

# DRAFT

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

Attendees: J. Harry Norris, Mayor  
Leslie E. Roberts, Councilmember  
Charles R. Faunce, Councilmember  
J. Maguire Mattingly, III, Councilmember

Absent: Walter Wise, Vice President  
Bernard Delahay, Councilmember

Also in attendance were: Laschelle Miller, Town Administrator; Colleen Bonnel, Planning Director; Rebecca Sothoron, Town Treasurer; Teri Dimsey, Recording Secretary; Mike Zabko, American Red Cross; Mike Mummaugh, Paragon Properties; David and Alex Schwartzberg, Boy Scouts; Bill Higgs, LSR, Inc.; Dan Burris, Leonardtown Business Association; John MacMillan, Resident; Konrad Wayson, Resident. 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 February 13, 2006 Town Council meeting were presented for approval.

**Mayor Norris entertained a motion to approve the February 13, 2006 Town Council meeting minutes. Councilmember Mattingly moved to approve the minutes, seconded by Councilmember Roberts; motion passed unanimously.**

### **Red Cross Month**

Mayor Norris asked Mike Zabko to come forward to receive a Proclamation signed by the Commissioners. He read the Proclamation to those present:

## AMERICAN RED CROSS MONTH, MARCH 2006

**WHEREAS**, the American Red Cross and its essential humanitarian role in our community, is nationally recognized during the month of March, and

**WHEREAS**, the American Red Cross celebrates its 125<sup>th</sup> anniversary in 2006, and is led by volunteers responding to victims and emergencies through services that are consistent with its Congressional Charter and the fundamental principles of the International Red Cross movement, and

**WHEREAS**, the Southern Maryland Chapter of the American Red Cross, with nearly 200 volunteers and contributors in the counties of Calvert, Charles, and St. Mary's, and the Town of Leonardtown, have given to the efforts of preventing, preparing for and responding to disasters for nearly 90 years, providing emergency assistance to victims of fires, storms, and other disasters, including the 2005 Hurricanes Katrina, Rita and Wilma, as well as community education to prevent, prepare for, and respond to life-threatening emergencies, operating blood drives to area community hospitals for cancer patients, accident victims and others in need, offering health and safety education courses such as CPR, First Aid, lifeguard training, water safety, childcare, crime avoidance, international projects and other health and safety related issues, emergency services for members of the U.S. Armed Forces and their families, and International tracing services for those who have lost touch with family members due to war.

**NOW THEREFORE, WE, the Commissioners of Leonardtown**, hereby recognize the Southern Maryland Chapter of the American Red Cross and express our heartfelt gratitude to the many dedicated and committed volunteers and contributors who so generously support the mission of the American Red Cross giving their time, talent, and labors to prevent and relieve suffering and save lives, and hereby proclaim the month of March, 2006, as American Red Cross Month in Leonardtown, Maryland.

Signed by the Mayor and Commissioners of Leonardtown.

Mr. Zabko thanked everyone present and the citizens of Leonardtown and St. Mary's County. He remarked that this past year was extremely stressful on the Southern Maryland American Red Cross Chapter. Over 50 people went down to work on the Katrina and Rita hurricane relief and they spent three weeks living and working under miserable conditions. These volunteers gave both their time and money; many went back for another three-week tour.

A photo was taken of the Mayor presenting the Proclamation to Mr. Zabko. The Mayor commented that the American Red Cross was his Father's favorite charity. Mayor Norris spoke for Leonardtown and its citizens and thanked Mr. Zabko for his and the volunteers efforts.

### **Treasurer's Report – Rebecca Sothoron**

Mayor Norris asked Ms. Sothoron to present the Treasurer's Report.

Ms. Sothoron reported that \$75,000 was transferred to the checking account during February.

The half-year tax bills are being calculated and mailed to all prospective taxpayers by the end of the month. Based on the assessments that qualify for half-year taxes it should generate about \$6,000 in additional revenue for the Town.

It was recently reported in the paper that the Calvert County landfill is increasing its tipping fee, effective April 1. We have scheduled a meeting with Waste Management, not only to talk about the tipping fee, but to also renegotiate contract renewal rates. There will be a rate increase beginning April 1, which the residents will receive on July 1, and will follow with another rate increase in September. As the Beacon has already been distributed, we will not be able to immediately communicate this to our residents.

The first draft of the Budget Ordinance is on today's agenda, as the Ordinance needs to be introduced in a meeting prior to its adoption. The agenda states Ordinance #124 which is correct but the Ordinance number on your draft is #120, it will be corrected before signed.

The first budget workshop is scheduled for Thursday, March 23, 2006 at 4:00 p.m. to discuss the General Fund. The second budget workshop will be Monday, March 27, 2006 at 4:00 p.m. to discuss the Enterprise Fund.

At the table today you received a copy of the recommended budget and also some notes to help guide you through some of the changes that have taken place since the 2006 budget.

**No action is necessary today.**

Mayor Norris commented that our Waste Management representative, Mr. Mattingly, has been sick, hence the lack of communication. Ms. Miller agreed and noted that we have not had a representative for over a year and have not had much interaction.

Ms. Miller remarked that there would also be a Waterfront Planning workshop on March 31, 2006 at 1:30 p.m.

Ms. Sothoron asked that Ms. Dimsey call and remind everyone next week.

**Police Report – Deputy Gray Maloy**

The Town's former police representative, Deputy Frank Marquart, retired at the end of February. He commented that there were not any major incidents in February. Deputy Maloy noted that the Town has many upcoming public events scheduled in April (Earth Day, Car Show) and he will be in attendance.

**Planner's Report – Ms. Colleen Bonnel**

A Public Hearing was held at the Planning and Zoning Commission meeting on February 21, with regard to the PIRD request for **Case #132-05** which is the subject of today's Public Hearing.

**Case # 156-6 - Burch Oil Company Inc. and Tri-County Saving's and Loan Request for a Lot Line Adjustment** for approximately 13,156 sq. ft of a lot transfer of property; the Bank may gain some possible parking space.

**Case #7-06, College Of Southern Maryland, Leonardtown Campus, Pre-Concept Plan for the new Wellness Center Building.** The monthly project report includes a basic schematic of the site plan layout, as well as, elevations for the building.

**Case #104-05 – Leonardtown Elementary School Request For Final Site Plan Approval.** Renderings were presented, **Case #104-05** was approved by the Planning and Zoning Commission. They will be doing additional stormwater management, water quality, bio-retention areas, as well as, increasing interior square footage and the outside play areas.

**Case #14-05 – Clarks Rest Concept Plan Update Presentation.** The developers came in for discussion only to update the Commission on the building's architectural designs, lot and alley layouts and configurations, along with some minor roadway configurations.

**Upcoming – Planning and Zoning Commission will be on March 20, 2006.**

**Case #48-04 - Loker II Subdivision Plat for the Condominium.** Approve with minor revisions needed.

**Case #18-06, 22454 Washington Street.** Redevelopment of an existing one-story house located next to Dr. Winnik. The property owner has a builder with a new home presentation coming before the Planning and Zoning Commission. It requires completing a variance process as the front and side setbacks are non-conforming to our regulations. The proposed house is a two story Victorian style that will fit in nicely with Mr. Colliers' house currently under construction. Redevelopment is occurring on the lower part of Washington Street.

**Case #135-05 Auto Zone.** Returning with an updated Concept Plan presentation before moving on to their engineering detail.

**Case #154-05 St. Mary's Hospital.** Presenting a revised traffic design system, NGO will be presenting.

#### **Updated Projects - April**

**Leonard's Grant.** Proposed to come before the April Planning and Zoning Commission.

**Fenwick St – Foxwell Apartments.** Presentation planned for April meeting

**Linda's Café.** Proposed opening date of April 1.

**Pennie's Site – WM Davis McIntosh Run Shopping Center.** Presentation planned for April.

**Mayor Norris entertained a motion to close the Town Council meeting and open the scheduled 4:15 p.m. Public Hearing. Councilmember Roberts moved to close the Town Council meeting, seconded by Councilmember Faunce, motion passed unanimously**

**Mayor Norris opened the Public Hearing at 4:15 p.m. concerning the Planned Infill and Redevelopment District designation for 22760, 22758 and 22756 Lawrence Avenue and 22765 Pope Street. Mayor Norris turned the meeting over to Ms. Miller, Town Administrator.**

Ms. Miller stated that Mr. Mummaugh and Mr. Higgs were in attendance to present their plan. This case was discussed last month at the Planning and Zoning Commission meeting. A Public Hearing was held and it was their recommendation to use the PIRD classification that was approved last month for redevelopment of the properties listed on Lawrence Avenue and Pope Street.

Mr. Higgs with LSR Inc, provided the Council with an overview. He stated that the property sits between Lawrence Avenue and Pope Street and contains .388 acres with existing structures of an apartment building and two single-family dwellings and another single duplex dwelling. The plan is to remodel the existing apartment building, give it a facelift to meet the new requirements and make it much more attractive. The plan also includes removing the three single dwellings and replacing them with two duplexes, one that fronts on Lawrence Avenue and the other to front on Pope Street. Parking would be provided in front of the duplexes and parking would be provided in front of the apartment building.

The Planning and Zoning Commission asked us to incorporate an enclosed dumpster site in the corner of the building and to provide a landscaping plan. There would also be a paved street as a through alley that would go from Lawrence Avenue through to Pope Street. There are existing water and sewer facilities. There is an existing fire hydrant that will be relocated to the island in front of the building on Pope Street.

Mr. Mummaugh remarked that the duplexes are three bedrooms, two and a half baths, affordable workforce housing and the apartment building will be redone on the inside and have a brick front to update the look.

Mr. Mummaugh remarked that the duplexes would each have two parking spaces in front. The Apartments contain six, one bedroom and two, two bedrooms. We are a little bit short on parking for the Apartment but not a whole lot.

Mayor Norris asked if they will sell the four duplexes and Mr. Mummaugh replied the plan is to sell them. Also there are currently eight apartment units and that number will remain the same.

Councilmember Mattingly asked if the units require sprinklers and Mr. Mummaugh replied no. The Fire Marshal required them to do some things for code but does not require sprinklers. The units have firewalls now but no separation between floors and no fire doors. These are the items the Fire Marshal requires to be corrected.

Mayor Norris noted that this is the first time we have incorporated this PIRD in order to be able to move projects like this forward.

Ms. Miller stated that in the initial submission packet that the Council and the Planning and Zoning Commission received last month there was a list of items that had to be provided by Mr. Mummaugh showing that they met the requirements of the PIRD and the benefits. This is what the Planning and Zoning Commission needs to look at, as well as, the Council, to make sure this is what we were trying to achieve with the utilization of the PIRD.

Mayor Norris asked if the Council or the public had any additional questions, comments or concerns.

Mr. MacMillian, Town Resident, asked if a fence would be dividing the new property and the existing property, which already has a portion of a fence and some bamboo?

Mr. Mummaugh and Mr. Higgs responded that they would be extending the same fence along that whole side. The Planning and Zoning Commission also required them to extend the fence.

Mayor Norris asked for any other comments or questions. This is a new procedure and asked for clarification on the process.

Ms. Miller clarified that once the Public Hearing is closed and the regular meeting reopened, that Ms. Bonnel would provide an overview and present the recommendations from the Planning and Zoning Commission. The Council would then approve it as PIRD classification, for this particular project, approve the Concept Plan and then the Case would come back before the Planning and Zoning Commission as part of the normal procedure to present the final site plan, along with the water and sewer details.

Mayor Norris asked if we are just approving this as a PIRD project?

Ms. Miller responded yes, this is the proposed use for this project.

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

Ms. Bonnel began the overview:

**Case # 132-05 request for a Planned Infill Redevelopment District Classification and Master Development Plan Approval.**

Location: Lawrence Avenue and Pope Street.

Contract purchaser: Mr. Mummaugh and Mr. Randy Guy

Existing Wachter apartment building, three houses, located on Tax Map 133, Block 3, Parcel 252, zoning classification residential multi-family, lot size .38 acres, existing number of lots, one parcel. Proposal by applicant is to renovate the one block existing apartment building located in the middle of this existing lot. Demolish the three existing residential detached houses on this lot and construct two duplex units and to subdivide the duplexes and sell as four individual units. This parcel is mapped within the PIRD mapping that was approved prior. Master development plan questions that the Council needs to consider is, is the redevelopment proposed consistent with the purpose and intent of this district, is the proposed redevelopment compatible with and not adversely impacting the surrounding neighborhoods including impact from traffic, noise, light glare parking or signs? Is the infrastructure sufficient to accommodate this type and intensity of the proposed development? Detailed water and sewer plans are required to be submitted to the Town before building permits could be issued. Is the plan providing needed

housing opportunities, services, jobs and amenities that would improve or enhance the character of this site? Are the general performance standards and limitations established in the PIRD Section 155.34 6 sub paragraph F met by the subject property: compatibility standards, building size, height, bulk mass scale building orientation, building material, landscaping, open space, public facilities, utilities, and parking addressed?

Under Section 155-34 6 K, findings require that the Mayor and Town Council need to consider, the Town Council may approve the PIRD as a floating zone which may be brought to land upon finding that, (1) the proposed plan accomplishes the purpose and objectives and minimum standard requirements of this overlay district, (2) the plan is in accordance with the Leonardtown Comprehensive Plan, (3) the plan is internally and externally compatible and harmonious with the existing planned land uses in the area, (4) existing planned public facilities are adequate to serve the proposed development, and (5) the development staging program is adequate in relationship to the provisions of public facilities and public amenities to service the proposed development. The plan is consistent with the purpose of the provisions of smart growth etc and other applicable smart growth legislation.

On February 21, 2006 the Planning and Zoning Commission held a Public Hearing and forwarded to the Mayor and Town Council, a favorable recommendation of the concept development plan.

I also included a draft section of the February 25, 2006 Planning and Zoning minutes that specifically pertain to **Case #132-05** in your packet and reading verbatim *“Member Collier moved that Case #132-05 Request for a Planned Infill and Redevelopment Classification Master Plan Approval Plan is approved with the condition that the plan include a landscaping plan with a buffer shown for the adjacent house on Pope Street, it should also include a placement of dumpster, fire hydrant, paving of the driveway and parking areas as complete in the plan, seconded by Member Candela, motion pass unanimously.”*

Councilmember Roberts noted that they did address the fire hydrant, the fencing and the landscaping plan, everything that the Commission requested.

Ms. Bonnel commented that this is correct and they will be bringing the final site plan, along with the water and sewer details to the next Planning and Zoning Commission meeting.

**Mayor Norris asked for a motion to approve. Councilmember Roberts moved to approve Case #132-05, Request for a Planned Infill and Redevelopment District Classification and the Master Development Plan Approval, Councilmember Mattingly seconded, no further discussion, the motion passed unanimously.**

#### **Town Administrator Report – Laschelle Miller**

**Hazard Mitigation Plan** – a copy is attached and tabbed with bright colors to mark the places regarding Leonardtown. This is a committee I have worked on over the last year with various organizations throughout the County. It is federally mandated and the Town is required to develop this plan and update it annually in order to receive any future money from FEMA in the

case of a natural disaster. We did receive money after the last hurricane so it is important we maintain compliance. The County Commissioners will be adopting a resolution in support of the plan on March 28<sup>th</sup>. A draft Resolution is included in your packet and will be brought before you at the April meeting for signature, both the County and the Town must adopt it by April 15.

**New Well** – Construction will begin in late April through May and for a period of approximately 14 days, there will be considerable noise associated with the well drilling. We are sending flyers out to all the adjacent neighbors and an advertisement in the newspaper in conjunction with METCOM. There are a total of six wells being built. There is a kickoff ceremony planned for Monday, March 20 at 9:00 a.m. at Airport Dr.

**PUD Waterfront Ordinance** – We have been working on a draft Ordinance and have sent it out to the Department of Planning and a couple of our consultants to review. We are planning a workshop for that later this month and are trying to do so in conjunction with the Waterfront Plan as well. It is tentatively scheduled for Friday March 31 at 1:30 p.m.

**Woodlawn Contract** – In preparation for the FY 07 budget I met with Bill Wood to discuss areas of concern with the current lawn maintenance contract. Since the contract in 2002, we have added some additional facilities and new parking lot and need to address some change. The two main things that were added are the new parking lot across the street, the additional planting for the old parking lot and the new flower bed area where the clock is going in front of the post office. The additional maintenance items would be \$3,941.00 annually and also the contract calls for a 2% increase in 2007, which you have already approved. Mr. Wood is requesting a 3½% increase to help cover fuel costs. This would bring the contract to \$37,598 annually, from the original approval of \$32,509. Mr. Wood does a tremendous job in town and donates a significant amount of labor and plants for the town each year. Staff recommendation is to increase the contract to \$37,598.

**Councilmember Mattingly moved to approve the increase of the Woodlawn contract to \$37,598 annually, Councilmember Faunce seconded, motion passed unanimously.**

**Streetscape Area Water and Sewer Proposal** – In January you approved the proposal from Stearns and Wheler for \$54,200 for replacing the water and sewer line in conjunction with the streetscape project. The Council requested Stearns & Wheler to look at increasing the scope of work out to the intersection of Route 5 and Washington Street. The additional proposal for that is \$4,200, which would take the proposal to \$58,400. **Because it is a change in the original approval action is required.**

**Councilmember Mattingly moved to approve the additional money of \$4,200 for the Streetscape Area Water and Sewer Proposal, Councilmember Faunce seconded, motion passed unanimously.**

The Mayor asked whom the gentleman and young man in the audience were and they introduced themselves as Dave and Alex Schwartenberg with a local Boy Scout Troop that meets at the Elks Lodge. Alex is working toward an Eagle Scout Award and is required to attend a government



session. The Mayor commented that we recently received a letter from a Boy Scout who had earned his Eagle Scout status and was about to be recognized for his efforts.

The Mayor also commented that the staff has been extremely busy with the budget process, developers and the plans to move into the new office after the April Town Council meeting.

The new building that will house the Town Hall has been referred to as the Loker II building until now. However, a suggestion has been made to name this building the Proffitt Building in recognition of Becky Proffitt.

**Councilmember Faunce moved to name the new building the Proffitt building, Councilmember Mattingly seconded, no further discussion, the motion passed unanimously.**

**Council Reports:**

Councilmember Mattingly reviewed the upcoming events:

**Events – Councilmember Mattingly**

***Upcoming Event of Interest / Meeting Reminders***

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Meeting / Event</u></b>
<i>Date</i> Wednesday, March 15	<i>Time</i> 6:30 p.m.	<i>Meeting</i> SMMA Meeting @ Rod & Reel Restaurant
Monday, March 20	3:30 p.m.	Planning and Zoning Commission Meeting
Tuesday, March 21	4:00 p.m.	Budget Workshop
Wednesday, March 22	9:00 a.m. – 10:00 a.m.	Mayors for Meals Walk @ Government Center
	10:30 a.m. – 12:30 p.m.	Meal Delivery @ Government Center
Monday, March 27	4:00 p.m.	Budget Workshop
Thursday, March 30	2:30 p.m.	Waterfront Plan / Ordinance Workshop - Tentative

**Streets and Roads – Councilmember Wise: No report**

Councilmember Mattingly asked to comment that if the State heard from the Council would that hold any more weight regarding the sinkhole along Route 5 directly across from Mattingly's. This area has considerable sinkage.

Ms. Miller will bring it to their attention.

**Traffic/Police – Councilmember Faunce:**

Would still like to see the speed limit changed along Route 5. Ms. Miller responded that she met in February with Greg Welker and a State traffic engineer in Annapolis. They are looking at moving forward the design for a portion of widening of a section of Route 5 in front of the Clark Farm. The local representative will start meeting with the different project engineers and staff meets regularly with the Clark Farm and McIntosh engineers along with the local State representative, so we are moving forward.

Mayor Norris commented on the speeding along that strip. It is not in our jurisdiction but we can possibly asked them to increase the fines and even impose a double fine in front of the hospital zone.

Councilmember Roberts did hear that they glowingly mentioned Ms. Miller regarding the hurricane relief effort at the recent event recognizing the Hurricane Relief Fund organization.

Ms. Miller stated to the Council that she put together a packet of the information on the winery issue that Councilmember Wise brought up last time. It includes a copy of one of the letters we sent to our delegation on the Bills that are in current legislation and a couple of other interesting articles.

Councilmember Roberts noted that Commissioner McKay was putting \$500,000 in his budget for the winery.

The Mayor has asked Ms. Sothoron to also put some funds in the Town budget for project in FY07.

Councilmember Faunce mentioned that his wife wanted to thank everyone for the flower and fruit basket she received upon her return home and that she is recuperating well.

**MML/SMM– Councilmember Roberts**

Charlie and I will be attending the SMMA meeting on Wednesday night and will be taking information on the PIRD and the GIS system to share with the other municipalities.

**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 4:50 P. M.**

Respectfully Submitted:

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Teri Dimsey, Recording Secretary

**Approved:**

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J. Harry Norris, III, Mayor

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Walter Wise, Vice President

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Bernard Y. Delahay, Councilmember

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Charles Faunce, Councilmember

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J. Maguire Mattingly, III, Councilmember

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Leslie E. Roberts, Councilmember