

May 1, 2006

Mayor Branson 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.

Mayor Branson asked that the record reflect that all Council members were present with the exception of Councilman Horsey who was out ill.

Councilwoman Stockley made a motion to approve the minutes of the April 3, 2006 regular meeting and the April 17, 2006 working session, seconded by Councilman Foster, the motion passed unanimously.

Public Hearing

Ordinance #509 Municipal Infraction Public Hearing

At 7:02 PM Mayor Branson opened a public hearing to receive public comment on the proposed Ordinance #509 amending section 20-2 of the Town Code on misdemeanors and fines.

The Mayor asked if there was any comment from Caroline County Government - there was none.

The Mayor asked if there was any comment from the State and County Planning Agencies - there was none.

The Mayor asked if there was any comments from members of the General Public - Mr. Robert Clendaniel asked what fine were covered, and staff advised that this would apply to all fines.

With no further discussion Mayor Branson closed this public hearing at 7:05 PM.

Constant Yield Public Hearing

At 7:05 PM, Mayor Branson opened a public hearing as advertised in the Times Record on April 19, 2006 to here public testimony regarding the increased in the assessable base that will generate additional real property taxes for the Town of Denton.

The Mayor asked if there was any comment from Caroline the Council - there was none.

The Mayor asked if there was any comment from the Staff - there was none.

The Mayor asked if there was any comments from the Public - there was none.

With no further discussion Mayor Branson closed this public hearing at 7:07 PM.

Petitions, remonstrances and communication

Caroline Housing Improvement Program - A request received from Diane Wojcik, Housing Coordinator for Caroline County in which she is requesting a support letter for funding she is seeking on behalf of the Jonestown and Nelpine Heights water program.

Councilwoman Stockley made a motion to sign a letter of support, seconded by Councilman Gregory, the motion passed unanimously.

Caroline County Public Hearing Solid Waste Management Plan, 2006 Review and Update- The County Planning Office provided a copy of the Notice and supporting documents for the County's Solid Waste Management Plan. A Public Hearing is scheduled for Tuesday, May 16, 2006 at 10:00 a.m. at the Caroline County Commissioners Hearing Room. A copy of the Public Hearing Notice and Caroline County Solid Waste Management Plan 2006 Review & Plan are attached. The 1998 – 2008 plan is also received and available for review at the Town Office. This item was informational only, no action was taken.

Introduction and adoption of resolutions and ordinances

Resolution #674 Minamoto Annexation- *A petition for annexation received from Mr and Mrs. Ben Minamoto for Tax Map 103, parcel 5, which consists of 33.02 acres immediately adjoining the existing west town boundary on Route 328 and River Landing Road was presented to the Council for consideration of introduction. The Planning Commission has given a favorable recommendation to the annexation. A public hearing will be scheduled.*

Councilwoman Stockley made a motion to introduce resolution #674, seconded by Councilman Foster. In discussion Councilman Gregory asked if the owners have any intentions on developing. Staff advised that at this time the owners do not have the intentions to develop, if they decide to they would need to seek a zoning waiver from the County, water and sewer would not be available for 3-5 years. The motion passed unanimously.

Resolution #675 The Gardens Public Works Agreement- *A resolution prepared by the Town Attorney authorizing the Mayor to execute the public works agreement (PWA) for “the Gardens” subdivision on Legion Road. The subdivision is a single family “by right” subdivision which has received approval from the Planning Commission. The public works agreement guarantees the construction of the infrastructure by and at the expense of the developer. The document is recorded in the land records with the plat. The draft PWA is attached. This is for a 62 single family unit.*

Councilman Foster made a motion to adopt resolution #675, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #509 - *An ordinance amending section 20-2 of the town code relating to misdemeanors and fines, and setting for a minimum fines and penalties for municipal infractions and misdemeanors within the Town of Denton.*

Councilwoman Stockley made a motion to adopt ordinance #509, seconded by Councilman Foster, the motion passed unanimously.

Ordinance #510 Planning Commission Quorum: *- An ordinance amending Section 128-162 D of the Denton Code specifying what constitutes a quorum for the purpose of conducting planning commission meetings.*

Councilman Gregory made a motion to introduce ordinance #510, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 511 - Appropriations Ordinance- *The Appropriation Ordinance was brought before the Town Council for consideration of introduction. It presently does not propose any increase in the Denton Town Tax rates and does provide a balanced budget for the General Fund.*

Councilwoman Stockley made a motion to introduce ordinance #511, seconded by Councilman Gregory, the motion passed unanimously.

Ordinance # 512 - Industrial Park Option Agreement- *The Option Agreement and Ordinance authorizing the Town to enter into the option agreement for Lot 9B-2A was brought before the Council for consideration of introduction.*

Councilwoman Stockley made a motion to introduce ordinance #512, seconded by Councilman Gregory, the motion passed unanimously.

Ordinance # 513 - Industrial Park Option Agreement- *The Option Agreement and Ordinance authorizing the Town to enter into the option agreement for Lot 9B-2B was brought before the Council for consideration of introduction.*

Councilwoman Stockley made a motion to introduce ordinance #513, seconded by Councilman Gregory, the motion passed unanimously.

Ordinance #514 - Eastern Shore Heritage - An ordinance amending the Town of Denton's Comprehensive Plan to include the adoption of the Chesapeake Heritage Area Plan.

Councilman Foster made a motion to introduce ordinance #514, with guidance prepared by the Town Attorney, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Industrial Park Option Agreement Extension- Mr. Joseph Gostowski, Project Manager for Hershey Creamery in Denton, has requested a six month extension on their option agreement. The initial option period ran from November 8th through May 7th. Hershey's existing property is presently under contract and part of a commercial revitalization project. They propose to relocate their existing facility to this site, when their property is purchased. If approved, request authorization for the Mayor to sign an amendment. Brynja Booth will then be requested to prepare an amendment.

Councilwoman Stockley made a motion to give a six month extension on the Hershey option agreement, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #2 - Planning Commission Recommendation- On April 3rd the Town Council requested that the Planning Commission make a recommendation on the proposal from Raymond Claytor to purchase a portion of North Second Street. The Planning Commission has recommended that in lieu of selling a portion of the street that they would support a request for a setback variance and not change the ordinance. The Planning Commission has forwarded a letter to the Board of Appeals recommending favorable consideration of Mr. Claytor's variance application to rebuild the accessory building on the present footprint, and suggests the Council do likewise.

Councilman Gregory made a motion to authorize staff to draft a letter of support to the Board of Appeals for all the Councilmembers to sign, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3 - MDE Permit- The Denton Town Council had requested an informational meeting in response to the air quality Permit from Schultz and Sons Salvage, Inc. This was first discussed at the Council's February 6th meeting. An informational meeting is schedule for May 3, 2006 at 7:00 at Lockerman Middle School. This was informational only Councilman Gregory is planning on attending.

Other Unfinished Business

None

New Business

Agenda #1 - Fourth Street Park Fence Request- A request from the residents at 206 S. Fifth Ave. for consideration of a cost share for a 7-foot vinyl fence was provided to the Council.

Councilman Gregory made a motion to deny the request, seconded by Councilman Foster, the motion passed unanimously.

Agenda #2 -Board of Appeals Appointment – Florence Doherty of 109 Riverton Avenue wishes to be appointed for an additional three year term to the Denton Board of Appeals. Mrs.

Doherty's current term as Chairman will expire on May 31, 2006.

Councilwoman Stockley made a motion to appoint Mrs. Doherty to an additional three year term on the Board of Appeals, seconded by Councilman Foster, the motion passed unanimously.

Agenda #3 Water and Sewer Allocation Request–

Wesleyan Christian School- *The Wesleyan Christian School is seeking an allocation for the construction of a new building. They are proposing to construct a 6480 sq. ft. facility. A request has been made to the Caroline County Health Department for the amount of capacity required for this project.*

Councilman Gregory made a motion to allow the request for Wesleyan School, seconded by Councilwoman Stockley, the motion passed unanimously.

Power Plaza Associates – *This is a redevelopment project, increasing the existing commercial building by 4200 sq. ft. A capacity allocation is requested in the amount of 500 gpd.*

Councilman Gregory made a motion to provide the requested allocation to Power Plaza, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Second Street Pumping Station Bids- *The closing date for bid submission was April 26, 2006. Three bids were received. A bid tally sheet was provided to the Council. The Public Works Department would like to award the contract to Johnston Construction for the amount of \$634,007.00 contingent upon additional funding from MDE and/or other funding sources. A copy of the bid was provided with a letter from Ms. Judy Schwartz (Town Engineer) recommending this course of action. Staff advised that 94% of the project is necessary and the other 6% is considered project expansion.*

Councilman Gregory made a motion to accept the public works recommendation, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #5 - Industrial Park Subdivision Plat- *The Town Council was presented with a subdivision plat for Lot 9B-2 in the Denton Industrial Park. The existing lot is proposed to be subdivided into two lots. JOK Walsh is working with two separate companies who are proposing to purchase the lots. This is before the Council for consideration of approval and authorizing the Mayor to sign the Subdivision Plat.*

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

Agenda #6 - FY-2007 Enterprise Fund Budget- *The first draft for the FY-2007 Enterprise Fund Budget was submitted to the Denton Town Council. The budget will then be provided to the Denton Utility Commission at their May 11th date for review and comments. A working session is scheduled for May 15th. Town Staff will be present to discuss the proposed budget in detail. No action was request from the Council for this agenda item at this time.*

Agenda #7 - Council member Salary- *Councilman Gregory spoke in favor of increasing the council members salaries contingent upon the voters approval. Councilman Gregory recommended increasing the Mayor's salary from \$1,500 a year to \$3,600, and to increase the other council members from \$1,000 a year to \$3,000, expressing that his could attract more peoples who will take the job seriously. This item once adopted by the Council will need to be voted on by the Citizens during the November Election. This increase would be phased in over a*

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five year period, as a member's term expires, the newly elected position would receive the new salary.

Councilman Gregory made a motion to direct the Town Attorney to prepare an ordinance for a salary increase for the Council, seconded by Councilwoman Stockley, the motion passed unanimously.

Other New Business

Mr. Tracey Ferguson of 12 N. 4th St. came before the Council asking if the Council would talk with the owner of the new Denton Mini Mall and see if they could try to get someone to open a pet shop in the mall. The Town Administrator will talk with the owner of the property to see if possible.

With no further business to discuss Councilman Gregory made a motion to close the meeting at 8:36 PM, seconded by Councilwoman Stockley, the motion passed unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*