

January 9, 2006

Mayor Horsey continued his duties as Mayor until the election of officers was completed. Mayor Horsey called the regular meeting of the Denton Town Council to order on this date at 7:00 PM, leading everyone in the Pledge of Allegiance to the Flag.

Mr. Scott Getchell provided the invocation.

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

Councilwoman Stockley made a motion to approve the minutes of the December 5, 2005 regular meeting, seconded by Councilman Foster, the motion passed unanimously.

Swearing in new Councilmember

Karen Monteith, Clerk Treasurer read the statement swearing in Councilman Gregory to a five-year term and Councilman Horsey to a four-year term.

Election of Officers

Mayor Horsey announced how honored he was and what a privilege it had been to serve as the Mayor of the Town of Denton for the past two years.

Mayor - Councilwoman Stockley nominated Lester Branson to serve as Mayor for 2006, seconded by Councilman Gregory. Mayor Horsey asked if there were any other nominations for Mayor, there being none, Councilman Gregory motioned to close the voting, seconded by Councilwoman Stockley, passing unanimously.

Vice-Mayor - Councilman Branson nominated Carol Stockley to serve as Vice-Mayor for 2006, seconded by Councilman Gregory. Mayor Horsey asked if there were any other nominations for Vice Mayor, there being none, Councilman Gregory motioned to close the voting, seconded by Councilman Foster, passing unanimously.

Mayor Pro Tem - Councilman Gregory nominated John Foster to serve as Mayor Pro Tem for 2006, seconded by Councilwoman Stockley. Mayor Horsey asked if there were any other nominations for Mayor Pro Tem, there being none, Councilman Gregory motioned to close the voting, seconded by Councilwoman Stockley, passing unanimously.

Mayor Horsey asked for a final motion to the Clerk-Treasurer to cast unanimous ballot for offices. Motion was so made by Councilman Branson, seconded by Councilman Gregory, the motion passed unanimously.

Officers switched seats.

Mayor Branson wished to publicly thank Brad Horsey for being a good Mayor and for the two years of devotion that he had shown to the Town.

Petitions, remonstrances and communication

Proclamation - Mayor Branson read and affixed his signature to a proclamation to extend the Town Councils appreciation to Mrs. C. Jane Dieter for her 24 dedicated years at the Wesleyan Retirement Center and extended congratulations for her distinguished services and best wishes for a happy retirement.

Introduction and adoption of resolutions and ordinances

Ordinance # 505 Public Burning: At the request of the Town Council the town attorney, Brynja Booth drafted an updated ordinance regulating burning by the public. This was presented for consideration of introduction.

Councilman Horsey made a motion to introduce Ordinance #505, seconded by

Councilwoman Stockley. Discussion was held in which staff recommended that the ordinance be amended to require a 48 hour notification to the town prior to a bonfire and or controlled burning. Councilman Horsey made a motion to amend the original motion to include language that would require a 48 hour notice by the Denton Volunteer Fire Dept., the amendment was seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 506 Critical Area Text Amendment

The Planning Commission forwarded proposed text changes to the critical area program and zoning ordinance for consideration. These text changes are mandated by state legislation. Roby Hurley, Maryland Dept of Planning, Critical Area Circuit Rider was present to discuss the changes. A public hearing will be required to enact the amendment. This item was presented for introduction.

Councilman Horsey made a motion to introduce Ordinance #506, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 507 Critical Area Map Amendment: The Planning Commission forwarded proposed map changes to the critical area program and zoning ordinance for consideration. These map changes incorporate areas recently annexed, and show the critical area within the town's growth area. Roby Hurley, Maryland Dept of Planning, Critical Area Circuit Rider was present to discuss the changes. A public hearing will be required to enact the amendment. This item was presented for introduction.

Councilman Horsey made a motion to introduce Ordinance #507, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 508 Property Maintenance Amendment:

The Town attorney, Brynja Booth, prepared an ordinance updating the property maintenance ordinance fee schedule. The item was presented for consideration of introduction.

Councilman Horsey made a motion to introduce Ordinance #508, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

Councilman Horsey advised that as one of his last duties as the Mayor he had the honor to call bingo for three hours at the Senior Center Bazaar.

Unfinished Business

Agenda #1 -Chesapeake Culinary Center Small Business Loan

The Friends of the Grape Inc., operating as the Chesapeake Culinary Center submitted a small business loan application for the Town's Small Business Revolving Loan fund and was approved for \$20,000 at the 12/05/2005 meeting. (The application was included in the Dec. agenda packet) They are seeking an additional \$5,000 in loan funds to assist with the start up of the restaurant operation & incubator at the 4 S. First Street location. The Loan Review Committee was contacted about this additional request in funds, two of the three members returned a favorable recommendation, the third was not available.

Councilwoman Stockley made a motion to approve the extra small business loan amount for \$5,000 for the Chesapeake Culinary School, seconded by Councilman Foster, the motion passed unanimously.

Councilman Gregory asked how does the Loan Committee meet and make these decisions. Staff advised that the Committee is made up of one business owner and two bank

managers. Each committee member is provided a copy of the loan application to review and they make a recommendation to the Council. Councilman Gregory raised a concern about the structure of the committee and felt that they should meet as a group to make recommendations. Noting that there was nothing provided in writing from either of the members, just staff relaying the message.

Mayor Branson mentioned that since the Council does not have the expertise of the experts that the Council is very gracious that these professional give their volunteer time to the Town in reviewing these applications. Mayor Branson suggested that maybe in the future the committee members could provide a written approval for each Town request, rather than inconveniencing them and asking them to find time in their busy schedule to hold a meeting. Councilwoman Stockley advised that since her time on the Council that this was how all small business loan had been reviewed and presented and that she felt the Loan Committee is very thorough in their recommendations to either approve or deny loans.

Councilman Gregory made a motion for the Town Administrator to contact the Loan Committee Members to see if they would be interested in meeting as a group or a least provide a written recommendation to the Council for all future loans, the motion was seconded by Councilman Foster, and passed unanimously.

Agenda #2 - Finance Department Computer System

In finalizing the contract and scope of work for the new computer software and hardware there were additional items which are needed. The Council was provided a memo outlining the proposed amendment to the Scope of Work from what was originally presented to the Council at their November 7th meeting.

Staff provided an overview of the amendments. The proposed cost of the upgrade for software, training, conversion and equipment is \$90,799.95 with an annual maintenance fee of \$5,326.00.

Councilman Horsey made a motion to allow the finance department computer system to be upgraded as proposed, seconded by Councilman Gregory, the motion passed unanimously.

Other Unfinished Business

Attorney Brynja Booth asked to go back to the introduction of Ordinance #506. Roby Hurly of the Critical Areas Commission asked to have amendments to the original ordinance. To move the definition of unwarranted hardship from section 128-8 to 128-163.

Councilwoman Stockley made a motion to amend Ordinance #506 to amend the two sections discussed by Mr. Hurly, seconded by Councilman Foster, this motion passed unanimously. A public hearing will be held on this ordinance on February 6, 2006

New Business

Agenda #1 - Minamoto Annexation Petition:

A petition for annexation has been received from M/M Ben Minamoto Tax Map 103 parcel 5. The petition consists of 33.02 acres immediately adjoining the existing west town boundary on Route 328 and West River Landing Road. The petition has been reviewed by the town attorney for legal sufficiency. The next step is to forward the application to the Planning Commission for a recommendation.

Councilwoman Stockley made a motion to forward this annexation petition to the Planning Commission for review and recommendation, seconded by Councilman Horsey, the

motion passed unanimously.

Agenda #2 - Garland and Hobbs, LLC Annexation Petition:

A petition for annexation has been received from Garland and Hobbs, LLC (Bill Maloney) for tax map 104 parcel 450. The petition consists of one parcel of 1.12 acres immediately adjoining the existing east town boundary on Garland Road. The parcel is presently used as residential and zoned Rural in the county. It is surrounded by the Savannah Overlook development, and requests zoning be changed to SR (suburban residential). This annexation would permit the parcel to be absorbed into the adjoining parcel. The petition has been reviewed by the town attorney for legal sufficiency. The next step is to forward the application to the Planning Commission for a recommendation.

Councilwoman Stockley made a motion to forward this annexation petition to the Planning Commission for review and recommendation, seconded by Councilman Horsey, the motion passed unanimously.

The following Police Dept. agenda items were switched around some

Agenda #4 - Swearing in of new officers

Chief Cox introduced Ron Westervelt, Marcus Trise and Bradley Korshier as the three newest officer to the Denton Police Dept., expressing how nice it was to be able to hire certified officer that are ready to serve.

Mayor Branson proceeded with the swearing in of the new officers. All were welcomed by the Council. Mayor Branson thanked the Chief for his efforts in finding officers that he can put on the street immediately.

Agenda #6 - Caroline County Drug Task Force

Chief Cox asked the Council to present the Caroline County Drug Task Force with a proclamation recognizing their agency for outstanding services provided to the Town of Denton.

Chief Cox provided an overview of the Task Force and introduced several important members. Chief read and presented the proclamation signed by the Council to Ron Crouch. The members of the Task Force thanked the Council for their support and commented on how nice it is to work with the members of the Denton Police Dept.

Agenda #3 - Parking Meters

Chief Cox presented a proposal for consideration to increase the amount of parking meters in the Town to the Council. Recommending additional meters to be placed on Market St. in front of the Circuit Court House, and along South First St. An additional 37 parking spaces will be metered. This will complete the entire meter area. The cost of the project is approximately \$9,600 (less labor and miscellaneous expenses). Chief added that the primary reason was to encourage short term parking and roll over in and around the Court House. Staff advised to determine if there is an easement prior to installation. Chief advised that the additional revenue would go into the General Fund to offset enforcement cost and meter maintenance.

Councilman Horsey made a motion to accept the proposal of the parking meters submitted by Chief Cox upon checking to insure and easement is available, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #5- Police Dept. Year End Statistics

Chief Cox presented the Council with the annual statistics report and advised that they are planning on including them on the web page. Councilman Horsey expressed that the report

reflects the excellent job the Police Dept. is doing. Councilman Foster would like to see data to include mutual aid.

Agenda #7 Caroline High School Pigeon Removal

An initial attempt to remove the pigeons in the Caroline High School did not provide any results. A trap was placed on the second floor with feed, but none of the pigeons entered. The handler was not insured and Town staff were required to assist. Leanne Allen contacted DNR again for additional sources, but had heard back from only one that declined. Chief Cox and his department are in the position to go in and over a series of early evenings take care of the pigeon population. DNR has indicated that they are not a protected species. Seeking direction from the Council.

Councilman Horsey made a motion to direct the Town Administrator to look to see if there are any agencies to take care of the pigeons, seconded by Councilwoman Stockley. Councilman Horsey withdrew his motion and made a new motion to allow the Town Administrator to resolve the problem of the pigeons in the best way, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #8 - Water and Sewer Allocation:

An allocation request was made by Keith J. Berkey for a laundromat service on Fifth Street and J.L. Gannon for the Village of Watts Creek. The latter recently received an amendment to the water and sewer plan by the County. The Berkey allocation is for 1125 gpd and the Gannon allocation is for 57,825. A revised capacity log sheet of allocations was presented to the board.

Councilman Horsey made a motion to allow the allocation for Keith Berkey's Laundry mat, seconded by Councilwoman Stockley, the motion passed unanimously.

Councilman Horsey made a motion to allow the allocation for the Gannon project, seconded by Councilman Foster, the motion passed unanimously.

Agenda #9 - Community Information Outreach Proposal:

This was deferred until executive session.

Other New Business

Executive Session

Councilman Horsey made a motion to go into executive session to seek legal advice on a fine schedule, the County Lawsuit and a personnel issue at 8:26 PM, the motion was seconded by Councilwoman Stockley and passed unanimously.

At 9:24 PM Councilman Horsey made a motion to close the executive session and reopen the regular meeting, seconded by Councilwoman Stockley, passing unanimously.

Councilman Horsey made a motion to have a fine schedule pulled together, seconded by Councilwoman Stockley, passing unanimously.

Councilman Gregory made a motion to have the Town Attorney seek an Attorney Generals Opinion for salary and benefits for council members and whether a benefit package is defined as salary, seconded by Councilman Foster, the motion passed unanimously.

Agenda #9 - Community Information Outreach Proposal

The community information outreach proposal was submitted by Carol D'Agostino.

Councilman Horsey made a motion to enter into a contract with the Purple Cat Association, seconded by Councilman Foster, the motion passed unanimously.

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With no further business to discuss Councilman Gregory made a motion to close the meeting at 9:25PM, seconded by Councilman Horsey, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*