

November 1, 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 to the Flag.

Councilwoman Goldsborough provided the invocation.

Mayor Horsey asked that the record reflect 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 October 4, 2004 regular meeting and the October 18, 2004 working session. There being none Councilwoman Stockley made a motion to accepted the minutes as published, seconded by Councilwoman Goldsborough, the motion passed unanimously.

#### **Petitions, remonstrances and communication**

**Petition** - Mrs. Callahan spoke to the board on behalf of the petition she submitted with 769 signatures asking for a full size, competitive supermarket. She expressed concerns about the existing grocery store as did others in the audience.

Mr. Nick Rocks advised that he has been contacted by 2 major grocery store chains that are interested in his project and working with him to include a grocery store.

Mayor Horsey advised that the Council is limited on what they can do to bring a grocery store to town and that they support the petitioners efforts. Mayor Horsey advised that there is a project in the planning that includes a grocery store, that has presently be placed on hold by the County, and suggested that Mrs. Callahan send a letter to the county expressing the dire need to have another grocery store.

Both Mrs. Callahan and Staff have been contacted by the existing grocery store headquarters about the concerns to see what they can do to make their service better.

The Council agreed to send a letter to the County Administrator supporting the petition and expressing the need for a super market, also suggested sending a letter to Mr. Brodie the property owner of the Plaza as well.

**Denton Merchants Association Request** - The Merchants would like to secure a billboard on Rt. 404 for the purpose of drawing business into the downtown area. The cost for leasing this space is \$200/month for three years with the first six months free. The Association advised that they are able to pay for the artwork and requested financial assistance for the lease of the billboard. The cost for the first year will be \$1200 with the cost of the following two years at \$2400 each. The Town Administrator advised that the Town presently has a grant program - MIP, otherwise know as the Main Street Improvement Program and suggested that this grant could be amended to appropriate \$1250 towards the project, then maybe the Merchants could come up with the rest.

Mayor Horsey expressed concerns that this billboard will only be for Downtown Merchants asking to consider including all commercial, not just the downtown, especially if using Town funds. Staff advised that if the Town is going to use MIP funds, that this grant may only be for the Main St. program, but they would check to see if the funds would be inclusive.

#### **Resolution and Ordinances**

**Resolution #653 -Blades Annexation**

On October 26<sup>th</sup> the Planning Commission gave a favorable recommendation on the annexation petition received from James Calvin and Virginia A. Blades, requesting their property located on the West side of Rt. 404 south of Denton to be annexed into the Town limits.

Councilwoman Goldsborough made a motion to introduce Res. #653, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance #461 - Acquisition of 310 Lincoln St.**

At the August 2, 2004 Council meeting, the Board approved to proceed with the acquisition of 310 Lincoln St. The parcel has been appraised at a value of \$21,000. The owner has agreed to sell the property to the Town for this amount.

Councilwoman Stockley made a motion to adopt Ordinance #461 to acquire 310 Lincoln St., seconded by Councilman Branson, the motion passed unanimously.

**Ordinance #462- Acquisition of 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. Third St. The parcels have been appraised at a value of \$45,000. The owner has agreed to sell the property to the Town for \$47,000. The extra \$2,000 is to help relocating the family that is presently residing at one of the properties.

Councilwoman Stockley made a motion to adopt Ordinance #462 to acquire 306 Lincoln St. and 110 N. Third St., seconded by Councilman Branson, the motion passed unanimously.

**Ordinance #463 - Fourth St. Acquisition**

The Council previously authorized the purchase of these two properties using Community Legacy funds. Ordinance #460 was previously enacted and was an emergency ordinance authorizing to settle on these two properties and also authorized the Mayor to sign any documents. The emergency ordinance is only effective for 60 days, therefor this ordinance #463 is the permanent ordinance and is before the board for consideration of adoption.

Councilman Branson made a motion to adopt ordinance #463, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance #464 - Barger Property Acquisition**

At the Council's direction staff have pursued negotiating with Charles Barger for the purchase of his 1+ acre waterfront parcel on Lockerman St. Ordinance #464 was presented to the Board for consideration of introduction to purchase the property at 425 Lockerman St. for a price not to exceed \$110,000, plus settlement costs and expenses associated with the transfer.

Councilman Branson made a motion to introduce ordinance #464, seconded by Councilwoman Stockley, the motion passed unanimously.

**Ordinance #465- Road Capacity Ordinance**

This ordinance was deferred.

**Ordinance #466 - Vehicle Traffic Code Amendment - Special Purpose Parking Zone**

The Highway Safety Committee has recommended no parking on Market St.

between 6<sup>th</sup> St. and Gay St. Councilman Stockley advised to make sure that the residents are notified of the change. Mayor Horsey asked that the ordinance be amended to include the times of the no parking.

Councilman Branson made a motion to introduce ordinance #466 as amended with the times no parking, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Ordinance #467 - Vehicle Traffic Code Amendment - First St. One Way**

Concerns regarding congestion, parking and access to and from the Library on First St. between Gay and Franklin have been brought to the attention of the Council.

Mr. Randolph Moore, representing Moore Funeral Home came before the board to express his concerns advising that it would be a disservice to the area if this street is made one way, the alley is already overloaded.

Mayor Horsey advised that there is concern about safety at the intersection at 1<sup>st</sup> and Market. Councilwoman Goldsborough suggested to approach the library about the concerns.

Staff advised that they had recently met with Dr. Scott and he is working on a traffic study and that the board may wish to defer and to have a modeling done of the town in the study and to consider holding a public hearing before making a decision.

Councilman Branson made a motion to defer any decision on this ordinance until the modeling is complete, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**Reports of officers, boards and committees**

Mayor Horsey proudly announced that Councilman Branson recently received the Maryland Municipal League Hall of Fame award.

Councilwoman Goldsborough spoke about the Maryland Municipal League Fall Conference that she recently attended, Oct. 21 -23, announcing that Ms. Terry Fearins was one of the teachers in which she presented "where do we go from here on annexation". Councilwoman Goldsborough advised that she received several positive comments regarding Terry's speech.

Councilwoman Goldsborough announced that MML lost a good board member when the Mayor of Berlin of 16 years, Mr. Rex Hailey lost the election.

**Unfinished Business**

**Agenda #1 - Old School House**

This item was deferred until executive session

**Agenda #2 - Water & Sewer Capacity**

This is on the agenda as a follow up from the October meetings. In addition the Town has received a request for an allocation for 9585 Legion Rd. - 39 lots 8,775 gpd, 1022 Market St. - 1 lot 225 gpd and legion and MD Rt 404 up to 7,480 gpd for Walmart.

Town Staff advised that the existing ordinance is too restrictive requiring a developer to complete 50% within the first year. It would be difficult for large developments to keep up with this requirement. Staff suggested amending the ordinance to control the level of growth and how quickly it grows. Staff also recommended that allocations be submitted to the board once the Planning Commission has approved the conceptual plan, instead of before. Staff advised that the

engineers for Walmart are requesting 7,480 gpd based on other stores history, and recommended that since they are not a subdivision to refer to the Utility Commission for review.

Councilman Branson made a motion to award the 225 gpd for 1022 Market St, to deny the 8,775 for Legion Road until after the preliminary subdivision submittal through the Planning Commission, and to refer the 7,480 to the Utility Commission and Health Dept to obtain more exact figures. This motion was seconded by Councilwoman Stockley, the motion passed unanimously.

Administration will bring back amendments for the ordinance at the next meeting for the Board to review.

### **Agenda #3 - Barger Contract - 425 Lockerman St.**

At the Council's direction a contract has been drafted by the Town Attorney to facilitate the acquisition of this 1+ acre. Staff have confirmed with the Dept. Of Natural Resources that the previous Program Open Space funds dedicated to this project in 2000 are still available in the amount of \$67,140. Staff have ordered updates on the two appraisals previously conducted in 2000 to determine the current market value. Mr. Barger is seeking \$110,000 for the property. The Dept. Of Natural Resources has advised to not try to seek additional funding through their program.

The Caroline County Director of Parks and Recreation, Ms. Sue Simmons has advised that the County could contribute \$10,000 from the local program open space funds. This item is on the agenda for the County Commissioners for Nov. 9, 2004 to see if they would be interested in partnering.

The contract is structured that if the appraisal does not support the asking price then the contract dies. The board has the ability to tap the parks capital fund if desired. If the appraisals does not support the amount Mr. Barger can sell and develop into houses.

The board agreed to have staff keep investigating.

### **Agenda #4 - Heritage Area Management Plan**

The Council asked the Planning Commission to review the stories of the Chesapeake Heritage Area Management Plan and provide a recommendation as to whether the Council should endorse the plan, and amend the Town's comprehensive plan to include this document. The Planning Commission with the assistance of Consultant Peter Johnston recommend against adoption of the Heritage Plan in its present form. Presently structured this Heritage Plan transfers the development "planning" authority to this agency and adds another layer of review to public and private projects which is not in the best interest of Denton.

Councilman Branson made a motion to not adopt the HAMP plan, seconded by Councilwoman Goldsborough, the motion passed unanimously.

### **Other Unfinished Business**

Mayor Horsey ask the status of finishing the new Police Facility. Staff advised that the Town is still holding the full retainage plus the final payment. The landscaping, flooring in the basement and the heating system are still not complete. The Town will continue to hold the funds until complete.

Mayor Horsey asked the status of the 8<sup>th</sup> St. and Market St. projects.

8<sup>th</sup> St. - Staff advised that the curb and guttering is almost done and they will be moving on with the paving. There is some hold up on the stormwater management. A permit has been submitted for the wetlands. Seeking to add a portion of Sunnyside as well.

Market St. - Staff advised that the water line replacements have been started, and they are working on the stormwater. Hope to have a base coat on the road before the asphalt plant closes.

Staff advised that the residents have been incredibly patient on both projects.

**New Business**

**Agenda #1 - Industrial Park Option**

This item was deferred until the executive session

**Agenda #2 - State Highway Frontage Road Name**

The Town Staff would like to request the State Highway Administration to rename the new service roads running parallel to MD Rt. 404.

Councilman Branson made a motion to send a letter to the SHA to ask them to change the name of West Frontage Rd. to Industrial Park Way, and to change the name of East Frontage Rd. to Watts Creek Way, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #3 - Crouse Park Engineering Design for Award**

Requesting approval to award \$27,200 professional service contract to Sustainable Science LLC of Denton for A/E Consultant Contract for Environmental Permits and Plans for the Crouse Park Boat Basin Dredging Project. Funds are to be provided by the DNR Waterway Improvement Fund (FY05 Allocation includes \$25,000 for Consultant Services; \$2,200 balance from prior year allocation).

Councilman Branson made a motion to award the engineering designs to Sustainable Science LLC, seconded by Councilwoman Goldsborough, the motion passed 3-1 with Mayor Horsey abstaining due membership on the DDC.

**Agenda #4 - Capital Asset, Economic and Fiscal Impact Study**

The initial draft proposal of the impact study was presented to the board. This study is proposed to be funded through the various projects proposed for development. Town Staff will be meeting with the County Staff to discuss the potential to include aspects of County Services in the study.

Councilwoman Goldsborough made a motion to do a capital asset, economic fiscal impact study, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #5 - Market St. and Eighth St. Interim Financing**

Proposals for interim financing for the Market and Eighth St. projects were received from five local banks. Centreville National had the lowest interest rate of 2.76%.

Councilman Branson made a motion to award the interim financing to Centreville National Bank, seconded by Councilwoman Goldsborough, the motion passed unanimously.

Councilman Branson made a motion to adopt Resolution #654 authorizing the interim financing from Centreville National Bank and authorizing the Mayor to execute

any documents necessary, the motion passed unanimously.

**Agenda #6 - Denton Volunteer Fire Dept.**

Town Staff recently met with the Denton Volunteer Fire Dept. Chief Dallas Lister and express to the board the need to try to structure a liaison with the DVFD to assist to develop a long rang planning program.

Councilwoman Goldsborough made a motion to send a letter to the Board of Trustees to try to set up a committee to work with the Fire Dept. and the Town, seconded by Councilwoman Stockley, the motion passed unanimously.

**Other New Business**

Staff advised the board that they will be receiving a copy of the proposed road capacity ordinance during the November working session.

Councilwoman Goldsborough advised the board that she is planning on attending the National League of Cities conference in Indiana from Nov. 30 through Dec. 4, 2004. Councilwoman Goldsborough asked the board if they would cover her registration and hotel cost. The Council asked for a dollar figure. Councilwoman Goldsborough advised that the conference registration is about \$465 to \$485 and the hotel would cost approximately \$145 per night for six nights, total cost approximately \$1355 to \$1400. Registration needs to be submitted by Nov. 12, 2004.

Councilman Branson made a motion to fund 50% of the proposed cost, and if more funds are available then the board can fund more, seconded by Councilwoman Stockley, the motion passed 3-1 with Councilwoman Goldsborough abstaining.

Agenda #7 was previously skipped.

**Agenda #7 - Fourth St. Traffic Patterns**

Mr. Bob Jarrell of Eastern Shore Title came before the board. Mr. Jarrell presently has 8 employees that work for him. They have a contract pending on the Gabby's Building. They would like to see if the traffic patterns on 4<sup>th</sup> St. between Market and Gay could be changed to either make the street one way the other direction or to make the street two way. The flow of the traffic is a concern for them in purchasing this property.

The board felt that this could be reviewed when doing the modeling of the areas in the downtown.

**Other New Business**

The Board reviewed a letter received from the County and Ms. Cynthia Pyron regarding storm water management when proceeding with the West Denton Project. Staff will draft a response letter back to Ms. Pyron.

**Executive Session**

At 9:10 PM, Councilwoman Goldsborough made a motion to hold an executive session to discuss consideration of acquisition of real property and industrial organizations, seconded by Councilman Branson, the motion passed unanimously.

Mr. JOK Walsh was present for part of the executive session.

At 9:50 PM Councilman Branson made a motion to close the executive session and reopen the regular meeting, seconded by Councilwoman Goldsborough, the motion passed unanimously.

**New Business**

**Agenda #1 - Industrial Park Option**

*Industrial Park Option - Councilman Branson made a motion to defer a decision on the Industrial Park lot #9b-2 for 30 days, so the board can get a map of the area and obtain more information, seconded by Councilwoman Goldsborough, the motion passed unanimously.*

*Maryland Proteins Lot #9 - Councilwoman Stockley made a motion to purchase the Maryland Proteins lot #9 back for the original selling price, seconded by Councilman Branson, the motion passed unanimously.*

**Old Business**

**Agenda #1 Old School House**

*Councilman Branson made a motion to offer the seller \$250,000 for the whole lot, to not provide any land on Legion Rd, and if not acceptable, this will be referred to the Town Attorney, seconded by Councilwoman Stockley, the motion passed unanimously.*

*With no further business to discuss, Councilman Branson made a motion to adjourn the meeting at 9:57PM, seconded by Councilwoman Stockley, the motion passed unanimously.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*