

May 2, 2005

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 for a moment of silence in memory of former Commissioner Mr. Douglas Fleetwood who recently passed away.

Mayor Horsey asked that the record reflect that all Council members were present.

Councilwoman Goldsborough made a motion to accept the minutes of the April 4, 2005 Council meeting and the notes of the April 18, 2005 working session, seconded by Councilwoman Stockley, passing unanimously.

Public Hearing - Constant Yield

At 7:01 PM Mayor Horsey opened a public hearing as advertised in the Times Record on April 20, 2005, in which: The Mayor and Council of the Town of Denton proposes to increase real property taxes due to an increase in the assessments. Beginning July 1, 2005, the estimated real property assessable base will increase by 6.1%, from \$162,198,996 to \$172,132,340. If the Town of Denton maintains the current tax rate of \$.63 per \$100 of assessment, real property tax revenues will increase by 6.1% resulting in \$62,580 of new real property tax revenues. In order to fully offset the effect of increasing assessments, the real property tax rate should be reduced to \$.594, the constant yield tax rate. The Town is considering not reducing its real property tax rate enough to fully offset increasing assessments. The Town proposes to adopt a real property tax rate of \$.63 per \$100 of assessment. This tax rate is 6.1% higher than the constant yield tax rate and will generate \$62,580 in additional property tax revenues. A public hearing is being held tonight to hear public testimony. The Town Council will set the final tax rate during the adoption of the FY2006 Budget on June 7, 2005 at 7:00 here in at the Denton Town Office, 13 N. 3rd St., Denton Maryland.

Comments from the Council: None

Comments from the Staff: Staff advised that this does not preclude setting a rate higher when adopting the budget.

Comments from the Public: None

With no further comments the public hearing was closed at 7:05 PM.

Petitions, remonstrances and communication

Petition for a Skate Park- Mr. Gary Bodine and several Youth came before the Council to make a presentation and discuss their request to have a skate park developed in Denton. Staff will pass on to the Choptank Athletic Assoc. to see if they could consider while working on the development of the Sharp Road Park.

Presentation by Denton Police Department - Sgt. Bacorn came before the Council regarding the 2004 Chief's Challenge Pace Setters program and presented a recognition award to the Mayor for the Town of Denton having a 90% use of seatbelts through their employees.

Corporal Komenda and PFC Franklin were honored for their heroic efforts in saving a 66 year old male that was unconscious on March 30, 2005 and were presented life saving certificates.

Mid-Shore Roundtable - Mr. John F. Plaskon, Chairperson Public Relations & Membership Committee came before the Council and made a presentation regarding their Mid-

Shore Roundtable coalition and mission to serve the homeless population. This information will be shared with the Planning Commission.

SHA Letter - Engerman Avenue MD Route 404 -The Council reviewed a response from SHA District Engineer Richard Lindsay regarding the letter the Mayor sent, as a follow up to the concerns relayed by the Denton Industrial Park Owners Association about truck traffic flows. This will be shared with the Industrial Park Owners Association.

Resolutions and Ordinances

CDBG Application Ordinance - Resolution for the CDBG application for the Market Street Infrastructure Phase II was presented to the Council for consideration of adoption.

Councilwoman Goldsborough made a motion to adopt resolution #660, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #482 Denton Industrial Park - Consideration of Adoption - This Ordinance was introduced at the April 4, 2005 meeting. The Ordinance authorizes the subdivision of the 17.705 acre parcel the Town of Denton purchased in 2002 for a 2 - 5 acre parcel of land. This Ordinance also authorizes C III Builders to enter into an Option Agreement and potentially purchase the newly created lot, once the subdivision has been completed. This Ordinance is before the Town Council for consideration of Adoption.

This item was deferred until the June meeting.

Ordinance #483 Denton Industrial Park - Consideration of Adoption - This Ordinance was introduced at the April 4, 2005 meeting. The Ordinance authorizes the subdivision of the 17.705 acre parcel the Town of Denton purchased in 2002 for a 2 - 5 acre parcel of land. This Ordinance also authorizes Buck Bomb, Inc. to enter into an Option Agreement and potentially purchase the newly created lot, once the subdivision has been completed. This Ordinance is before the Town Council for consideration of Adoption.

This item was deferred until the June meeting.

Zoning Ordinance Amendments: #484 and #485 were presented for introduction to amend the present zoning ordinance to permit temporary office or school trailers under certain circumstances for a defined period of time. A second ordinance is presented that would enable the planning commission to permit lots that are smaller than the present standards in existing neighborhoods where the pattern of lot size has already been established.

Councilman Branson made a motion to not introduce ordinance #484, seconded by Councilwoman Goldsborough, passing unanimously. Councilwoman Goldsborough expressed the Planning Commissions concerns about setting a precedence.

Councilman Branson made a motion to introduce ordinance #485, amending the lot size in 128-109 and deleting 128-115, seconded by Councilwoman Stockley, passing unanimously.

Building Code Ordinances #487 through #490 were presented for introduction to adopt the 2003 International Building Code, 2003 International Building Code Residential, 2003 International Mechanical Code, and 2003 International Property Maintenance Code. The ordinances would replace the present 2000 International Building Codes used by the town.

Councilman Branson made a motion to introduce ordinance #487 regarding the 2003 International Mechanical Code, seconded by Councilwoman Stockley, passing unanimously.

Councilwoman Stockley made a motion to introduce ordinance #488 regarding the 2003 International Property Maintenance Code, seconded by Councilman Foster, passing

unanimously.

Councilman Foster made a motion to introduce ordinance #489 regarding the 2003 International Building Code, seconded by Councilwoman Stockley, passing unanimously.

Councilwoman Stockley made a motion to introduce ordinance #490 regarding the 2003 International Residential Code, seconded by Councilman Branson, passing unanimously.

Ordinance #486 - 413 and 415 Gay St. *This ordinance determines that the property is no longer needed by the Town for any public purpose and authorizes the potential sale of the lot, through an initial Option Agreement with Comcast Cable.*

Councilman Branson made a motion to introduce Ordinance #486, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #491 - Appropriation Ordinance *An ordinance to appropriate funds and estimate income in accordance with the budget adopted for fiscal year beginning July 1, 2005 and ending June 30, 2006.*

Councilwoman Stockley made a motion to introduce Ordinance #491, seconded by Councilwoman Goldsborough, passing unanimously.

Reports of Officers, Boards and committees

None

Unfinished Business

Agenda #1 - Denton Industrial Park Subdivision Plat

A subdivision plat for the Denton Industrial Park was presented to the Council for review. This is a 17.7 acre parcel that is being proposed to be subdivided into 4 lots. Staff is seeking the ability to work with the Planning Commission and developers of this land.

Councilman Branson made a motion to refer this to the Planning Commission for review and recommendations, seconded by Councilwoman Stockley, passed unanimously.

Agenda #2 - Tribbett Acquisition

Mayor Horsey has received numerous calls regarding the proposed acquisition of the Tribbett property and the present occupants. Staff advised that the family submitted an application to MRDC which currently has a 2 year waiting period. The Family declined to apply for Habitat and they are not eligible for Riverview Gardens. Further discussion was held as to considering to extend the contract. Staff will supply a list of what they have tried to do for the tenants.

Other Unfinished Business

Mayor Horsey opened discussion about storm water management ponds having sprinkler in them. Mayor Horsey questioned whether all new homes are required to have fire sprinkler systems. Staff advised that it would cost around \$2,000 per home for this. No decisions were made on this.

New Business

Agenda #1 - Market Street Infrastructure Project

Staff presented storm water management revisions for Phase I and discussed the proposed grant application for Phase II. Staff advised that Phase I is 95% complete, holding off on paving until Savannah Overlook puts in underground piping.

Staff asked the Council for authorization granting a waiver on the ditch that was put in behind the Green and Brown properties and allow a 15" pipe to be installed and fill in the ditch. Mr. & Mrs. Joseph Green and Mr. Brown came before the Council to express their concerns

about the ditch that was installed as part of the project, stating that when they signed the agreement they did not realize size of the ditch. Staff advised that if the Council authorized the waiver that GMB had stated that Brambles would possibly complete the ditch by the end of May and in the meantime they could have safety fence installed, if requested.

Councilwoman Stockley made a motion to provide a waiver and authorize to restore the land, working with the engineer, inspector and property owners, seconded by Councilwoman Goldsborough, passing unanimously.

Agenda #2 - Zoning Vehicle Purchase

Staff requested the ability to amend the FY05 general fund capital budget and purchase two vehicles for the Zoning department. The original budget was for \$25,000 for a vehicle for the police department, Preston Ford under the state contract has two ford rangers for a total of \$26,000. Provident State Bank had the lowest interest rate at 4.49% for financing. Seeking approval for the Mayor and Town Administrator to execute the necessary documents for financing.

Councilwoman Stockley made a motion to amend the FY2005 budget and transfer capital budget and purchase two pick ups from Preston Ford, seconded by Councilman Foster, passing unanimously.

Councilwoman Goldsborough made a motion to adopt resolution #659, authorizing financing the vehicle with Provident State Bank, seconded by Councilwoman Stockley, passing unanimously.

Agenda #3 - Sandy Meadows Public Works Agreement-The subdivision formerly owned by JD and Arlene Neal has been sold in its entirety to VDB II in April of this year. An assignment of the public works agreement is necessary to release the security posted by the Neals and Nuttle Lumber, and replace it with a bond of VDB II. Town attorney, Brynja Booth, has prepared the assignment, and modified the bond agreement to the towns favor. Grading work on the site is being performed under the existing security and public works agreement. Carl Scheffel and Scott Getchell will continue to manage the inspections of the infrastructure.

Mr. Vendemia owner of VDB II introduced himself and his staff, Kathy Jordan and Tommy Vendemia Jr. to the Council and provided an overview of the plans for the development of this property.

Councilwoman Goldsborough made a motion to adopt the working agreement transferring the assignment of the public works agreement from JD & Arleen Neal to VDB II, seconded by Councilwoman Stockley, passing unanimously.

Agenda #4 - Board of Appeals Appointment-The following persons have agreed to serve on the Board of Appeals: Scott Brewster of 518 S. Second Street and Ed Bell of 39 Village Circle. Mrs. Barbara Porter of 208 S. First Street has agreed to serve as alternate. Mr. Brewster would fill the open term of three years; Mr. Bell would fill the balance of Sassy Daniels term thru August 31, 2006, and Mrs. Porter would be appointed as alternate for three years. These appointments are presented for consideration by the Council.

Councilman Branson made the motion to appoint Mr. Scott Brewster, Mr Ed Bell and Mrs. Barbara Porter to the Board of Appeals, seconded by Councilwoman Goldsborough, passing unanimously.

Agenda #5 -Caroline County Environmental Health Fee Increase

A correspondence received from Mr. Bill Deck of the Caroline County Environmental Health Department was reviewed by the Council. The per lot fee of \$70 replaces the \$1,000 full subdivision fee previously charged.

The Council agreed to invite Mr. Deck to attend the Town meeting to discuss where the assessment comes from and what effect this may have on Town properties.

Agenda #6 - National League of Cities Membership Renewal -It's time to renew the Town's membership with the National League of Cities. The cost for membership for the upcoming year is \$691.00. Seeking direction from the Council.

Councilwoman Goldsborough pulled together a packet of information about what being a member of the NLC offers to the Town and expressed that a seat at the table is a necessity.

Councilman Foster made a motion to renew the Town's membership with NLC, seconded by Councilwoman Goldsborough, with voting 2 yes and 3 no's, the motion did not pass.

Councilwoman Goldsborough will submit a resignation letter to be given to the NLC stating why the Town will not be renewing it's membership.

Agenda #7 -LGIT Ballot - As member of LGIT the Council has the ability to vote for candidates to serve on the Board of Trustees. Each member has one vote. The Council may wish to give permission to one Council member to vote on behalf of the Town of Denton. A copy of the ballot was provided for review.

Councilman Branson made a motion to give the Mayor the power to vote on the ballot from LGIT, seconded by Councilwoman Stockley, passing unanimously.

Agenda #8 - Water and Sewer Capacity Charge Amendment Ordinances #492 & #493

Town staff provided an overview on the water and sewer capacity charges for various communities on the Eastern Shore. This was prepared in response to the discussion held at the last Utility Commission meeting. Seeking consideration to increase the water capacity fee to \$1500 and the sewer to \$4500 per new permit.

Councilman Branson made a motion to introduce ordinances #492 and #493, increasing the capacity connection fees, seconded by Councilwoman Stockley, passing unanimously.

Agenda #9 - Water and Sewer Allocation Request

The Fourth Street Redevelopment project involves one minor subdivision (Parcel 832) and one administrative (lot line revision) subdivision (Parcel 813) of properties currently owned by the Town of Denton to create additional lots for the Town's Arts and Entertainment District. The newly created lots will require water and sewer allocation to serve historic structures that will be relocated to the new lots as follows.

Council Branson asked for clarification of location easements and how to create new lots and avoid land lock.

#9 N. Fourth St. (Parcel 823) Allocation requested for two (2) new lots created by subdividing the existing parcel into three individual lots. The existing structure is already served by water and sewer.

Councilwoman Stockley made a motion to approve two new allocations for #9 N. Fourth St., seconded by Councilwoman Goldsborough, passing unanimously.

#8 N. Fourth St. (Parcel 813) Allocation requested for existing lot (Lot#2) not currently served by water and sewer. An administrative lot line revision subdivision will create two lots of

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equal size. The existing structure on Parcel 813 is already served by water and sewer.

Councilwoman Stockley made a motion to a new allocation for 8 N. Fourth St, seconded by Councilman Branson, passing unanimously.

***Agenda #10 Cell Phones for Council Members**-This item is on the agenda for discussion regarding cell phone benefit for Council members.*

Councilman Branson expressed that cell phones for the Council for personal use should not be allowed and that the Town should not be responsible for a personal cell phone.

Councilwoman Goldsborough advised that a letter was forth coming to the Council regarding cell phones.

Councilwoman Stockley made a motion to do away with cell phones and Sam's Club benefits to Council members, seconded by Councilman Branson, passing unanimously.

Other New Business

Mayor Horsey advised that he would be attending the next Caroline County Summit meeting.

Mayor Horsey complimented Mr. John Evans for an outstanding editorial that he placed in the Times Record recently.

With no further business to discuss Mayor Horsey adjourned the meeting at 9:16 P.M.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*