

June 7, 2004

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.

Reverend Gatlin provided the invocation.

Mayor Horsey asked that the record reflect that all members were in attendance with the exception of Councilman Foster, whom is present on military leave of absence.

Mayor Horsey asked if there were any changes to the minutes of the May 3, 2004 Council meeting, the May 17, 2004 working session notes or the minutes of the Special Meeting of May 17, 2004. There being none the Mayor approved the minutes as presented.

Proclamation

Mr. Paul Wise Proclamation – Mayor Horsey read and presented a proclamation in honor of Mr. Paul Wise to Mrs. Wise.

Public Hearings

Resolution #642 – Gannon Purchase LLC/Trice Annexation

At 7:06 PM Mayor Horsey open a public hearing to discuss the Gannon Purchase/Trice Annexation.

Petitioner – Mr. Jeffrey E. Thompson, Council and Mr. Barry Griffith, Engineer for the petitioners spoke on behalf of the annexation and the proposed project and zoning.

Council/Town Staff – Ms. Jennifer Shull, Director of Housing and Community Development provided an overview of the proposed annexation and advised that a favorable recommendation has been received from the Planning Commission, as well as written recommendation from Caroline County, the State Highway Administration, Maryland Critical Areas and the Maryland Dept. of Planning.

Caroline County Government – no comments

State & Planning – no comments

Public – no comments.

There being no further discussion this public hearing was closed at 7:12 PM.

Resolution #643 – Mary Ruth Fearins Annexation

At 7:12 PM Mayor Horsey open a public hearing to discuss the Fearins Annexation.

Petitioner – Mr. Jeffrey E. Thompson, Council and Mr. Barry Griffith, Engineer for the petitioners spoke on behalf of the annexation and the proposed project and zoning.

Council/Town Staff – Ms. Jennifer Shull, Director of Housing and Community Development provided an overview of the proposed annexation and advised that a favorable recommendation has been received from the Planning Commission, as well as written recommendations from the State Highway Administration and the Maryland Dept. of Planning.

Caroline County Government – no comments

State & Planning – no comments

Public – no comments.

There being no further discussion this public hearing was closed at 7:20 PM.

Petitions, remonstrances and communication

Pelosky – A property maintenance letter received from Mr. Ed Pelosky was reviewed by the board. The board advised that the drafted response letter was

acceptable for the Mayor to sign.

Combating Underage Drinking

A letter received from Ms. Samantha Wiley, the coordinator of activities for the Combating Underage Drinking was reviewed by the Board. The Board advised that it does not support underage drinking and asked for Staff to work with Ms. Wiley to look into a type of permanent signage. Councilwoman Goldsborough advised that Caroline County ranks 4th highest in the State of Maryland for underage drinking.

Resolution and Ordinances

Res. #642 Gannon's Purchase LLC/Trice Annexation

This annexation includes 101.961 acres of property owned by Gannon's Purchase on Route 404, Donald Trice on Deep Shore Road/404 and portions of Maryland Route 404. The agreement spells out the terms of annexation: and includes that the applicants are responsible for all extension of infrastructure (water, sewer, roads) and all review fees and the applicants are further bound to follow town zoning in development of the property regardless of whether the property receives a County waiver in zoning.

Councilman Branson made a motion to adopt resolution #642, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Res. #643 Fearins Annexation

This annexation involves 29.177 acres of property owned by Mary Fearins on the east side of Route 313 and portions of Maryland Route 404. The Fearins property has requested rezoning to TR Town Scale residential.

Councilwoman Stockley made a motion to adopt Resolution #643, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #452 – FY2005 Appropriations Ordinance

Councilwoman Goldsborough made a motion to adopt Ordinance #452, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #453 – Highway User Capacity Charge

This ordinance was referred to the July meeting

Ordinance #454 – Sewer Capacity Charge and Rate Change Introduction

This ordinance increases the sewer capacity charge from \$1600 to \$2000 and increases the sewer rate from \$5.35 to \$5.50 per 1,000 gallons of usage.

Councilwoman Stockley made a motion to introduce Ordinance #454, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #455 – water Capacity Charge and Rate Change Introduction

This ordinance increases the water capacity charge from \$500 to \$1000 and increases the water rate from \$2.00 to \$2.25 per 1,000 gallons of usage.

Councilwoman Stockley made a motion to introduce Ordinance #455, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Unfinished Business

Agenda #1 – Eight St. Infrastructure Project

The plans for the 8th St. Project call for sidewalks to be placed on the side of the street that is adjacent to Caroline Apts. Four of the residents which reside on this side have requested that the sidewalks be relocated to the opposite side of the street.

Councilman Branson made a motion to refer this to the planning commission for

recommendation, seconded by Councilwoman Stockley, the motion passed unanimously. Staff advised that the Planning Commission will review at their meeting on June 29, 2004.

Agenda #2 – FY05 Budget

Staff provided an update on the revised FY2005 budget, including changes to the salary grade scale, no changes to the existing real estate tax rate. The General, Highway, Water and Sewer fund budgets have been balanced and were presented to the board for consideration of adoption.

Councilwoman Goldsborough made a motion to adopt the FY2005 budget as presented, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3- Market St. Engineering Agreement

Staff provided an letter reviewing the scope of engineering services for the construction phase of the Market St. project and a cost estimate and fixed fees.

Councilman Branson made a motion to move forward and adopt the Market St. engineering agreement, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Other Unfinished Business

Councilwoman Goldsborough questioned the no parking on Gay St., advising that the entire block between 4th and 5th has been marked no parking, concerned that this would have a negative affect on the Metropolitan Church once they rebuild. Staff advised that they would follow up with the State Highway Administration, that the signs should have only eliminated parking on half of the block. Staff also advised of parking arrangements outlined by the Board of Appeals during the application process. The lot for the Church is so small that they would have to apply for a variance, however during the Board of Appeals Application process it was recommended that over flow parking could always use the municipal parking lot.

New Business

Agenda #1 – Board of Election Appointment of Judges

Our present election judges terms will expire on June 30, 2004. Mrs. Kathy Falloni, Ms. Joan Fountain and Mr. David Hollis have stated that they would be interested in being re-appointed for another term.

Councilman Branson made a motion to re-appoint the election judges for another two year term, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #2 – 214 Market St.

Sweet Bay LLC recently purchased 214 Market St. and has submitted a small business loan application for \$25,000 through the Town's Small Business Loan Program. The Town's Loan Review committee has reviewed the loan and provided a favorable approval. Initially Sweet Bay LLC acquired the building using funds from Provident State Bank and they would like to refinance the PSB loan to the Town's IRP loan, which approval was already given at a previous Council meeting. The Town's Loan Review Committee has recommend that at Phase I Environmental test be completed as would be necessary if the loan was being finances through the Mid Atlantic Finance program. Sweet Bay LLC has requested a waiver of having the Phase I test completed. Town staff would like to offered to redeem 50% of the \$1,500 origination fee associated with the loan to help offset the fee for the testing.

Mrs. Beth Brewster a partner in Sweet Bay LLC, was present and explained that they are requesting the waiver thinking that the money to have the test done would be better spent on renovating the building. Councilman Branson expressed that he supports what the Loan Committee has recommended.

Councilman Branson made a motion to approve the small business loan to Sweet Bay LLC, in the amount of \$25,000, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Councilwoman Goldsborough asked for clarification about the Phase I Environmental test. Staff advised that the financing would be through the Town's IRP Loan program and that it would be up to the Town Council. USDA recommends the testing and Mid Atlantic requires it for their funding. Staff suggested that the Council forgive the origination fee to be applied towards the test fee. Councilman Branson expressed concerns and stated that during the Market St. Café project that underground storage tanks were discovered. Staff recommended that the board require the test.

Councilwoman Goldsborough made a motion to forgive the origination fee, but require the test be done, seconded by Councilman Branson, the motion passed unanimously.

Agenda #3 – Former Dollar General Property

The DDC has been working with a developer to redevelop the former Dollar General property that is presently owned by the Town of Denton. An option agreement along with renderings of the potential structure for the site were provided to the board for consideration of approval.

Councilman Branson made a motion to adopt the option agreement as present with Mr. Maloney, seconded by Councilwoman Goldsborough, the motion passed unanimously. Staff advised that if the project moves forward they would like to see the \$63,000 purchase price be provided to the DDC to use towards the 4th St. project.

Agenda #4 – Old Denton Schoolhouse

A letter to the Caroline County Commissioners has been prepared requesting Program Open Space funding to assist with the purchase of the Old School House property. Staff came before the board seeking authorization to send the funding request to the County.

Councilwoman Goldsborough made a motion to allow staff to move forward seeking funding, seconded by Councilman Branson, the motion passed unanimously.

Agenda #5 – Annexation Petition Wood/Collison/Board of Education

A petition for annexation of 36.0318 acres has been received from the above mentioned property owners for parcels on Sharp Road and Lupine Lane.

Councilwoman Stockley made a motion to forward this request on to the Planning Commissioner for recommendation, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Agenda #6 – West County Ad-Hoc Committee

The County Planning and Codes Administration has sent a letter to the Town Council requesting the appointment of a Town representative to serve on the Ad-Hoc Committee. Town Administrator advised that she would be available to serve on the committee for the Town.

Councilman Branson made a motion to appoint Terry Fearins to serve on the

County Ad-Hoc Committee, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #7 – Sandy Meadow Capacity Payment Request

Mr. J. D. Neal submitted a letter requesting the ability to pay the remainder of his water and sewer capacity charge when he files for a building permit for each individual lot. Councilman Branson questioned if the ordinance gives the board the approval to defer. Staff advised that the board has done so in the past. The allocation for all but 300,000 has already been given. Staff advised that this is something that the board should consider discouraging in the future as the Town will need the funding to upgrade the plant. Councilman Branson raised concerns and wanted to make sure that rate changes will still take affect. Staff recommended that the board consider approving the request with a time frame stipulation of no more than two years from recordation.

Councilman Branson made a motion to honor the request with the stipulation that any new fees adopted apply and that final payment is due within two years of recordation of the plat, seconded by Councilwoman Stockley, motion passed unanimously.

Agenda #8 – Cattail Capacity Payment Request

Mr. Bill Maloney has submitted a letter requesting the ability to pay the capacity fees for the initial 65 lots for Phase I and then pay the remainder of Phase II and III in 18 months.

Councilwoman Goldsborough made a motion to accept the request, seconded by Councilwoman Stockley, passing unanimously.

Agenda #9 – Third and Lincoln St. Lot

The Owner, Mrs. Bloor, is not interested in selling the lot on the corner of North 3rd and Lincoln St., but would be willing to lease to the Town for 2 – 3 years to use as a park, if the Town pays the taxes, vacant lot fees and removes the underground storage tanks for \$300.00. The Town would cover under liability insurance.

Councilman Branson made a motion to go ahead and lease the property from Mrs. Bloor, seconded by Councilwoman Goldsborough, the motion passed unanimously. Councilman Branson questioned the tank removal and contamination. Staff advised that the lease would be structured having the Owner responsible for any contamination and handling of tank removal.

Other New Business

Staff asked the board for consideration to cover the expenses for the past fall MML Conference for Councilwoman Goldsborough.

Councilwoman Stockley made a motion to cover the cost for the past fall conference, seconded by Councilman Branson, motion passed 3-1 with Councilwoman Goldsborough abstaining.

Reports

Councilwoman Goldsborough advised that she will be attending the:
MML Board of Directors meeting on June 11, 2004 at 10:00 in Annapolis.
MD Comm. For Women June 10, 2004

MML Scholarships will be funded in two phases.

MML Convention theme this year is "Governing IT" and will be held in Ocean City June 27 through June 30, 2004.

2579

A new program is being developed to work with tutoring youth for PSAT and SAT's.

With no further business to discuss Mayor Horsey adjourned the meeting at 8:26 PM.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*