

Commissioners of Leonardtown
Town Council Meeting Minutes
February 13, 2006 ~ 4:00 P. M.

Attendees: J. Harry Norris, Mayor
Walter Wise, Vice President
Bernard Delahay, Councilmember
Charles R. Faunce, Councilmember
Leslie E. Roberts, Councilmember
J. Maguire Mattingly, III, Councilmember

Also in attendance were: Laschelle Miller, Town Administrator; Colleen Bonnel, Planning Director; Teri Dimsey, Recording Secretary; Frank and Joan Holmes, Residents; Jan Norris, Resident; Dan Burris, Leonardtown Business Association; Tom Collins, Resident; Randy Guy, Contractor; Mike Mummaugh, Paragon Properties; Bill Higgs, Little Silences Rest; John Wharton, Enterprise. A complete list of attendees is on file at the Leonardtown Town Hall.

Mayor Norris called the regularly scheduled meeting to order at 4:00 P.M. After the recitation of the Pledge of Allegiance, Mayor Norris proceeded to take up the first item of business.

Approval of Minutes:

The meeting minutes for the January 9, 2006 Town Council meeting were presented for approval.

Mayor Norris entertained a motion to approve the January 9, 2006 Town Council meeting minutes. Councilmember Mattingly moved to approve the minutes, seconded by Councilmember Faunce; motion passed unanimously.

Treasurer's Report

Mayor Norris asked Ms. Miller, Town Administrator to report in Ms. Sothoron's absence.

Ms. Miller informed the Council to refer to the Treasurer's Report in their packet. In January, Ms. Sothoron transferred \$100,000 from MLGIP to the checking account. A large debt service payment of \$95,000 accounted for most of the transfer. Interest rates continue to rise for the deposits at MLGIP and as of February 9, it was 4.39%. Income statement for January is attached. We are currently 58% through the budget year. Ms. Sothoron anticipates bringing forth several budget amendments next month. She has requested the annual tax rebate from the County in the amount of \$58,879 and the County is beginning their budget work. In January a memo was provided showing the council members the comparison tax rates; Leonardtown's

Tax rate, in combination with St. Mary's County tax rate, compared to other municipalities was one of the eight lowest.

The first item requiring action today is the mortgage on the new Town office. It was previously discussed to either pay cash or obtain a mortgage. After discussions with our attorney, Ms. Sothoron's recommendation is to obtain authorization to pay cash for the building. Closing is anticipated later this month or early March. We are still left with the undesignated fund at 50% of the operating budget. A minimum of \$256,500 is needed for purchase, moving costs and furniture. Ms. Miller requested that this be increased to \$260,000 to help cover the closing costs and the purchase of new furnishings and equipment purchases needed.

Another item requiring approval today is to waive the bid requirement for the office furniture. Some new furniture and equipment will be purchased through various vendors, not all will be purchased through one place. We have obtained competitive pricing from three different vendors and the total package would be over \$5,000, which if we were going through one place would be required to go to bid. Obtaining approval today to waive the bid requirements on the office furniture and equipment purchases and do comparative pricing through different vendors would provide us the flexibility to obtain the best pricing on each piece.

Mayor Norris clarified that the undesignated fund still maintains over 50% of the operating budget for surplus. This is not required but is recommended as good money management.

Councilmember Faunce moved to approve paying cash for the new mortgage and to increase the funds to \$260,000 for the necessary furniture and equipment needs, seconded by Councilmember Roberts, motion passed unanimously.

Councilmember Roberts moved to obtain at least three competitive prices and waive the bid requirements for the furniture and equipment purchase, seconded by Councilmember Delahay, motion passed unanimously.

Mayor Norris welcomed back Deputy Gray Maloy and congratulated him on his newborn baby boy. Deputy Maloy reported that he has been on family medical leave the entire month of January and is glad to be back. He reported that on January 7th, a burglary took place at the Four Star Pizza; cash was stolen and this case is still being investigated. On January 30th, there was a burglary and arson at the Reading Room at Leonard's Freehold. Sr. Deputy First Class Snider investigated the incident and found that a juvenile was responsible for setting the blaze. Premise checks started last month from 5:30 p.m. to 6:30 p.m. and will continue.

Mayor Norris noted that Deputy Mark Clark was in attendance and thanked Deputy Clark for his assistance. Deputy Clark remarked that he continues to work with Ms. Miller and the Town staff regarding the continued parking issues on Courthouse Dr.

Our Town Award

Mayor Norris announced that it is his pleasure to present the *Our Town Award* to Frank and Joan Holmes and asked them to join him up front. Mayor Norris explained that the *Our Town Award* was established about eight years ago, sponsored by Mattingly Gardiner's, but selected

by the Town Council and is intended to recognize those Town residents who go above and beyond for the community.

The Holmes' are long-time Leonardtown residents who will now be moving out of town but were neighbors of his and Councilmember Wise's for thirteen years. My wife, Jan Norris, is also here today, as she wanted to join us for this special presentation today. The Mayor remarked that he has always consulted with Mrs. Holmes on Town issues. She was always in the know and a very steady influence. The Holmes' took interest and volunteered in many community activities. Mrs. Holmes previously served on the Town's Planning and Zoning Commission and served as Chairman of the commission for several years.

The Mayor expressed his and the Town's appreciation and presented the Our Town Award plaque to the Holmes' on behalf of the Council. A photo was taken of the presentation. Mrs. Holmes thanked everyone.

Special Introduction

Mayor Norris welcomed back Dick Myers. Mr. Myers now serves as Senator Mikulski's Southern Maryland representative but was also the former Grants Writer for the Town. Mr. Myers commented that he is very glad to be back in Southern Maryland and if the Town needs support or wants to inform the Senator of any information he is available to help. Mayor Norris thanked Mr. Myers for taking the time to attend the meeting and talking with the Council.

Mayor Norris indicated it was now time to begin the Public Hearing.

Councilmember Mattingly moved to adjourn the meeting, seconded by Councilmember Faunce, motion passed unanimously.

4:15 p.m. - PUBLIC HEARING to discuss the Planned Infill and Redevelopment District (PIRD)

Mrs. Miller explained that we have been working on this for the last several months, Ordinance #123 was introduced for the first time at the December 2005 meeting. The process did not go forward until January. The Ordinance was reintroduced at the January Town Council meeting and a Public Hearing was held on January 17 before the Planning and Zoning Commission. Council packets contain a highlighted copy of the recommended changes and comments discussed at the Planning and Zoning Commission Public Hearing. The Planning and Zoning Commission did send a favorable recommendation to the Mayor and Council. Following this Public Hearing, Ordinance #123 can be enacted and would go in to effect in twenty days. Today's agenda includes a project requesting consideration under this new Ordinance.

The purpose of the PIRD is to encourage redevelopment of sites and buildings in situations where buildings and properties are located within the Town's designated PIRD area and are in deteriorated or dilapidated condition or are surrounded by residential or other incompatible uses. There is a map that is attached which shows which properties would qualify for this designation. There is a process that is spelled out in the Ordinance for any property. There are specific guidelines that have to be proposed by the applicant and their application needs to show why this project would qualify as a redevelopment or infill site and it gives flexibility on a lot of different

aspects on the property such as setbacks and parking. Whenever any project comes forward for the designation they do have to show the entire concept plan so you know what is being proposed on that property.

Mayor Norris asked what the Planning and Zoning Commission recommended. Ms. Bonnel reported that the Planning and Zoning Commission met on January 17, 2006 and held a two-hour Public Hearing discussion and Mr. Redman was there to answer any questions or concerns regarding all aspects of the PIRD development. It was very helpful for the Planning and Zoning Commission to understand that this was an overlay district, not a change in zoning. Member Fearn moved to send a favorable recommendation to the Town Council for the PIRD with the following changes, adding Residential Single Family, adding a definition for small-scale commercial services, verbiage that change of use would come back to again go through the process and that a public hearing would be held by the Town Council. Those are the items that are highlighted specifically. After the map we included the definition Section 155-4. The motion passed by a four to one vote.

Mayor Norris asked if the Council members had any questions or comments.

Councilmember Roberts commented that when she attended the last SMMA meeting they talked about the PIRD and once again, our staff is on the forefront of what a lot of the other municipalities are looking for. They were very interested in how we are going to approach this and almost all of them are having to deal with redeveloping their downtown and trying to figure out a way that they can work with people. They are very interested to see how we were progressing and the outcome.

Councilmember Mattingly expressed he felt this is a good tool in the right direction for individuals, business owners, and commercial construction to assist our Town and select those pockets of dilapidated and deteriorated businesses and homes that need attention.

Mayor Norris noted that we will be meeting with some of those people who are trying to redevelopment some properties, in particular, Lawrence Avenue, and in meeting with them, it was obvious a zoning change was not going to accomplish that. We needed the flexibility to address these individual issues

Mayor Norris opened discussion from the floor.

Planning Board Member Collier asked if Ms. Bonnel would read the definition for small-scale commercial services.

Ms. Bonnel replied that Mr. Redman suggested for small-scale commercial services the following definition “uses or shops that service the needs of the community, including personal service facilities and office services but not including retail sales, such uses may include but are not limited to the following consumer, professional or commercial service establishment, Barber or Beauty Shop, Professional Offices, Dance or Music School, Medical or Dental Office, Photographic Studio or Dressmaker or Tailor Shop. Such uses shall not adversely affect any adjacent residential uses within the PIRD District.”

Ms. Miller remarked that a letter was received today from Dr. Herbert Winnik, whose property is located within the map. He commented that he felt the term underutilized (on page one) was too vague and he would like an additional definition of that term and if the Council has the same concern, a definition for underutilized can be added. **The Council recommended we ask Mr. Redman to provide a definition for underutilized and have this added to the definitions.**

Mayor Norris commented that the addition of the stipulation that “no deviation shall be permitted without reapproval” is an important point so that a particular approval given could not be switched to a different use, other than the one approved.

Mr. Burris, President, Leonardtown Business Association, noted that this is the first time he has heard the definition of the small-scale commercial and is unclear of the purpose of this definition. The property is not being rezoned and questioned if it is commercial business it would still be zoned commercial business.

Ms. Miller explained that yes it would still be considered retail, but if, for instance, you wanted to have apartments on the second floor and a business type service on the bottom floor this would provide that flexibility.

Mr. Burris commented that if it is located on Lawrence Avenue this is multi-family but not commercial anyway.

Ms. Miller agreed but this gives flexibility for mixed use.

Ms. Miller read the permitted uses on page three “permitted uses shall be limited to those allowed in the underlining zone except as follows: the Town Council may permit a mixed of uses including residential small-scale commercial services and retail establishments. The Town Council may permit a redevelopment including tear down and rebuild of any residential unit or units providing such residential units existed prior to the adoption of this section regardless of whether or not the units constitute a non-conforming use.” So, it just gives a little more flexibility but the entire concept has to be presented at the time that they’re designated as a PIRD district. They have to look at the overall plan and the benefits. There is a long list of things that have to be shown whenever an application is presented to the benefit of allowing it.

Mayor Norris stated that we are confident that each application stands on its own merit. It will be up to the Planning and Zoning Commission and Town Council to determine whether it is a redevelopment project worthy of moving forward.

Mayor Norris entertained a motion to close the Public Hearing, Councilmember Roberts moved to close the Public Hearing, seconded by Councilmember Faunce, motion passed unanimously.

Town Council meeting is reopened.

Mayor Norris continued discussion on Ordinance #123 in regards to Dr. Winnik’s letter and that the Ordinance was drawn up by Tony Redman and was redlined with recommended changes

from the Planning and Zoning Commission meeting and Public Hearing. Mayor Norris asked if the Planning Board had a unanimous recommendation.

Ms. Bonnel commented the recommendation was four in favor, one opposed.

Ms. Miller interjected that a fee needed to be agreed upon. Presently, the rezoning application is \$75.00; processing an entire PUD application is \$350.00 and the PIRD application is less work than a PUD package but a little more than a rezoning. We would need to come up with a fee that would be added to our fee schedule when someone applies for a redevelopment. We can leave it at \$75.00 similar to a rezoning or as a little bit more work is involved we can go a bit higher.

Mayor Norris agreed that Dr. Winnik's suggestion to define underutilized is a good one. Also, we are trying to encourage redevelopment so I would suggest that we keep the \$75.00 fee and if we find that we are expending more time on the application, we can readdress the fee structure.

Mayor Norris asked Ms. Miller to read the ordinance and she began "Ordinance #123 was introduced at the January meeting for the purpose of amending the zoning ordinance for the Town of Leonardtown in order to revise existing provisions. Whereas, under the provisions of Article 66B of the Annotated Code of Maryland and the Commissioners of Leonardtown is empowered to adopt, revise and amend the Leonardtown zoning ordinance and whereas the current zoning ordinance heretofore for adoption is currently in effect shall be in the same as hereby amended as follows: Article 7A - Planned Infill and Redevelopment District, this article appears in its entirety as attached. The Statement of Intent is the purpose of the Planned Infill and Redevelopment District to encourage redevelopment of sites and buildings in situations where the buildings and properties are located within the Town's designated PIRD area and are in deteriorated and dilapidated condition or are surrounded by residential or other incompatible uses."

Ms. Miller commented that the Ordinance can be voted on today and will go in effect twenty calendar days following the approval date.

Councilmember Delahay moved to adopt Ordinance #123 with the stipulation that the term underutilized be incorporated into the definitions chapter, seconded by Councilmember Mattingly there was no further discussion, motion was passed unanimously.

Planner's Report – Ms. Colleen Bonnel

Ms. Bonnel remarked that the next Planning and Zoning Commission meeting would be held on February 21, 2006, which is Tuesday, due to Monday being a holiday.

New Business

Case #156-05 – Burch Oil Property – requesting a boundary line adjustment.

PIRD Application – Presentation by Mike Mummaugh and Randy Guy

Case #7-06 – College of Southern Maryland, Wellness Center, Pre-Concept Presentation

Old Business

Case # 104-05 – Leonardtown Elementary School - Proposed renovations and additions to their site.

Clark Farm – Providing an update on house design and lot layout for Phase I

Case #155-05 – St. Mary’s Hospital - Proposing a revised roadway system concept plan

Ms. Bonnel indicated she included, in the Council’s packet, updates of the major projects occurring within Town limits. Just to highlight:

Fenwick Street and Foxwell Apartments (32 apartment units, three buildings) are planning to move forward and present final design for the March Planning and Zoning Commission meeting.

Dr. Patel’s office building, occurring in-between the Shops of Breton Bay and Leonardtown Center is over 50% through construction and we have received a lot of calls complimenting the look of the building. The old Perkins building which is now the new Arizona Pizza is now up and running.

The College of Southern Maryland is presenting a design proposal for the new Wellness Center at the next Planning and Zoning. It will encompass classroom facilities, as well as, a large indoor pool and inside facilities for recreational uses.

St. Mary’s County Detention Center. Included in your packet is a letter dated February 6, 2006 to Sheriff Zylak regarding information that you may have read about in the newspaper. The Town is responding to them regarding their possible future expansion of beds, as well as, inmates and EDU issues.

Also included is the Monthly In-House Permits report for January 2006.

Councilmember Roberts asked Ms. Bonnel to describe the Burch Oil property. Ms. Bonnel explained it is right behind the Community Bank of Tri-County. Burch Oil owns that vacant strip and they are doing a lot line adjustment to accommodate the Bank’s future plans for additional parking and possibly building remodeling.

Town Administrator Report – Laschelle Miller

Request for PIRD Designation- Mike Mummaugh and Randy Guy have requested that properties they have under contract located at 22756,22758 & 22760 Lawrence Ave. and 22765 Pope St. are designated as redevelopment sites. Per the PIRD Ordinance, the developer has the burden of proof to show the benefit of the redevelopment project. The site currently contains an apartment building and 3 homes. The proposal is to remodel the apartment complex and tear down the three houses and replace with 4 duplexes. The only action needed today is to refer this request to the Planning Commission for a public hearing and recommendation. Town Council will then hold a public hearing in March. The property has been posted and the adjacent property owners have been notified by certified mail.

Mike Mummaugh asked the Council to refer to the packet of information provided for and proceeded to set up a series of photographs and designs for their review.

Councilmember Wise asked for clarification on the photographs of which exact properties he was referring to.

Mr. Mummaugh walked through the description for the council members of the properties locations.

Mayor Norris made note that this presentation is for information only and will be on the Planning and Zoning Commission meeting agenda.

Mr. Mummaugh remarked that there are three old homes on the properties and he plans to tear them all down and build a set of Duplexes on Pope Street and Lawrence Avenue and plans to bring the apartments up-to-date. There will be a total of four duplex units. There will be a total of twelve apartment units.

Mayor Norris indicated that the issues here are that there are twelve rentable units as it exists right now and that by our own Ordinances, to tear down and with our parking, setback and height requirements, it would not be possible to get twelve, it would only be about eight units. So the reality is, that no one would be able to come in to redevelopment a similar property because they would be losing a third of their revenue. This is a prime example of how we can help accommodate someone coming in to rebuild and enhance the neighborhood.

Councilmember Roberts feels the duplexes are a good use of the property.

Councilmember Delahay asked if the duplexes would be for sale and the apartments for rent.

Mr. Mummaugh remarked the purpose is to provide good workforce housing for the Town and the duplexes will sell for around \$200,000 to \$250,000 and the apartments will be for rent.

Councilmember Faunce asked if zoning would allow an additional floor to build up another story. Mr. Mummaugh said that if you tore it all down you would have to go three stories to get an entire twelve units.

Ms. Miller mentioned there were other issues such as setbacks involved.

Mayor Norris commented that this is a project we all endorse and hope that this PIRD will allow us to get through this. This project is on the agenda for the next Planning and Zoning Commission meeting which will also hold a Public Hearing. It will then come back to the Town Council meeting in March for final approval.

Renewal of Delahay Contract- The Maintenance Contract with Delahay Construction was up for renewal 7/30/05. The contract was awarded 7/30/03 for two years. There are 3 one-year

extensions available. Staff recommendation is to renew the contract. Consideration may be given to renew through 7/30/07 since we are behind on this.

The Council packets include a price comparison. They did ask for a slight increase but they have not had an increase since 2003 and the increases are primarily in their labor costs.

Councilmember Roberts asked if the issues we have had in the past have been resolved? Ms. Miller responded that things seem to be working a lot better.

Mayor Norris remarked that Councilmember Wise was having some past issues but Councilmember Wise commented they are a little bit better.

Councilmember Roberts moved to approve the renewal with the increases and extend the contract to July 30, 2007 and seconded by Councilmember Wise, motion passed unanimously.

New Well Update- As you are aware the new well necessary to meet arsenic compliance has been bid through the St. Mary's County Metropolitan Commission. Attached is an update. Mark Grant is handling the project and is present today to answer any questions.

Mr. Grant explained that the Town conducted an investigation last spring to explore the options available to become compliant with the impending arsenic rule, which came into enforcement January 23, 2006. After conducting a Cost Benefit Analysis, it was decided it would be in the Town's best interest to go into a joint contract with St. Mary's County for their arsenic compliant wells. Accordingly, bid documents were put together and I believe it was recently awarded to AC Schultes in the amount of \$342,000. I am still waiting for a construction schedule from AC Schultes but the agreement, per conversations with St. Mary's County, is that we would be the second well to be developed of the six wells in the contract with construction to begin in late April. The location will be beside well #2 on Greenbrier Road. Well #2 is problematic due to its arsenic concentration but also the design incorporates the use of the existing pump house, plus we already own the land.

Councilmember Faunce noticed on the St. Mary's County map that it shows it as well #4. Mr. Grant indicated that is a typo.

Councilmember Mattingly asked if well #2 ceases then what happens afterwards? Mr. Grant replied we will be abandoning it and utilizing that pump house.

Councilmember Faunce asked if they will be testing that well and Mr. Grant replied yes.

Councilmember Wise commented that if we were joining them in the bid process, would the construction contract be a joint contract?

Mr. Grant replied that the contract is through St. Mary's County and we are piggybacking on that contract for construction.

Councilmember Wise clarified that they will have no involvement in the well.

Ms. Miller replied that we are paying for it and they will break the costs out for this well separately. Mr. Grant remarked that the engineering, design and construction cost would also be broken out.

Councilmember Delahay asked what the depth is of well #2? Mr. Grant replied that he did not know but he would get back to him on that. Councilmember Delahay then asked what the depth of the new well would be? Mr. Grant replied at least 900 feet. He explained that the permit is for 500,000 gallons, which will meet our peak demand for the service area. The whole idea of this well is to exploit the arsenic free zone of the upper Patapso aquifer. Our wells are in the Aquia aquifer.

Councilmember Delahay asked what the size of well # 2 is? Mr. Grant replied that well #2 puts out an average of 155 gallons per minute and this new well will put out 700 gallons per minute.

Ms. Miller remarked that the purpose is to use this new well and have the other wells as backups. Mr. Grant remarked that this gives us some breathing room to meet possible demand increases but it will also provide enough water to meet the MCL for arsenic under the new rule. A possible future scenario is to rehabilitate well #4 in the hopes of finding a lower arsenic level in the existing aquifer or a blending system at well #3 which is close proximity to the new well.

Councilmember Delahay asked if there would be more additional tower storage tied to this? Mr. Grant replied at the present, No.

Councilmember Faunce asked if we had the funds for this contract and Ms. Miller replied, yes.

Mayor Norris thanked Mr. Grant for his presentation.

Mayor's Report

Mayor Norris explained that he and Councilmember Roberts met with the Homeowners Association of Singletree. It was a very nice meeting. They do have concerns and we tried to explain which are Town issues and which are homeowner issues. We will certainly address any Town issues. Councilmember Roberts noted that this was a learning process for both as we are new to dealing with HOA's and they are new to dealing with the Town.

Mayor Norris remarked that he attended the Maryland Mayor's Conference and noted that all the municipalities generally have the same types of problems. MML is very concerned about the MACO bill, which concerns annexation and changes aspects of annexation law. This was a big issue in Cambridge.

Ms. Miller and I happened to be there at the same time this issue was being raised. Although we were there to learn more about their increased waterfront growth including condos, town homes, boardwalks, marina facilities, and docking facilities. Sam Crozier and his assistant joined us and we met with the Cambridge Town staff to see how they are dealing with those issues. To see how they are handling the private/public ownership of the piers and how they are dealing with the public access to the water with the private development. It was a very good trip and we are planning on visiting Chestertown next week.

COUNCIL REPORTS

Events – Councilmember Mattingly

DATE	TIME	MEETING
Tuesday, February 14	9:00 a.m.	Chamber Tourism Committee mtg @SM Airport Conf Rm
Wednesday, February 22	5:30 p.m.	Chamber Business After House @ Big Brothers/Big Sisters of So. Md. 30065 Business Center Drive, Suite 2, Charlotte Hall
Thursday, February 23	7:00 p.m.	Southern Maryland Legislative Reception @ Loew’s Annapolis Hotel
Monday, February 27	8:00 a.m.	Chamber 2006 Legislative Breakfast @ J.T. Daugherty Conference Center
Wednesday, March 1	8:30 a.m.	Chamber Tourism Committee Seminar “Put Your Business on the Map with Marketing” @ SM Airport Conference Room
Wednesday, March 8	TBD	Leonardtown Business Association Meeting, Location: TBD

Roads – Councilmember Wise – No report

Mayor Norris mentioned that David’s Flower Shop called to say they appreciated the great job with the snow removal.

MML – SMMA – Councilmember Roberts

Councilmember Roberts reported that she attended the SMMA Chapter meeting. The upcoming Annexation Bill was discussed and is a concern. She discussed our progress on the PIRD and they were interested in learning more from us. She also discussed the purchase of a GIS system. These meetings are enlightening. In many cases she finds that we are a step ahead of what everybody else is working on.

Ms. Miller asked if Councilmember Roberts would like to take copies of the PIRD to the next meeting and she replied she would.

Streets and Road – Councilmember Faunce

Councilmember Faunce remarked that we continue to have the same problems along Route 5.

Utilities – Councilmember Delahay – No report

Walter Wise asked if anyone had seen the paper regarding new legislation requiring wineries to sell wine through wholesalers? Ms. Miller will look into for her meeting on the winery with the consultant on March 27th.

Adjournment:

Mayor Norris entertained a motion to adjourn. Councilmember Mattingly moved to adjourn the meeting. Councilmember Faunce seconded the motion, which passed unanimously. The meeting adjourned at 5:10 P. M.

Respectfully Submitted:

Teri Dimsey, Recording Secretary

Approved:

J. Harry Norris, III, Mayor

Walter Wise, Vice President

Bernard Y. Delahay, Councilmember

Charles R. Faunce, Councilmember

J. Maguire Mattingly, III, Councilmember

Leslie E. Roberts, Councilmember