

June 6, 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.

Mr. Scott Getchell provided the invocation.

Mayor Horsey asked that the record reflect that Councilwoman Goldsborough was absent due to illness, all other members were present.

Councilwoman Stockley made a motion to accept the minutes of the May 2, 2005 regular meeting, May 3, 2004 special meeting and the notes of the May 16, 2005 working session, seconded by Councilman Foster, passing unanimously.

Public Hearings:

Ordinance #485

At 7:02 PM Mayor Horsey opened the public hearing to receive public comments on the proposed ordinance which would amend the Zoning Ordinance to provide the Planning Commission the ability to reduce the minimum lot area requirements in the SR, TR and MR residential districts. Persons wishing to speak shall rise to do so, state their name for the record, and shall address their comments to the town council. There being no comments the Mayor closed the public hearing at 7:03 PM.

Ordinance #487, 488, 489, 490

At 7:03 PM Mayor Horsey opened the public hearing to receive public comments on the proposed ordinances which would amend the Building Code Ordinances to adopt the 2003 International Building Codes as amended for Mechanical Construction, Property Maintenance, Building Code and Residential one and two family Construction. Persons wishing to speak shall rise to do so, state their name for the record, and shall address their comments to the town council.

Ordinance 487 2003 International Mechanical Code as amended

Ordinance 488 2003 International Property Maintenance Code as amended

Ordinance 489 2003 International Building Code as amended

Ordinance 490 2003 International Residential Code as amended

There being no comments the Mayor closed the public hearing at 7:04 PM.

Petitions, Remonstrances and Communication

Proclamation - Mayor Horsey read a proclamation recognizing Dr. Stephanie B. C. Bailey, MD for being awarded the Dr. Nathan Davis Award for Outstanding Government Service by the American Medical Association.

Municipal Building Presentation - Architect Greg Torchio came before the Council to present the preliminary concept plan for the new Municipal Building. A public meeting will be held for public comment. Mr. Torchio will meet with the Planning Commission at a working session to present to them.

Fourth Street Park Request - A request from Mr. Kenneth Gornic concerning the fence between his principal residence and the 4th St. Park was reviewed by the Council. Staff recommended to allow the property owner to continue with his fence installation at his own expense.

Councilwoman Stockley made a motion to have Jennifer Shull contact Mr. Gornic regarding the recommendations discussed above, seconded by Councilman Branson, the motion passed unanimously.

Wheeler Park Request - The Council reviewed a request from Ms. Constance Smith, 423 Lockerman St., regarding installing a fence behind her property defining the boundary of the Wheeler Park. Staff provided an overview and added that the back yard boundary blends in with the park property, recommending the installation of a split rail fence on the Town's property that would define this area. Council instructed staff to proceed with installing the fence as recommended.

Resolutions and Ordinances

Resolution #661 - USDA Resolution for Submission of Application - USDA - This Resolution will allow the Town to submit an application to USDA to seek funding for the new municipal building.

Councilwoman Stockley made a motion to adopt resolution #661, seconded by Councilman Foster, the motion passed unanimously 4-0.

Resolution #662 - USDA Resolution for Potential Use of Bond Funds- USDA - This Resolution will allow the Town to use Bond Funds to reimburse the Town for any funds expended for interim financing on projects.

Councilwoman Stockley made a motion to adopt resolution #662, seconded by Councilman Branson, the motion passed unanimously, 4-0.

Ordinance #482 Denton Industrial Park - Consideration of Adoption - This Ordinance was introduced at the April 4, 2005 meeting and tabled at the May 2nd meeting. The Ordinance authorizes the subdivision of the 17.705 acre parcel the Town of Denton purchased in 2002 for a 2.09 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.

Councilman Branson made a motion to adopt Ordinance #482, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Ordinance #483 Denton Industrial Park - Consideration of Adoption - This Ordinance was pulled from the agenda.

Ordinance Amendment - #485 was presented that would permit under certain conditions for the Planning Commission to approve lots that are smaller than the required standards in existing neighborhoods in the SR, TR and MR zones where the pattern of lot size has already been established. The ordinance is amended to include the TR district which was omitted in error from the original ordinance text.

Councilman Foster made a motion to adopt ordinance #485, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Ordinance #486 - 413 and 415 Gay Street - Consideration of Adoption - 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.

Councilwoman Stockley made a motion to adopt ordinance #486, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Building Code Ordinances: Four ordinances are presented for adoption consideration: 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. The

ordinances were prepared by the town attorney.

Ordinance #487 2003 International Mechanical Code as amended. Councilwoman Stockley made a motion to adopt ordinance #487, seconded by Councilman Branson, the motion passed unanimously, 4-0.

Ordinance #488 2003 International Property Maintenance Code as amended. Councilman Branson made a motion to adopt ordinance #488, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Ordinance #489 2003 International Building Code as amended. Councilman Branson made a motion to adopt ordinance #489, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Ordinance #490 2003 International Residential Code as amended. Councilman Foster made a motion to adopt ordinance #490, seconded by Councilman Branson, the motion passed unanimously, 4-0.

Ordinance #491 - Appropriation Ordinance- Consideration of Adoption- The amended ordinance was presented to the Town Council for consideration of adoption.

Staff provided an overview, indicating that the General Fund Budget is balanced with a 3 cent real estate tax increase. Several items were cut from the original budget that had a \$488,000 difference. The FY06 budget provides and increase in the donation to the Denton Volunteer Fire Dept., from \$15,000 a year to \$40,000. The Police Dept. Grant is reflected for a criminal investigative position. The budget proposed will allow the present temporary staff for the Zoning & Finance dept. to remain, but the full time positions requested were cut. Health Care cost increased 23%. The budget only represents a 2.7% COLA for all employees, but the 2.3% Merit was cut. This can be reviewed later pending revenues received. Capital outlay includes the server upgrade and the building permit computer system.

Mr. Dallas Lister, the president of the DVFD came before the board asking for additional funds to provide the demand on services. His request was to increase funding from \$15,000 to \$100,000.

Councilman Branson made a motion to adopt the appropriations ordinance #491 as amended, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Ordinance #492 - Sewer Capacity Amendment - Consideration of Adoption- This Ordinance is before the Town Council for consideration of adoption. This Ordinance increases the Sewer Capacity Charge to \$4500 per ERU.

Councilwoman Stockley made a motion to adopt ordinance #492, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Ordinance #493 - Water Capacity Amendment - Consideration of Adoption- This Ordinance is before the Town Council for consideration of adoption. This Ordinance increases the Water Capacity Charge to \$1500 per ERU.

Councilman Branson made a motion to adopt ordinance #493, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1- Siesta Drive Annexation: With the Council's previous approval staff have

prepared an annexation petition for Siesta Drive east of Second Street. Map 105 Parcels 79, 216, 163, 172, 173. There are four property owners who receive town water. One of the four receives both water and sewer. The annexation would correct the town boundary in this location and provide consistency. The Town Attorney has received a copy of the information provided by staff and Lane Engineering for preparation of annexation agreements, and Resolution of annexation. This item can be referred to the Planning Commission for an updated recommendation if desired. Staff recommended to allow the Manlove and Bigelow properties to remain on town tax waiver until a transfer of ownership or connected to Town services.

The Town Council accepted the proposal and advised staff to move forward with this annexation.

Agenda #2 - FY-06 General Fund Budget - the revised budget will be presented to the Council for consideration of adoption. Full discussion on this was held earlier in the meeting at the time of adopting the appropriations ordinance.

Other Unfinished Business

The Mayor questioned status on ditch progress on Market and Gay, staff responded that GMB has put together the plan, it has been accepted by the property owners. GMB is forwarding to Brambles for a proposal.

The Mayor questioned the status of Cattail Commons, staff advised waiting on the pipe installation under Market St. and the sewer line extension. A schedule of the work has been requested.

The Mayor questioned the status of the police facility completion, staff advised that Chief is to get prices on landscaping and that they are some minor issues to be completed. Staff need to review the list to see what is left.

The Mayor asked about the water and sewer comprehensive plan, staff advised that a progress meeting is scheduled for this coming Thursday.

The Mayor asked for staff to look into holding a open house at the Denton Volunteer Fire Dept. on Sept. 19, 2005.

The Mayor asked the status of the skate board park request. Staff advised that the Choptank Athletic Assoc. has scheduled a meeting with them. Also looked at Franklin St. and Armory garage as other locations.

The Mayor asked when the Wheeler Park would be completed. Staff expressed hopefully in 30 days. Still waiting on the completion of the fence installation, before the tennis courts can be finished.

The Mayor asked the status of Tribbett property acquisition. Staff advised still working on relocating the tenants.

New Business

Agenda #1 - Board of Election -

withdrawn from the agenda

Agenda #2 -2006 Legislative Action Request Form - MML - a copy of the MML Legislative Action Request was presented to the Council. Town Staff is requesting the opportunity to submit a request for municipal enabling legislation to assess a Transportation Utility Fee.

Councilman Branson made a motion to authorize staff to submit the MML legislative

request for a transportation fee, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Agenda #3 - Foy Road Annexation-Mr. and Mrs. Ronald Diem have submitted a petition for annexation for their property at Foy and Garland Road (Map 106 parcel 3). Included in the petition are eight small residential parcels that front on Foy Road. The entire length of Foy Road from Legion to Garland is included in the annexation. Garland Road is not included. The total area is 207.749 acres. The area is within the growth area. The Council may wish to refer the petition to the Planning Commission for a recommendation, and the Town Attorney to determine legal sufficiency.

Councilman Branson made a motion to refer the annexation petition to the Planning Commission and Town Attorney for recommendation, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Agenda #4 - The Gardens water/sewer request: An application requesting water/sewer allocation for an infill subdivision on Legion Road has been received. The Gardens is a neo-traditional 58 single family lot subdivision being developed by JPA Ventures (Mallard Homes) on property under contract from (9585 Legion Road LLC) Robert Musselman. The subdivision has been reviewed at the Planning Commission level and has had preliminary comments from the town Technical Advisory Committee (TAC). The project is designed as a gravity fed sewer system with future street links to the adjoining property. Staff provided an overview of the location. Mr. Jim Didanoto presented a preliminary plan.

Councilman Branson made a motion to allow the water and sewer request to JPA Ventures, 9585 Legion Rd., seconded by Councilman Foster, the motion passed unanimously, 4-0.

Agenda #5 - Parkview Estates water/sewer request: An application requesting water/sewer allocation for an infill subdivision just off Fifth Avenue has been received. Parkview Estates is a 26 single family lot subdivision being developed by Stanley Halle Communities on property under contract from Jim and Valerie Seymour. The subdivision has been reviewed at the Planning Commission level and has had comments from the town Technical Advisory Committee (TAC). The project is exploring looping the sewer via gravity thru to Maryland Avenue or Sunset Drive at the request of Scott Getchell, Superintendent of Public Works.

Councilman Branson questioned the location and what capacity is available. Staff advised 29.38% is still available after what is proposed on the flow chart provided. Councilwoman Stockley raised concerns. Staff expressed concerns on how a decision would be made to hold up one project and not another.

Councilman Branson made a motion to allow the Parkview Estates water and sewer allocation as requested, seconded by Councilman Stockley, the motion passed unanimously, 4-0.

Agenda #6 - Lacrosse Homes water/sewer request: An application requesting water/sewer allocation for a residential subdivision on Route 313/N. Sixth Street has been received. This is a 60 unit town home subdivision with alley loaded garages developed on property owned by Lacrosse Homes. The property was annexed last year at which time it received a zoning waiver from Caroline County. The subdivision has been reviewed at the Planning Commission level for both concept and preliminary. The units in this project will be paying an additional fee as part of the special utility assessment assigned to this area related to

the pump station construction near Goose Creek.

Staff advised that this is Fearins Crossing and it is located in the special assessment area that will reimburse debt on the pumping station.

Councilman Branson made a motion to approve the water and sewer allocation as requested, seconded by Councilman Stockley, the motion passed unanimously, 4-0.

Agenda #7 - Lacrosse Homes water/sewer request: An application requesting water/sewer allocation for a residential subdivision on 812 Camp Road has been received. This is a 58 unit single family/town home subdivision developed by Lacrosse Homes on property under contract from Terry & Peggy Slattery. The subdivision has been reviewed at the Planning Commission level for concept and is undergoing redesign with Technical Advisory Committee comments.

Councilman Branson made a motion to table the Lacrosse Homes/Camp Rd. until the redesign has been completed by the TAC committee, seconded by Councilman Stockley, the motion passed unanimously, 4-0.

Agenda #8 - Homeland Security - A proposal for the Denton Police Department to acquire the remaining equipment under the Law Enforcement terrorism Prevention Program (LETPP) for Caroline Co. was presented to the Council. The Denton Police Department's share of this funding is \$7,151.71. The Alvarion 900 MHz Subscribed Unit will be used to connect with the Caroline Co. Emergency Management wireless system to allow for communications between Denton Police Department servers and the servers at Emergency Mgmt. Sgt. Bacorn advised this is a continuation of an existing grant.

Councilman Branson made a motion to allow the purchase as proposed, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Agenda #9 - Utility Commission Appointment – The UC has requested the Town Council approve the appointment of Mr. Greg Eigenbrode to serve on the Commission.

Councilman Branson made a motion to appoint Mr. Greg Eigenbrode to the Utility Commission, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Agenda #10 - FY-2006 Enterprise Fund Budget - Staff requested a special working session to be set up to review the budget for the Highway, Sewer and Water Funds. The Council set up a special meeting to be held on June 20, 2005 at 6:00.

Other New Business

Mayor Horsey questioned demolition of the Donohue property, and staff advised the ordinance requires 60 days notice for historic review.

Councilman Foster asked about annexation of Lacrosse Homes, staff advised that they are looking to bring into the town limits for future, no plans for development at this time.

Mayor Horsey stated that he was concerned about the growth and felt that with what is on the planning right now that there is enough to last for 15-20 years. He questioned if the Council should consider putting a hold on any future growth that is not already on the towns tax map. Maybe they should be required to submit an impact study at the time of presentation of development. Mayor Horsey also suggested looking into a 5% renters tax.

Staff responded by advising that the developers are already required to submit an impact study at the time of presentation and that the Urban Analytics study that the Council previous approved is working on all types of impact. Staff suggested that the Council may want to set up a

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meeting with the Planning Commission to discuss future growth.

Councilman Branson asked to meet with they Planning Commission and Zoning to talk about future growth with the Town Attorney.

Staff advised that it was offered to the County to share in the study being done by through Urban Analytics study and the County denied cost sharing.

Mayor Horsey requested to find out how many town homes were complete at Mallard.

Resolution #663 - A& E resolution amends Ordinance #481 regarding tax abatements for the A & E District.

Councilman Branson made a motion to adopted resolution #663, seconded by Councilwoman Stockley, the motion passed unanimously, 4-0.

Staff advised the Council that they were invited to attend the West Denton Site Visit meeting on June 7, 2005 at 5:00.

With no further business to discuss Councilman Branson made a motion to closed the meeting at 9:05 PM, seconded by Councilman Foster, the motion passed unanimously, 4-0.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*