

September 13, 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 of the Flag.

Councilwoman Goldsborough provided the invocation followed by a moment of silence in remembrance of 911.

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 Aug. 2, 2004 regular meeting, and the special meetings that were held on Aug. 30, 2004 and Sept. 1, 2004. There being no changes, Councilwoman Stockley made a motion to accept the minutes as presented, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Public Hearing**

**Resolution #644 - Shirley Trice, et al Annexation**

At 7:02 P.M. Mayor Horsey opened the public hearing to discuss the proposed annexation of land on Sharp Road.

Mayor Horsey asked for comments from the following agencies in this order:

Caroline County Government - none

State of Maryland - none

Town of Denton - Jennifer Shull provided an overview of the proposed 32 ½ acres that the Town has received a petition for annexation into the Town limits.

Public - none

With no further comments Councilwoman Goldsborough made a motion to close this public hearing at 7:05 P.M., seconded by Councilwoman Stockley, the motion passed unanimously.

**Resolution #645 - Lupine LLC/Board of Education Annexation**

At 7:05 P.M. Mayor Horsey opened the public hearing to discuss the proposed annexation of land on Lupine LLC/Board of Education.

Mayor Horsey asked for comments from the following agencies in this order:

Caroline County Government - none

State of Maryland - staff read the letter received from the State of Maryland, Critical Areas Commission.

Town of Denton - Jennifer Shull provided an overview of the proposed three parcels / 36 acres that the Town has received a petition for annexation into the Town limits.

Public -

Mr. Charles Davis, a property owner on Lupine Lane questioned what kind of development was being proposed, how many houses, how will the streets handle the traffic. Mr. Davis advised that he would like to keep country setting and that he has reservations against annexation into town.

Mayor Horsey advised that at this time the Council is only considering the annexation, not any future developments.

Ms. Cheryl Reuben, a property owner in the area, expressed to the board that she

*is against too much traffic.*

*Mr. Robert Jarrell, Attorney for Lupine LLC summarized voter's rights and advised that there is no subdivision proposal at this time.*

*With no further comments Councilman Branson made a motion to close this public hearing at 7:15 P.M., seconded by Councilwoman Stockley, the motion passed unanimously.*

**Petitions, remonstrances and communication**

**Character Counts Presentation**

*Mrs. Leigh Frye made presentation to the board advising that Character Counts is now in partnership with Caroline County Parks & Recreation. They are seeking coaches in every classroom and asked for the board to set examples and include Character Counts in all writings and help to promote. Staff advised Mrs. Frye to provide an article for submission into the Town newspaper. Mrs. Frye expressed their thanks for the two Town employees that presently participate as coaches.*

**Fatherhood for Now Program**

*Mr. Les Hill, Project Manager for Fatherhood for Now Program came before the board to provide an overview of the program. Seeking referrals and ambassadors to help Fathers obtain jobs, provide parenting tips on different issues. They presently meet on a month helping to make custodial fathers.*

**Caroline County Combating Underage Drinking Coalition**

*Ms. Samantha Wiley came before the board thanking Councilman Branson for requesting permanent signage relaying the message that underage drinking is unacceptable. Ms. Wiley took Councilman Branson's suggestion and has gone through steps and obtained all necessary approvals and would like to get final approval for the Town of Council to place a sign on 6<sup>th</sup> & Wilmuth St.*

*Councilman Branson made a motion to authorize the placement of a sign on 6<sup>th</sup> & Wilmuth, seconded by Councilwoman Goldsborough, passing unanimously.*

**Hoskins Pool**

*Ms. Helen Hoskins came before the board with concerns about a letter she received from the town requiring her to have a 4' fence around a pool. Ms. Hoskins advised that she has no trespassing signs around her pool and questioned why should the Town have laws governing her property. She questioned why was the town picking on her and what does the town do with taxes and permit fees? Ms. Hoskins felt that people should be responsible for their own children and that she should not be penalized because they do not.*

*Mayor Horsey advised that the board has the safety of all of the population of Town to ensure and that the rules should be abided by all residents. The property owner is liable to follow the rules and laws. The law states that a fence is required.*

*Ms. Jennifer Shull, Housing Director, advised that the Town of Denton has adopted the International Building Code standards. This is a national building code. Ms. Shull expressed that Ms. Hoskins was not singled out as 24 letters were sent out in two days, and some were fined. The taxes collect go into the General Fund to cover expenses to maintain the Town.*

**Resolution's & Ordinances**

**Resolution #644 - Trice, Baynard, Horney, Neal Insurance Annexation**

*The original petition was amended to include the property owned by Louise Horney, Neal Insurance Agency and Mr. & Mrs. Clarence Baynard for a total of 32.450 acres. The annexation*

has received a favorable recommendation by the Planning Commission. An annexation agreement with the contract purchaser, Chris Coile and Mrs. Trice has been signed as has a separate annexation agreement with Mrs. Horney, Mr./Mrs. Baynard and Neal Insurance. The Town Attorney has determined that the petition is legally sufficient.

Councilwoman Stockley made a motion to adopt Resolution #644, annex property of Trice, Neal, Baynard & Horney, seconded by Councilwoman Goldsborough, passing unanimously.

**Resolution #645 - Wood/Collison/Board of Education Annexation**

This annexation involves three parcels of land totaling 36 acres including Denton Elementary School, and two parcels owned by Lupine LLC on Lupine and Sharp Road. The petitioners have requested TR zoning and received a favorable recommendation from the Planning Commission. The Town Attorney has reviewed the petition for legal sufficiency.

Councilwoman Stockley made a motion to adopt Resolution #645, seconded by Councilman Branson, passing unanimously.

**Resolution #647 - LGIT 8<sup>th</sup> Amended Restated Agreement**

Mr. John Burrell, Executive Director of LGIT came before the board to provide an explanation of the purpose for the amendment.

Town Attorney, Dave Thompson expressed some concerns to the board. The Town was not a member of the medical insurance pool that recently was closed with a deficit. However, the Town is being asked to subsidize the loss. The amendment allows LGIT to borrow from the liability side to cover the loss of the Health Pool.

Councilwoman Stockley made a motion to table Resolution #647, seconded by Councilman Branson, passing unanimously. The Board directed the Attorney to follow up with LGIT and make a recommendation to the Board.

**Resolution #648 - Citizen Participation Plan**

To continue to participate in the Community Development Block Grant Program through the State of Maryland the Town is requested to update its written plan for citizen participation. The Town's plan was last updated in 1996. The Board was presented a resolution adopting the new plan for consideration of adoption. Staff advised this is mandated by the state.

Councilman Branson made a motion to adopt Resolution #648, seconded by Councilwoman Goldsborough, passing unanimously.

**Resolution #649 - Commitment to Resurrecting the American Dream**

A resolution of the Denton Town Council to support a nation wide initiative, sponsored by the National League of Cities, dedicated to resurrecting the American Dream.

Councilwoman Goldsborough made a motion to adopt #649, seconded by Councilwoman Stockley, passing unanimously.

**Resolution #650 - Anti Displacement and Relocation Policy**

A resolution repealing all previous resolutions adopting a residential anti displacement and relocation policy for State of Maryland Community Development Block Grant Programs, and adopting a new residential anti displacement and relocation policy for said programs. This replaces the previous ordinance that was introduced as Ord. #453.

Councilwoman Goldsborough made a motion to adopt Resolution #649, seconded by Councilman Branson, passing unanimously.

**Ordinance #459 - Option Agreement for the Purchase of Lot 9B in the Denton Ind.**

**Park.**

*Hershey Creamery Company would like to enter into an option agreement with the Town for the purchase of Lot 9B in the Denton Industrial Park. This ordinance would authorize the Mayor to execute an option agreement for the land with Hershey Creamery Corp.*

*Councilman Branson made a motion to introduce Ordinance #459, seconded by Councilwoman Stockley, passing unanimously.*

**Old Business****Agenda #1 - Military Pay**

*At the July 12, 2004 Council meeting the board voted to provide an offset pay to Officer John Labelle while on active military duty. Staff asked for clarification to insure that the Council's wishes were honored.*

*Councilman Branson made a motion for the Town pay to be compared to total military pay to get the offset, and to make retroactive for this employee to the date of activation and to be one time only, seconded by Councilwoman Stockley. Discussion was held regarding amending the existing policy to provide a salary offset for any employees that are activated to federal duty in the US Military. The Board defined that for any federally activated employees the offset should be determined by comparing the Town pay to total military pay. Total military pay was to include base pay, housing allowance and any other types of allowances that are being received from the military. After further discussion, Councilman Branson amended his motion to be a policy change for any full time employees that are federally activated for military duty, and for the offset to include any difference between the total military pay being received and civilian pay, the amended motion was seconded by Councilwoman Stockley, passing unanimously.*

**Agenda #2 - Hotel Tax**

*Caroline County recently enacted a 5% hotel rental tax. A Memorandum of Understanding between the Town of Denton and the County was presented to the board for consideration of adoption. The hotel tax has been defined to be set aside to be used, 100% for tourism, 80% for the Town and 20% for the County.*

*Councilman Branson made a motion to adopt the MOA agreement with Caroline County, seconded by Councilman Goldsborough, passing unanimously.*

**Agenda #3 - Road Capacity Assessment**

*This item was on the agenda to discuss the status of the Town's endeavor to be able to charge assessment similar to water and sewer capacity charge. Councilwoman Goldsborough advised that this did not make the MML legislation priority list.*

*Councilman Branson made a motion to forward to the Town Attorney to look into and draw up an ordinance and to seek the Attorney General's opinion, seconded by Councilwoman Goldsborough, passing unanimously.*

**Other Old Business**

*None*

**Reports of Officers, Boards and Committees**

*Councilwoman Goldsborough provided an overview of committee meetings that she has attended. She advised that the Maryland Municipal League will be supporting the Town's efforts for legislation to seek the ability to have a road capacity highway tax, they did not select this item as one of their priorities, because they thought the Towns already had the ability to assess.*

*Councilwoman Goldsborough advised that she attended the Maryland Commission for*

Women meeting and will be acting as a representative from the Eastern Shore. She will be attending their task force informational technology seminar.

Councilwoman Goldsborough advised that MML chose as a league action and through legislation will be seeking the return of the Highway tax that was previously cut by the State.

Mayor Horsey advised that he attended the South Caroline Little League World Series/Denton Senior League Girls Softball celebration. It was a very rewarding ceremony.

### **New Business**

#### **Agenda #1 - Ellwanger Annexation**

Mr. Ellwanger is presently connected to the Town sewer system and is located out of town limits. He has requested to be annexed into town. Town staff discussed with the Council the request for annexation and the need to approach adjacent property owners in order to have connectivity.

Staff advised that the Town cannot annex Mr. Ellwanger's property without bringing in the Bigelow and Larrimore properties. Seeking authorization from the Council to approach these property owners and to consider offering a town tax waiver until they require services.

Councilman Branson made a motion authorizing Town staff to contact the adjacent property owners about annexation into the Town limits, seconded by Councilwoman Goldsborough, the motion passed unanimously.

#### **Agenda #2 - Scooter Use Request**

Mr. Donald Embert has requested an opportunity to speak with the Denton Town Council to discuss the potential of adopting a local ordinance with regards to the use of motorized scooters. Mr. Embert contacted DMV and they indicated that this is usually regulated by local ordinance. Chief Cox previously presented information to the Helping Hands Neighborhood Association with regards to MVA registration of scooters and the use being restricted to a licensed driver. This potentially precludes anyone under the age of 16 from riding a scooter on a municipal street.

Mr. Embert was not present for this meeting. Chief Cox advised that he had received the opinion of the Attorney General advising that motorized scooters are subject to licensing and registration. Councilman Branson asked the Town Attorney for an opinion, and Mr. Thompson advised that he would lean toward adhering to the Attorney General's opinion.

Councilman Branson made a motion for the Town Council to support the Chief of Police interpretation of State Law regarding motorized scooters, seconded by Councilwoman Stockley, the motion passed unanimously.

#### **Agenda #3 - Used Tractor Purchase**

The Public Works Department requested authorization from the Council to purchase a five-year old tractor for \$11,500 with trade allowance from Rathell Farm Equipment to be used for grass cutting on large properties as well as roadway shoulders. The sale price of the proposed Tractor is \$22,500 and a deduction of \$11,000 for a trade of the existing tractors. The Town can utilize the Municipal Leasing Program at APR 5.5%, with a monthly payment of \$362.01 for three years. Staff advised that this tractor new would cost around \$45,000. The existing tractors constantly are in need or repairs, in which, the Town spent in excess of \$4,000 in repairs since November 2003.

Councilman Branson made a motion to authorize the Public Works Dept. to purchase the

used tractor as mentioned before, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Agenda #4 - PUD Request JPA Ventures**

A request for PUD designation has been submitted by JP Ventures for their property on Legion and Foy Roads. The application included a traffic study, cost revenue analysis, conceptual building renderings, draft covenants and a concept plat.

Mr. Barry Griffith of Lane Engineering along with Mr. Jim DiDonato made a presentation to the board of the proposed project. This item will be discussed further at the working session of the Town Council to be held on Sept. 27, 2004.

**Agenda #5 - Meter Reading System**

Denton Town Staff came before the board seeking authorization to modify the existing meter reading system to incorporate radio read system. This system would be placed into a municipal vehicle and then as the vehicle goes through the Town, meter readings would be collected into a computer and then uploaded into the Municipal Accounting system. The meter read system is \$12,850. The meters are \$158.00 each. Presently the Town has two reading systems, manual and touch read. Initially the goal of the Town was to convert over the existing system to a touch read system. With the proposed development and management of the reading of the meters, staff would like to discontinue installation of touch read meters and move to radio read meters. Presently the touch read meters cost about \$80.00 each.

Councilwoman Stockley made a motion to authorize the Public Works Dept. to purchase the radio read system, seconded by Councilwoman Goldsborough. In discussion Councilman Branson asked where the funding will come from and staff advised that it will come from the capacity fund. The motion passed unanimously.

**Agenda #6 - West Caroline PN Ordinance Submission**

Mr. Bob Rauch made a presentation to the Council on the proposed PN ordinance submission for the West Caroline Project. This item will be discussed further at the working session of the Town Council to be held on Sept. 27, 2004.

**Other New Business**

**Residential Trash Collection**

Mr. Jody Cahall came before the board to advise that he has taken over the ownership of 8 Days a Week, the Town current residential trash collection. Mr. Cahall advised that he can honor the existing contract with the previous owner and requested a \$.35 increase per household per month. Mr. Cahall advised that he would like to enter into a separate agreement with the Town. Presently they collect trash at about 900 units and the increase would amount to less than \$4,000 per year.

Councilman Branson made a motion to authorize the increase in trash collection to \$.35 pr household for the remainder of the fiscal year for 2005, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Samaritan House - special collection**

A letter of request was received from Ms. Delilah Henry, President for the United Concerned Christians, asking the Town to waive the \$5.00 per item collection fee for unwanted items that are dropped off at the Samaritan House.

Councilman Branson made a motion to authorize the Mayor to sign a letter advising the Samaritan House that the Town would waive the fee for these items, reserving that if the special

*collection increases beyond the Towns ability to maintain that the Town will contact them with alternatives, seconded by Councilwoman Goldsborough, passing unanimously.*

**Old School House Swap**

*Staff has been working with the owners of the Old School House, putting together a proposal for a land swap. Staff has negotiated providing the Owners of the School House with 2 acres of wooded land presently zoned light industrial at the Denton Wastewater Treatment Plant. Seeking approval from the Council to move forward.*

*Councilwoman Goldsborough made a motion for the Town to move forward to swap 2 acres of land for the Old School House property, seconded by Councilwoman Stockley, the motion passed unanimously.*

**Miscellaneous**

*Councilwoman Goldsborough apologized to the Board if she seemed a little distracted as she had just lost two cousins that were killed when there were hit by a car.*

*With no further business to discuss, Councilwoman Goldsborough made a motion to adjourned this meeting at 9:50 P.M., seconded by Councilman Branson, the motion passed unanimously.*

*\*\*Amended see 10/4/04 minutes*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*