

July 11, 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 that the record reflect that Councilman Foster was absent, all other Council members were present.

Mayor Horsey asked that the minutes of the June 20, 2005 special working session with the Planning Commission be corrected, a typo correcting the spelling for “~~sess~~ to see”, and to also correct the dollar amount in the notes of the enterprise working session, sewer fund from ~~\$14.00~~ to \$14,000 for capital for new equipment. With those amendments the Mayor approved the minutes of the June 6, 2005 regular meeting, the working session notes from June 20, 2005 and the special meeting minutes for June 20, 2005 and the second working session notes for June 20, 2005.

Petitions Remonstrances and Correspondence

Mayor Barry Tilghman, President of MML - The Mayor of Salisbury and President of the Maryland Municipal League, Barry Tilghman presented a Presidential Citation to Councilwoman H. Victoria Goldsborough.

Mayor Horsey shared a thank you note received from Dr. Stephanie Coursey Bailey for Proclamation that was prepared for her at the previous Council meeting.

Mayor Horsey shared a thank you note received from Mrs. Kay Cox for the kindness showed at the loss of her husband.

Porter Letter regarding Large Vehicles parking on Municipal Roadways - a letter received from Mr. Larry Porter requesting consideration be made to prohibit large vehicles from parking on residential streets was reviewed by the Council. This is before the Town Council for consideration. An amendment to the Vehicle Traffic Code would need to be made in order to prohibit school buses from being parked on residential streets. Presently the Vehicle Traffic Code prohibits tractor trailers.

Councilman Branson made a motion to refer this request to the Chief of Police for a recommendation, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Ordinances and Resolutions

Resolution #664 - National Incident Management System

This resolution is necessary in order for the Town of Denton to continue to receive Federal Funding for Homeland Security.

Councilman Branson made a motion to adopt resolution #664, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Resolution #665 - Siesta Drive Annexation: The resolution for annexation of a portion of Siesta Drive east of Second Street Map 105 Parcels 79, 216, 163, 172, 173 was presented to the Council along with an annexation agreement with two of the property owners for council acceptance and signature. Neither receives town sewer. Both the resolution and annexation agreement were prepared by the Town Attorney. The Planning Commission has given the annexation a positive recommendation. The resolution is presented for introduction, and the accompanying agreement for signature acceptance.

Councilman Branson made a motion to introduce annexation Resolution #665, seconded by Councilwoman Stockley, the motion passed unanimously 4-0. The Mayor signed the agreement.

Ordinance #494 - Denton Industrial Park Lot 2 Sale - Ordinance #494 came before the Council for consideration of adoption to allow the sale of Industrial Park Lot #2 to C III Builders, L.L.C. Previously ordinance #482 had been introduced and adopted. Brynja Booth is recommending that this be re-done to include a copy of the option agreement.

Councilwoman Goldsborough made a motion to adopt Ordinance #494, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Ordinance #495 - 413 and 415 Gay Street Sale- Ordinance #495 came before the Council for consideration of adoption to allow the sale of 413 and 415 Gay St. to Comcast Cable. Previously ordinance #486 had been introduced and adopted. Brynja Booth is recommending that this be re-done to include a copy of the option agreement.

Councilwoman Stockley made a motion to adopted Ordinance #495, seconded by Councilman Branson, the motion passed unanimously 4-0.

Ordinance #496 Amending Special Meeting Notice - Brynja Booth presented an ordinance and memo relative to consideration of an amendment to the Town Code relative to Special Meeting Notice. The amendment proposed removes the requirement that special meetings of the Town Council be advertised. Ms. Booth modeled the notice requirements after the provisions of the open meeting law. The memo provided by Mrs. Booth references instances where other regulations will require certain special meetings to be advertised - such as annexations and zoning amendments. This ordinance is before the Council for consideration of introduction.

Councilman Branson made a motion to introduce Ordinance #496, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Ordinance #497 - Town of Denton's Standards & Specifications for PW Construction - The Town Attorney has recommended this ordinance to be adopted to authorize the Superintendent of Public Works to revise the Town's Standards & Specifications for Public Works Construction Manual.

Councilman Branson made a motion to introduce Ordinance #497, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Unfinished Business

Agenda #1 was skipped, the item was discussed after #3.

Agenda #2 - Siesta Drive Annexation: The annexation of properties fronting on Siesta Drive includes a portion of the physical roadbed of Siesta Drive. County Planning Director has advised town staff that this roadbed is deeded to the County. Staff with the assistance of town attorney, Mrs. Booth, would like to discuss the appropriate manner in which to transfer the roadway from the County to the Town via a quit claim deed. This item was presented for discussion and direction.

Councilwoman Stockley made a motion to direct the Town Attorney to prepare a quit claim deed for a portion of Siesta Drive, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Agenda #3 - Foy Road Annexation-Mr. and Mrs. Ronald Diem submitted a petition for annexation for their property at Foy and Garland Road (Map 106 parcel 3). Included in the petition were 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.

At the June meeting this item was referred to the Planning Commission for a recommendation, and to the Town Attorney to determine legal sufficiency. At the June 28th meeting the Planning Commission made a favorable recommendation that the property identified in the petition be annexed. Mrs. Booth came before the Council and confirmed the legal sufficiency and advised if the Council desires a resolution of annexation can be prepared for consideration of introduction at the August meeting, and an annexation agreement prepared.

Councilwoman Stockley made a motion for the annexation resolution to be prepared, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Agenda #1 - FY-2006 Enterprise Fund Budget - The FY-2006 Water, Sewer and Highway Enterprise Fund budgets were presented to the Town Council for consideration of adoption. Staff provided an overview of the enterprise budgets. Staff advised that the Utility Commission reviewed and recommended the water and sewer budget at their last meeting.

Councilman Branson made a motion to adopt the enterprise fund budgets as presented, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Agenda #4 - Caroline County Water and Sewer Comp Plan Amendment - This item was deferred until the end of the meeting to be discussed in executive session before making any decisions.

Other Unfinished Business

4th St. Park Fence - Staff provided an update to the Council regarding the letter about the fence at the 4th St. Park. Staff advised the property owner that the Town would paint the existing chain link fence, but would not install a privacy fence. The property owner may put up his own fence if he wishes as long as it meet code. Town staff will install two signs stating "Please do not climb the fence, private property". The tree line appears to be split with some trees being on the Town side and some on private property. The property owner was advised that he could trim the tree limbs that are on his side, but that the Town was not looking to remove any of the trees at this time.

Tribbett Property - The Mayor asked the status of the acquisition of this property. Staff advised that an addendum to the contract is being prepared and settlement is scheduled to occur by August 15, 2005.

Wheeler Park - The Mayor inquired about the status finalizing the park. Staff advised that the contractor has been notified that the project will close at the end of July. There are some minor items still to be finished. The installation of the split rail fence for the Smith property should be complete next week.

New Business

Agenda #1 - Water and Sewer Capacity - A copy of the application submitted by William Calloway for 802 Camp Road and Pauline Stewart/Cynthia Wilson 906 Old Camp Road was provided to the Council. Each request is for 1 ERU at 225 gpd. A copy of the updated allocation chart was also provided.

Staff advised that both property owners have been instructed to submit an engineering design showing the utility plan of how the connection are to be made. The plan is to be completed at the expense of the property owner.

Councilman Branson made a motion to allot the water and sewer allocations for 802 and 906 Camp Road upon completion of an approved engineering design to receive water and sewer at the home owners expense, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Agenda # 2 -Life Safety Inspector - Chief Dallas Lister presented to Town Staff a job description and fee schedule for a Life Safety Inspection Program. This is before the Town Council for consideration. Town Staff is requesting the opportunity to forward this to the Town Attorney to draft an ordinance which sets for a Life Safety Inspection program and fee schedule. The program would be administered by the Denton Volunteer Fire Company and fees would be assessed by the Town of Denton and remitted to the DVFC to cover the cost of inspections and a servicing fee. The first column represents the fees to be assessed. The second column represents the fee paid to their Life Safety Inspector Consultant.

The Town Attorney, Ms. Brynja Booth provided the Council with a resolution to consider for adoption stating that the fees would go directly to the Fire Dept.

Councilman Branson raised concerns that this only included new construction, how would annual checks be done, how do you insure that the property owner safety is always in compliance. In further discussion the Town Attorney and Staff advised that this should be handled as two separate issues. The resolution before the Council would allow this program to go into affect for all new construction, and if so directed the Town Attorney could research the legalities of an annual re-inspection program.

Councilman Branson made a motion to adopted resolution #666, seconded by Councilwoman Stockley, the motion passed unanimously 4-0. Mayor Horsey suggested that the property owners be required to provide the inspection reports to the Zoning Dept.

Councilman Branson directed the Town Attorney to research the Town Building Code and to check with the Chief of the Fire Dept. about an annual inspection program.

Agenda#3 -Industrial Park Option Agreement- Gabrielle Gallegos and Michael Merrick of Gorton Merrick, are requested a 90 day extension to their option agreement on Lot 9B in the Denton Industrial Park. Their current option agreement is scheduled to expire on July 14, 2005. An addendum to the original option agreement has been prepared by the Town's attorney. This addendum would extend the option period through October 12, 2005.

Councilwoman Stockley made a motion to grant a 90 day extension to Gorton Merrick's Industrial Park Option Agreement, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Agenda #4 -Business Loan - Annette Literal applied for \$31,845.00 in funds from the Town's Small Business Revolving Loan fund. She would like to own and operate a Tea Room at her residence at 329 Market Street (former Gabby's location). She is seeking funds to assist with business start up and real estate improvements. The Town's loan review committee has reviewed the application and made a recommendation to decline the application.

Councilman Branson made a motion based upon the recommendation of the Loan Committee to deny the business loan request, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Agenda #5 - Hazard Mitigation Plan - Caroline County is in the process of adopting a hazard mitigation plan required by the Federal Government and requested that the Town adopt

the same plan. In order for those communities to seek funding following a disaster, an approved Hazard Mitigation Plan has to be in place. Ms. Cindy Towers from Caroline County Emergency Management came before the Council and provided an overview of how the plan came about and advised that approval from MEMA and FEMA has been received.

The Council was asked to review the drafted plan, staff will provide a resolution for consideration of adoption at the August meeting. The Mayor also asked that the Town Attorney review and provide a recommendation.

Agenda #6 -Crouse Park Upgrades: *Request for approval to award a \$25,035.77 sole source contract to Micro-Tech Designs, Inc. to provide programming and upgrades to the existing pumping station control panel and installation of radio control technology. Staff advised that the equipment is necessary to upgrade the pump station at Crouse Park for future expansion. This expense is anticipated to be covered by Maryland Dept. Of Natural Resource funds.*

Councilwoman Goldsborough made a motion to approve the Crouse Park upgrade award, seconded by Councilwoman Stockley, the motion passed unanimously 4-0.

Other New Business -

Word of Life Lease - Reverend Jackson asked the Council for consideration to extend their lease for 6 month at the Community Center.

Councilman Branson made a motion to extend the lease for six months, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Staff advised the Council to use caution in the future to insure that the Zoning Ordinance stipulations regarding the location of Church's are in compliance.

Mayor Horsey announced that a meeting at the Full Gospel Church will be held on Tuesday evening. The Mayor will not be able to attend and extended the invitation to other members of the Council.

Reports of officers, board and committees

Councilwoman Goldsborough advised that she would provide a report of the MML Convention to the other Council members by email about the MML convention that was recently attended.

Resident, Ms. Patricia Little raised a concern about the Farm Store gas sign blocking the view of traffic, Staff advised they will take care of tomorrow.

Executive Session

The Mayor asked for a motion to go into an executive session to obtain legal advice on unfinished business #4 - Caroline County Water and Sewer Plan Amendment.

At 8:30 PM, Councilwoman Stockley made a motion to hold an executive session as requested, seconded by Councilman Goldsborough, the motion passed unanimously 4-0.

At 8:56 PM, Councilman Branson made a motion to close the executive session, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Unfinished Business

Agenda #4 - Caroline County Water and Sewer Comp Plan Amendment - *Brynja Booth came before the Council to discuss resubmitting the Amendment of the County Water and Sewer Comp Plan to include to Watts Creek. This has been previously submitted to the County, reviewed and recommended by the County Planning Commission, but was not adopt at the*

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County Commissioners level.

Councilman Branson made a motion to direct the Town Attorney to prepare a letter for the Council to sign to send to the County in August about the Gannon Property water and sewer comp plan, seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

With no further business to discuss Councilman Branson made a motion to close the meeting at 9:00 PM., seconded by Councilwoman Goldsborough, the motion passed unanimously 4-0.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*