

July 12, 2004

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.

Councilmember Goldsborough 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 June 7, 2004, Council meeting and working session. Councilmember Goldsborough noted the following changes - Planning Commissions and Governing With IT. The minutes were approved as amended..

Petition, remonstrances and communications -

Congressman Gilchrest Letter - Congressman Gilchrest has proved a request to Ms. Terry Fearins, seeking a pay differential for Mr. John Labelle. Mr. Labelle is an officer with the Denton Police Department and is presently serving a Tour of Duty with the National Guard. His Tour will be proximately a year. Councilwoman Goldsborough made a motion to provide a differential, this was seconded by Councilwoman Stockley, motion passed.

Introduction and adoption of resolutions and ordinances -

Resolutions

Resolution # 644 Shirley E. Trice Annexation - This resolution includes the annexation of the property owned by Shirely E. Trice, Louise Horney, Neal Insurance Agency and Mr. and Mrs. Clarence Baynard for a total of 32.450 acres. Councilman Branson made a motion to introduce Resolution #644, seconded by Councilwoman Goldsborough, motion passed.

Resolution #645 Wood/Collison/Board of Education Annexation - This resolution includes the annexation of the property owned by the Denton Elementary School, the Collison parcel on Lupine Lane and the Wood parcel on Sharp Road for a total of 36 acres. The petitioners have requested TR (Town Scale Residential) zoning and received a favorable recommendation from the Planning Commission. Councilwoman Goldsborough made a motion to introduce Resolution #645, seconded by Councilwoman Stockley, motion passed.

Eastern Shore Heritage, Inc. - The Town of Denton has received a draft plan from the Eastern Shore Heritage, Inc. The draft included a resolution supporting the adoption of the plan. Councilman Branson made a motion to refer this item to the Planning Commission. This was seconded by Councilwoman Goldsborough, motion passed.

Ordinances

Ordinance #454 Sewer Capacity Charge and Rate Change - This ordinance increases the capacity charge from \$1600 to \$2000 and changes the sewer rate from \$5.35 to \$5.50 for each 1,000 gallons. Properties which are on waiver or are outside of the incorporated limits rate will change from \$10.70 to \$11.00. The amendment to the capacity charge is effective seven days following adoption of the ordinance and the sewer rates will be reflected in the October, 2004 billing. Councilman Branson made a motion to amend the capacity charge and establish revised rates for sewer, seconded by Councilwoman Stockely, motion passed.

Ordinance #455 Water Capacity Charge and Rate Change - This ordinance increases the capacity charge from \$500 to \$1000 and changes the sewer rate from \$2.00 to \$2.25 for each 1,000 gallons. Properties which are on waiver or are outside of the incorporated limits rate will change from \$4.00 to \$4.50. The amendment to the capacity charge is effective seven days following

adoption of the ordinance and the water rates will be reflected in the October, 2004 billing. Councilwoman Stockley made a motion to amend the capacity charge and establish revised rates for sewer, seconded by Councilman Branson, motion passed.

Ordinance #456 Water Ordinance Amendment - This ordinance amends Section 124.12 of the Town Code and provides for approved contractors authorized by the Town to make water system connections. Councilman Branson made a motion to introduce ordinance #456, seconded by Councilwoman Stockley, motion passed.

Ordinance #457 Sewer Ordinance Amendment - This ordinance amends Section 102.14 of the Town Code and provides for approved contractors authorized by the Town to make sewer system connections. Councilwoman Goldsborough made a motion to introduce ordinance #457, seconded by Councilwoman Stockley, motion passed.

Unfinished Business

Agenda No. 1 - Sweet Bay L.L.C. Business Loans - A request was made from Town Staff to consider increasing the Small Business Loan amount from \$25,000 to \$30,000 and reduce the interest rate on the IRP and Small Business Loan from 5% to 4.5%. The increase in loan amount is to cover an additional \$5,000 in cost anticipated to remove an underground storage tank, if required by MDE. The reduction in the loan interest rate is to allow for a change in the conventional financing rate. Councilwoman Goldsborough made a motion to approve the increase in loan amount to \$30,000 and reduction in the interest rate on the IRP and Small Business Loan to 4.5%, seconded by Councilman Branson, motion passed.

Agenda No. 2 - Tax Differential - A sample letter, drafted by the County was presented for the consideration in supporting the removal of the referendum from the next election. Councilman Branson made a motion to authorize the Mayor to sign the letter approving removal of the tax differential from the ballot, seconded by Councilwoman Goldsborough, motion passed.

Agenda No. 3 - Other Unfinished Business - Police Department Facility - Terry Fearins provided an update on the status of the Police Department Facility relaying that Substantial Completion was granted on July 9th, 2004. Although this allowed the Town to take occupancy in the building, there remained several items which needed to be completed by the Contractor before the building would be finished. Liquidated damages have been occurring on the project since March 24, 2004 through July 9th, 2004. This is at a rate of \$300 a day.

Councilwoman Goldsborough had questioned about parking restriction signage on Gay Street in front of the Metropolitan Church. Scott Getchell relayed that he will inspect the signage, but that he was present when the signs were placed and the parking restriction was from the center of the block to Fourth Street.

New Business

Agenda No. 1 - An annexation agreement between the Town Council, Louise Horney, Neal Insurance Agency, Inc., and Clarence & Dorothy Baynard was presented to the Council for execution. The agreements outline terms of annexation. Councilman Branson made a motion to authorize execution of agreements, seconded by Councilwoman Goldsborough, motion passed.

Agenda No. 2 - Historic Review Committee Appointment - Councilwoman Goldsborough made a motion to appoint Ms. Pat Guida and Ms. Kathy Mackal to the Historic Review Committee, seconded by Councilwoman Stockley, motion passed.

Agenda No. 3 - Wheeler Park Bid - Jennifer Shull provided background on the Wheeler Park project relaying that the Town had received 2 grants totaling \$406,000. Ms. Shull requested

the ability to negotiate with the lowest bidder, Choptank Excavating, to complete components in phase I and phase II of the project. This would include work for both Wheeler Park and Lockerman Ball Field. Councilman Branson made a motion to authorize proceeding with award of the contract, and allowing negotiating with work to be completed, provided funding level does not exceed grant monies, second by Councilwoman Goldsborough, motion passed.

Agenda No. 4 - Portable Air Monitors for DVFC - Scott Getchell provided background on a request made by the Denton Volunteer Fire Company to allocate funding in the amount of \$3494.48 to cover the cost of the purchase of air monitors. These monitors would be available for use at the Wastewater Treatment Plant. Councilwoman Stockley made a motion to amend the FY-2005 budget to authorize the purchase of the air monitors, seconded by Councilwoman Goldsborough, motion passed.

Agenda No. 5 - Chesapeake Culinary School Program - This item was deferred until later in the meeting to allow for setting up of audio visual device.

Agenda No. 6 - Delaware Elevator Maintenance - Chief Cox discussed with the Town Council the proposed contract for maintenance on the elevator at the new Police Facility. He had questioned several of the items outlined in the agreement. Councilman Branson made a motion to defer action on contract to allow Chief Cox and opportunity to further negotiate contract, seconded by Councilwoman Stockley, motion passed.

Agenda No. 7 - Sewer Allocations - Councilman Branson made a motion to allocate sewer and water capacity as follows:

J.D. Neal	225
Mallard Homes II	67,500
Cattail Commons II	22,500
Chris Coile	13,500
Lacrosse Homes	13,500
J.L. Gannon	56,250

seconded by Councilwoman Goldsborough, motion passed.

Agenda No. 8 - Purchase of New Lawn Mower - Scott Getchell made a presentation and request to purchase a new Lawn Mower through a State Contract. The total purchase cost is \$7,278.31. Once purchased, the Town would begin to provide lawn care maintenance in house. Councilwoman Stockley made a motion to approve the purchase of a new lawn mower in the amount of \$7,278.31, seconded by Councilwoman Goldsborough, motion passed.

Agenda No. 5 - Chesapeake Culinary School Program - Beth Brewster made a presentation on the proposed Chesapeake Culinary School Program and Pilot Program. The Town Council was requested to enter into a Use Agreement with St. Lukes Methodist Church and appropriation of \$5,000 from the economic development fund to help offset the cost of the Pilot program. The remaining funds for the Pilot Program will be provided through a grant from the Human Services Council.

Agenda No. 9 - Other New Business

Councilwoman Goldsborough provided background on a "Help Save our Children" program she is working to pull together, targeting end of August or middle of September.

Chief Cox made a presentation on proposed changes to the police schedule. Copies of the new schedule were presented. In addition Chief Cox requested the ability to amend his working schedule. This will be reviewed and discussed at a future date.

2583

Councilwoman Goldsborough made a motion to close the meeting, seconded by Councilwoman Stockley, motion passed. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Terry S. Fearins

*** August 2, 2004 Minutes amended, Wherever the word Councilmen is used has been changed to reflect Councilman. Non plural.*