

November 7, 2005

Executive Session

At 6:00 PM Mayor Horsey asked for consideration to hold an executive session to consult with legal counsel to obtain legal advice regarding a letter about the West Caroline Adhoc Committee and the County TDR program that has been proposed. The Town Attorney, Mrs. Brynja Booth and members of the Town Council, the Town Planning Commission, Terry Fearins, Karen Monteith and Jennifer Shull of the staff were all present.

Councilwoman Stockley made a motion to hold an executive session at 6:00 PM, seconded by Councilman Gregory, the motion passed unanimously.

Councilwoman Stockley made a motion to close the executive session at 7:00 PM, seconded by Councilman Foster, passing unanimously.

Regular Meeting

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.

Mr. Scott Getchell provided the invocation.

Mayor Horsey asked that the record reflect that all Council members were present.

Councilman Branson made a motion to approve the minutes of the October 3, 2005 and October 10, 2005 council meetings, seconded by Councilwoman Stockley, the motion passed unanimously.

Petitions, remonstrances and communication

Jim Lewis Caroline County Planning Commission- *In response to the discussion regarding TDR, County Commissioner Marty Gangemi asked Jim Lewis, Vice Chairman of the County Planning Commission, if he could meet with the Town Commissioners and discuss the County's TDR program. Mr. Jim Lewis came before the Town Council meeting to provide some background on the County proposed TDR program. Mayor Horsey asked why couldn't the County consider having TDR's in the County and an Ag preservation in the Towns. Mr. Peter Johnston asked if the TDR program is adopted by the Town, can the Town utilize the funds that are collected, and Mr. Lewis felt that there was a way that this could be structured. Mr. Lewis advised that the County Planning Commission does not want to review the Town's projects. Mr. Bob Jarrell asked how would the TDR program relate to the present excise tax, and was advised that the excise tax can only be used for capital improvements for the school, where the TDR program would be used for farm preservation. The Town's Planning Commission advised Mr. Lewis of the invitation that was sent to them regarding the annual Planning Commission Open House for all of the surrounding planning agencies. Mr. Lewis will try to set up a meeting between the County Planning Commission and the Towns.*

Introduction and adoption of resolutions and ordinances

Ordinance #498 Water Meter Fee - Consideration of Adoption *- The ordinance establishing a water meter fee at an initial rate of \$2.50 per quarter was brought before the Council for consideration. This is proposed to become effective January 1, 2006 and reflected in the April 1 billing. This would apply to 3/4" meters or less. A Public Hearing was held October 3, 2005. Ordinance #498 had been introduced.*

Councilman Branson made a motion to adopt ordinance #498, seconded by Councilman

Foster, the motion passed unanimously.

Resolution #672 - Parkview Estates Public Works Agreement

A resolution was presented that would authorize the Mayor to sign a Public Works Agreement on behalf of the Town for the Parkview Estates single family subdivision on Fifth Avenue. The public works agreement is a standard legal document prepared by the Town Attorney identifying the infrastructure improvement responsibilities of the developer, and the terms of the bond/letters of credit that must be posted. The subdivision is approved by the Planning Commission, appropriate agencies and the Town's engineers.

Councilman Foster made a motion to adopt resolution #672, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #502- Authorization to Sell # 9 N. Fourth Street (Smith property)- Fourth Street Redevelopment project to EIS AS LLC. Requesting approval of Ordinance #502 authorizing the Mayor to execute the purchase contract agreement and all related settlement documents, for the sale of #9 N. Fourth Street (Parcel 823-Lot #1). Detailed description of the terms of purchase were presented to the Council.

Councilman Branson made a motion to adopt Ordinance #502, seconded by Councilwoman Stockley, the motion passed unanimously.

Ordinance #503- Authorization to Sell # 8 N. Fourth Street- Fourth Street Redevelopment project to EIS AS LLC. Requesting approval of Ordinance #503 authorizing the Mayor to execute the purchase contract agreement and all related settlement documents, for the sale of #8 N. Fourth Street. Detailed descriptions of the terms of purchase were presented to the Council.

Councilwoman Stockley made a motion to adopt Ordinance #503, seconded by Councilman Branson, during discussion Staff advised that this contract is to Leslie Schwing, LLC. Staff also advised that the next sale will include the excess cost not reimbursed by this sale toward the project, the motion passed unanimously.

Ordinance #504- Authorization to Sell Lot 9A in Denton Industrial Park. Hershey Creamery Company would like to enter into an option agreement to purchase Lot 9A in the Denton Industrial Park. The option would be valid for six months. This Ordinance and Option Agreement were reviewed by the town attorney.

Councilman Branson made a motion to adopt Ordinance #504, seconded by Councilwoman Stockley, the motion passed unanimously.

Reports of officers, board and committees

None

Unfinished Business

Agenda #1 - Gannon's Purchase - Village at Watts Creek PN/PUD

The Planning Commission has evaluated the request for PN Zoning and PUD approval for the Village at Watts Creek. After several working session, and a public hearing the Planning Commission has unanimously recommended that the Council approve the request for both the PN zoning and the PUD. To consider a request the Council may wish to schedule a working session with the applicants prior to the public hearing process.

Mr. Tim Glass of Lane Engineering did a short presentation of the proposed project to the Council. Mr. Jeff Thompson, Attorney for the property owner advised that the were no

significant changes and asked if they could set to meet discuss further at the Council's working session on Nov. 21, 2005. The Town Attorney will work on pulling together a public hearing date.

Other Unfinished Business

None

New Business

Agenda #1 - Water and Sewer Capacity

A water and sewer capacity request from Tolden Enterprises, LLC for 225 gpd for 212 S. Third Street was presented to the Council. Staff advised that this is for a infill lot.

Councilman Branson made a motion to grant the allocation, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #2 - Public Works Vehicle Acquisitions – The Public Works Department requested approval to proceed with the purchase of three 2004 Dodge 1500 pick up trucks for the total amount of \$40,000. The trucks are currently the property of the Fastenal Company in Seaford, DE. The Public Works Department also requests approval to purchase a 2005 Jeep Liberty for \$18,049 from the Hertrich Fleet Service Company, who holds the Maryland State contract for compact SUV's. These purchases can be covered using capital improvement funds, however capital line item revisions for the FY06 budget are necessary to reflect the following increases: Sewer = \$9,832 Water = \$7,832 Highway = \$10,719 General = \$6,666. Seeking approval to amend budget. Staff advised that in 2004 they spent \$11,000, in 2005 they spent \$12,048 and so far in 2006 \$7,175 in vehicle maintenance. Councilman Branson asked what affect this would have on the already tight budget, and staff advised that per the County tax reports that the revenues are expected to be larger than what was budgeted.

Councilman Branson made a motion to allow the purchase of the vehicles for the Public Works Dept., seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #3- Chesapeake Culinary Center Lease

Town staff along with the Culinary School have been working together with the owners of the Lily Pad about the potential of relocating the Culinary Adult program and sublease and operate a Thursday, Friday and Saturday dinner. This would enable the Culinary Center to expand its pilot program, build their operation and curriculum and segway into the Caroline High School, once the building renovations are complete. The Lily Pad will continue to operate and grow their business so that they remain a strong restaurant. The Center will also work to establish a bakery component, coffee tea shop and potentially a Sunday brunch. Staff asked to enter into a three year lease with the Chesapeake Culinary Grant funds expected offset the Town's cost, and also noted that there will be a small business loan for the start up.

Councilwoman Stockley made a motion to support, seconded by Councilman Foster. During discussion, Councilwoman Stockley expressed how necessary the culinary program is, and that a student has already be excepted in Florida. Councilman Gregory asked staff if they were comfortable that the Culinary program has the funding in place to support leasing this space, and staff advised that they have a plan in place that she is comfortable with. With no further discussion the Mayor called for a vote on the motion. The motion passed unanimously.

Agenda #4 - CSAFE Program

The Town of Denton has been participating in the State of Maryland CSAFE program (formerly HOTSPOT) since July 1997. Terry Fearins had been the Lead Coordinator for Denton

since the beginning. Chief Cox has agreed to be the designated Lead Coordinator. A request was made for the Council to consider authorizing Chief Cox to be designated as the Lead Coordinator.

Councilman Branson made a motion to appoint Chief Cox as the designated Lead Coordinator, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #5- 803 Gay Street Right of Way

Mr. Koval, the contract purchaser of 803 Gay St. came before the Council stating that the is interested in building a single family home on a lot which would have vehicle and utility access from the rear instead of Gay St. To access the property from the rear Mr. Koval asked to use the paper street referenced in his deed as a right of way. The paper street is on the edge of the Town's public works staging yard on Eighth Street, and runs parallel to Gay. Maintenance for the right of way would be the responsibility of Mr. Koval. The Town Attorney, Brynja Booth provided the Council with a right of way agreement for consideration. Mrs. Doris Walls asked what would happen to the bushes that the Town had planted as a border for the staging yard and was advised that they easement protects the bushes. Staff advised that the Historical Review committee has given approval for the location of the house.

Councilman Branson made a motion to authorize the Mayor to sign the right of way agreement, seconded by Councilman Gregory, the motion passed unanimously.

Agenda #6 - Planning Commission Appointment

Councilman Branson made a motion to appoint Mrs. Doris Walls to another five year term on the Planning Commission to begin January 1, 2006, seconded by Councilman Foster, the motion passed unanimously.

Agenda #7- Allston Annexation Request

A petition for annexation has been received from Mr. Allston, Dixon Brothers and Superior Rentals, Inc. for the annexation of land on the east side of Route 313. The 3 parcels total 54+ acres and include the annexation of that portion of Route 313 in front of the property. The maintenance of Route 313 remains with the State Highway. The property is within the Town's growth area and represents the final properties adjoining the growth boundary at this location. Town Attorney Brynja Booth has reviewed the application for legal sufficiency and has prepared a draft resolution and annexation agreement for future consideration. The is before the Council for consideration to review to the Planning Commission for a recommendation at this point.

Councilman Branson made a motion to refer to the Planning Commission, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #8 - Computer Server Upgrade/Finance Software

One of the primary capital projects for this fiscal year, is the upgrade of the server system for the Town of Denton. This includes new cabling from CAT 3 to CAT 5 and replacement of the Town server. This server was purchased approximately 10 years ago and has 1 gig of hard drive space. Most of the desktops presently have 80 gigs. The Town has received a proposal from BCS Incorporated which includes a computer system which has a redundant server system. Additionally, the Finance Department Software is proposed to be upgraded. A copy of the proposal for both components was presented to the Council.

Mayor Horsey asked if this was included in the budget, and staff advised that the

replacement of the server was included in the budget. However the present accounting software was not budgeted. The accounting software is about 12 years old and since some of it is still DOS it will not be compatible if the server is upgraded. Staff recommended to appropriate \$24,000 from the General Fund Budget, \$15,000 through the water fund, \$24,000 through the sewer and \$2,682 through the highway. Staff asked for approval of the upgrade of the accounting software subject to an onsite presentation and approval from the Clerk Treasurer. Upgrading to this software will provide readily available reports for all departments, will simplify monthly close-outs, year end and can be up and running by January. The data from the existing Fund Balance can be easily converted to the InCode software. Staff is also looking into adding a customer service program.

Councilman Gregory made a motion to authorize the staff to proceed with the server/software upgrade, seconded by Councilwoman Stockley, the motion passed unanimously.

Agenda #9 - Personnel Amendment

Staff provided an On Call Policy for the Public Works Dept. which provides official written guidelines developing an on call policy that will assist to ensure that when an emergency arises adequate staff support is available. This policy has been reviewed and recommend by Joe Poekempner, the Town's Employment Law Attorney with Whiteford, Taylor and Preston. Consideration from the Council for adoption into the Town Personnel Manual.

Councilman Branson questioned the minimum of two hours and asked if the call was cancelled did the staff still get the two hours. Staff advised that yes they would, but that the scenario was not realistic.

Councilman Branson made a motion to adopt the "On Call Policy", seconded by Councilman Gregory, the motion passed unanimously.

Agenda #10 - Highway Commercial Free Standing Signage

In view of the potential redevelopment of the commercial area at Legion Road and MD Route 404, staff asked for the Council to consider amending the zoning ordinance to minimize an array of free standing signs. Staff also mentioned that there are some commercial signs through out town which are non-conforming and to have these reviewed as well.

Councilman Branson asked if the Town can require that a sign be downsized? Mrs. Brynja Booth, Attorney advised that in researching the ordinance that the Council can grandfather existing signs. Staff also expressed concerns over signs that are not located on the actual property of the business and advised that this needs to be addressed with any amendments. Staff asked the Council to consider a moratorium on free standing signs until a review is complete.

Councilman Branson made a motion to refer to the Planning Commission to review the signage ordinances for recommendations, seconded by Councilwoman Stockley, the motion passed unanimously.

Councilman Branson made a motion to adopt a short term moratorium on highway commercial free standing signage. Attorney, Mrs. Brynja Booth expressed concerns with adopting a moratorium, and advised that this action should only be taken with there is an threat to health, safety or life. Councilman Branson withdrew this motion. Councilman Gregory expressed the need to control signs.

Agenda #11 - Municipal Maintenance Worker/Cleaning Personnel

Staff discussed with the Council the potential of hiring a part-time employee for the Public Works Facilities Crew to maintain the cleaning for the municipal buildings. With the additions of the police facility and demands on existing employee, town staff is requesting the opportunity to proceed with advertising a position with no more than 24 hours a week. The cost for this position would be approximately 15,000 and would be covered by the general fund and water and sewer funds.

Councilman Branson made a motion to authorize moving forward with hiring a part time cleaning staff, seconded by Councilman Foster, the motion passed unanimously.

Other New Business

Staff advised that one of the election judges had run into a problem covering their entire shift during the elections to be held on Nov. 8, 2005 and asked the Council to appoint Mrs. Ada Gates to serve as an election judge during this time.

Councilwoman Stockley made a motion to appoint Mrs. Ada Gates to assist with the elections, seconded by Councilman Foster, the motion passed unanimously.

Mayor Horsey asked if the Siesta Drive annexation has been signed by all Council members and staff advised that everything was complete and the annexation became effective Oct. 27, 2005.

Mayor Horsey asked if there are any zoning ordinances that cover limited age descriptions. Staff advised that there is a provision in the zoning ordinance that covers elderly housing.

Councilman Gregory mentioned that he was not sure if he would be elected into office tomorrow but wish to express that he has enjoyed working with the Council during the past three months.

Councilman Foster raised a concern of several citizens of South 4th St. and the Choptank Ave area about the drainage ditch and wants staff to review, indicating that the 8th Stormwater project had not corrected the project. Staff advised that the splitter box at the 8th St. project needs to be checked to make sure it is open, now that the project is complete. Staff will check the culvert again to make sure it is open.

Councilman Gregory asked that when the Council is looking at the priority list that they need review drainage ditches as well.

With no further business to discuss Councilman Branson made a motion at 9:07 PM to adjourn the meeting, seconded by Councilwoman Stockley, the motion passed unanimously.

Respectfully submitted,

*Karen L. Monteith
Clerk-Treasurer*