

April 5, 2004

Executive Session

At 6:10 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 and discuss a personnel matter. Councilwoman Goldsborough made a motion to open an executive session, seconded by Councilwoman Stockley, passing 3-2. Councilman Branson and Foster were absent. Also attending this session was Brynja Booth, Karen Monteith and Terry Fearins.

Discussion was held regarding annexations and personnel issues.

At 6:50 PM Councilwoman Goldsborough made a motion to close the executive session, seconded by Councilwoman Stockley, passing unanimously 3-2. Councilman Branson and Foster were absent.

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 with the exception of Councilman Foster who is on an approved military leave of absence.

Councilwoman Stockley made a motion to adopt the minutes of the March 1, 2004 regular meeting, and the March 15, 2004 special meeting and working session. The motion was seconded by Councilman Branson, passing unanimously.

Public Hearings

Ordinance #441 - At 7:01 PM, Mayor Horsey opened the public hearing for discussion on the proposed changes to the Zoning Ordinance as it relates to open space. Ms. Shull provided an overview of ordinance #441. There being no questions or comments from the Council and/or the Public, the Mayor closed the public hearing at 7:04 PM.

Ordinance #443 - At 7:04 PM, Mayor Horsey opened the public hearing for discussion on the proposed changes to the Highway Commercial district free standing signage provisions by creating an overlay district. Ms. Shull provided an overview of ordinance #443. There being no questions or comments from the Council and/or the Public, the Mayor closed the public hearing at 7:05 PM.

Petitions, remonstrances and communication

CCRP - A request from the Caroline County Commissioners seeking volunteer members for the County Recreation and Parks Advisory Board was reviewed. Mayor Horsey directed Administration to forward the following names as possible candidates: Ms. Pam Gates, Ms. Anna Crouse and Mr. Gene Robbins.

Gornic - The board reviewed a letter of request from Mr. Kenneth Gornic of 206 S. 5th Ave, asking the Town to erect a 12' high fence along the length of the property line between his property and the 4th St. Park and to deny use of the Park and Tennis Courts after dusk. Councilman Branson asked for Town Staff to keep the trash picked up on Town property. Councilwoman Stockley was not in favor of keeping the lighting off after dark, and felt that it would not be in the Town's best interest to restrict the use.

After discussion Mayor Horsey directed the Town Administrator to forward a letter to Mr. Gornic denying his request.

Goss - The board reviewed a letter from Ms. Teresa Goss complementing the Denton Public Works crew for the excellent job they did when replacing a meter at her home recently. The Board read with great pride and asked that Staff relay how nice it is when the public recognizes their good work.

Masonic Building - The board reviewed a letter received from Mr. Jeff Wright with regards to the Masonic Building located at 114 Market Street. Asking the board for consideration of cost sharing in the trash removal for this building. Councilman Branson questioned that the Town's ordinance and that it only provides trash collection for residential and this building is considered commercial. Staff advised that they had recently met with Mr. Wright and discussing trash collection and had advised him of this. They also discussed building maintenance and recommended looking into a business loan for the sidewalk repairs that are necessary. The board took no action on this item.

Denton Little League Parade - The board reviewed an invitation to participate in the Denton Little League Parade on Saturday, April 17, 2004. The board was also advised that Comptroller Schaffer would be attending opening ceremonies. The board was advised to let staff know if they are available to participate.

Paul Wise Proclamation - Ms. Jennifer Shull read the proclamation prepared in memory of the contributions and service of Mr. Paul Wise. The proclamation was adopted on this date and will be presented to Mrs. Wise.

Maryland Chief's Challenge of 2004 - A proclamation read by Chief Cox in recognition of this statewide lifesaving opportunity. The Mayor so declared April 6 through June 6, 2004 as The 2004 Maryland Chief's Challenge - A Lifesaving Campaign.

Resolution and Ordinances

Resolution #642 - Gannon - A resolution to annex certain lands located on the southerly side of the Town on the west side of MD Rt 404, and including portions of MD Rt. 404, consisting of 101.961 Acres of land was considered for introduction. Mr. Gannon and attorney Mr. Jeff Thompson were present for comment.

Councilwoman Goldsborough made a motion to introduce annexation resolution #642, seconded by Councilwoman Stockley, the motion passed unanimously.

Resolution #643 - Fearins - A resolution to annex certain lands located on the northerly side of the Town on the east side of Maryland Route 313 and including a portion of MD Rt. 404 and MD Rt. 313, consisting of 29.177 acres of land. Attorney Mr. Jeff Thompson was present for comment. Councilman Branson reminded that this property is located within a special assessment district, and staff advised that had been explained to both the property owner and the attorney.

Councilwoman Stockley made a motion to introduce resolution #643, seconded by Councilwoman Goldsborough, the motion passed unanimously.

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 adopt Ordinance #441, seconded by Councilwoman Goldsborough, passing unanimously.

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 Branson made a motion to adopt Ordinance #443, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #444 - Garbage and Refuse Amendment An ordinance to amend the trash collection code to provide parameters for bulk trash collection services, amending section 64-3.C. This has been amended since introduction establishing a ½ cubic yard for multifamily units who have 3 or more bedrooms. 1/4 cubic yard would remain for 2 bedrooms or less.

Councilwoman Goldsborough made a motion to adopt Ordinance #444 with amendments, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #445 - WWTP Debt Refinancing - An ordinance prepared by the Town's Bond Council, as required by USDA seeking to refinance the Waste Water Treatment Plant's Debt through the Maryland Dept. of Environment. This will provide a lower interest rate and decrease the number of years on the debt of the existing loan.

Councilman Branson made a motion to introduce ordinance #445, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Ordinance #446 - Zoning Amendment PN Zone - An ordinance amending the Zoning Ordinance to create section 128-21 entitled "PN" Planned Neighborhood District and to create section 128-21.2 entitled "Procedure for approval of a PN district floating zone amendment and PUD plan approval."

Councilwoman Stockley made a motion to introduce ordinance #446, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #447 - Zoning Amendment PN Zone - An ordinance amending the zoning ordinance by adding section 128-21.3 to the zoning ordinance, entitled "PN Design Guidelines".

Councilman Branson made a motion to introduce ordinance #447, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Ordinance #448 - Zoning Amendment PN Zone - An ordinance amending the zoning ordinance section 128-9 of the zoning ordinance to add the "PN" District and amending the official table to add table of uses for the PN district.

Councilwoman Goldsborough made a motion to introduce ordinance #448, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #449 - Zoning Amendment PN Zone - An ordinance amending the zoning ordinance by adding subsection E to section 128-121, which permits the planning commission to vary setbacks for in-fill and re-development applications in the TR, MR and SR zoning districts.

Councilman Branson made a motion to introduce ordinance #449, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Ordinance #450 - Zoning Amendment PN Zone - An ordinance amending the

Zoning ordinance to create article IV to the appendix of the Denton Zoning Ordinance entitled "Residential Infill and Redevelopment Guidelines."

Councilwoman Goldsborough made a motion to introduce ordinance #450, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #451 - Zoning Amendment PN Zone - An ordinance amending the zoning ordinance to create article V to the appendix entitled "Commercial Infill and Redevelopment guidelines."

Councilwoman Goldsborough made a motion to introduce ordinance #451, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of Officers, boards and committees

Mrs. Doris Walls on behalf of the Road Safety Committee, provided an update regarding Market St. from 6th to Gay St. The Roads committee is looking at whether to make one way or to eliminate parking on Market. In reviewing a request from a property owner on 4th St. regarding the alley behind St. Luke's, suggesting that the property owner plant shrubs or report to police.

Councilwoman Goldsborough provided an overview of the legislative bills that were enacted this session.

Municipal Government Week is scheduled for April 26 - 30th.

June 17, 2004 is National League of Cities deadline for nominations for special awards.

Mayor Horsey advised that the nomination for Vickie to serve as a member at large for MML has been submitted.

Unfinished Business

Agenda #1 -Ethic Commission

One letter of interest to serve on the Town's Ethics Commission was received from Ms. Mariana Nuttle.

Councilman Branson made a motion to appoint Ms. Mariana Nuttle to the Ethics Commission, seconded by Councilwoman Goldsborough, passing unanimously. The Mayor suggested contacting Mr. & Mrs. Francis Gates to see if one of them may be interested in serving as well.

Agenda #2 - Shore Health Systems Release

Shore Health Systems has sold the nursing home to Ruxton. Shore Health Systems will be contributing \$20,100 towards the cost of the Wesleyan Pumping Station upgrade and would like for the board to consider signing a release for future cost.

Councilwoman Stockley made a motion to authorize the Mayor to sign the release, seconded by Councilwoman Goldsborough, the motion passed 3-1, with Councilman Branson abstaining.

Other Unfinished Business

Ms. Shull reminded the board about pulling together the program for the Volunteer Appreciation Dinner that is scheduled for April 20, 2004.

Councilwoman Goldsborough asked the status of the no parking signs on Gay St, and staff advised that State Highway has approved and is in the final stages. Waiting for direction to be given to the Denton Shop.

New Business

Agenda #1 - Denton Development Corporation

Carl Scheffel, Program Manager for the DDC came before the board to discuss several project and to seek approval on the following:

1) DNR Grant Agreement - requesting approval and authorization to execute DNR/BIG grant for \$133,335: and authorization for the Mayor to sign a letter request to DNR for dispersing funds in three equal payments in lieu of standard reimbursement procedure.

So moved by Councilwoman Goldsborough, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

2.) Fourth Street Option Agreement - requesting authorization to enter into option agreements for #7 & #8 N. 4th St.; terms 90 days and \$50,000 for purchase -no consideration. Funding to be provided by State of Maryland Community Legacy Funds.

So moved by Councilman Branson to approve this request contingent upon securing funding, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

3.) Community Legacy Agreement - requesting for the Mayoral authority to execute the Maryland DHCD Community Legacy Grant/Loan Agreement (\$155,000 grant; \$20,000 loan)/ Grant agreements being prepared by DHCD's Neighborhood Partnership Program Division.

So motioned by Councilwoman Goldsborough, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

4.) Old Schoolhouse Purchase Contract - requesting approval and authorization to execute purchase contract for the Old School House property at 512 Franklin St. Mr. Scheffel advise that the CDBG-ED Grant has awarded a \$100,000 bond towards this project, anticipate borrowing \$110,000.

So moved by Councilwoman Stockley, seconded by Councilwoman Goldsborough, Councilman Branson and Mayor Horsey abstaining.

Further discussion, staff advised the board that the plans for this project are to redevelop the site, and in partnership with Caroline County Career and Technology create a kitchen technology center, possibly to include the Arts Council, and will provide meeting rooms for other agencies. Looking to be an incubator program, non profit to manage the building operations and to link with Chesapeake college. Looking to complete the project in 2006. The Town has already received a \$100,000 bond bill that is due to expire July 1, 2004. CDBG funding in the amount of \$300,000 has been approved and authorization has been received to pre-incur cost.

Councilman Branson removed his abstention and approved to acquire the property only, the amended motion passed 3-1 with Mayor Horsey abstaining due to membership with DDC. Councilman Branson made a motion authorizing the Mayor to sign the documents if the grant is approved, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

5.) NOAA 306A Grant- requesting authorization to submit \$50,000 grant request to DNR Coastal Management Division for environmental trail/elevated walkway in Crouse Park to be constructed as part of Wharves at Choptank X-ing Phase II.

Councilman Branson made a motion to submit grant, seconded by

Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

Councilman Branson made a motion that if the grant is approved for the Mayor to sign documents, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

6.) IRP Loan Approval - requesting approval of a loan in the amount of \$150,000 in USDA IRP loan funds to Sweet Bay LLC for the acquisition and rehabilitation of 214/216 Market Street; Loan to be secured by property. Councilman Branson questioned parking for tenants and requiring the owner of the building to include a provision in the lease to not park on Market St.

Councilman Branson made a motion to approve this request, seconded by Councilwoman Stockley, the motion passed 3-1 with Mayor Horsey abstaining due to membership on DDC.

Agenda #2 - Municipal Building Review Committee

Staff requested the Council to consider appointing a Municipal Building Planning Committee. Recommending the committee to consist of the Town Administrator, Clerk-Treasurer, Director of Housing & Community Development, a Planning Commission member, Town Council member and representatives from the community. Councilwoman Stockley and Mayor Horsey both volunteered to serve on the committee.

Councilman Branson made a motion authorizing staff to establish the Municipal Building Review Committee, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Agenda #3 - Historic District Guidelines

The Housing and Community Development Dept. presented a request for funding for the proposal submitted by Redman-Johnston to develop new historic guidelines. The amount of the proposal is \$7,500 and would take approximately 150 hours of work. Staff has determined that sufficient funding will be available due to the increase in revenues from building permit and subdivision fees.

Councilman Branson made a motion to approve the funding to have the historic guidelines developed, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Military Leave

Per a request from the Council at a previous meeting, staff presented a survey comparing what the Town presently provides for military activation benefits to other surrounding government agencies. The survey revealed that each community handles military benefits a little different. But in comparison the Town seems to fall in the middle and is consistent with the majority. The Council discussed how they would like to be able to do more but doesn't see how the Town could afford to. No action was taken by the board at this time.

Agenda #5 - SCADA Radio System

Staff advised that the water/wastewater systems presently use the SCADA control network. Staff has found that these systems are no longer made and they are not able to purchase an additional radio for the Wesleyan Regional Pump Station, nor can they replace any existing radios if they should fail. Seeking approval to upgrade at a cost of \$12,631.00 and to fund out of the water and sewer capital fund. Mr. Getchell was

present for questions.

Councilman Branson made a motion to approve to upgrade, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Agenda #6 - MML Convention

Mayor Horsey, Councilwoman Goldsborough and Councilwoman Stockley advised that will be able to attend. Staff will go ahead and process registration.

Agenda #7 - Annexation Petition Trice

Ms Jennifer Shull advised the board that an annexation petition has been received from Mr. Chris Coile the contract purchaser of Shirley Trice's property at 331 Sharp Road. The parcel consist of 15 acres. Staff recommendation was to amend the petition to include Denton Elementary School. Councilman Branson would like to make sure an 8" water main with a fire hydrant installed closer to the school. This can be addressed as part of the review process.

Councilman Branson made a motion to forward the annexation request to the Planning Commission for a recommendation and to the town attorney for an opinion, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Agenda #8 - Annexation Agreement - Planning Commission

Recommendation

Mayor Horsey asked to have Peter Johnson make a presentation to the board explaining this recommendation. No action was taken by the board on this item.

Agenda #9 - FY-05 Budget

The first draft of fiscal year 2005 budget will be presented to the board at next working session.

Other New Business

Councilman Branson advised that he had received a complaint about the condition of the alley behind St. Luke's Church. Staff advised that as soon as they get in the proper materials they will work on it. Councilman Branson will convey this to the Trustees of the Church.

The Town Administrator advised the board that a request has been received to use the Community Center, 500 High St. as an interim Church. Staff is working to negotiate the use of the facility and pulling together a short term agreement if there were no objections. Town Attorney had not objections. Councilman Branson question liability, the Town Administrator will check into this.

Councilwoman Goldsborough made a motion to authorize the Town Administrator to go into agreement with Pastor Gatlin, seconded by Councilwoman Stockley, the motion passed unanimously.

Ms. Patricia Little raised a concern as to whether anyone had noticed that at 4th & Gay street that the street was lower. Director of Public Works mentioned that he thought it was were the cut out were for the new water line and that they will keep and eye on it.

Ms. Doris Walls asked when the 8th St. project would start. Staff advised expecting to begin May 3, 2004.

With no further business to discuss, Mayor Horsey adjourned the meeting at 8:35 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*

Amended 5/3/04 Councilwoman Goldsborough wished for the record to reflect that she had stated that she was going to be out of town and would not be able to participate in the Little League Parade or Opening Ceremonies.