

August 1, 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.

At the request of Mayor Horsey there was a moment of silence held in memory of Denton Police Officer Sean Kellogg.

Mayor Horsey asked that the record reflect that all Council members were present.

Councilwoman Stockley made a motion to approve the minutes of the July 11, 2005 Council meeting, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Petitions, remonstrances and communication

Proclamation - Summerfest 2005

Ms. Fearins read the proclamation presented to the Council.

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

Resolutions & Ordinances

Resolution #668 -Foy Road Annexation-Mr. and Mrs. Ronald Diem have submitted a petition for annexation for their property at Foy and Hobbs 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 Hobbs is included in the annexation. Hobbs Road is not included. The total area is 207.749 acres. Per the direction given at the July meeting the town attorney, Brynja Booth, prepared a resolution of annexation that was presented to the Council for consideration of introduction.

Staff provided an overview.

Mr. Jeff Thompson, attorney for the Diem's advised the Council that he had just received the annexation agreement and will review to ensure that it includes the tax exemption and cattle concession they were seeking.

Councilwoman Goldsborough made a motion to introduce Resolution #668, seconded by Councilwoman Stockley, the motion passed unanimously.

Resolution # 667 - Hazard Mitigation Plan – Caroline County has prepared a hazard mitigation plan required by the Federal Government. The County requests that all municipalities in Caroline County adopt this plan via resolution, which is necessary in order to seek federal funding following a disaster. Ms. Cindy Towers from Caroline County Emergency Management presented the plan at the July 11th meeting. Our Attorney, Ms. Brynja Booth, has reviewed the plan and finds it legally acceptable. A letter from Ms. Booth is attached.

Councilwoman Stockley made a motion to adopt resolution #667, seconded by Councilman Branson, the motion passed unanimously.

Ordinance #496 Amending Special Meeting Notice - Consideration of Adoption- Brynja Booth has prepared 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 Ms. Booth references instances

where other regulations will require certain special meetings to be advertised - such as annexations and zoning amendments. This ordinance was presented to the Council for consideration of adoption.

Councilwoman Stockley made a motion to adopt ordinance #496, seconded by Councilman Foster, the motion passed unanimously.

Ordinance #497 -Town of Denton's Standards & Specifications for PW Construction –

The Town's Attorney recommends this ordinance be adopted, which will authorize the Superintendent of Public Works to revise the Town's Standards & Specifications for Public Works Construction Manual. This ordinance was introduced at the July 11th meeting and is now submitted for adoption.

Councilman Foster made a motion to adopt ordinance #497, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #498 Water Meter Fee - Attached is a copy of the draft ordinance which establishes a water meter fee at an initial rate of \$2.50 per quarter. This is proposed to become effective January 1, 2006 and reflected in the April 1 billing. This would apply to 3/4" meters or less. Brynja Booth is reviewing the ordinance and may offer an amendment prior to the Meeting. This is before the Council for consideration of introduction.

Councilwoman Stockley made a motion to introduce ordinance #498, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Unfinished Business

Agenda #1 - Heritage Areas Plan- JOK Walsh may be present to request the Town Council amend the Comprehensive Plan for the Heritage Areas Plan. This item was discussed later in the meeting.

Agenda #2 - Tribbett Property Acquisition - Settlement is scheduled to take place by Aug. 15, 2005. Staff researched financing and found that Mercantile Eastern Shore Bank had provided a 4.3% for 3 yrs or 4.6% for 5 yrs, both with a 25 year amortization. The purchase price is \$47,000 plus closing cost. Staff advised that a proposal had been received from Centreville National for 3.95% for a secured loan.

Councilman Branson made a motion to take the Centreville National offer at 3.95%, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Other Unfinished Business -

Staff advised that they had received notification from DHCD that the Town has been awarded the funding in the amount of \$800,000. to complete the Market St. project.

Staff advised that the storm drain work on Market and Gay St. has been completed.

New Business

Agenda #1 -Historic Review Commission Appointment: Richard Peterson of 209 S. Fifth Ave. and Melissa Jones of 214 S. Fifth Ave. submitted letter(s) of interest in serving on the historic review commission. Ms. Jones would fill the open professional position as a landscape designer. Mr. Peterson the at large position. Existing members Kathy Mackel and Sarah Golas serve as at large members and Bowie Hall serving in a professional capacity as engineer. If appointed Mr. Peterson and Ms. Jones would each serve two years filling the uncompleted term of former members.

Councilman Branson made a motion to appoint Mr. Peterson and Ms. Jones to the Historic Review Commission, seconded by Councilwoman Goldsborough, the motion passed

unanimously.

Agenda #2 - Municipal Design Phase- the preliminary design phase is complete. The proposal for architectural services for the design of construction plans and specifications was presented to the Council for consideration. Mr. Greg Torchio, with Torchio Architects was present. Staff advised that the funding would come from the general fund, water and sewer funds. The design development is for \$55,000 and the construction document phase is \$110,000.

Councilwoman Goldsborough made a motion award the design of the construction, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3 - Caroline High School Preliminary Design - A copy of the proposal received from Torchio Architects for the Caroline High School preliminary design was provided to the Council. The Town requested a proposal from four firms. Three submitted, with GMB indicating that they would not bid. Bids were received from Jay Corvan, Trappe, Torchio Architects, Centreville and Bev Eisenberg, Baltimore. The total bid from Torchio Architects will not exceed \$11,900. Funding for this phase of the project is made possible by a funding contribution from the Caroline County Commissioners to the Board of Education. Mr. Torchio was present.

Staff advised that this would provide a preliminary rendering of the building too and recommended awarding to Torchio.

Councilwoman Goldsborough made a motion that the Torchio bid be accepted, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #5 - Fifth Avenue Traffic - In response to the letter to the editor published in the Times Record, Mayor Horsey spoke with Julie Quick at 117 S. Fifth Avenue. He extended an invitation for her to attend the meeting.

Ms. Quick came before the Council to discuss her concern and to see if there is something that she can do to help make the area safer for pedestrians. Mayor Horsey referred this matter to Chief Cox and Scott Getchell to review and work with Ms. Quick to see what can be done. Staff advised that the town speed limit of 25 mph is already lower than the Uniform Code which recognizes the speed limit to be 35mph. Ms. Quick was invited to sit on the Fifth Ave, project planning committee.

Staff will follow up with Ms. Quick to see how they can try to resolve her concerns.

Agenda #4 - Water and Sewer Capacity - A copy of the application submitted by Raymond Clayton was presented to the Council. This application is for a B&B at 119 Gay Street and for 3 Bedrooms. This requires .75 of an ERU or 168 gpd. A copy of the updated allocation chart was also provided.

Councilman Branson asked about parking for this establishment, and staff advised that there are three on site parking spaces. Presently has 4 bedroom, looking to have three for the B&B. Staff advised that both the Planning Commission and the Historic Review Committee have provided a favorable recommendation for this site.

Councilwoman Stockley advised that she had the pleasure of viewing the house and added that it would lend very well as a bed & breakfast.

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

Other New Business -

Chief Cox came before the Council to thank the departments for their level of support showed during the recent tragedy that his department suffered. Thanking everyone for the support and the opportunity to allow the department to travel to New York for the services.

Chief Cox reminded everyone that they will be holding their annual National Night Out event tomorrow evening, Aug. 2, 2005 from 7:00 to 10:00.

Reports of officers, board and committees

Councilwoman Goldsborough advised that she will be attending the study of the Bay Bridge Traffic Test meeting and the Maryland Commission for Woman, Woman Information and Technology Task Force meeting.

Councilwoman Goldsborough announced that she has been appointed to the board for the Caroline County Board of Education and read her letter of resignation from her position on the Denton Town Council.

Mayor Horsey announced that with regret he accepted Councilwoman Goldsborough's resignation stating that she will be sorely missed.

Councilman Branson asked to issue a proclamation to Councilwoman Goldsborough at the next meeting for all that she has done for the Council and the Town.

Executive Session

Mayor Horsey asked for consideration to hold an executive session to discuss this vacancy.

Councilwoman Stockley made a motion at 7:50 PM to go into an executive session, seconded by Councilman Foster, the motion passed unanimously.

At 8:02 PM Councilman Branson made a motion to close the executive session, seconded by Councilwoman Stockley, the motion passed unanimously.

Other New Business cont.

Councilman Branson made a motion to advertise in the newspaper for letters from anyone interested in filling in for the remainder of this year for the vacancy created by Councilwoman Goldsborough's resignation. The letters of interest will be accepted until Aug. 19, 2005, then the Council will appoint someone to finish out this year at a special meeting. The advertisement should include when the annual election is held in November, there will be two position available. One for the five year term and another to finish the four year term of Councilwoman Goldsborough, the motion was seconded by Councilwoman Stockley, passing unanimously.

The Council will review letters of interest. A special meeting will be held on August 23, 2005 at 7:00 PM to give the Council an opportunity to appoint someone to finish out the remainder of this year for Councilwoman Goldsborough.

Councilwoman Goldsborough mentioned that she would like to sit in on the selection committee.

Agenda #1 - Heritage Areas Plan- JOK Walsh came to request the Town Council amend the Comprehensive Plan for the Heritage Areas Plan. Mr. Walsh advised that he would like the Council to reconsider becoming a member of the ESHI (Eastern Shore Heritage Inc.) Mr. Walsh advised that the funding is starting to come available, and could benefit the Old School and Visitor Center projects. Easton, Centreville and Chestertown have all joined.

The Council asked for background information, staff advised that the Town Attorney and

the Planning Commission had some reservations to the original plan. So a memorandum of understanding was created and adopted by the Council as a resolution previously with amendments to the plan. The Maryland Heritage Area Authority would not accept any amendments, so ESHI came back asking the Town to amend it's comprehensive plan and adopt the program as it was developed. This was not done as the Town did not want to relinquish some authority. Staff advised that becoming a member of this program could provide some additional funding for some projects, but that there is no guarantee. Mr. Robert Clendaniel, serves on the ESHI board and is resident of the Town of Denton also provided some comments.

Councilman Branson made a motion to hold a public meeting to get public input about the program before the Council makes a decision, seconded by Councilwoman Stockley, the motion passed unanimously.

Other New Business Cont.

The Town Administrator asked the Council for consideration to close the Town office to the Public on the Monday after Summerfest. This would allow those employees that work the event the opportunity to have off using the hours they worked during Summerfest for compensation.

Councilwoman Stockley made a motion to close the Town office to the Public on Monday, Aug. 22, 2005, seconded by Councilman Foster, the motion passed unanimously.

With no further business to discuss Councilwoman Stockley made a motion to close the meeting at 8:29 PM., seconded by Councilman Foster, the motion passed unanimously .

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*