in Chapter A129 Critical Area Program and amending Chapter 128 Article II Definitions and Article VIII Special District: Critical Area Overlay District and amending Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the Critical Area.*

*Mayor Danielson asked for comments from the State:*

*Mr. Tom Batchelor, Senior Codes Enforcement Officer, introduced Mrs. Kate Charbonneau, from the State of Maryland Critical Area Commission. Ms. Charbonneau was present and answered questions pertaining to the State requirements and how it applies to municipalities.*

*Mayor Danielson asked for comments from the County: there were none*

*Mayor Danielson asked for comments from the Council: there were none*

*Mayor Danielson asked for comments from the Public: there were none*

*With no further comments, Mayor Danielson closed this Public Hearing at 7:21 PM.*

**Petitions, Remonstrance's and Communication**

**Proclamation – Mr. David H. Hollis**

*Mr. David H. Hollis ~~servieed~~ served as an Election Judge on the Town of Denton's Board of Supervisors of Elections from July 1996 to June 2012. On January 3, 2013, Mr. David H. Hollis passed away at the age of 83. Mayor Danielson read a proclamation commemorating Mr. Hollis for his many years as a beloved member of the community and for his dedicated service to the Town. The proclamation was signed and will be presented to the Hollis family.*

**Proclamation – Mrs. Maxine Lewis**

*Mrs. Maxine Lewis ~~servieed~~ served as an Election Judge on the Town of Denton's Board of Supervisors of Elections from July 1997 to July 2000. On December 16, 2012, Mrs. Lewis passed away at age 81. Mayor Danielson read a proclamation commemorating Mrs. Lewis for her many years as a beloved member of the community and for her dedicated service to the Town. The proclamation was signed and will be presented to the Lewis family.*

**Thank You Letter – Martin Luther King Jr. March**

*The Council received a letter thanking Town staff and the Council for their support of the Martin Luther King Jr. March held on January 21, 2013.*

**Letter from County Administrator – FY2014 Tax Differential Meeting**

*The Council reviewed a letter received from the Caroline County Administrator asking to schedule a meeting with the Municipalities regarding the FY2014 Tax Differential. Two meeting dates were suggested, February 20<sup>th</sup> or 21<sup>st</sup>.*

*The Council held discussion about the contents of the letter and expressed their concerns about the formula being used and negative impact it has on Denton property owners. Staff was directed to draft a letter to be sent to the County Commissioners asking for a meeting between the County Commissioners and the Town Council to discuss their concerns in more detail.*

*Councilman Porter will attend the Municipality Tax Differential meeting as a representative for Denton.*

*Councilman Porter made a motion for the Mayor to sign and send letters to the Caroline County Commissioners asking to schedule a meeting to address their concerns. The motion was seconded by Councilman Clendaniel, passing unanimously.*

**Ordinances and Resolutions**

**Resolution #778 – Bay Restoration Fee Exemption Policy**

*A Resolution of the Town of Denton to comply with the State of Maryland's HB446 that was adopted during the 2012 Legislation Session requiring Municipalities to establish a Bay Restoration Fee Exemption Plan.*

*Councilman Porter made a motion to adopt Resolution #778, seconded by Councilman Gregory.*

*Discussion was held as to whether the exemption should only apply to owner occupied properties as the policy is currently written or to allow for rental units to be included. Concerns regarding the amount of staff time that would be required to administer this new policy were discussed. Staff recommended adopting the policy as written implementing for owner occupied only. Staff will continue to research the cost to extend to rental units. This policy will be scheduled to be reviewed again within a year.*

*The Council instructed the Town Administrator to write a letter to the Maryland Dept. of the Environment as to the objections of the Municipalities having to administer the policy, especially, since the State already has mechanism in place to determine those that qualify for an exemption.*

*The motion to adopt Resolution #778, passed unanimously.*

**Resolution #779 – Emergency Solutions Grant Agreement, Winter Haven Shelter**

*A Resolution of the Town of Denton approving the application and receipt of financing for a Federal Emergency Solutions Grant (ESG) for the Winter Haven Cold Weather Shelter to be funded by the Department of Housing and Community Development of the State of Maryland.*

*The original grant application was approved by the Council at the August 2, 2012 Town Council meeting. Notification of the grant award and the agreement, in the amount of \$5,335.00, was received February 4, 2013. The Dept. of Housing and Community Development has given the Town until February 15, 2013 to return the agreement completed and signed.*

*Councilwoman Case made a motion to adopt Resolution #779, seconded by Councilman Gregory, passing unanimously.*

**Ordinance #650 – Critical Area Amendment**

*An Ordinance of the Town of Denton repealing and reenacting with amendments the provisions contained in Chapter A129 Critical Area Program and amending Chapter 128 Article II Definitions and Article VIII Special District: Critical Area Overlay District and amending Chapter 73 Land Subdivision Definitions of the Denton Town Code with respect to the Critical Area.*

*Councilman Porter made a motion to defer consideration of adoption to the March 7, 2013 meeting, at which point the Council will take a vote on the Ordinance with amendments recommended by Staff and the Town Attorney. The motion was seconded by Councilwoman Case, passing unanimously.*

**Ordinance #651 – Micro-brewery, Micro-distillery, Micro-winery, and Coffee Roasting**

*An Ordinance of the Town of Denton amending the Official Use Table of the Denton Zoning Ordinance to permit “micro-brewery, micro-distillery, micro-winery, and coffee roasting” uses in the zoning districts that permit restaurants.*

*Councilman Gregory made a motion to introduce Ordinance #651, seconded by Councilman Clendaniel.*

*In discussion, Mr. Batchelor provided an overview of the regulations and that these types of use will require a special permit/license from the State of Maryland to operate.*

*The motion to introduce Ordinance #651, passed unanimously.*

**Ordinance #652 – Sign Amendment**

*An Ordinance of the Town of Denton repealing and reenacting with amendments the provisions contained in Chapter 128 of the Denton Town Code with respect to signs.*

*Councilman Gregory made a motion to introduce Ordinance #652, seconded by Councilwoman Case.*

*In discussion, Mr. Batchelor provided an overview of the amendments to Chapter 128 of the Town Code.*

*The motion to introduce Ordinance #652 passed 4-1, with Councilman Clendaniel abstaining.*

**Reports of Officers, Board and Committees**

*None*

**Unfinished Business**

**Agenda #1- Crouse Park Restaurant Grant Repayment**

The Town Administrator shared a second notice received from the Department of Housing and Community Development (DHCD) notifying the Town that Caroline County has not reimbursed the State for the Crouse Park Restaurant Grant.

Councilman Clendaniel made a motion to direct the Town Administrator to email the Caroline County Chief of Staff to inquire about the status regarding repayment of the Crouse Park CDBG funds to the State. The motion was seconded by Councilman Gregory, passing unanimously.

**Agenda #2 - Savannah Overlook**

Staff shared a letter received requesting the Town to approve and finalize the conveyance of the right-of-way of Savannah Overlook to the Town. Staff has been working with the Developer and his Attorney for a while now about infrastructure issues that do not meet town code. Staff expressed that in the best interest of the Town and the residents of Savannah, that the Council should wait to approve until these issues have been taken care of.

The Council took no action on this item. Staff and the Town Attorney will continue to negotiate with the Developer and keep the Council updated on the status of this request.

**New Business**

**Agenda #1 – Bay Restoration Exemption Policy**

This item was addressed earlier with adoption of Resolution #778

**Agenda #2 - MML Convention June 23-26, 2013**

The Council decided to only attend the annual MML Convention for one day to keep the cost down.

**Agenda #3 - Reappointments to the Utility Commission**

Councilman Clendaniel made a motion to reappoint Mr. Andy Mackel and Mr. Albert McCullough to serve another 5-year term with the Denton Utility Commission. The motion was seconded by Councilman Gregory, passing unanimously.

**Agenda #4 - Business Loan Deferment Request – Choptank Design and Custom Furnishings**

The Council reviewed a letter from Mr. Edward Bombaro of Choptank Design and Custom Furnishings requesting a deferment of his business loan payments for renovation work on 9 N. Fourth St. Staff advised that Mr. Bombaro has only drawn a small amount of the loan funds to date.

Councilman Gregory made a motion to defer the business loan payments for Choptank Design and Custom Furnishing for 4 months, seconded by Councilman Porter, passing unanimously.

With no further discussion, Councilwoman Case made a motion to close the meeting at 8:25 PM, seconded by Councilman Porter, passing unanimously.

Respectfully submitted,

Karen L. Monteith,  
Clerk – Treasurer

These minutes were adopted as amended March 7, 2013; page 3252 the word ~~service~~ was replaced with **served**; ~~Strike~~ through indicates deleted, **Bold** indicates new