

May 3, 2004

Executive Session

At 6:30 PM Mayor Horsey asked for a motion to go into an executive session to obtain legal advice. Councilwoman Stockley made a motion to open an executive session, seconded by Councilwoman Goldsborough, the motion passed unanimously. Mayor Horsey, Councilwoman Stockley, Councilwoman Goldsborough and Councilman Branson were in attendance. The Town attorney, Ms. Brynja Booth, Town Administrator Terry Fearins and Clerk-Treasurer Karen Monteith were also present. Discussion was held regarding the annexation agreement and the trial.

At 6:59 PM Councilwoman Goldsborough made a motion to close the executive session, seconded by Councilwoman Stockley, the motion passed unanimously.

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.

Rev. Gatlin provided the invocation.

Mayor Horsey asked that the record reflect all members were in attendance with the exception of Councilman Foster.

Mayor Horsey asked if there were any changes to the minutes that were provided for the April 5th meeting and April 19, 2004 working session. Councilwoman Goldsborough asked that the minutes be amended to reflect that she had previously stated that she would be out of town for the Little League Parade and would be unable to attend the opening ceremonies. With no other changes Mayor Horsey approved the minutes as amended.

Public Hearings

Constant Yield - At 7:04 PM Mayor Horsey opened a public hearing to discuss the Town of Denton notice of a proposed real property tax increase. The Town Administrator provided an overview of the tax rate constant yield requirements. The Board announced that the 2005 real property tax rate will be set at the June 7, 2004 Council meeting. With no other questions from the board and or the public Mayor Horsey closed this public hearing at 7:05 PM.

Ord. #446 - At 7:05 PM Mayor Horsey opened a public hearing to discuss Ordinance #446, which creates Section 128-21.1 entitled PN Planned Neighborhood District and to create section 128-21-2 Procedure for approval of PN district floating zone amendment and PUD Plan Approval. The Mayor asked if there were any comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:06 PM.

Ord. #447 - At 7:06 PM Mayor Horsey opened a public hearing to discuss Ordinance #447, which adds Section 128-21.3 "PN" Guidelines. The Mayor asked if there were any comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:06 PM.

Ord. #448 - At 7:06 PM Mayor Horsey opened a public hearing to discuss Ordinance #448, which amends Section 128-9 adding the PN District and amending the Zoning Ordinance Official Table of Use Regulations. The Mayor asked if there were any

comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:06 PM.

Ord. #449 - At 7:07 PM Mayor Horsey opened a public hearing to discuss Ordinance #449, which adds subsection E to the 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. The Mayor asked if there were any comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:07 PM.

Ord. #450 - At 7:08 PM Mayor Horsey opened a public hearing to discuss Ordinance #450, which creates Article IV to the appendix of the Denton Zoning Ordinance entitled "Residential Infill and redevelopment guidelines". The Mayor asked if there were any comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:08 PM.

Ord. #451 - At 7:09 PM Mayor Horsey opened a public hearing to discuss Ordinance #451, which creates article V to the appendix of the Denton Zoning Ordinance entitled "Commercial infill and redevelopment guidelines." The Mayor asked if there were any comments from the public and the board, there being none, Mayor Horsey closed the public hearing at 7:09 PM.

Petitions, remonstrances and communication

Maryland Dept. Of Planning Regulatory Review and Evaluation agency notice was provided to the board for review.

A letter received from Ms. Lee Frye, announcing that on May 12th, Stephan Frye of Denton will be recognized for passing the comprehensive Billy Mitchell exam and awarded the rank of 2nd Lieutenant of the Easton Composite Squadron of Maryland's Civil Air Patrol. The board received an invitation to attend a short ceremony that will be held at the Easton National Guard Armory at 7:00 PM on this date.

An invitation to continue to support the March of Dimes Walk America 2004 was provided to the Council

The Maryland Municipal League 2005 legislation action request form was provided to the Council.

Resolution and Ordinances

Resolution #641 - Councilman Branson made a motion to table the decision on the annexation of Crouse Farms, seconded by Councilwoman Goldsborough, the motion passed unanimously. Mayor Horsey and the Board directed to have the Town Administrator and Attorney meet with the petitioners and review the annexation agreement.

Ordinance #445 - Councilman Branson made a motion to adopt ordinance #445 authorizing the refinancing of the Water/wastewater treatment plant bond, seconded by Councilwoman Goldsborough, passing unanimously.

Ordinance #446 - Councilwoman Goldsborough made motion to adopt ordinance #446, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #447- The Town Attorney Brynja Booth advised the board that in reviewing this ordinance some inconsistency had been found on page 6 of the ordinance and have been stricken, asking the board to consider this amendment when adopting. Councilman Branson made motion to adopt ordinance #447 as amended,

seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #448 - Councilman Branson made motion to adopt ordinance #448, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Ordinance #449 - Councilwoman Stockley made motion to adopt ordinance #449, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #450 - Councilwoman Stockley made motion to adopt ordinance #450, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #451 - Councilman Branson made motion to adopt ordinance #451, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

Councilwoman Goldsborough provided an overview of the legislative committee, advising that 223 bills were presented in this years session.

Councilwoman Goldsborough attended the National League of Cities planning meeting in Annapolis on April 15-18, 2004. The next conference will be held in November.

Councilwoman Goldsborough was appointed to the Maryland Commission of Government on April 30, 2004

Councilwoman Goldsborough is planning on attending the Institute for Governmental Services Board meeting on May 7, 2004.

Unfinished Business

Agenda #1 - Police Department Interim Financing

Do to the delay in the completion of the Police Facility, staff is requesting approval from the Council to authorize a 90 day extension of the financing loan with Provident State Bank and to authorize the Mayor to sign any applicable documents. The facility is now scheduled to be complete by the end of May.

Councilman Branson made a motion that the 90 day extension be approved, seconded by Councilwoman Goldsborough, passing unanimously.

Agenda #2 - Municipal Tax Differential County Tax Bill

The County will be holding a Public Hearing on May 4th at 10:00 for their legislative bill #2004-2. This bill reinstates the Municipal Differential that had been repealed last year and then subsequently taken to referendum. The Town administrator will be attending the hearing representing the Association of Municipalities and encourage Council members to attend.

Agenda #3 - Annexation - Trice Property

The Planning Commission has reviewed the proposed annexation and recommends that the Town consider approaching adjacent property owners to have them be annexed at the same time and consider waivers. Staff provided an overview and Ms. Doris Walls was present representing the Planning Commissions recommendations.

Councilman Branson made a motion for staff to move forward with a proposed annexation agreement to the adjacent property owners and to proceed with having the annexation resolution drafted, seconded by Councilwoman Goldsborough, passing unanimously.

Other Unfinished Business

None

New Business

Agenda #1 - Market Street Infrastructure Project

Town staff made a presentation on the Market St. project and discussed the budget, indicating that the second bid came in higher than anticipated. Only one bid was received. Staff advised the board to consider looking at doing the project in phases and or to consider a special assessment charge. The board will review the plans at the next working session. Councilman Branson expressed concerns over the water line, stressing the need for an 8" water main for emergency purposes. He also talked about dead end lines. Questions were raised about insurance rating. Staff will work with the Town Attorney regarding setting up a special assessment district. No decisions were made on this item at this time.

Agenda #2 - Banner - Combat Underage Drinking

Ms. Samantha Wiley, the Combating Underage Drinking Coalition Coordinator, contacted the town seeking permission to place a banner on the Town Office building supporting their cause.

Councilwoman Goldsborough made a motion to allow the banner to be displayed on the Town Office building, seconded by Councilwoman Stockley, passing unanimously.

Councilman Branson further suggested that the Town consider permanent signage which alerts individuals that Denton does not tolerate underage drinking or drug usage.

Other New Business

Ms. Doris Walls asked if the working sessions were open to the public and was advised yes. The next working session is scheduled for May 17, 2004 at 6:00.

With no further business to discuss, Mayor Horsey adjourned the meeting at 7:45 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*