

August 2, 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.

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

Mayor Horsey asked if there were any changes to the minutes of the July 12, 2004 meeting. Councilwoman Goldsborough asked that wherever the minutes reflect Councilmen should be corrected to be Councilman. Councilwoman Stockley made a motion to approve the minutes of the July 12, 2004 meeting as corrected, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Petitions, remonstrances and communication**

**Caroline County Commissioners Letter-** The board reviewed a letter received from the Caroline County Commissioners regarding maintenance issues - specific to crosswalk markings, handicap parking space marking, speed limit enforcement signage and traffic visual issues in and around the Court House area. Mayor Horsey advised that the Road Safety Committee has already made recommendation for moving the sign at the Museum and trimming of the trees to eliminate visual issues. The Town has a plan to renovate the 2<sup>nd</sup> & Market St. areas in which the County has been asked to help share in the cost. Staff advised that the present crosswalks are not appropriate and that the sidewalks need to be altered. Handicap areas are already marked appropriately however staff will review to see in anything else can be done. Councilman Branson asked that staff draft a response letter to the County advising what steps will be taken to help correct these issues. Councilman Branson also asked and it was the consensus of the board that a letter be drafted for the Mayor's signature to inquire about the County's contribution in the renovations of the traffic flow issues.

**Summerfest Proclamation** – Mayor Horsey proclaimed August 20, & 21, 2004 as Caroline Summerfest Days.

**Resolutions & Ordinances**

**Resolution #646 - Neighborhood Business Partnership** - The Denton Development Corporation has received funding through the Neighborhood Business Partnership Program for façade improvement monies for the Downtown Central Business District. A request was made to the Denton Town Council to consider adoption of a resolution in support of the application and use of funds. The Town will receive \$15,000 matching grant for improvements.

Councilman Branson made a motion to adopt resolution #646 supporting the DDC to submit an application and use of funds, seconded by Councilwoman Goldsborough, the motion passed with Mayor Horsey abstaining due to membership on the DDC.

**Resolution #645 - Wood/Collison/ Board of Education Annexation** - An amendment to this resolution was presented to the board to correct a typographical error, in which the original stated the zoning was MR (Mixed Residential) when it should have been TR (Town Residential).

Councilwoman Stockley made a motion to acknowledge the amendment in zoning for annexation resolution #645, seconded by Councilman Branson, the motion passed unanimously.

**Ordinance #456-Water Ordinance Amendment** – An ordinance amending section

*124.12 of the Town Code providing for approved contractors to be authorized by the Town to make water system connections was brought before the board for consideration of adoption.*

*Councilman Branson made a motion to adopt Ordinance #456, seconded by Councilwoman Stockley the motion passed unanimously.*

**Ordinance #476-Sewer Ordinance Amendment** – *An ordinance amending section 102.14 of the Town Code providing for approved contractors to be authorized by the Town to make sewer system connections was brought before the board for consideration of adoption.*

*Councilman Branson made a motion to adopt Ordinance #457, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

**Ordinance #453 -Relocation Assistance** – *An ordinance provided by the MD Dept. of Housing and Community Development that is applicable when Denton uses federal funding. Staff advised that the adoption of this ordinance is a requirement for funding.*

*Councilman Branson made a motion to introduce Ordinance #453, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

**Reports of Officers, board and committees**

*Councilwoman Goldsborough informed the board about the Nation League of Cities Sept. 28, 2004 conference and the Resurrecting of American Dreams. Staff advised that they will be reviewing and preparing information for the board for the next meeting. Staff also advised that the MML budget survey was completed for the Town of Denton. Councilwoman Goldsborough provided the board with dates of upcoming meetings that she is planning on attending.*

**Unfinished Business**

**Agenda #1 – Police Department Interim Financing**

*Denton's Bond Counsel is in the process of pulling together the closing for the USDA Bond that will provide permanent financing for the new Police Facility. Closing is scheduled to take place this fall. The Town Council was asked to consider approving an extension to the interim financing with Provident State Bank for 90 days.*

*Councilwoman Goldsborough made a motion to approve a 90 day extension of the interim financing with Provident State Bank, seconded by Councilwoman Stockley, the motion passed unanimously.*

**Agenda #2 – Delaware Elevator Maintenance**

*Chief Cox advised the board that Delaware Elevator amended the agreement to include a provision to end the contract prior to five year period for lack of performance; the contract will be adjusted 5% each year, this is based on wear and tear. There is the potential of liability exposure by having another contractor or anyone else do the work on the elevator while under this contract.*

*Councilwoman Stockley made a motion to accept the contract as amended, seconded by Councilman Branson, the motion passed unanimously.*

**Agenda #3 – Denton Development Corporation**

**Community Legacy –**

*1.) Councilwoman Stockley made a motion to approve the execution of the DHCD Community Legacy Agreement contingent upon legal approval, seconded by Councilwoman Goldsborough, the motion passed with Mayor Horsey abstaining due to membership on the DDC*

Board.

2.) Councilwoman Stockley made a motion approving to present a purchase contract for #7 Schuman \$50,000 and #8 Anderczyk \$70,000, for the Fourth Street project, seconded by Councilwoman Goldsborough, the motion passed with Mayor Horsey abstaining due to membership on the DDC Board.

**CDBG – Schoolhouse**

Councilwoman Goldsborough made a motion approving the advertising request for the release of funds which includes a required NEPA Certification, seconded by Councilwoman Stockley, the motion passed with Mayor Horsey abstaining due to membership on the DDC Board.

**Agenda #4 – Comprehensive Water and Sewer Plan Amendment**

As a follow up to a meeting Town Staff had with MDE, MDE is requesting that the Town initiate a request to the County for an amendment to their water and sewer plan. This amendment would need to reflect capacity and growth boundary issues. Staff advised that this was previously submitted in 2002, seeking approval for resubmitting at the request of MDE and the Office of Planning.

Councilman Branson made a motion authorizing the Mayor to send a letter to the County and other letters as applicable to amend the County's Water and Sewer Plan, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Agenda #5 – Municipal Land Acquisition**

At the direction of the board Staff has obtained an appraisal for the land owned by Sherman Tribbett and Q.R. Walsh for land adjacent to the existing municipal land. Mr. Tribbett is considering an offer to purchase his property for the appraisal value of \$45,000 and Mr. Walsh has agreed to sell his parcel for its appraisal value of \$21,000. Staff is seeking approval to secure interim financing and proceed with acquisition of the three parcels.

Councilwoman Stockley made a motion to approve the purchase of the three lots, seconded by Councilwoman Goldsborough. Discussion – Staff advised still waiting on final answer from Mr. Tribbett on the selling price, the motion passed unanimously. Mayor Horsey asked that staff also look into purchasing parcel #749.

**Other Unfinished Business**

Staff informed the board that the Town Attorney has indicated that in order to have a road capacity charge the Town may need to seek a change in legislation through the General Assembly. The Town Attorney is presently seeking the opinion of the Attorney General. Councilwoman Goldsborough recommended that the Town work with the County to put together a bill for legislation.

**New Business**

**Agenda #1 – Second Street Pump Station Upgrade Proposal**

Staff asked for approval on a proposal from George, Miles & Buhr to perform the upgrade design of the Second Street Pump Station. The total cost for design is \$35,120, which is covered under a grant from the Maryland Dept. of Environment. The Council's approval would be contingent upon approval from MDE.

Councilman Branson made a motion to approve the proposal from GMB contingent upon approval from MDE, seconded by Councilwoman Goldsborough, passing unanimously.

**Agenda #2 – 502 High St.**

*A cost summary and tax map identifying the location of 502 High St, was presented to the board requesting the opportunity to make this lot available for sale.*

*Councilman Branson made a motion to sell 502 High St., seconded by Councilwoman Stockley, passing unanimously.*

**Agenda #3 – Comcast Cable Franchise Fee**

*During the Fiscal Year 2004, Comcast Cable provided the payment to the Town of Denton in the amount of \$13,779 for franchise fees. This was considerably higher than previous years averaging around \$2,000. Town Staff contacted Comcast to inquire about the difference and was advised that the Franchise Agreement references that a surcharge be paid on all tier of service. Comcast accounting department has determined a discrepancy and then paid correctly to the Town during fiscal year 2004, without altering the fee to their customers. For Fiscal Year 2005, Comcast has determined what the payment should be and have assessed a surcharge to their customers. In order for the Town to recoup any back assessments, Comcast would increase their customer's fees to cover this cost. Town Staff is requesting the Council to consider accepting the payments received to date and allow Comcast to make future payments based on all levels of tiers of service. This would avoid potential undue hardship on our citizens who pay for this service.*

*Councilwoman Goldsborough made a motion to accept the franchise fee from Comcast Cable for 2004 alleviating the past due, seconded by Councilman Branson, passing unanimously.*

**Agenda #4 – Caroline Summerfest**

*Councilwoman Stockley made a motion to authorize the closing of the Town Office to the Public on Monday, August 23, 2004, following Summerfest, seconded by Councilwoman Goldsborough, passing unanimously.*

**Agenda #5 – Gannon PN Concept Plan**

*Mr. Jeff Thompson, Attorney and Mr. Barry Griffith of Lane Engineering came before the board to present a concept plan for a Planned Neighborhood floating zone on behalf of their client Gannon's Purchase, LLC. A working session will be held on Sept. 7, 2004 at 6:00 to review the details. This item will be on the agenda for the regular Council meeting for Sept. 13, 2004.*

**Agenda #6 – Market Street Parking**

*The Road Safety Committee had a survey completed on parking and traffic flow on Market St. Based on the survey the Committee is recommending that parking be changed and not permitted between 7:00 am until 6:00 pm on Market St. between Sixth and Gay Sts.*

*Councilwoman Stockley expressed how difficult it is to get out of a driveway in this area.*

*Councilman Branson made a motion to make Market St. between 6<sup>th</sup> and Gay St. no parking form 7:00 AM to 6:00 PM, seconded by Councilwoman Stockley, passing unanimously.*

**Other New Business**

*Councilwoman Goldsborough made a motion to approve for Mayor Horsey and the Town Administrator to attend the Urban Planning Training in Salisbury, tuition \$155.00 each, seconded by Councilwoman Stockley, passing unanimously.*

*Chief Cox invited the Board members to attend the National Night Out Event scheduled*

2588

*for Aug. 3, 2004 from 7:00 PM – 10:00 PM.*

*With no further business to discuss Councilwoman Goldsborough made a motion to adjourn the meeting at 8:10 PM, seconded by Councilwoman Stockley, passing unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*