

February 7, 2005

**Executive Session**

*Councilman Branson made a motion to hold an executive session at 6:00 PM to obtain legal advice pertaining to a letter received from the County regarding Cattail Commons, Highway Capacity-transportation utility fee, 4<sup>th</sup> St. Redevelopment-Edenton Artist. The motion was seconded by Councilwoman Goldsborough, the motion passed unanimously. All Council members were present.*

*At 6:55 PM the Executive session was closed so the Council could prepare for the regular meeting.*

**Regular Meeting**

*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.*

*Councilwoman Goldsborough provided the invocation.*

*Mayor Horsey asked that the record reflected that all members of the Council were in attendance, extending a warm welcome back to Councilman Foster after his recent military leave of absence.*

*Mayor Horsey asked that the date on the minutes of the last regular meeting be corrected to reflect Jan. 3, 2005. With this amendment Councilwoman Goldsborough made a motion to adopt the minutes of the Jan. 3, 2005 regular meeting and the notes of the Jan. 31, 2005 working session, seconded by Councilwoman Stockley, passing unanimously.*

**Public Hearing Ordinance #472**

*At 7:02 PM Mayor Horsey opened a public hearing that was advertised in the Times Record on Jan. 19<sup>th</sup> and Jan. 26<sup>th</sup> to receive comments on Ordinance #472 which amends the Denton Zoning Ordinance to include the Historic District Design Standards drafted by the Historic and Architectural Review Committee. The Mayor asked for any comments from the Council, staff and the Public, there being none the public hearing was closed at 7:04 PM.*

**Petitions, remonstrances and communication**

**Division of Parole & Probation** - *Mr. Robert Hansen, Acting Assistant Regional Administrator made a presentation to the Council regarding the proactive community service program providing statics regarding change in case loads, reduction in arrest since the start of the program. Mr. Hansen also provided details regarding the rules that new offenders must attend education classes which has a 60% success rate for getting jobs.*

**FY2004 Financial Report** - *Town Auditor, Mr. John Montoro of Cherry Bekaert & Holland provided an overview of the Town's FY2004 Financial report, indicating that it was an uneventful report. The Audit found the Town to comply with all laws and GASB requirements, and stated that there were no management comments to report.*

**Introduction and adoption of resolutions and ordinances**

**Resolution No. 656 Crouse Park Welcome Center** - *Mr. Carl Scheffel on behalf of the Denton Development Corp. came before the Council with a resolution supporting the Town's co-sponsorship with the Denton Development Corporation for a funding request to the Maryland State Highway Administration. The grant request will be in the amount of \$500,000 to provide construction funding for a proposed heritage Welcome Center in Crouse Park, which is part of the planned redevelopment of Crouse Park. Mr. Scheffel advised the Council that the matching funds would be provided through the Dept. Of Natural Resources waterway funds.*

Councilman Branson made a motion to adopt resolution #656, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Ordinance # 472 Historic Guidelines:** *The Historic and Architecture Review Board has worked with consultant Peter Johnston of Redman-Johnston Associates to develop additional information to assist applicants and property owners planning exterior building changes to property in the historic district. The information clarifies what is recommended as acceptable in accordance with the Secretary of the Interiors Standards for Historic properties. Graphics and other visual aids accompany the text in an easy to understand format. Staff support the recommendation to adopt the historic guidelines, and the additional text definitions to the zoning ordinance.*

Councilman Branson made a motion to adopt ordinance #472, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance #474 - 10 N. 4<sup>th</sup> St. (Tribbett Property) Acquisition Ratification Ordinance**

*The Town Council previously authorized the purchase of the referenced property as Ordinance #473. Ordinance #473 was an emergency ordinance authorizing the Mayor to sign all documents associated with the purchase contract and settlement documents. The emergency ordinance is only effective for 60 days. Therefore, Ordinance #474 is the permanent, supplemental ordinance and is before the Board for consideration of adoption. Previously Mr. Scheffel advised the board that Community Legacy Grant funds have been approved for the acquisition of this property and that he is presently seeking funds to demolish the burned structure.*

Councilwoman Goldsborough made a motion to adopt ordinance #474, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance # 475 Demolition by Neglect**

*Staff recommended this item to be introduced as a separate topic to define demolition that occurs by intentional neglect. Previously this language was included in Ordinance 472 . This was presented as a stand alone ordinance, and will be readvertised as such. The town attorney drafted the ordinance presented for introduction consideration.*

Councilman Branson made a motion to introduce ordinance #475, seconded by Councilman Foster, the motion passed unanimously.

**Ordinance #477 Arts & Entertainment District Amendment**

*This ordinance was presented for consideration of introduction to amend the zoning ordinance to define an arts & entertainment district, to establish the purpose and intent of said district, and to establish the process for applying the arts & entertainment district as a floating zone. This will facilitate the redevelopment of portions of Gay and Fourth St. as proposed by the Denton Development Corp and the Edenton Artists Initiative.*

Councilman Branson made a motion to introduce ordinance #477, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance #478 Zoning Ordinance Amendment - Historic Overlay**

*This ordinance amends sections 128-46, 128-54 and section 128-55 of the Zoning Ordinance to indicate where the Historic and Architectural District Review Guidelines will apply.*

Councilwoman Stockley made a motion to introduce ordinance #478, seconded by Councilman Branson, the motion passed unanimously.

**Reports of Officers, Boards and Committees**

*Councilwoman Goldsborough advised that she will be attending meetings in PG County on*

Feb. 8, 2005 -*Help to Build Communities*, Feb. 9, 2005 MML Legislative Committee, and Feb. 10, 2005 the Commission for Woman.

**Unfinished Business**

**Agenda #1 -Traffic Modeling-** A revised proposal from the Eastern Shore Regional GIS Cooperative to provide a Traffic Modeling program was provided to the Council. The total cost for the proposal is \$37,000. The Town of Denton's portion of the cost for the modeling is \$18,500. Funding through the Midshore Regional Council will provide the remaining funding. The Town's portion would initially come from the Highway Fund and will be reimbursed through a proportionate assessment onto new development projects presently in the planning process.

Councilman Branson asked if this was the study that the Council is waiting on to make a decision about the traffic patterns on Second St. and others. Staff advised yes.

Councilman Branson made a motion to authorize the traffic modeling program to begin, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Agenda #2 - Road Capacity - Transportation Utility Fee**

Having obtain legal advice in the earlier executive session, Councilman Branson made a motion to direct the Town Attorney to look into the legality of adopting and instituting a Road Capacity - Transportation Utility Fee, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #3 -Heritage Management Plan**

The Planning Commission has revisited the "Stories of the Chesapeake" Heritage Management Plan proposed by Elizabeth Watson. Based on the revised plan, and with a memorandum of understanding (MOU) that clarifies the powers of land use planning are not transferred to this entity or Caroline County; and with the provision that the town attorney be comfortable with the MOU that the Planning Commission has forwarded a favorable recommendation that the town participate in the plan under these conditions. Staff asked that the MOU be amended to deleted paragraph 7, that the Town will not provide future funding.

Councilwoman Stockley made a motion to support the MOU as amended deleting the language for #7, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #4 -JPA Venture, LLC PN Concept**

This item came before the Board to permit discussion by the Town Council on the concept plan that was presented in the working session on Jan. 31, 2005.

Councilwoman Goldsborough made a motion to forward the JPA Venture, LLC PN Concept to the Planning Commission for recommendation, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #5 - Juvenile Curfew**

Chief Cox provided an updated status of the research obtained regarding adopting a Juvenile Curfew Law, advising the Council that other agencies are not enforcing if they have an existing law, due to a concern of violation of constitutional rights.

Councilman Branson made a motion based on the research presented to table further action to adopt a Juvenile Curfew for Denton, seconded by Councilwoman Stockley, the motion passed unanimously. Councilman Branson asked that a letter of thanks be sent to the Juvenile Curfew Committee Members from the Mayor and Council.

**Agenda #6 - Police Building**

Chief Cox spoke to the Council regarding the lack of attention from the Contractor, J.J.

*Deluca to finish the New Police Facility Building. Advising that the basement is still leaking and that there is a long list of other items that are either not finished or there are problems with. Chief advised that they met with the Vice President of J.J. Deluce on Feb. 3, 2005 and that they have stated that they will have all of the items completed by April 1, 2005.*

*Councilman Branson made a motion that if J.J. Deluca has not made all of the promised repairs to the building by April 1, 2005, the Town will start legal proceedings, seconded by Councilman Foster. Further discussion was held in which Councilwoman Stockley question if April 1, 2005 was a realistic time frame, and staff advised yes, that 75% of the corrections are cosmetic, and the rest is in the landscaping. With no further discussion the Mayor called for the vote on the motion on the floor. The motion passed unanimously.*

**Agenda #7 -Cattail Commons/County Correspondence**

*The Town of Denton received a third letter from the County's attorney regarding the Cattail Commons stormwater management issue. The Town Attorney, Brynja Booth was present to discuss this with the Town Council. Ms. Booth advised that George Miles & Buhr (GMB), the engineer for the Town has concluded that the Town's stormwater ordinance is acceptable. Stating that both GMB and McCrone have indicated that the development will not create any post development run off issues. The extra run off is from what is already in existence. The Council was advised that Mr. Bob Jarrell, Attorney for the Developer is scheduled to meet with the County on Feb. 8, 2005. Ms. Booth advised the Council that no action from the Town was necessary at this time. This item was for discussion only.*

**Agenda #8- Fourth Street Redevelopment**

*A.) Mr. Carl Scheffel, representing the Denton Development Corp, came before the Council advising that prior to the Town purchasing the property of 10 N. Fourth St., that the Town's Dept. of Housing and Zoning had issued an order for demolition of the structure by Jan. 31, 2005, because of the condition due to the fire. Three demolition proposals were obtained by Mr. Scheffel from David Kibler, Chris Lee and Choptank Excavation. Mr. Scheffel asked the Council to waive the procurement policy to allow for demolition to take place since this is an emergency situation and to award the demolition to David Kibler, the lowest bid.*

*Councilman Branson made a motion to move forward with the demolition and to award to the low bidder David Kibler in the amount of \$6,700, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

*B.) Town Attorney provided an overview of ordinance #481 and the findings of fact to apply the Arts & Entertainment floating zone to specific properties of interest to the Edenton Artists Initiative. This began with the Denton Development Corp who is now working with the Edenton Artisian Group. The Planning Commission has met with this group several times and recommends this ordinance for consideration.*

*Councilman Branson made a motion to introduce ordinance #481, seconded by Councilwoman Stockley, passing unanimously.*

**Agenda #9 -Chesapeake Culinary Center Memorandum of Understanding**

*The Town of Denton and the Caroline Career and Technology Center are collaborating during the Spring 2005 semester to offer a culinary training program to Caroline County Public School students. The Town's Attorney has prepared the attached MOU to detail the relationship and responsibilities of each entity in delivering the program. Seeking approval for the Town*

Administrator to sign the agreement.

Councilman Branson questioned insurance obligations and was advised by staff that the Students are covered through the School system.

Councilwoman Goldsborough made a motion to adopt the Memorandum of Understanding with Caroline County Board of Education and Caroline County Career and Technology, seconded by Councilwoman Stockley, the motion passed unanimously.

Staff will require the Board of Education to supply a certificate of insurance.

**Other Unfinished Business**

None

**New Business**

**Agenda #1 -Drug Activity on the Street**

Mayor Horsey provided a request by Niki Savage to discuss with the Town Council her concerns regarding Drug activities on the street. Ms. Savage of 309 N. 4<sup>th</sup> St., expressed concerns with the Council about the older generation using the kids as dummies for getting drugs on the street. The kids are getting caught and taken off the streets but the older adults the ones causing the problem are still operating. Ms. Savage expressed the need for things for the kids to do, and get parental support to get kids off the streets.

Chief Cox offered to meet with Ms. Savage to help her establish a neighborhood group to assist with her concerns. Councilwoman Goldsborough reference a recent shooting in the area that has residents more concerned than ever, indicating that things are getting worse. Councilwoman Goldsborough stated that the Youth are our future and suggested getting a formal youth commission started. She has presented the issues to the Lt. Governor and MML and plans to present to MACO. Chief will provide the board with a report of findings.

**Agenda #2 - Denton Industrial park**

There are a number of issue regarding the Denton Industrial Park that need to be discussed with the Town Council. This item was deferred until executive session.

**Agenda #3 - Snow Removal Policy**

Town staff came before the Council to discuss the existing snow removal policy - specifically addressing sidewalks. The Town Charter requires that snow removal take place within 3 hours of snowfall. This original provision dates back to 1907. A copy of Chapter 107 is provided for reference. Staff recommended amending to 24 hours, indicating that it will be easier to enforce.

Mayor Horsey asked staff to revamp the snow removal policy and to check with surrounding Towns to see what their fines and guidelines are.

**Agenda #4 -Planning Commission Annual Report**

A report compiling information reviewed by the Planning Commission and Board of Appeals for the calendar year 2004 was presented as information. Copies will be provided to the library and the State Office of Planning.

The Council expressed a thank you to the staff, the Planning Commission members, the Board of Appeals members and the Historic Review members for doing an exception job. It was suggested to also supply a copy to the County Commissioners for review.

**Agenda #5 - Homeland Security**

A proposal for the Denton Police Department to acquire equipment under the Law Enforcement terrorism Prevention Program (LETPP) for Caroline Co. was provided to the board

for review. The Denton Police Department's share of this funding is \$13,909.95. The Alvarion 900 MHz Subscribed Unit will be used to connect with the Caroline Co. Emergency Management wireless system to allow for communications between Denton Police Department servers and the servers at Emergency Mgmt. This system will allow the monitoring of security cameras from lap tops, to review MVA records, and to receive live downloads.

Councilman Branson made a motion to allow Chief Cox to buy the 900 MHz system for \$13,909.95, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #6 - Abatement Consideration-** The Finance Dept. is seeking direction from the Council on how to handle the following delinquent accounts. Staff provided an overview for each and the attempts to try to collect.

Vivian Hayman Anders - Personal Property Tax 1992	\$124.53
Thomas Barr - Prior Employee Cell Phone	\$ 29.25
Climate Comfort Control LLC - 2002-2003 Corp. Taxes	\$199.99
Climate Comfort Control LLC - 2003-2004 Corp Taxes	\$371.85

Councilman Branson made a motion to abate all, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #7 - Traffic Signal at 3<sup>rd</sup> & Market**

The Public Works Dept. requested approval from the Council to proceed with replacing the traffic signal at the intersection of 3<sup>rd</sup> & Market. Proposing to replace with LED technology, which eliminates the need to change bulbs. The LED's will not burn out, however they fade over time (10+ years). The benefits to replacing the existing signal will be keeping the DPW employees out of harms way and to avoid dangers to motorist every time the bulbs are changed. A proposal from RGA for the equipment costing \$1,515, and staff estimate a cost of \$500 for the contractor to perform the replacement. There is not enough capital outlay money available in the highway fund to cover this replacement, so staff recommends to borrow the funds from the General Fund and replenish in the FY-06 Budget.

Councilwoman Stockley made a motion to allow the purchase of LED equipment for the traffic signal located at 3<sup>rd</sup> & Market St. for a total cost of \$2,015., seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Agenda #8 - Memorandum of Understanding (MOU) -** A rough draft of an MOU between all county Law Enforcement Agencies, the County Commissioner's and the State's Attorney's Office to provide law enforcement assistance on limited and specific situations was provided for the board to review and consider of adopting. Chief Cox advised that the MOU has been revamped to redefine emergency situations and special events. The Attorney Generals Office, LGIT and the Town Attorney have reviewed and gave a favorable recommendation.

Councilman Branson questioned if our officer on duty is called to another town to assist, then injured, who would handle the injury claim? Chief advised that the Town of Denton would be responsible. Councilman Branson also questioned if a robbery was in progress in another town, what happens to the coverage for Denton? Chief Cox replied that Denton presently has two officers on duty, one would stay in Denton and the other would assist the other jurisdiction in need and that Chief Cox would be notified at any time mutual aid is requested, then he can made a decision whether to call another officer out. Chief also advised that this is in no way intended for the officers to patrol other towns.

Councilman Branson made a motion to authorize the Mayor to sign the documents of the MOU between the Law Enforcement agencies of Caroline County, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #9 - Meter Replacement Plan Modification**

The Public Works Dept. requested direction from the Council regarding a change in the meter replacement plan, explaining that some of the Master Meter touch reads are starting to experience failures within the electronic modules. Master Meter is willing to exchange the failed meters with a new like kind of model free of charge, or since the Town no longer installs touch reads, these could be upgraded to a radio-read meter for a reduced cost. Staff advised that the Town presently has 307 small meters, and 10 large meters installed of the Master Meter brand. Staff provided three options to the Council for consideration and recommended option #2. Option #2 replaces all Master Meter touch read modules with radio-reads modules only under the exchange program for \$16,450. This option would be slightly more involved with respect to labor for the DPW staff. The radio read module normally cost \$120 each, under this exchange program the cost would be \$50, and the shipping cost would be less than the other options.

Councilman Branson made a motion to approve option #2, seconded by Councilman Foster, the motion passed unanimously.

Staff asked for approval to proceed and review at budget time to if a budget amendment is necessary. The Board ok'd this.

Commercial - Councilman Branson expressed that for commercial when an old meter is replaced with a new one because the meter is bad, that the Commercial Property owner should pay for the new meter, however if upgraded to benefit the Town, should the Town cover the cost. Mayor Horsey asked why Commercial pay, and was advised that the Council had previously approved this because Commercial meters sizes may vary, some larger than others, costing more due to size of the meter. Mayor Horsey asked to seek the Utility Commissions recommendation on Commercial meters. This was referred to the Utility Commission.

**Other New Business**

Staff advised that Senator Pipken will be going before the legislative committee on Feb. 15, 2005 at 2:00 for anyone that wishes to attend.

Staff advised that the Town has been notified of a community legacy award, not sure how much, the Governor wishes to announce the amount at a later date.

Councilman Foster presented the Council with a certificate from the National Guard for their Support of the Guard and Reserve. The Mayor and Council of the Town of Denton were recognized in the certificate as a Patriotic Employer.

**Executive Session**

Councilman Branson made a motion to hold an executive session at 9:25 PM to review proposals for industrial park business, seconded by Councilwoman Stockley, the motion passed unanimously.

At 9:55 PM Councilman Branson made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #2 Denton Industrial Park**

**A.) Road Renaming**

Councilwoman Goldsborough made a motion to submit a request to the Caroline County Emergency Management to rename West Frontage Road to Industrial Park Way and East

*Frontage Road to Blades Farm Rd, seconded by Councilman Foster, the motion passed unanimously.*

**B.) Heflebower Industrial Park Request**

*The Denton Industrial Park Owners Association, had reviewed the proposal submitted by Jeff Heflebower. They determined that the scope of the proposed lease space was personal service and presently prohibited. They encouraged the Council to look to locate alternative land as the need was supported.*

*Councilwoman Goldborough made a motion to direct staff to contact Mr. Heflebower about looking at another site, seconded by Councilman Branson, the motion passed unanimously.*

**C.) Dualization of Route 404**

*The Denton Industrial Park Owners Association expressed their concern about the recent dualization of Route 404, indicating that the new format of the road is making it extremely difficult for the tractor trailers accessing the park to enter from Route 404.*

*Councilman Branson made a motion to direct the Town Administrator to write a letter about the inaccessibility for tractor trailers being able to get in to the Industrial Park to the State Highway Administration, seconded by Councilwoman Stockley, the motion passed unanimously.*

**D.) Maryland Proteins**

*The current owners of Lot 9A, Maryland Proteins would like to sell their property of 2.6 acres in the Industrial Park.*

*Councilman Branson made a motion to introduce Ordinance #476, authorizing the purchase and to enter into a contract of sale for Lot 9A, as long as the owners meet state requirements of a corp in good standing, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

**E.) Gorton Merrick**

*Gorton Merrick has requested the opportunity to enter into an option agreement for Lot 9B in the Denton Industrial Park for a period of six months with the ability to renew for an additional six months. They are presently a tenant in the Mathews Brothers Building.*

*Councilman Branson made a motion to introduce Ordinance #479, authorizing to enter into an option agreement from Gorton Merrick for Lot 9B in the industrial park, seconded by Councilwoman Stockley, the motion passed unanimously.*

**F.) Singer Associates**

*Singer Associates is a customize fire equipment company that has requested an opportunity to enter into an option agreement for Lot 9B2 in the Denton Industrial Park for six months with the ability to renew the agreement for an additional six months.*

*Councilman Branson made a motion to introduce Ordinance #480, authorizing to enter into an option agreement from Singer Associates for Lot 9B2 in the industrial park, seconded by Councilman Foster, the motion passed unanimously.*

*With no further business to discuss Councilman Branson made a motion to close the meeting of the Town Council at 10:01 PM, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*