

March 1, 2004

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.

Rev. Fisher provided the invocation.

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

Mayor Horsey asked if there were any changes to the minutes that were provided for the Feb. 2, 2004 meeting. There being none, Mayor Horsey accepted the minutes as published.

Petitions, remonstrances and communication

Fair Housing Month Proclamation - The Mayor asked the Clerk-Treasurer to read the proclamation as prepared by staff, then the Mayor proclaimed April as the Fair Housing Month in Denton.

American Red Cross Proclamation - The Mayor proclaimed March as American Red Cross Month.

Resolution and Ordinances

Resolution #641- Councilman Branson made a motion to introduce Resolution #641, Crouse Farm LLC annexation resolution, seconded by Councilwoman Goldsborough, the motion passed unanimously 5-0. This will be advertised for four weeks and a public hearing is scheduled to be held on Monday, April 26th at the library.

Resolution #640 - Councilman Branson made a motion to adopt Resolution #640, endorsing the financial assistance to be provided to Boater's World Properties, LLP for their expansion project, seconded by Councilwoman Stockley, the motion passed 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.

Councilwoman Goldsborough made a motion to adopt 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.

Councilwoman Stockley made a motion to adopt Ordinance #439, seconded by Councilman Branson, the motion passed 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.

Councilwoman Stockley made a motion to adopt Ordinance #440, seconded by Councilman Branson, passing unanimously, 5-1 with Mayor Horsey abstaining due to membership of the DDC.

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.

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

Ordinance #444 - Garbage and Refuse Amendment An ordinances to amend the trash collection code to provide parameters for bulk trash collection services, amending section 64-3.C.

Councilman Branson made a motion to introduce Ordinance #444, seconded by Councilman Foster, passing unanimously 5-0. Staff received approval to send a copy to multi-family agencies to provide an awareness.

Unfinished Business

Agenda #1 - Annexation Rauch/Rocks

Mr. Rauch advised the board that they are looking forward to presenting their proposal for the Crouse Farms Annexation to the public on April 26, 2004 at 7:00.

Other Unfinished Business

None

New Business

Agenda #1 - Annexation Petition - Gannon/Trice

Staff presented an annexation petition received from Gannon's Purchase LLC represented by Attorney Jeff Thompson. The area within the petition represents a land mass south of town adjacent to the eastbound Route 404. The requested petition is complete and has been forwarded to the Town Attorney. The next step if the Council desires is to forward to the Planning Commission for a recommendation.

Councilman Branson questioned the ownership of the state highway, and was advised that the State would retain ownership of the roadway. Councilman Branson questioned water service to the property and was advised by staff that with the dualization of Route 404, a sleeve was placed under the road way east of the Ford dealership in anticipation of future growth. Councilman Branson questioned the stormwater problem at Food Lion and would this have any effect on that, and staff advise that it would not. Mr. Jeff Thompson spoke on behalf of his client and said they were looking forward to moving forward with the project and thanked the board for their consideration to support.

Councilman Branson made a motion to forward this annexation petition to the Planning Commission for review, seconded by Councilwoman Stockley, passing unanimously 5-0.

Agenda #2 - Annexation Petition - Fearins/Lacrosse Homes

Staff presented a petition received from Mary Ruth Fearins, and the contract purchaser, Lacrosse Homes Inc. represented by Attorney Jeff Thompson. The area within the petition represents a land mass north of town adjacent to Arby's and Route 404. The petition also annexes in a portion of Route 404 and Route 313 that would give more exact dimension to the Town Boundary. The requested petition is complete and has been forwarded to the Town Attorney. The next step if the Council desires is to forward to the Planning Commission for a recommendation.

Staff advised that this is part of the special assessment district and would be subject to additional cost that would reimburse the Town for funding put into the regional pump station in this area. Attorney, Mr. Jeff Thompson, spoke on behalf of his client in favor of the annexation, thanking the board for their consideration.

Councilman Branson made a motion to forward this annexation petition to the Planning Commission for review, seconded by Councilwoman Goldsborough, passing unanimously 5-0

Agenda #3 - Planning Commission Annual Report

Staff presented the Planning Commission's annual report for 2003 to the Council. The report is provided as information and highlights projects, subdivisions, building trends over the past decade. A copy of the report will be filed with the Maryland Dept. of Planning.

Mayor Horsey stated that in reviewing the report that in 2003 construction exceeded the past 9 years in total. Mayor Horsey wished to go on record commending the compassion of the Planning Commission members and the Housing Dept. staff for their dedication. This was concurred by the rest of the council.

Agenda #4 - Fourth Street Redevelopment Project

Mayor Horsey requested an opportunity to discuss the proposed Fourth Street Redevelopment project and the Smith property purchased by the Town in anticipation of the redevelopment of this area. Staff advised that the Denton Development Corp wishes to purchase property on 4th St. between Market and Gay. Funding received through the Community Legacy Grant \$175,000, was targeted to pay off the loan. To maximize funds to acquire as many of the properties as possible, the DDC is recommending this be deferred. At this time approval is necessary to continue the existing mortgage on the Smith property and to acquire more.

Councilman Branson made a motion giving approval to continue the mortgage and acquire more properties for this project, seconded by Councilman Foster, the motion passed 4-1 with Mayor Horsey abstaining due to DDC membership.

Agenda #5 - Denton Child Development Center Lease

The Town of Denton assisted the Denton Child Development Center in securing funding to build their facility. They have now requested that a formal lease be drawn up between the Town and the DDC for the property.

Councilwoman Goldsborough made a motion to execute the lease with the Denton Child Development Center, seconded by Councilman Branson, passing unanimously 5-0.

Agenda #6 - Excise Tax- Request for letter of Support

Mr. Charles Cawley has provided the Town with a copy of the information packet the County gave to the Eastern Shore Delegation. The County is seeking support from the Town in their endeavor to have the excise tax cap raised to \$5,000 and the sunset provision deleted.

Mayor Horsey suggested that the Town Council support, advising that the County needs \$3,800 to make repairs to the schools, and that it compares to other counties. Councilman Branson stated that if they need it for schools and if they don't get it this way through excise taxes that they will have to charge somewhere else. Staff advised that Senator Colburn is supporting the excise tax.

Councilman Branson made a motion to send a letter of support to the County Commissioners, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Other New Business

Councilman Branson inquired about status of highway funds, and Councilwoman

Goldsborough advised that the road funds are scheduled to be discussed on 3/10/04.

Legislation Update - Councilwoman Goldsborough provided the board with the legislation update.

Guest - Councilwoman Goldsborough introduced and thanked Senator Clarence Mitchell and Judge Jok Leads for coming and visiting during the meeting.

Police Dept. Change Orders - Staff advised the board that change orders for the Police Dept. had just been received and need the board to take action on them. Change order #3 to move the electric service, #4 insulate the ceiling of the sally port, and #5 to extend the block wall in the sally port all totaling \$10,846.25. This leaves approximately \$3400 in the contingency fund.

Councilwoman Goldsborough made a motion to approve the change orders 3,4, &5 to the amount of \$10,846.25, seconded by Councilman Foster, passing unanimously 5-0.

MML Board of Directors - Staff advised that MML was seeking nominations for the 2004-2005 MML Board of directors. Councilwoman Goldsborough expressed interested in serving again as a member at large on the MML Board of Directors.

Councilwoman Stockley made a motion to nominate Councilwoman Goldsborough to serve as a member at large, seconded by Councilman Branson, passing unanimously 5-0.

House Bill 949 - Staff provided a letter from Delegate Jeannie Haddaway seeking letter of support for House Bill 949 amending the Maryland Constitution with regards to legislative districting, resident delegates by county.

Councilwoman Goldsborough made a motion to support, seconded by Councilman Branson, the motion passed unanimously 5-0.

Multi Hazzard Mitigation Plan - Staff provided a letter received asking the Town to consider being a part of a multi hazard mitigation plan.

Councilman Branson made a motion to participate, seconded by Councilwoman Stockley, passing unanimously 5-0.

N.L.C Membership - Staff advised that they had received a call from the National League of Cities regarding renewal of the Town's membership and they have offered the membership reduced to \$332 for the year. Councilman Branson asked Councilwoman Goldsborough if she thought this membership is imperative and she fully supports.

Councilwoman Stockley made a motion to renew the N.L.C membership, seconded by Councilman Branson, passing unanimously 5-0.

Water Break - Councilman Branson inquired about the water main break at Food Lion over the weekend, and staff advised that it was a break at their water meter and that it has been repaired.

8" Water Main - Mayor Horsey asked if the 8" water main that was recently installed for the Police Dept. had passed the test, staff advised that they are still in the process of testing.

Councilwoman Goldsborough provided dates of upcoming meetings and conventions.

Councilman Foster asked to show support for employee being deployed.

Executive Session

Mayor Horsey asked for consideration to hold an executive session to discuss personnel.

At 8:06 PM Councilwoman Stockley made a motion to go into an executive session to discuss personnel, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

At 8:26 PM Councilman Branson made a motion to close the executive session and reopen the regular meeting, seconded by Councilwoman Stockley, passing unanimously 5-0.

Councilman Branson made a motion to excuse Councilman Foster for the duration of his active duty from Council meetings, seconded by Councilwoman Goldsborough, passing unanimously 5-0.

Councilman Foster inquired about military benefits and asked for research to be done on military pay benefits and the fiscal impact if the Town were to change the benefits offered. He noted that some surrounding agencies were offering pay while on military leave.

With no further business to discuss, Mayor Horsey adjourned the meeting at 8:29 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*