

September 11, 2006

Regular Meeting

Mayor Branson called the regular meeting of the Denton Town Council to order at 7:00 PM, leading everyone in the Pledge of Allegiance to the Flag.

Mayor Branson asked for everyone to join him in a moment of silence in memory of those who lost their lives on 911.

Councilwoman Stockley made a motion to approve the minutes of the August 7, 2006 meeting as prepared, seconded by Councilman Gregory, the motion passed unanimously.

Public Hearings

Ordinance #522 – Ciprietti Gay Street Redevelopment

Mayor Branson opened a public hearing at 7:01 PM to receive public comments on the proposed redevelopment project located on Gay Street between Fifth and Sixth Streets. This ordinance will attach to the land a redevelopment overlay district for this specific project initiated by Bob Ciprietti. The ordinance received a favorable recommendation from the Planning Commission, was introduced by the Town Council on August 7th and advertised in the Times Record.

Christine Dayton, Architect for the project presented a slide show of the projected plans proposed.

Mayor Branson asked if there were any comments from the County – there were none

Mayor Branson asked if there were any comments from the State – there were none

Mayor Branson asked if there were any comments from the Council – there were none

Mayor Branson asked if there were any comments from the Public – Mr. Robert Clendaniel questioned who would occupy the units and was advised by Mr. Ciprietti that they would be owner occupied.

With no further discussion Mayor Branson closed this public hearing at 7:11 PM.

Petitions, Remonstrances and Communication

Planning Commission letter- The Council reviewed a letter from the Town Planning Commission in support of sidewalks or designated hiker/biker trail to be required on at least one side of the street in every neighborhood, commercial and residential area. No action was required.

Ordinances and Resolutions

Resolution #684 Denton Development Corporation - The Resolution supports an application to the Maryland Department of Housing and Community Development for funding consideration through the Neighborhood Business Works Program on behalf of the Denton Development Corp.

Councilman Gregory made a motion to adopt Resolution #684, seconded by Councilman Foster, the motion passed 4-1 with Councilman Horsey abstaining due to being a member of the Denton Development Corp.

Resolution #685 Caroline Home For Hospice - The Resolution supports an application to the Maryland Department of Housing and Community Development for funding consideration through the Neighborhood Business Works Program on behalf of the Caroline Hospice.

Councilman Gregory made a motion to adopt Resolution #685, seconded by Councilman Horsey, the motion passed unanimously.

Resolution #686 Chesapeake Culinary Center - This Resolution supports an application to the Maryland Department of Housing and Community Development for funding consideration through the Neighborhood Business Works Program, on behalf of the Chesapeake Culinary Center.

Councilman Horsey made a motion to adopt Resolution #686, seconded by Councilwoman Stockley, the motion passed unanimously.

Resolution #687 – Caroline Historical Society

This resolution supports the Community Investment Tax Credit program application for project funding redevelopment in the arts and entertainment district by the Carline County Historical Society.

Councilwoman Stockley made a motion to adopted Resolution #687, seconded by Councilman Gregory, the motion passed unanimously.

Ordinance #522-Ciprietti Gay Street Redevelopment – With a favorable recommendation from the Planning Commission the Town Attorney prepared an ordinance that would apply the redevelopment overlay to Phase 1 of the Ciprietti redevelopment project. Previous ordinances put in place the mechanism for the overlay. This ordinance physically attaches the overlay to specific properties based on a master plan.

Councilman Horsey made a motion to adopt Ordinance #522, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda # 1 - Request to Abandon Paper Alley- At the August 7th Council meeting the Council approved the request of Greg and Dawn Steward, who reside at 301 S. Sixth Street, to quit claim the paper alley adjacent to their Lot #2 on Fountain Avenue. While the request was being considered by the Council, and the quit claim deed prepared, the Stewards subsequently sold this lot to Michael T. Jones and John A. Jones. These gentlemen have requested that the quit claim deed for the paper alley be conveyed to them as the new owners of this vacant lot instead of the Stewards. Mr. Jones would be responsible for the deed prep expenses. Staff, with the town attorney's assistance, have a quit claim deed prepared for the Mayor's signature to the Jones if this is agreeable to the Council.

Councilman Gregory made a motion to authorize the Mayor to sign the Quit Claim Deed to the Jones's, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #2 - Town Office Hours- Staff, Jennifer Shull, discussed with the Council a permanent change in office hours for the Housing & Community Development Dept. Specifically, changing the hours of one building inspector to four (ten hour) days. For the past year inspections have been offered four days a week with the fifth day available for plan review, administrative functions, etc. With four ten hour days inspections could be offered later in the day, and coverage would be shared by inspectors to be available five days a week.

Councilman Gregory made a motion to accept the recommendation, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3 - Village at Watts Creek PN Presentation – JL Gannon and Jeff Thompson made a presentation to the Council to bring them up to date on this project. Located on Blades Farm Road the Village at Watts Creek is a Planned Neighborhood. The property was annexed into the town in June 2004. The Council last held a work session on this project in November 2005.

Councilman Horsey made a motion to allow the Town Attorney to draft the necessary ordinance to comply with the PN ordinance for the Village at Watts Creek, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Legion Road Improvements - Judy Schwartz, George, Miles & Buhr and Peter Johnston, Redman-Johnston, Planning consultant came before the Council to discuss the transportation access to Legion Road and to answer questions about the engineering design of improvements.

Mayor Branson advised that he wanted Legion Road to be a four lane highway from Rt 404 to Engerman Ave. A motion on this item was made later in the meeting under new business #1.

Agenda #5 - Municipal Building Design Phase - Gipe Associates, Inc., is a subcontractor to Torchio Architects, the firm developing design construction documents for the new Municipal Building. They have provided an amendment to include engineering for the addition of a generator (which is proposed to provide for the Police Facility and the important function areas of the Municipal Building; lightning protection plan and security system (also proposed to include both the Police Facility and the Municipal Building. Their letter provides ranges. There would also be a 15% additional cost for this to be added to the Architects original contract.

Councilman Horsey made a motion for staff to find out the cost of the generator proposal just for the police building verses both buildings, seconded by Councilwoman Stockley, the motion passed unanimously.

Other Unfinished Business -

Councilman Horsey asked if another property could be added to the Wells annexation. Staff advised that the Wells annexation process is just about completed, a public hearing is scheduled for October, it would be better for this property owner if interested to annex their property separately.

Councilman Horsey asked for Mr. Gondeck to be invited to attend the October, 5th Ave. workshop.

Councilman Horsey asked about an update for South 4th St. drainage, staff will prepare a report for the next meeting.

Town Attorney, Brynja Booth advised that at the direction of the Council she reviewed the noise ordinance with regards to garbage collection being collected early am. Ms. Booth advised that the code specifically states garbage collection is included and the noise ordinance references 7:00 AM.

Councilman Horsey made a motion to amend the noise ordinance code to reflect 6:00 AM, seconded by Councilwoman Stockley, the motion passed unanimously.

Mr. Robert Clendaniel asked if the water and sewer meeting that will be held on October 12 would be open to the public. Staff advised that it would be open to the public and that it will be held at 6:30 PM at the library.

New Business

Agenda #1 - New Well Proposal - The Public Works Department recommended for the Council to approve a proposal from George, Miles, and Buhr, LLC to install a test well and monitoring well for the purpose of measuring the quality and quantity of the groundwater prior to the design of the new production well. The scope of work would involve identifying potential well locations, preparing bid documents for a test well, making recommendations for size, capacity, and location of production well, preparing final design plans and specifications for production well, and assisting in the bidding for the construction of the well. A copy of the proposal was presented. The cost to perform this work is \$64,000.

Staff advised that the cost of the project would be shared by the Vineyards project and was reflected in the developer rights agreement.

Councilman Gregory went back to unfinished business #2 and made a motion to direct the Town Administrator to go back to the Legion Road developers to make Legion Road a four lane highway to the Industrial Park, seconded by Councilman Horsey, the motion passed unanimously.

Back to NB#1 –

Councilman Horsey made a motion to direct Mr. Getchell to go ahead and do the necessary things to design a well with the \$64,000, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #2 - DPW Equipment Storage Building - The Public Works Department recommended to the Council to approve the \$42,991.26 low-bid proposal from Delmarva Pole Building Supply to construct an equipment storage building at the Wastewater Treatment Plant. The proposal has been reviewed by the Planning Commission, is included in the FY07 capital budget, and is needed for equipment storage. A letter from Lane Engineering recommending acceptance of this proposal was presented.

Councilman Gregory made a motion to accept the proposal from Delmarva Pole to construct a pole building at the waste water treatment plant, seconded by Councilman Foster, the motion passed unanimously.

Agenda #3 - New Vehicle Acquisition - The Public Works Department asked the Council to approve the purchase through the procurement contract with the State of Maryland for a 2006 3/4-ton Chevrolet pickup. The total vehicle cost of \$25,160 includes a utility body, reversible plow, snow tread tires, bed liner, and towing package. A copy of the Blanket Purchase Order highlighting the vehicle options was presented. Staff proposed that the costs be charged as follows:

30% Highway	\$7,548
40% Water	\$10,064
30% Sewer	\$7,548.

Also seeking approval to adjust the Water Fund capital line item to include the \$7,548.

Councilman Gregory made a motion to accept the proposal for acquisition of a new vehicle based on the amended budgets, seconded by Councilman Horsey, the motion passed unanimously.

Agenda #5 - Police Department purchase of new patrol vehicles and equipment

The police department came before the Council seeking bids to obtain financing for two (2) 2003 Ford Crown Victoria police vehicles. These vehicles are used with both

having 61,000 miles and will be purchased from Southwest Public Safety in Texas. Attached will be the proposals from the 4 lending institutions.

Councilman Horsey made a motion to allow the Chief of Police to purchase two police cars in the amount of \$28,845 and to include financing contract with Provident State Bank for 5 years at 4.74% interest rate, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #4 - Market Street Phase II Construction Management - The Public Works Department came before the Council seeking approval of \$113,880 estimated cost for the construction phase engineering and inspection services provided by GMB for the Market Street Phase II Improvements. The scope of services would include the pre-construction conference and monthly progress meetings, monitoring of work progress to assure conformity with design concept, daily field reports submitted by a full-time Resident Project Representative, final inspection and preparation of punch list, and preparation of Record Drawings in PDF and AutoCAD format.

Councilman Gregory made a motion to accept the Market St. phase II construction management proposal as presented, seconded by Councilman Foster, the motion passed unanimously.

Staff advised that on Friday Sept. 15, a pre-construction meeting will be held, notices will be sent to the merchants and residents regarding informational meetings pertaining to them.

Agenda #6 - Arts & Entertainment District – JOK Walsh came before the Council to discuss the potential relocation of four structures targeted for demolition with the Gay Street Redevelopment project and the two structures located behind the Caroline High School on Franklin Street. A request was made to defer the water and sewer payments for the new Gay St. properties until the A & E homes are sold.

Councilman Gregory made a motion to grant the Mayor authorization to sign as property owner the sub division plat, to defer the water and sewer fees until the houses are sold and to authorize to have the houses moved onto the Town properties on North Fourth St., seconded by Councilman Foster, the motion passed 4-1 with Councilman Horsey abstaining due to membership on the Denton Development Corp.

Agenda #7 - Subordination Agreement – Sweet Bay, LLC – The Council reviewed a letter from Beth Brewster requesting a second Subordination Agreement for their rehabilitation project. The Town of Denton is presently in first and third position. The subordination Agreement is for the Banks second mortgage amount which has increased.

Councilman Horsey made a motion to accept the agreement as proposed for Sweet Bay, LLC., seconded by Councilman Foster, the motion passed unanimously.

Agenda #8 - T-Mobile Contract Amendment – The Council reviewed a request from T-Mobile to revise our contract with them that would result in reduced rent. They are looking to cut inefficiencies with their systems throughout this region. Staff has negotiated a compromise that will work for them and the Town. Seeking the Council to approve the Mayor's signature on the contract amendment as presented. The Town Attorney has reviewed and approved the amendment.

Councilman Gregory made a motion to accept the agreement as presented, seconded by Councilman Horsey, the motion passed unanimously.

Other New Business

Staff has been working with the owners of the Lily Pad regarding their loan request and came before the Council requesting consideration of deferment of the primary loan and sharing the first position with the State of Maryland.

Councilman Horsey made a motion to accept the Lily Pad Café loan request as presented, seconded by Councilwoman Stockley, the motion passed unanimously.

Mayor Branson raised concerns about the Mayor & Council form of government and expressed that he does not agree with it.

This it will be reviewed by the Town Attorney and brought back in October. The Council will hold a working session on October 16, 2006 at 6:00.

Chief Cox advised the Council that Hero the K9 is doing a great job.

With no further business to discuss Councilman Horsey made a motion to adjourn the meeting at 9:05 PM, seconded by Councilman Foster, the motion passed unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*