

October 4, 2004

Mayor Horsey called a 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.

Councilman Goldsborough provided the invocation.

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 Sept. 13, 2004 regular meeting, and the working sessions of Sept. 7, and 27th. Councilwoman Goldsborough asked that the Sept. 13, 2004 minutes, under Reports of Officers, Boards and Committees be amended to state that she attended a Housing Seminar sponsored by the Governor's Commission on Hispanic Affairs as a Commissioner for the Maryland Commission for Women on August 3rd and 14th. Also that recently she received notification that she will be appointed to a Task Force for Informational Technology as a representative of Maryland Commission for Women. Mayor Horsey asked that a correction also be made to the Sept. 13, 2004 minutes, Old Business Agenda #2 - Hotel Tax. The percentages were switched, the Town will receive 20% and the County 80% for tourism.

Councilwoman Goldsborough made a motion to adopt the minutes of the Sept. 13, 2004 meeting as amended, along with the notes of the working sessions that were held on Sept. 7th and 27th, the motion was seconded by Councilwoman Stockley, passing unanimously.

Petitions, remonstrances and communication

None

Resolutions and Ordinances

Resolution #647 - LGIT

As previously requested Town Attorney, Mr. Dave Thompson reviewed the proposed LGIT 8th Amended and Restated Trust Agreement and advised the board that there was no reason for the board not to adopt the resolution.

Councilwoman Goldsborough made a motion to adopt resolution #647, seconded by Councilwoman Stockley, passing unanimously.

Resolution #651 - DHCD 2004 Community Legacy Application - 4th St. Redevelopment

Mr. Jok Walsh provided the board with an overview and advised that they have been working on the 4th St. redevelopment project for 4 years. Requesting approval of resolution #651 an authorization to submit an application and execute a disclosure authorization certification for the 2004 Community Legacy Program to the Maryland Dept. of Housing and Community Development.

Councilwoman Stockley made a motion to adopt resolution #651, seconded by Councilman Branson, passing 3-1 with Mayor Horsey abstaining due to membership on the DDC Board. Staff will have the resolution completed.

Resolution #652 - DHCD 2004 Community Legacy Application - Gay St. Demolition

A resolution requesting approval and authorization to submit an application and execute a disclosure authorization certification for the 2004 Community Legacy Program to the Maryland Dept. of Housing and Community Development seeking financial assistance for the demolition of 305 and 307 Gay St. The Town has future plans to build a new municipal building

on this site. Staff will insure that this is a grant and not a loan program, if a loan program the houses will not be demolished.

Councilwoman Stockley made a motion to adopt Resolution #652, seconded by Councilwoman Goldsborough, passing unanimously.

Ordinance #459 - Option Agreement for the Purchase of Lot 9B in the Denton Industrial Park

Hershey Creamery Company would like to enter into an option agreement with the Town of Denton 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 Corporation.

Councilman Branson made a motion to adopt Ordinance #459, seconded by Councilwoman Goldsborough, passing unanimously.

Ordinance #460 - Fourth St.

The Town will be purchasing 7 & 8 N. Fourth St. in the upcoming weeks using Community Legacy Funds. This ordinance is to authorize the Mayor to execute any and all documents associated with the settlements of these two properties on behalf of the Town. This is to support the 4th St. project with the Denton Development Corp. This is an emergency ordinance that will take affect on adoption since settlement is presently scheduled to occur prior to the Council's next meeting. This ordinance will expire in 60 days, and will be replaced with a permanent ordinance #463.

Councilwoman Stockley made a motion to adopt emergency ordinance #460 effective immediately, seconded by Councilman Branson, passing unanimously.

Ordinance #461 - Acquisition 310 Lincoln St.

At the August 2, 2004 Council meeting, the Board approved to proceed with the acquisition of 310 Lincoln St. The owner has agreed to sell the property to the town for the appraised value of \$21,000. The purpose of purchasing this property is for future use to build a municipal building.

Councilwoman Stockley made a motion to introduce Ordinance #461, seconded by Councilwoman Goldsborough, passing unanimously.

Ordinance #462 - Acquisition 306 Lincoln St. and 110 N. Third St.

At the August 2, 2004 Council meeting, the Board approved to proceed with the acquisition of 306 Lincoln St. and 110 N. 3rd St. The parcels appraised at \$45,000. The property owner has agreed to sell the properties to the Town for \$47,000. The purpose of purchasing this property is for future use to build a municipal building. Councilman Branson questioned the appraisal value verses the purchase option. Staff advised that the property owner would like the extra \$2,000 to help relocate the family that presently resides on one of the properties.

Councilwoman Goldsborough made a motion to introduce Ordinance #462, seconded by Councilwoman Stockley, passing unanimously.

Ordinance #463 - Acquisition of 7 & 8 North Fourth St.

The Board previously authorized the purchase of 7 & 8 N. Fourth St. using Community Legacy funds. This ordinance is to ratify emergency ordinance #460 adopted earlier.

Councilman Branson made a motion to introduce Ordinance #463, seconded by Councilwoman Goldsborough, passing unanimously.

Reports of Officers, board and committee

Councilwoman Goldsborough thanked Comcast, their employees and families for selecting Denton as a place to show they care. They participated in a beautification program called "Comcast Cares", beautifying two parks and Lockerman Middle School.

At Coursey Park - Comcast put out new mulch, painted the barbecue grills, gave new picnic tables and cleaned up the trash.

At the 4th St. Park - Comcast put out new mulch and cleaned up the trash, etc.

At Lockerman Middle School - they put out new mulch, flowers, plants. They also cut down some trees and branches that had grown up.

Councilwoman Goldsborough advised that it really looks nice and the Town is very appreciative. Councilwoman Goldsborough was briefly at Lockerman School. Mayor Horsey, Jennifer Shull, Scott Getchell and Councilwoman Goldsborough also went to Coursey Park. While Councilwoman Stockley attended the 4th St. Park.

Mayor Horsey, Councilwoman Stockley, Councilwoman Goldsborough attended the ribbon cutting ceremony at Mallard Landing along with Terry Fearins, Jennifer Shull, Scott Getchell and Karen Monteith.

Councilwoman Goldsborough advised of upcoming activities:

Oct. 7, 2004 - Councilwoman Goldsborough is planning on attending the Awards Program sponsored by the Governor's Commission for Hispanic Affairs, to be held in Annapolis at the Lowe's Hotel.

Oct. 21 -23, 2004 - Councilwoman Goldsborough is planning on attending the MML Fall Conference that will be held at Rocky Gap.

Oct. 26, 2004 - Several members of the board are planning on attending the Eastern Shore Association of Municipalities Dinner to be held at the Cambridge Yacht Club.

Unfinished Business

Agenda #1 - J.L. Gannon PN Submission

Staff made a recommendation for the Board to refer this project to the Planning Commission for review.

Councilwoman Goldsborough made a motion to refer the J.L. Gannon PN Submission to the Planning Commission for review, seconded by Councilwoman Stockley, passing unanimously.

Agenda #2 - West Denton PN Submission

Mr. Dave Thompson, Town Attorney advised that after the introduction at the Sept. 13, 2004 meeting and the working session for the Board to find this PN Submission consistent with the Town's comprehensive plan and made a recommendation to refer this project to the Planning Commission for review.

Councilwoman Goldsborough made a motion to refer the West Denton PN Submission to the Planning Commission, seconded by Councilwoman Stockley, passing unanimously.

Town Attorney, Dave Thompson stated that with that recommendation that it means that it has received preliminary conditional approval from the Council subject to meeting criteria of the PN Zone.

Councilwoman Goldsborough made a motion to add the language of the Attorney, seconded by Councilwoman Stockley, passing unanimously.

Agenda #3 - Mallard Home PUD Subdivision

Staff referred to the working session in which Mallard Homes provided an overview of the proposed project. At the working session Mr. Peter Johnston, the Town's consultant recommended for Mallard to include more alleys, include grid systems mixing up the housing, splitting up the green space in the center and spreading out more and to explore linkage to existing commercial entity. Councilwoman Stockley inquired about the entrance suggesting to relocate closer to Foy Rd, and staff advised that the Planning Commission will require a traffic study be completed. Staff recommended to the board to ask Mallard to redesign the project and offered to draft a letter of comments to Mallard.

Councilwoman Stockley made a motion to ask Mallard Homes to redesign the project, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Agenda #4 - Caroline County Comprehensive Water and Sewer Plan Amendment

Staff advised that at the Sept. 29, 2004 meeting with Caroline County, Town staff asked them to move forward with the Town's amendments and include the Town's plan. Seeking to submit individual amendments for the Gannon, West Denton and the Lacrosse Homes projects to include the expansion of the wastewater treatment plant.

Councilwoman Stockley made a motion to allow Mrs. Fearins to go ahead and forward to the County for inclusion in the County Plan, seconded by Councilman Goldsborough, passing unanimously.

Agenda #5 - Denton Old Schoolhouse

This item was referred for discussion during an executive session

Other Unfinished Business

None

New Business

Agenda #1 - Water and Sewer Capacity

Town staff made a presentation to the Council on water and sewer capacity needs of two additional projects and asked for the board to consider redistribution of some of the allocation presently made. Staff advised that the Board has the ability to redistribute available capacity. Based on the average daily flows staff asked the board to look at what has been allocated and adjust on a sliding scale. The Council will review, this item was tabled until the November meeting.

Agenda #2 - Letter of Support to Maryland Heritage Area Authority

A request for a letter of support to the Maryland Heritage Area Authority for a grant to fund the preliminary design of a Welcome Center in Crouse Park. The Welcome Center is a planned component of the redevelopment of Crouse Park as a regional heritage tourism destination- "The Wharves at Choptank Crossing." The grant MHAA application request for \$15,000 is being co-sponsored by the Denton Development Corporation and the Caroline County Commissioners.

Councilwoman Goldsborough made a motion to adopt the letter of support, seconded by Councilman Branson, passing unanimously.

Agenda #3 - DNR Coastal Zone Management Division - NOAA 306A Grant Agreement

A request for authorization to execute grant contract agreement, certifications and affidavits for a \$50,000 grant from Maryland DNR Watershed Services - Coastal Management Division for an environmental marsh trail & elevated observation deck in Crouse Park to be constructed as part of Wharves at Choptank Crossing - Phase II. Matching funds (\$50,000) to be

provided by FY2002 through 2004 DNR Waterway Improvement.

Councilwoman Stockley made a motion to approve execution of the grant agreement subject to the attorney's approval, seconded by Councilman Branson, passing unanimously.

Agenda #4 - Blade Annexation

A petition for annexation has been received from James Calvin and Virginia Blades requesting annexation of their property located on the West side of Route 404, south of Denton. Map 33 Parcel 62. The parcel is bordered by Watts Creek, the Choptank River, Route 404 and Gannon's Purchase, LLC. Mr. and Mrs. Blades do not want to change the use of the land and are not requesting a change in zoning nor water/sewer allocation. The Council may wish to forward the petition to the Planning Commission for a recommendation and to the Town Attorney to determine legal sufficiency. The Council may wish to consider abatement of Town taxes until town services are required.

Councilwoman Goldsborough made a motion to refer the Blades Annexation Petition to the Planning Commission and the Town Attorney for review, seconded by Councilwoman Stockley, passing unanimously.

Agenda #5 - Barger Property Acquisition

Town Staff advised that they have been contacted by Mr. Barger regarding the purchase of his property located between Wheeler Park and the Lockerman Ball Field. The Town previously received approval to use open space funds in the amount of \$67,000 to purchase this property when reviewed a couple years ago. Mr. Barger currently has an offer to sell the property for \$110,000 with settlement scheduled for December. Staff can explore re-negotiating with Mr. Barger. Sue Simmons of Caroline County Parks and Recreation stated that they may possibly have \$10,000 to share towards the purchase, and had advised that the property would need to be re-appraised.

Councilwoman Goldsborough made a motion to give town staff the opportunity to negotiate and revisit the purchase of this property, seconded by Councilwoman Stockley. After a brief discussion Councilwoman Goldsborough amended her motion to allow to re-negotiate the amount of the property and for staff to find funding to purchase the property, Councilwoman Stockley seconded the amended motion, the motion passed unanimously.

Agenda #6 - West Denton/Caroline Preliminary Engineering and Fiscal Report

Town staff discussed with the Council about moving forward with the preliminary engineering report and fiscal analysis report for the West Denton/Caroline Project. Staff has worked with Lenny Gold and George Miles & Buhr. GMB proposal was higher than expected. GMB revisited the proposal and adjusted it, but it was still high. Staff would like to set up a meeting with Lenny Gold and Judy of GMB to see if this can be adjusted and if not to consider accepting another firm. Town staff is also seeking a proposal for an impact study. Councilman Branson questioned if the developer is going to pay 90% that it behooves the town to make it for the best price, the Developer should be availed the best price.

Councilman Branson made a motion to try to work out with GMB to a price staff thinks it should be and if not to bid out, seconded by Councilwoman Stockley, passing unanimously.

Agenda #7 - Road Safety Committee

The board reviewed recommendations from the Road Safety Committee's Sept. 20, 2004 meeting.

1.) *First St. between Market and Franklin - The Road Safety Committee expressed that something needs to be done, either making it a one-way street or allow no parking in this block. The Alley behind the Library should not be allowed to exit on First St.*

Councilman Branson made a motion to make 1st St one-way between Market and Franklin, seconded by Councilwoman Stockley. Discussion - Staff mentioned that before the Council was holding off making a decision until the 2nd and Market St. improvements were done. Mayor Horsey acknowledge this, but advised that there has been no movement in the direction of fixing 2nd and Market. Mrs. Doris Walls suggested that stopping traffic from coming out of the library alley onto First St. would make a difference, if an entrance only or to make 1st St. one-way or eliminate the parking. Resident - Jennifer Shull expressed that she would like to see the street stay two way, that it presently slows traffic down and there have been no accidents, the alley exiting onto First St. is the biggest part of the problem. Chief Cox supported that a change needs to take place. With no further discussion, Mayor Horsey called for the vote on the motion on the floor. The motion passed unanimously to make 1st St. one-way.

2.) *Alley behind Library - with making 1st St. one-way this concern was taken care of.*

3,4 & 5 *will be taken care of by staff - Mr. Getchell*

6.) *Complaint about parking at the Peoples Bank on Second St. in a yellow zone.*

Discussion was held at to considering making a 10 minute parking spot. No changes were made, it was decided that a yellow zone means no parking.

7.) *The Board will look into adopting a street program and to give Rosetta Downes a key to the city for helping to clean up.*

8.) *Councilwoman Stockley advised that traffic is traveling to fast on Gay St. and 5th Ave.*

9.) *It was discussed about getting the signs up that limit parking on Market St. from 6th to Gay.*

Agenda #8 - Police Department

This item was referred for discussion during an executive session

Other New Business

Mr. Bob Rauch gave the Council an invitation to the ribbon cutting ceremony to be held on Oct. 16, 2004 at their Bridgeville Project.

Executive Session

The Mayor asked for consideration to hold an executive session to consider the acquisition of real property and to discuss public security.

At 8:30 PM, Councilwoman Goldsborough made a motion to go into an executive session, seconded by Councilwoman Stockley, passing unanimously.

At 9:02 PM, Councilman Branson made a motion to close the executive session and reopen the regular meeting, seconded by Councilwoman Stockley, passing unanimously.

No decisions were made on the items discussed in executive session.

With no further business to discuss Councilman Branson made a motion to closed the meeting, seconded by Councilwoman Goldsborough, passing unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*