

April 4, 2005

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.

Mayor Horsey asked that the record reflect that Councilwoman Stockley and Councilman Foster were also in attendance. Councilwoman Goldsborough and Councilman Branson were absent.

Councilwoman Stockley made a motion to accept the minutes of the March 7, 2005 regular meeting and the working session notes for March 21, 2005, seconded by Councilman Foster, the motion passed unanimously.

Public Hearing Ordinance #475

At 7:01 PM Mayor Horsey announced the opening of a public hearing as advertised in the newspaper on March 16, 2005 and March 23, 2005 to receive comments on Ordinance #475 which amends the Denton Zoning Ordinance to define demolition that occurs as a result of intentional neglect, and establish appropriate corrective action available to the town. The ordinance was introduced on February 7, 2005.

Mayor Horsey asked for comments from the:

State - there were none

County - there were none

Staff - provided an overview

Public - there were none

With no further discussion Mayor Horsey closed the public hearing at 7:03 PM.

Public Hearing Ordinance #477

At 7:03 PM Mayor Horsey announced the opening of a public hearing as advertised in the newspaper on March 16, 2005 and March 23, 2005 to receive comments on Ordinance #477 which amends the Denton Zoning Ordinance to define an Arts and Entertainment District; to establish the purpose and intent of an A & E District; and the process for application of a floating zone. The ordinance was introduced on February 7, 2005.

Mayor Horsey asked for comments from the:

State - there were none

County - there were none

Staff - provided an overview

Public - there were none

With no further discussion Mayor Horsey closed the public hearing at 7:05 PM.

Public Hearing Ordinance #478

At 7:05 PM Mayor Horsey announced the opening of a public hearing as advertised in the newspaper on March 16, 2005 and March 23, 2005 to receive comments on Ordinance #478 which amends the Denton Zoning Ordinance to indicate where the Historic and Architectural Guidelines/Standards apply. The ordinance was introduced on February 7, 2005.

Mayor Horsey asked for comments from the:

State - there were none

County - there were none

Staff - provided an overview

Public - there were none

With no further discussion Mayor Horsey closed the public hearing at 7:07 PM.

Petitions, remonstrances and communication

Fair Housing Month - Councilwoman Stockley made a motion to proclaim April 2005 as Fair Housing Month, seconded by Councilman Foster, the motion passed unanimously.

Maryland Chief's Challenge 2005 - Chief Cox and Sgt. Bacorn came before the Council

seeking their support for the 2005 Maryland Chief's Challenge - A Lifesaving Campaign.

Councilman Foster made a motion to proclaim April 5, 2005 through June 5, 2005 as The 2005 Maryland Chief's Challenge - A Life Saving Campaign, seconded by Councilwoman Stockley, the motion passed unanimously.

Resolution and Ordinances

Resolution # 658 Stories of the Chesapeake: A resolution affirming that a public hearing was held on March 23, 2005 by the Caroline County Planning Commission on behalf of the County and the Town of Denton to receive comments about the proposed Heritage Management Area Plan known as "Stories of the Chesapeake". This resolution confirms the Town Councils support for the plan as outlined in the MOU between the town and Eastern Shore Heritage Inc (ESHI) Stories of the Chesapeake.

Councilwoman Stockley made a motion to adopt Resolution #658, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 475 Demolition by Neglect: An amendment to the Denton Zoning Ordinance that amends sections 128-144 and 128-158 to define Demolition by Neglect, and to specify the course of action by the Zoning Administrator, and the Historic Architectural Review Commission to remedy the neglect. This was introduced February 7th, and is presented for adoption consideration.

Councilman Foster made a motion to adopt Ordinance #475, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 477 A & E District Amendment: An amendment to the Denton Zoning Ordinance that would define an Arts and Entertainment District, establish the purpose and intent of an Arts and Entertainment District; and establish the process for applying the A & E District as an overlay. This ordinance is presented for adoption.

Councilwoman Stockley made a motion to adopt Ordinance #477, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 478 Zoning Ordinance Amendment-Historic District: An amendment to the Denton Zoning Ordinance sections 128-46, 128-54, and section 128-55 to indicate where within the town the Historic and Architectural Review Guidelines apply. This ordinance was introduced February 7th and is presented for adoption consideration.

Councilwoman Stockley made a motion to adopt Ordinance #478, seconded by Councilman Foster, the motion passed unanimously.

Reports of officers, board and committees

3/22/05 Mayor Horsey advised that Councilwoman Stockley and himself attended the summit meeting with Caroline County.

3/23/05 Mayor Horsey attended the Eastern Shore Heritage meeting.

3/28/05 Mayor Horsey attended the Downtown Merchants meeting.

3/23/05 and 4/1/05 Mayor Horsey participated in the Personnel Factoring Committee meetings, in which a recommendation was made for the FY2006 budget to provide a 5% pay increase to employees. This increase if adopted by the Council would provide a 2.7% COLA and a 2.3% merit raise. The committee is in the process of reviewing the pay scale for changes.

Old Business

Agenda #1 - Tribbett Acquisition

Previously the Council approved the acquisition of the Sherman Tribbett property located on Lincoln St. and for settlement to occur before June 30, 2005. Mr. Tribbett has advised staff that he would like proceed with the settlement on this property, however the property still remains occupied. When the initial contract was drawn up it was through June 30, 2005 to provide enough time for the tenants to locate additional housing. Staff advised that the tenants have been challenged with finding housing due to the low rent they presently pay. Staff advised the Council that it is preferred for the property to be vacant before the Town takes ownership.

Councilwoman Stockley made a motion for settlement to occur upon vacancy of the property, the motion died for lack of a second.

Councilman Foster made a motion for settlement to occur upon vacancy of the property and to allow Mr. Tribbett to further correct the problem with the tenants, with June 30 being the final date prior to acquiring the property, seconded by Councilwoman Stockley, the motion passed unanimously.

Other Unfinished Business

None

New Business

Agenda #1 - Bay Restoration Fee Exemption

1.) The State of Maryland passed legislation mandating that Local Governments bill and collect the Bay Restoration Fee (Flush Tax). Town Staff has processed and prepared for the first billing of this fee to be included on the April 1, 2005 Utility Bills.

The Town of Denton acting as a billing authority of this new fee has the option to establish a program for exempting certain residential users from paying the BRF fee because of substantial financial hardship. Criteria for establishing an exemption under the State Guidelines is provided on the following sheet. Staff is seeking direction as to whether the Council would like to offer an exemption and have staff develop a policy. If the Council wishes to offer an exemption to those that may qualify, a policy will be drafted based on the State's guidelines and submitted State approval before implementing. Once implemented Citizens that would like to be considered for the exemption would go through an application process with Town Staff providing the necessary documentation to determine eligibility. If it is determined that a citizen qualifies Town Staff would make changes to their utility account. The State guidelines require that individual exemptions should be for a specified time period not to exceed 1-year with re-verification of eligibility.

2.) Staff is seeking direction from the Council on how to handle the Bay Restoration fee charged to the Denton Volunteer Fire Dept. Presently the Town pays for the water and sewer usage for this property out of the General Fund. The DVFD presently only pays for the administration fee of \$15.00 per quarter. Staff needs to know how to handle the \$7.50 per quarter for this property.

Councilwoman Stockley made a motion for Council not to offer any hardship exemptions at this time, seconded by Councilman Foster, the motion passed unanimously.

Councilwoman Stockley made a motion to authorize staff to bill the Denton Volunteer Fire Dept. the State mandated Bay Fee, seconded by Councilman Foster, the motion passed unanimously.

Agenda #2 -Flamer Tax Status - 902 Old Camp Rd.

Several years ago 902 Camp Road was annexed into the Denton Town limits on a waiver status. A town real estate tax waiver was provided to the owners of this property so long as there was no change in ownership and or the property required connection to Town services.

Recently as expressed in the attached letter from Mr. Flamer there has been a change in the ownership of this property which under the general rule of thumb warrants a change in the tax status from waived to be charged taxes. Also required when there is a change in ownership, the property owner has been required to connect to Town water and sewer services, if available, and within in a 100' of the property line within 90 days of the transfer of ownership.

Since the original discussion with Mr. Flamer, staff has determined that the water and sewer point of connection is in excess of 400', way beyond the 100' requirement, therefore Staff recommended to the Council not to take any action on the service connection part of this request and that this property be allowed to continue on the existing well and septic.

Mr. Flamer is requesting approval to continue on tax waived status from the Council due to the nature of the property transfer as explained in his letter. Council is asked to take action on this request.

Councilwoman Stockley made a motion to allow Mr. Flamer's property to continue on Town tax waived status, seconded by Councilman Foster, the motion passed unanimously.

Agenda #3 - COPS Universal Hiring Grant

Chief Cox came before the Council to discuss the COPS Universal Hiring Grant, advising that this grant will allow the police department to hire additional Police Officers at a 75% to 25% match. Participation in this grant was applied for a couple years ago however the dept. did not have the match funding. The Police Department has been advised that the funds are still available upon having the Mayor sign the grant agreement.

Councilman Foster made a motion to allow the Mayor to sign the COPS Universal Hiring grant agreement, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Historic Architecture Commission Appointment: Letters of interest in serving on the Denton Historic Architecture Review Commission have been received from the following residents:

Sarah Golas if selected, would fill the second general interest/knowledge position on the board.

Irving Bowie Hall, Jr. if selected, would fill a history/preservation position on the board.

The appointments would be for three years. Their letters of interest were provided to the Council, and Ms Shull was present to answer any questions. Kathy Mackel of 201 Fifth Avenue is also up for appointment to an additional term.

Councilwoman Stockley made a motion to accept the applications for appointments, conclusive of all three to serve on the Historic Architecture Commission, seconded by Councilman Foster, the motion passed unanimously.

Agenda # 5 -MML Convention Registration - It is time to register for the Maryland Municipal League Convention from June 26-29. In order to save on the registration fee Council members need to advise who will be attending, completed forms should to be turned into to staff by April 14, 2005 for processing. Hotel reservation have been made at the Princess Royale for all members of the Council, the Town Administrator and the Clerk-Treasurer. Complete details

of the convention were included in the March MML Bulletin.

Councilman Foster advised that he will not be attending this year. Other Council members will follow up with Karen.

Agenda #6 - Water and Sewer Application

McCrone, on behalf of their client Core Resources, is requesting an allocation of 450 gpd for the proposed commercial two-lot subdivision. Staff advised that the Planning Commission has already provided concept plan approval.

Councilwoman Stockley made a motion to approve the allocation as requested, seconded by Councilman Foster, the motion passed unanimously.

Agenda #7 - discussion was held until executive session.

Agenda #8 - FY2006 Budget Draft

The budget will be presented to the Council at the April 18, 2005 workshop.

Agenda #9 - Comcast Cable Land Acquisition Request

Comcast Cable provided a written request to purchase the two lots the Town owns at Fifth and Gay St. Staff provided an overview to the Council and advised that the Town would need to determine that the property is no longer needed for public purpose, determine a value and include amend the existing lease. Since this is a public service utility they could apply for a special exception.

Mr. Tom Worley, Area Director of Government Relations spoke on behalf of Comcast. Mr. Worley expressed their need to expand from their present location which is located in the building at the water tower. Proposing a 12'x27' building.

Councilwoman Stockley made a motion to authorize staff to move forward with the process of declaring as surplus property, seconded by Councilman Foster, the motion passed unanimously.

Agenda #10 Other New Business

Historical Society - Several years ago the Town provided a \$30,000 loan/grant to the Historical Society for renovations. Mr. JOK Walsh came before the Council advising that all conditions have been met and the Historical Society is now seeking a letter of approval to have the \$30,000 loan abolished.

Councilman Foster made a motion to allow the Mayor to sign a letter abolishing the loan and granting the \$30,000 to the Historical Society, seconded by Councilwoman Stockley, the motion passed unanimously.

Executive Session

At 8:19 PM Councilwoman Stockley made a motion to hold an executive session to discuss Industrial Park prospects, seconded by Councilman Foster, the motion passed unanimously.

At 8:31 PM Councilwoman Stockley made a motion to close the executive session and reopen the regular meeting, seconded by Councilman Foster, the motion passed unanimously.

New Business

Agenda #7 - Denton Industrial Park

Councilwoman Stockley made a motion to introduce ordinances #482 and #483 to enter into an option agreement for the potential sale of 2 lots in the Denton Industrial Park, seconded

by Councilman Foster, the motion passed unanimously.

Other New Business

The Council reviewed a letter received from Mr. Bill Deck of the Caroline County Health Department in regards to sewer allocation request.

Councilman Foster made a motion to authorize the Mayor to sign a letter of response, seconded by Councilwoman Stockley, the motion passed unanimously.

Mayor Horsey read a letter received from Councilwoman Goldsborough asking the Council to consider paying for the balance of the National League of Cities conference that she last attended. The Council previously approved to cover one half of the expenses and Councilwoman Goldsborough would pay the other half. Council members expressed the need to discuss attending conferences and the expenses for travel/training at the budget workshop.

Councilwoman Stockley made a motion to pay the obligation for Councilwoman Goldsborough, seconded by Councilman Foster, the motion passed unanimously.

Mayor Horsey read a second letter received from Councilwoman Goldsborough requesting a reimbursement for \$500.00 that she spent out of her funds at a previous conference she attended.

Councilwoman Stockley made a motion to authorize, seconded by Councilman Foster, the motion passed unanimously.

Mayor Horsey advised that Calvary Baptist Church was preparing to celebrate thirty-first anniversary of service and asked the Council for consideration of a proclamation.

Councilwoman Stockley made a motion for a proclamation of congratulations to the Calvary Baptist Church for their 31st. Anniversary, seconded by Councilman Foster, the motion passed unanimously.

The following invitations and announcements were shared with the Council:

Denton Little League Parade, Sat. April 16, 2005 - Mayor Horsey and Councilman Foster indicated that they would participate in these ceremonies.

Caroline County Historical Society - Caroline County World War II, Part One - April 11, 2005.

Mid-Shore Council on Family Violence 25th Anniversary - April 30, 2005

Eastern Shore Association of Municipalities Dinner - April 21, 2005

Mayor Horsey signed the acceptance proposal for the demolition and removal of the house at 10 N. 4th St.

Staff was asked to contact State Highway about sign locations.

With no further business to discuss Councilwoman Stockley made a motion to adjourn the meeting of the Denton Town Council at 8:51 PM, seconded by Councilman Foster, the motion passed unanimously.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer