

February 2, 2004

Executive Session

At 6:00 PM Mayor Horsey opened a meeting of the Denton Town Council. The Mayor asked for a motion to enter into an executive session to seek legal advice. Councilwoman Stockley made a motion to open an executive session, seconded by Councilman Branson, passing 4-1. Councilwoman Goldsborough entered the room around 6:15 PM. Also attending this session was Brynja Booth, Karen Monteith and Terry Fearins.

At 6:55 PM Councilman Branson made a motion to close the executive session, seconded by Councilman Foster, passing unanimously. 5-0.

Regular Meeting

Mayor Horsey called the regular meeting of the Denton Town Council to order on this date at 7:00 P.M. leading everyone in the Pledge of Allegiance to the Flag.

Councilwoman Goldsborough provided the invocation.

Mayor Horsey asked that the record reflect all members were in attendance.

Mayor Horsey asked for a correction to the minutes of January 5th, under Mayor Pro Tem, should reflect fellow council member's and not member. With no other corrections Mayor Horsey approve the minutes of the January 5, 2004 regular meeting.

Presentation of Town Audit - Mr. John Montoro was present and provided an overview of the Fiscal Year 2003 Audit to the board.

Petitions, remonstrances and communication

None

Resolutions and Ordinances

Resolution #638 - Building Permit Fee Amendment - This resolution provides clarification as to when fees are charged, how they are applied and changes the title of impact fees. There is an increase in the fee charged for failed inspections and inspections scheduled but not canceled from \$35.00 to \$50.00.

Councilwoman Stockley made a motion to adopt resolution #638, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Ordinance #437 - Property Transfer

An ordinance to transfer the former well-house property on Edenton Lane to Diana Hadley, it was introduced Jan. 5, 2004 and is brought before the board for consideration of adoption.

Councilman Branson made a motion to adopt Ordinance #437, seconded by Councilwoman Stockley, passing unanimously 5-0.

Resolution #639 - Industrial Park Option Agreement - This resolution authorizes the Mayor to execute all documents relating to and entering into an option agreement, potentially selling lot#9B of the Denton Industrial Park to Matthews Brothers Properties, LLC.

Councilman Branson made a motion to adopt Resolution #639, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Ordinance #438 - Development Rights & Responsibilities Agreement - Establishes the procedures and requirements for the consideration and execution of

development rights and responsibilities agreements as authorized by the MD Code Annotated Article 66B, section 13.01. Attorney Brynja Booth provided information to the board regarding this Ordinance.

Councilman Branson made a motion to introduce Ordinance #438, seconded by Councilman Foster, passing unanimously 5-0.

Ordinance #439 - Industrial Park Land Transfer - An ordinance to allow for the transfer of a portion of lot#16 in the Denton Industrial Park to Lot #15A.

Councilman Foster made a motion to introduce Ordinance #439, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Ordinance #440 - Intermediary Relending Program - A request from the Denton Development Corporation to the Town of Denton to consider executing loan documents for the USDA Intermediary Relending Program. Carl Scheffel, Project Manager for the DDC came before the board and provided information about this program.

Councilwoman Stockley made a motion to introduce Ordinance #440, seconded by Councilman Branson, passing unanimously, 5-0.

Ordinance #441- Zoning Ordinance Amendment - Open Space An amendment to the Zoning Ordinance establishing minimum open space requirements as part of residential development and providing for a fee in lieu of open space in certain circumstances. The Planning Commission held a public hearing on this in August and has recommended its adoption.

Councilman Branson made a motion to introduce Ordinance #441, seconded by Councilman Foster, passing unanimously 5-0.

Ordinance #442 - Building Code Amendment - Demolition Review Period - To amend the building code to give the building inspector the right to a 60 day waiting period prior to demolition of any structure which may be eligible for the National Historic Trust registry or any other public registry. Jok Walsh came before the board to seek consideration of this ordinance to provide time to evaluate buildings for historic value before demolished, to see if it could be relocated or revitalized.

Councilwoman Goldsborough made a motion to introduce Ordinance #442, seconded by Councilwoman Stockley, passing unanimously 5-0.

Ordinance #443 - Zoning Ordinance Amendment - Signage - An amendment revising the height and size of freestanding signs within the Highway Commercial District in the area bordering Route 404 from the intersection of Gay and 404 eastbound to town limits. The Planning Commission held a public hearing on this matter this past fall and recommends for adoption.

Councilman Foster made a motion to introduce Ordinance #443, seconded by Councilwoman Stockley, passing unanimously 5-0.

Unfinished Business

Agenda #1 - Annexation Petition

Ms. Brynja Booth was present and provided written opinion to the board that she has reviewed the annexation petition and advised the board that it complies with state law and the Council may proceed to introduce an annexation resolution. The written opinion also notes that Karen Monteith has verified according to Article 23A Section #19 of the MD Code Annotated that the petition complies with registered voters

requirements of the statute. Ms. Booth advised that the property is contiguous and met required signatures. Councilman Branson asked the opinion of the Planning Commission and was advised that their meeting had been postponed due to weather, and has rescheduled to be held on the following evening.

Councilwoman Goldsborough made a motion to have Ms. Booth prepare the Annexation Resolution for introduction, seconded by Councilman Branson, passing unanimously 5-0.

Agenda #2 - Hotel Room Tax

At the direction of the Council, the Town Attorney, Ms. Brynja Booth has reviewed the State Code to determine if the Town can adopt an ordinance to establish a Hotel Room Tax. Ms. Booth found that the Town does not have the ability to impose, this must be approved at the County level.

Councilman Branson made a motion to have the Town Attorney draft a letter to the County explaining the situation and asking them to consider. Also to send a letter to the Eastern Shore Delegation asking for support. Caroline County appears to be the only county on the Eastern Shore that does not have a motel tax. The motion was seconded by Councilwoman Goldsborough, and passed unanimously 5-0.

The Town Administrator asked for approval to include in the letter to the County for the hotel tax to be in support of tourism. The board agreed to include.

Agenda #3 - Ethics Ordinance

At the Nov. 3, 2003 meeting the Council requested the Town Attorney to review Denton's existing Ethics Ordinance for conformity to the State Law. Ms. Brynja Booth was present and advised the board the Town's ethic ordinance still complies with the State's that was enacted in 1984, no need to make any changes. Ms. Booth did advise the board to appoint a new ethics commission, since the past members are no longer interested or deceased. The board directed the Town Administrator to solicit people to serve on the Commission.

Other Unfinished Business

Mayor Horsey asked the status of the proclamation for Paul Wise and staff advised that it will be provided for the March meeting.

Councilman Branson expressed thanks to the Town crews for the wonderful job they did in removing the snow in the downtown. Mayor Horsey stated that they did an excellent job on all the streets in removing the snow, helping with the power outage, manning the traffic lights, putting in long hours was well appreciated. Councilwoman Stockley commended the Police Dept. on the response time during the storm. Mayor Horsey proudly commented on the weekly report showing that some departments were fully staffed even though liberal leave.

New Business

Agenda #1 - Trash Collection Policy

Previously the Town Council had discussed with Staff the trash collection services which are provided to Multi-family dwelling units. These facilities are traditionally serviced by dumpsters. In reviewing the size and types of dumpsters provided at each of the facilities the Town provides collection for, it was determined that there are inconsistencies. Town Staff relayed that BFI estimates that trash collection to be 1/4 cubic yard per unit per week. Using this formula Staff is requesting that the

Council consider establishing a formula for determining the number and size of containers. Any additional trash collection needs would be at the cost of the property owner. Councilman Branson would like to have this specified in writing by ordinance.

Councilman Branson made a motion to have drafted an amendment in the trash ordinance to be considered for introduction.

Agenda #2 - Crouse Park Improvements

Carl Scheffel, Program Manager for the DDC, came before the board to discuss the proposed improvement to Crouse Park, seeking authorization from the Town Council to proceed with bidding for the project. Funding appropriated through the Dept. of Natural Resources Boaters Administration Waterway Improvement Fund.

Councilwoman Stockley made a motion to advertise for bids and to seek interim financing, seconded by Councilman Foster, the motion passed 4-1 with Mayor Horsey abstaining due to membership on the DDC.

Agenda #3 - Engineering Agreement Amendment - Wheeler Park

A proposal from George, Miles and Buhr to amend the current engineering agreement for Wheeler Park to include final design of proposed park improvements at Lockerman Park. Improvements include new entrance driveway, parking lot, stormwater improvements, lighting, walking trail and landscaping. The proposal for services is \$15,600.00 which would be funded through the Community Parks and Playground Grant that was received this winter.

Councilman Branson made a motion giving permission to amend the current engineering agreement, seconded by Councilwoman Stockley, passing unanimously 5-0.

Agenda #4 - Engineering Agreement -Eight Street Infrastructure Project

Staff made a presentation to the board to discuss the status of the Eighth Street infrastructure project including budget, status of funding and proposed engineering agreement for the construction administration and inspections for this project. Staff advised that they are seeking additional funds from MDE. The County will share in this project cost.

Councilwoman Stockley made a motion to enter into an engineering agreement with George Miles & Buhr on the 8th St. project as discussed, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Agenda #5 - Water Tower Lease

Scott Getchell provided the board with a lease proposal for the water tower. This could potentially generate an additional \$10,000 in revenues which could be used towards tower maintenance and to repair the fence. The lease agreement has an initial six month option period and a long term lease provision. Councilman Branson clarified that the funds would go into the water fund and not the general fund like the other leases. Staff advised that if the funds are put into the water fund then it can be used for maintenance expenses. Staff asked the boards approval to enter into an option agreement at this time.

Councilman Branson made a motion to have the Mayor sign the documents necessary to enter into an option agreement, seconded by Councilwoman Stockley, passing unanimously 5-0.

Agenda #6 - Utility Commission

Staff provided the board with a copy of the Utility Commission minutes and their recommendations to prevent future loss due to embezzlement. The Utility Commission has changed their meeting dates to be before the Planning Commission so they can be a part of the planning review for new projects.

Mayor Horsey appointed Councilman Branson to serve on the Utility Commission, Council approved.

Mayor Horsey stated that he would like to see all council members serve on a committee.

Councilman Branson questioned GASB34 compliance and was advised that the assets for the water and sewer are already included in the financial report, recent study for roads and sidewalks will be beneficial in adding them. Staff will be working on the asset listing with the Auditor, hope to be complete by April.

Agenda #7 - Subordination Agreement - Small Business Loan Program

Tanglewood Conservatories is presently proposing an expansion of their existing facility in the Denton Industrial Park. They are requesting the Town to consider entering into a subordination agreement to allow an increase in the primary lender's first position. The Town would remain in the third position.

Councilman Branson made a motion to approve entering into a subordination agreement with Tanglewood Conservatories, seconded by Councilman Foster, passing unanimously 5-0.

Agenda #8 Housing and Community Development Part Time Employee Request

Jennifer Shull discussed hiring a part time contractual employee in the Housing and Community Development Dept. to assist with Property Maintenance Enforcement & Building Codes.

Councilman Branson made a motion to allow the hiring of a part-time contractual employee for property maintenance and building codes, as long as it can be paid for through permit fees collected, seconded by Councilwoman Goldsborough, passing unanimously 5-0

Agenda #9 Business Loan

A loan application for business start up funds from the owners of a new business to open up downtown has been reviewed by the Loan Review Committee was provided to the board for consideration. The Loan Review Committee recommended to deny the loan request.

Councilman Branson made a motion to deny the loan at this time until the applicant can provide additional information, seconded by Councilwoman Stockley, passing unanimously 5-0.

Other New Business

The Town Administrator asked the board to consider spending up to \$5,000 to get a work study student to work in the office.

Councilwoman Goldsborough made a motion to authorize staff to hire a work study student as requested, seconded by Councilwoman Stockley, passing unanimously 5-0.

Councilman Foster recommended a citation to be issued at the Hot Spots dinner to Bob MacDonald.

Councilwoman Goldsborough is serving on the MML Legislative Committee and advised that on 1/24/04 Mike Bush spoke about State budget cuts on highway use to local governments, program open space, and stated that little would be reinstated for the cuts that took place for FY2004.

Councilwoman Goldsborough advised the following:

LGIT will be holding training courses on ADA at no cost on Feb. 17, and 19th

Police Officer Training will be held on Feb. 25th.

MML has chosen the following 2004 priorities:

- 1. Protecting & restoring Municipal Resources*
- 2. Heritage Structure Rehabilitation Tax Credit Program*
- 3. Restoring Municipal Zoning Authority.*

Councilwoman Goldsborough provided information for important upcoming dates:

April 26-30, 2004 is Municipal Government Week

Feb. 5-7, 2004 Maryland Mayor's Association Winter Conference

Mar. 5-9, 2004 N.L.C. Congressional City Conference

June 27-30, 2004 MML Convention

Mayor Horsey announced that he is volunteering his time to be chairman of the Christmas Parade and welcomed any help.

With no further business to discuss Mayor Horsey adjourned the meeting at 8:30 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*