

June 5, 2006

Executive Session

Mayor Branson asked for consideration to hold an executive session to discuss the proposed lease agreement with Mid Shore Council and Police Dept. construction project closing.

At 6:36 PM Councilman Horsey motioned to hold an executive session as requested, seconded by Councilman Foster, the motion passed unanimously. Councilwoman Stockley came into the executive session at 6:55 PM.

With no further business to discuss Councilman Horsey made a motion to close the executive session at 6:59 PM, seconded by Councilwoman Stockley, passing unanimously.

The meeting room was opened to the Public.

Regular Meeting

Mayor Branson called the regular meeting of the Denton Town Council to order at 7:00 PM, announcing that the Council had held an executive session earlier to discuss a proposed lease agreement with Mid Shore Council and the closure of the Police Dept. construction project.

The Mayor led everyone in the Pledge of Allegiance to the Flag.

The Mayor asked that the record reflect that all Council members were present and accounted for.

Councilman Foster made a motion to approve the minutes of the May 1, 2006 regular meeting and the working session notes for May 15, 2006. The motion was seconded by Councilman Gregory and passed unanimously.

Public Hearings

Ordinance #510 – Mayor Branson opened a public hearing at 7:01 PM to receive public comments on the proposed zoning amendment that would define the quorum necessary for the Planning Commission to conduct meetings.

The Mayor asked for any comments from Caroline County Government – there was none.

The Mayor asked for any comments from State and County Planning Agencies – there was none.

The Mayor asked for any comments from the Council – there was none.

The Mayor asked for any comments from members of the general public – there was none.

With no further discussion Mayor Branson closed this public hearing at 7:02 PM.

Ordinance #514 - Mayor Branson opened a public hearing at 7:02 PM to receive public comments on the proposed amendment of the Denton Comprehensive Plan to include Heritage Area Refinement.

The Mayor asked for any comments from Caroline County Government – there was none.

The Mayor asked for any comments from State and County Planning Agencies – there was none.

The Mayor asked for any comments from the Council – there was none.

The Mayor asked for any comments from members of the general public – there was none.

With no further discussion Mayor Branson closed this public hearing at 7:03 PM.

Resolution #673 Garland & Hobbs Annexation -Mayor Branson opened a public hearing at 7:03 PM to receive public comments on the proposed annexation of a 1.12 acre parcel on Garland Road owned by Garland & Hobbs, LLC.

The Mayor asked for any comments from Caroline County Government – there was none.

The Mayor asked for any comments from State and County Planning Agencies – there was none.

The Mayor asked for any comments from the Council – there was none.

The Mayor asked for any comments from members of the general public –Mr. Bob Jarrell, Attorney spoke on behalf of Garland & Hobbs, the owners of the land to be annexed.

Mr. Robert Clendaniel asked what the land will be used for. Mr. Bob Jarrell advised that it will be integrated into the residential area.

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

Petitions, remonstrances and communication

Mid Shore Council on Family Violence-Ms. Jeanne Yeager a representative from MSCFV was present to discuss the renewal of their lease and potential extension of their term from 5 to 50 years.

Mayor Branson advised that since the Council members only serve a five year term that he was only comfortable with renewing the lease for that length of time. That he could not speak for future Council members, they may wish to use the property for other reasons.

Councilman Horsey made a motion to turn the matter over to the Town Attorney and Town Administrator to work out a lease for 5 years, expressing remiss about a 50 year lease, seconded by Councilman Foster, the motion passed unanimously.

Caroline County State's Attorney – Caroline County States Attorney, Mr. Jonathan Newell came before the Council to publicly thank the Council and the Denton Police Department for their excellent security and support during the recent murder trial.

Resolution # 673 - Garland & Hobbs Annexation-A petition for annexation received from Garland & Hobbs LLC (Bill Maloney) for tax map 104 parcel 450 was presented. The petition consists of one parcel of 1.12 acres immediately adjoining the existing east town boundary on Garland Road. The parcel is presently improved with a single family home and zoned Rural in the County. It is surrounded by the Savannah Overlook development, and requests zoning be changed to SR (suburban residential). The Planning Commission gave this annexation a favorable review at their January 24th meeting. The Town attorney prepared the resolution and annexation agreement. This was presented for consideration of adoption.

Councilman Horsey made a motion to adopt Resolution #673, seconded by Councilman Foster, the motion passed unanimously.

Resolution # 676 - DDC Application – The Denton Development Corporation is making an application to the Neighborhood Business Works Program, as part of the Town's Main Street Program. If funded, the program would provide predevelopment architect funds for the Arts and Entertainment District, additional façade money, seed

money for an artist coop and promotion funds for the Denton's Downtown. A local resolution of support is required.

Councilman Gregory made a motion to adopt Resolution #676 supporting the DDC application, seconded by Councilwoman Stockley, the motion passed 4-1 with Councilman Horsey abstaining due position as a member on the DDC board.

Resolution # 677 - Lily Pad Café and Catering- The Town of Denton received notice from the Maryland Department of Housing and Community Development that they have received a small business loan application from Lily Pad Café and Catering. The State requires a local resolution of support.

Councilman Horsey made a motion to adopt Resolution #677, supporting the Lily Pad business loan application, 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 meetings. This item was presented for adoption.

Councilwoman Stockley made a motion to adopt Ordinance #510, seconded by Councilman Horsey, the motion passed unanimously.

Ordinance # 511 - Appropriations Ordinance- The Appropriation Ordinance for FY2007 was presented to the Town Council for consideration of adoption. This ordinance did not include any increases in the Denton Town Tax rates for FY2007 and it provided a balanced budget for the General Fund.

Councilman Horsey made a motion to adopt Ordinance #511, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 512 - Industrial Park Option Agreement- An Option Agreement and Ordinance authorizing the Town to enter into the option agreement for Lot 9B-2A was presented to the Council for consideration of adoption.

Councilman Horsey made a motion to adopt Ordinance #512, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 513 - Industrial Park Option Agreement- An Option Agreement and Ordinance authorizing the Town to enter into the option agreement for Lot 9B-2B was presented to the Council for consideration of adoption.

Councilman Horsey made a motion to adopt Ordinance #513, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance # 514 - Comprehensive Plan Amendment- The proposed amendment to the Denton Comprehensive Plan specific to the Eastern Shore Heritage Areas was presented to the Council for consideration of adoption.

Councilman Horsey made a motion to adopt Ordinance #514, seconded by Councilwoman Stockley, the motion passed unanimously. Councilman Gregory asked that the minutes reflect special attention to the language in #3 of the ordinance.

Councilwoman Stockley made a motion to authorize Lester Branson to sign the letter as the Mayor, seconded by Councilman Horsey, the motion passed unanimously.

Ordinance # 515 - Gay Street Redevelopment- An ordinance which authorizes the execution of an agreement for the transfer of 522 Gay Street as part of the Gay Street Redevelopment Project. This property will be redeveloped as part of a master plan redevelopment and revitalization plan.

Councilman Horsey made a motion to introduce Ordinance #515, seconded by Councilman Foster, the motion passed unanimously.

Ordinance #516 - Town Council Salary Increase - As directed at the May 1, 2006 meeting the Town Attorney drafted Ordinance #516 which would increase the annual salary of the Council members and place this item on the ballot for the November elections. This ordinance proposes to increase the salary for the Mayors position from \$1,500 to \$3,600 and the other Council members from \$1,000 to \$3,000

Councilwoman Stockley made a motion to introduce Ordinance #516, seconded by Councilman Gregory, the motion passed unanimously.

Ordinance # 517 - Zoning Ordinance Amendment- The Planning Commission proposed to update the ordinance to amend the number of parking spaces required for retail businesses. The change would go from 1 space per 150 sq ft of gross floor area to 1 space per 200 sq ft of gross floor area. Amends Section 128-97.

Councilman Horsey made a motion to introduce Ordinance #517, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 518 - Zoning Ordinance Amendment- The Planning Commission propose to update the ordinance to clarify where the use of portable storage units for temporary storage are permitted. Presently there are a number of businesses who insist on using tractor trailer beds or shipping containers as cheap alternative storage which is prohibited by ordinance. Amends Section 128-64.

Councilwoman Stockley made a motion to introduce Ordinance #518, seconded by Councilman Horsey, the motion passed unanimously.

Ordinance # 519 - Redevelopment District Overlay Ordinance- The Planning Commission proposed the redevelopment of a portion of Gay Street. Town attorney, Brynja Booth, has refined the procedure within the Zoning Ordinance that defines a redevelopment district, and how it functions, amending section 128-21.5 and 128-21.6.

Councilman Horsey made a motion to introduce Ordinance #519, seconded by Councilman Foster, the motion passed unanimously.

Ordinance # 520 - Redevelopment District Map Ordinance- The Town attorney, Brynja Booth, drafted an ordinance that defines the parcels eligible for inclusion in a redevelopment district. The actual mapping of the overlay zone takes places when a redevelopment application is approved by the Council.

Mr. Bob Cipriotti owner/developer spoke on behalf of the project with the Council

Councilman Horsey made a motion to introduce Ordinance #520, seconded by Councilman Foster, the motion passed unanimously.

Reports of officers, board and committees

Planning Commission Annual Report-Ms Shull presented the 2005 Annual Report prepared by the Planning Commission to the Council. The report indicated the type and number of projects reviewed by the Planning Commission and Board of Appeals during the past calendar year. Statistics were also provided on permits and construction dollars. This was informational only.

Several members of the Council expressed their appreciation to the volunteers of the Town's committees for their hard work and dedication to the Town.

Unfinished Business

Agenda #1 - Town of Denton FY2007 Budget- *The FY-2007 budgets for the General Fund, Highway Fund and Water and Sewer funds were presented to the Council for consideration of adoption.*

Councilman Gregory made a motion to endorse and adopt the budgets as presented, seconded by Councilman Foster, the motion passed unanimously.

Agenda #2 - Media Protocol- *The draft Media Protocol prepared for the Town of Denton was provided to the Council for consideration of adoption.*

Councilman Horsey made a motion to adopt the media protocol as presented, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3 - Caroline County Council of Governments - *A copy of the memo from Leigh Sands and the proposed COG Bylaws was provided to the Council. The COG is seeking one representative from each participating government. This shall be the elected chief executive or a member of the governing body who has been chosen for representation to the COG. The Bylaws and Rules of Procedures came before the Council for consideration of approval and designation of a representative.*

Councilman Horsey mentioned that it maybe a start in the right direction for Municipalities and the County to work together.

Councilman Horsey made a motion to adopt the bylaws of the COGS, and to appoint Councilman Gregory to be the representative for the Town of Denton, and to have Councilman Foster serve as the alternate, seconded by Councilwoman Stockley, the motion passed unanimously.

Other Unfinished Business

None

New Business

Agenda #1 - MML Legislative Session Form- *MML Staff forwarded the Legislative Session Form for the 2007 Session. Form to be used by member municipalities, chapters and/or departments for submission of legislative issues for consideration by MML's Legislative Committee. The deadline for submission of LAR forms is Friday, June 30, 2006. According to MML Legislative Committee guidelines, member municipalities, chapters, and departments may submit up to three legislative requests for consideration as MML initiatives before the Maryland General Assembly. This item was brought before the Council, in the event there is an issue the Council would like to refer to MML for consideration.*

Councilman Horsey made a motion to submit a form seeking representation for a State Delegate for Caroline County, seconded by Councilman Gregory, the motion passed unanimously.

Councilman Gregory will complete the form and provide to Staff for submission.

Agenda #2 - Annexation Petition- *An annexation petition for properties located on the south side of Market Street across from Mallard Homes, and parcels located on Pearson Road has been received. The properties are within the town's growth boundary, and are located on the Comprehensive Water & Sewer Map. The next step is to forward the application to the town attorney for a determination of legal sufficiency, and to the Planning Commission for a recommendation.*

Councilman Horsey made a motion to refer to the Town Attorney and Planning Commission, seconded by Councilwoman Stockley. Discussion was held in which the Council was advised that as part of this annexation request the Town is seeking to

purchase part of it with program open space funding for a future park, the rest is being proposed to be used for residential development. The motion passed unanimously.

Agenda #3 - Corporation Tax Abatement- *Staff has exhausted all methods of collection for some corporation taxes outstanding for 2003-2004 and requested consideration from the Council to consider abating the amount due of \$246.44.*

Councilman Horsey made a motion to abate the corporation tax as requested, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Miscellaneous Bill Abatement- *Staff has exhausted all methods for collection of a miscellaneous bill in the amount of \$100.00 and is seeking direction from the Council on whether to continue trying to collect the fee through the courts or abate the invoice and any accrued interest.*

Councilwoman Stockley made a motion to abate the miscellaneous bill, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #5 - LGIT Ballot- *The Town of Denton as a member of LGIT has the opportunity to participate in the election for the Board of Trustees. The Council may wish to authorize the Mayor to cast the vote on the ballot presented.*

Councilman Horsey made a motion to authorize the Mayor to vote as desired and in the best interest of the Town of Denton, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #6 - Election Judge Appointments – *Mrs. Joan Fountain and Mr. David Hollis have expressed interest in being re-appointed to the Election Board for another 2 years. Their terms expire June 30, 2006. Consideration from the Council for re-appointment was requested.*

An advertisement has been placed seeking letters of interest for the third position available and will come back before the Council at the July meeting.

Councilwoman Stockley made a motion to re-appoint Mrs. Fountain and Mr. Hollis for another two-year term, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #7 - Payscale Proposal - *The Personnel Committee presented the Council with a newayscale proposal integrating steps into the system along with an implementation method for the existing employees.*

Councilman Gregory made a motion to adopt the proposedayscale and implementation method #3 as presented, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #8 - Water and Sewer Capacity - *A request for water and sewer capacity for the following projects was reviewed:*

Gay Street Redevelopment - 4750 gpd for 18 residential and 1 commercial unit. The Gay Street Redevelopment project proposed the construction of 24 residential units (22 townhouses and 2 apartments) and 1 commercial unit. There are 6 existing units which no additional allocation is needed.

Councilman Horsey made a motion to allow the water and sewer capacity for the Gay St. redevelopment project, seconded by Councilman Foster, the motion passed unanimously.

619 Commercial Development – 2025 GPD is requested for this project.

Councilman Gregory made a motion allow the water and sewer capacity for this project, seconded by Councilman Horsey, the motion passed unanimously.

Agenda # 9 - Industrial Park Option Agreement Extension - An Option Agreement Extension prepared by Brynja Booth for Lot #2 in the Industrial Park Phase III expansion area. The original lot lines proposed was modified to accommodate the facility needs for Lot #2 and Lot #3. The extension provides for an additional 6 month period.

Councilman Horsey made a motion to extend the option agreement with amendments for another six months, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #10 - Denton Main Street Program - The FY-2007 budget separates out the Main Street Program from the Administrative Assistant Position. The Town Administrator came before the Council seeking authorization to proceed with advertising to potentially fill the Main Street Manager Position and authorization to enter into a lease with the Durner's for office space on Third Street. The funding for this lease is included in the budget and the space will provide for both the Denton Main Street Program and the Denton Development Corporation – who had been provided six months rent for free by Mr. Brody in the Carter Block Building. The DDC space is not large enough to adequately accommodate both operations.

Councilwoman Stockley made a motion to approve the request as presented, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #11 - Market Street Infrastructure Phase II – The bid closing for this project was Tuesday May 23, 2006. David A. Bramble, Inc submitted the lowest bid at \$1,481,238.00. The bid tabulation sheet, the bid itself and a letter of recommendation from our engineer, Judy Schwartz was provided to the Council. Staff advised that one million in funding has already been approved through CDBG and capital projects. This project includes the intersection of 2nd & Market St. Staff came before the Council seeking consideration to approve the bid from David A. Bramble, Inc contingent on a funding plan.

Councilman Horsey made a motion to award to Bramble contingent upon a funding plan, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #12 - Police Department Construction Project – Final Payment - J.J DeLuca submitted a final payment request which is presently being reviewed by GMB and was presented to the Council for direction.

Councilman Horsey made a motion for settlement to be made on the Police Dept. project and for the Town Administrator and Clerk-Treasurer to handle the settlement, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #13 - Industrial Park Subdivision – Phase III- George, Miles and Buhr has modified the original subdivision plat for Phase III of the Denton Industrial Park expansion program. The lot arrangement enabled the proposed industrial development to maximize their development and minimizing the impact on wetlands. This was brought before the Council for consideration of approval and authorization of the Mayor to sign the plat.

Councilman Horsey made a motion to approve and authorize the Mayor to sign the Plat for Phase III of the Industrial Park subdivision, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #14 - Town of Denton Summer Office Hours - Town Office Staff asked the Council for consideration to amend the office hours open to the public during the summer which would provide evening hours.

Councilwoman Stockley made a motion to accept the summer office hours as proposed, seconded by Councilman Foster, the motion passed unanimously.

Agenda #15 - Performance Evaluation - The Council will follow up with the Clerk Treasurer to set up to meet with Mr. Ernst Selig in executive session to do the performance evaluation for the Town Administrator.

Agenda #16 - Small Business Loan Application - The Lily Pad Café is seeking funding assistance to acquire the Women's Club and relocate their café to this site. They had been originally working with the Denton Development Corporation to potentially relocate to the Fourth Street Arts and Entertainment District when members of the Women's Club approached them about the possibility of acquiring their building. They have filed an application with the Town for funding through the IRP program and also to the State of Maryland. The application was received 5/25 and then provided to the Business Loan Review committee on 5/26 for their review. Two of the three Business Loan Committee members have reviewed and provided a favorable recommendation.

Councilman Horsey made a motion to allow the small business loan to Lily Pad Café, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #17 - Housing Dept Vehicle Acquisition - Jennifer Shull came before the Council to discuss the purchase of a used 2004 RAM pickup for the Housing Department during this fiscal year. Additional revenue has been received in FY2006 budget that would offset this cost.

Councilwoman Stockley made a motion to purchase a 2004 Dodge Ram pick-up truck, seconded by Councilman Foster, the motion passed unanimously.

Other New Business

Staff recently attended the State of Maryland Retirement meeting in which they were advised that the State had adopted a new Alternate Contributory Pension Plan system in which the Town is eligible to participate in.

Councilwoman Stockley made a motion to adopt Resolution #668, authorizing the Town to participate in the new Alternate Contributory Pension Plan, seconded by Councilman Gregory, the motion passed unanimously.

Resident Robert Clendaniel asked for additional information on the Media Protocol.

With no further business to discuss the Mayor adjourned the meeting at 8:20 PM.

Respectfully submitted,

Karen L. Monteith
Clerk-Treasurer