

December 1, 2003

**Executive Session**

At 6:07 PM Mayor Goldsborough opened a meeting of the Denton Town Council. The Mayor asked for a motion to enter into an executive session to discuss personnel matters. Councilman Horsey made a motion to open an executive session, seconded by Councilwoman Stockley, passing 4-1. Councilman Branson entered the room at 6:10 PM. Also attending this session was Chief Cox, Jennifer Shull, Scott Getchell, Karen Monteith and Terry Fearins.

**Regular Meeting**

At 7:00 PM the executive session was closed and the Mayor opened the regular meeting.

Mayor Goldsborough 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. Caroline County Sheriff's Deputy - Bill Rude provided the invocation.

Mayor Goldsborough asked that the record reflect all members were in attendance.

Councilman Branson made a motion to approve the minutes of the November 3, 2003 regular meeting and the notes of the November 17, 2003 working session as presented, seconded by Councilman Foster, passing unanimously, 5-0.

**Petitions, remonstrances and communication**

**Caroline Law Enforcement Officers F.O.P. Lodge #118 letter** -Councilman Horsey made a motion to have a letter of apology written to the Denton Police Department for actions of the October 20, 2003 meeting to be signed by all council members, and to have a copy sent to the F.O.P., seconded by Councilman Branson, the motion passed unanimously.

**Michelle Skates Letter**- The board reviewed a letter received by Ms. Skates voicing concerns in her neighborhood. No action was taken at this time.

**Resolution and Ordinances**

**Ordinance #430 Vehicle Traffic Code Amendment - for adoption** - At the request of Councilman Horsey, the Mayor provided a reading of the amending ordinance. This ordinance will require parking meters to be paid for on Saturdays. This has been reviewed by the Downtown Merchants Committee. Ms. Teresa Goss, a merchant downtown, asked for a solution to enforcement of the parking meters. She didn't like the enforcement wording in the ordinance and asked for long term offenders to be towed away. Another merchant Ms. Jeanne Mazzatenta expressed concerns that issuing tickets does not solve the problems, and asked that the tenants that violate the parking be targeted to stop abusing. She also recommended to have vehicles in violations towed away and reiterated the need to have an enforcement person. Chief Cox acknowledged the concerns and stated that it is difficult to have an officer in the

downtown area to strictly enforce all of the time due to other duties. He felt it would be extreme to tow vehicles. Councilwoman Stockley stated that tenants should be using off street parking. Staff stated that there is some merit to having the meter enforcement privatized, and suggested sending a letter to the landlords requesting tenants to move their vehicles to proper parking areas. There are presently 700 parking spaces in the downtown area. The Merchants referenced that the letter approved by the board for the Mayor's signature at the Aug. 4, 2003 meeting to be sent out to business's about parking issues has not been sent out yet. Staff will check on the status of this letter and make sure it is taken care of. Staff stated that the tickets have to be issued with merit and the board should look to the Merchants for solutions, they have the most to lose or gain from revolving parking. Chief Cox suggested to increase revenues to help cover additional expense for enforcement to add more meters and raise the parking meter rates. Ms. Goss added that her clients would be willing to use the 4<sup>th</sup> St. parking area if it was a safer environment. Her customers are not comfortable walking in that area.

Councilman Horsey made a motion to pass Ordinance #430, (Saturday parking enforcement), until a better solution is found, seconded by Councilman Branson, passing unanimously.

Further discussion was held in which the board asked staff to research enforcement opportunities and the amount collected from the meters. Chief Cox advised that rates could be increased easily with the new electronic meters, however the older meter would need to be replaced. Staff was also asked to look into providing more stickers on the meter giving more awareness of the 2 hour parking rule, possibly a strictly enforced sticker as well.

**Ordinance #432 - Land Transfer Denton Industrial Park - for adoption**

This ordinance authorizes the transfer of a portion of Lot#1 in the Denton Industrial Park to Lot #2. This land is being provided to Boaters World to assist with their expansion needs for phase 2.

Councilwoman Stockley made a motion to adopt Ordinance #432, seconded by Councilman Horsey, the motion passed 5-0.

**Ordinance #433 Zoning Ordinance Amendment** - introduction of Ordinance #433 has been deferred until further review by the Town attorney.

**Ordinance #434 Water Ordinance Amendment - consideration of introduction.**

This ordinance repeals Ordinance #428 and clears up the discrepancy between #428 and #416, with respect to the water capacity charged and Section C and D. Councilman Horsey expressed that the fee for service calls needs to be doubled to \$50 and \$100. Councilman Branson questioned whether to increase for both sections, or just for service calls and not increase for water turn on fee.

Councilman Horsey, made a motion to introduce Ordinance #434 with the amendments discussed above, seconded by Councilman Branson, the motion passed unanimously. Staff advised that they presently do not provide any service on private

property, only town property. Shut offs are normally for non-payment or due to a leak.

**Ordinance #435 - General Obligation Installment Bonds - consideration of introduction.**

An ordinance prepared by our Bond Counsel, Joann Levin who is with McKennen, Shelton & Henn was presented to the board. The amount of the bond is up to \$1,000,000.

Councilman Horsey asked for Staff recommendation, staff advised that this ordinance is required by USDA for both the Police Department Facility and Infrastructure Improvements proposed under the Market and Eight Street Project.

Councilman Horsey made a motion to introduce Ordinance #435, seconded by Councilman Stockley, the motion passed unanimously.

**Ordinance #436 - Sewer Ordinance Amendment - consideration of introduction.**

This ordinance authorizes both the Clerk-Treasurer and the Superintendent of Public Works to consider requests for abatement for sewer and water bills that the customer considers improper when the bill in questions is the result of an exterior leak which has been acceptably documented. Acceptable documentation is a letter or invoice from a registered plumber or Public Works staff detailing the problems found. Property owners who disagree with the finding of the Clerk-Treasurer or Superintendent shall have the right to appeal the decision to the Town Council who may defer the request to the Denton Utility Commission for a recommendation.

Councilman Branson made a motion to introduce ordinance #436, seconded by Councilman Horsey, the motion passed unanimously.

**Unfinished Business**

**Agenda #1 - Denton Police Department Water Line**

The board reviewed a notice from Judy Schwartz, engineer for George Miles & Buhr with regards to the change order for the water line for the Police Facility. GMB has a change order proposal from J.J. DeLuca in the amount of \$65,550.00, however they are reviewing the detailed breakdown of the cost.

Councilman Branson made a motion to award the change order not to exceed \$65,550, subject to GMB's review and recommendation, seconded by Councilman Horsey, the motion passed unanimously.

**Agenda #2 - Ethics Ordinance**

Staff requested authorization to have the Town Attorney review and make recommended changes for compliance with the State Law to the existing ethics ordinance.

Staff was advised to allow attorney to review and have her present at the December 15, 2003 working session.

**Other Unfinished Business**

None

**New Business**

**Agenda #1 - Park Development Request**

Several members of the Choptank Athletic Association came before the board. Represented by Ms. Pamela Gates, the President, spoke advising the board that they are a local non-profit that is made up of several youth organizations put together to look at developing the Sharp Road Park. Ms. Gates introduced the members of the association which represent little league, girls softball, soccer, football and community pool interest. They have spent months creating a master plan for this site, had the wetland site defined and retained the services of an engineer to create a park appealing to many users. The Association came before the board requesting approval to lease the Sharp Road Property for development of an athletic complex. The present lease with the farmer is scheduled for renewal January 1, 2003. The groups goal would be to let the farmer harvest the crops that are on the land before moving forward with the project.

Councilman Branson made a motion to lease the property to the Choptank Athletic Association for \$1 for 2 years, seconded by Councilman Foster, the motion passed unanimously 5-0.

**Agenda #2 - Denton Police Facility Change Order**

A change order log sheet provided by GMB was presented to the board for consideration. These changes include: 1-Contaminated Soils Removal, MDE Compliance, contract extension, 2-Sanitary and water line revisions, additional floor drains, 3-move electric service to north end of building, 4-insulate sally port ceiling, 5-revise cmu partitions in cell area. Change order #2 was brought before the board for consideration.

Councilman Horsey made a motion to enact the change order #2 for the Denton Police Facility as presented, seconded by Councilman Foster, the motion passed unanimously.

**Agenda #3 - Water Sewer Capacity Charge - Wesleyan Camp Multipurpose Bldg**

Due to the unique usage that will occur with this new connection, the Utility Commissions has made the recommendation that the Wesleyan be charged for 1 eru.

Councilman Branson made a motion to accept the Utility Commissions recommendation and for the Wesleyan to pay for 1 eru at \$2,100, seconded by Councilman Horsey, the motion passed unanimously.

**Agenda #4 - Water/Sewer Abatement**

Mr. Jeff Wright of Wright Real Estate sent a letter of request for an abatement on the water and sewer usage for 322 Market St., a property that he presently manages. Some interior leaks in the building caused the usage to escalate to 210,000 gallons of usage during the Oct. 1, 2003 billing. This was an interior leak which was processed both by the water and sewer system.

Councilman Horsey made a motion that the abatement be disallowed, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #5 -Holiday Bonus**

Councilman Horsey made a motion to continue to give employees the annual 1% bonus, seconded by Councilwoman Stockley, the motion passed unanimously.

**Agenda #6 - Police Vehicle**

Chief Cox requested approval from the board to use the amount budgeted for the purchase of a new police car towards purchasing two used police cars. Both vehicles have roughly 60,000 miles and they can be purchased for a total of \$22,800. This would allow the department to replace two vehicles that have in excess of 120,000 miles on them.

Councilman Branson made a motion to approve the purchase of the two used police cars as proposed, seconded by Councilman Horsey, the motion passed unanimously.

**Agenda #7 - Personnel**

A second letter from Mr. Robert Thayer was reviewed by the board regarding the film class project and the issue of working with staff to complete. Mayor Goldsborough stated that she would like for Mr. Thayer to attend and meet with the board to discuss this. Councilman Horsey advised that the board had already discussed this issue at a previous meeting, and had advised the Town Administrator to handle, and that's what needs to be done. It was the board decision to have Mr. Thayer meet with the Town Administrator to resolve and that until he does that the Board should not have any further discussion on this. Councilwoman Stockley mentioned that she would like to see what part of the project has been done. Staff advised that Mr. Thayer had stated in one of his correspondences that the rough draft was almost complete, but it has not been seen. Staff will check with Mr. Walsh to see if he is available to work on the script. Staff advised we still need a completion date in order to process grant draw downs. Councilman Horsey and Councilwoman Stockley stated that this needs to be up to Terry to take care of.

**Other New Business**

**Executive Session**

Councilman Horsey mentioned that he needed a few more minutes in executive session to further discuss personnel issues.

Councilman Horsey made a motion to open an executive session, seconded by Councilwoman Stockley at 8:10 PM, the motion passed unanimously. Councilman Foster was asked to remove himself from the executive session so not to violate any ethics for part of the discussion.

Councilman Horsey made a motion to close the executive session and reopen the regular meeting at 8:37 PM, seconded by Councilwoman Stockley, the motion passed 4-0 Councilman Foster was not present for this motion. The doors were opened back up. Councilman Foster re-entered the room, gathered his things and left.

Councilman Branson made a motion to have a special meeting of the Town Council and the Attorney scheduled for the December 15, 2003 working session. If that date does not suit to choose another date when the Attorney would be available,

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*seconded by Councilman Horsey, the motion passed 4-0 with Councilman Foster not present.*

*With no further business to discuss, Mayor Goldsborough adjourned the meeting at 8:39 PM.*

*Respectfully submitted,*

*Karen L. Monteith  
Clerk-Treasurer*